

Section 32 Report Part 2

Rural Zone

prepared for the

Proposed Waikato District Plan

July 2018



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I OVERVIEW AND PURPOSE

This report provides an analysis of proposed objectives and provisions that will regulate land use and subdivision in the Rural Zone and meets the requirements of s32 of the Resource Management Act 1991 (RMA). It should be read in conjunction with Part I Section 32 Report – Introduction to the Evaluation Report that provides the context and approach for the evaluation and sets out consultation undertaken in development of the Proposed Waikato District Plan (PWDP). Reference is made to expert reports throughout this report and those reports are appended to this report.

The ultimate purpose is to analyse the appropriateness of the objectives to achieve the sustainable management of natural and physical resources, required by Part II of the RMA and to give effect to the Waikato Regional Policy Statement and relevant National Policy Statements.

The second part of this report sets out an analysis of different options to achieve the objectives of the Rural Zone and provides an assessment of their efficiency and effectiveness to do this.

The report focuses on providing an analysis of provisions that result in a different approach to the status quo and justifying the need for policy intervention.

I.1 Topic Description

The Rural Zone covers approximately 410,000 hectares - that is, 94% of the area of the District¹. The primary purpose of the zone is to enable a wide range of primary industry and to control the actual and potential effects that activities in the Rural Zone may have on the environment. Objectives for the Rural Zone are contained in Chapter 5 of the plan and rules in Chapter 22, split into land use activities, effects, building and subdivision.

I.2 Significance of this Topic

The Waikato District has comparatively large areas of high class soils, which nationwide are declining, increasing the importance of protecting them. Rural land in the District makes a significant contribution to the wellbeing of the Waikato District and the Waikato Region, driven by the dairy and horticultural sectors.

The Waikato District has a number of mineral deposits and produces all of the coal output for the North Island. As well as significant resources, the rural area of the District also contains nationally significant transport routes and energy infrastructure and is home to 52% of the population of the District and 72% of businesses in the district. As such, the way that rural land is managed and the effects of this use have significant impacts for the Waikato District and Waikato Region, particularly the sub-region. It also impacts on Auckland and New Zealand as a whole.

The Waikato District is facing increasing demand and competition for rural land. The location of the District between Auckland and Hamilton creates demand for rural-

¹ Waikato District Council GIS analysis

residential development whilst increasing populations require rural land to be used to produce food, fibre and to access mineral resources.

Balancing competing uses is a significant challenge for the Waikato District that needs to be achieved effectively to give effect to higher order planning documents and meet Council's obligations under strategic agreements.

The proposed provisions continue to manage adverse effects of rural activities and give primacy to primary industry. The main change is to strengthen the approach taken to the fragmentation of rural land, particularly land that contains high class soils.

1.3 Resource Management Issues to be Addressed

The key issue is managing rural land in a way that is sustainable and that allows both current and future generations opportunities to provide for their wellbeing. Central to this is meeting competing demands for rural land.

As a result of previous planning provisions, the Waikato District has a relatively high amount of land held in titles that are less than 20ha. Historically, it had the highest rate of rural subdivision in the Waikato Region. This is evident in land use figures; over half the titles in the Rural Zone are used for lifestyle purposes. While 10% of the Rural Zone is used for lifestyle purposes, only 6% of that land is occupied. The area of land with a use defined as 'lifestyle' is double the figure for New Zealand as a whole where 5% of the land is used for lifestyle blocks². Waikato District has approximately 6% of the lifestyle blocks in New Zealand.³

Demand for lifestyle blocks is likely to continue. In the period from 2005 – 2016 70% of consents for new dwellings in the Rural Zone were on properties less than 2ha.⁴ Recent trends indicate that 50% of the growth predicted for the district may seek to live in rural residential environments.⁵

Managing this demand and the fragmentation of land is vital because land fragmentation leads to the loss of high class soils and productive land. Both of these resources are significant for the Waikato District. High class soils are a significant national resource that is under threat. As parcels of land get smaller, they are less likely to be used for productive activities. Research undertaken on lifestyle block development indicates that rural-residential development on smaller lots can compromise the future use of land that would otherwise be productive.

The value of lifestyle blocks per hectare is higher than rural land (because different values are attributed to it). This means that once developed for lifestyle purposes it is unlikely to be converted back to productive use. If that land contains high class soils, they are often

² Andrew and Dymond (2013) Expansion of lifestyle blocks and urban areas on to high class soils provides the area of lifestyle blocks in New Zealand, Journal of The Royal Society of New Zealand, Volume 43, Issue 3.

³ This conclusion is reached by comparing statistics Waikato District Council land use data with figures on the number of lifestyle blocks in NZ in the Expansion of Lifestyle Blocks and Urban Areas on to High Class soils report.

⁴ Insight Economics – Demand for 4 hectare rural lots, October 2016

⁵ Market Economics (2018) implications of subdivision for the Waikato District Economy

irreversibly lost because they are under a building that has a relatively permanent lifespan or have been removed or damaged during earthworks.

At the same time, there is a need to provide for a limited amount of opportunities for rural-residential activities to enable people who seek this type of lifestyle to provide for their wellbeing. How this is accommodated is a vital consideration because cumulative subdivision and the land use it enables, directly affects growth patterns, the ability for the district to give effect to the sub-region's settlement pattern and the overall efficiency and sustainability of the district.

Sporadic and uncoordinated land fragmentation places pressure on Council to upgrade transport infrastructure and can have greater environmental effects if it is not well managed. In Hamilton's Urban Expansion Area, (where strategic agreements enable certain areas of land to be used for the future growth of this city), sporadic rural-residential subdivision is likely to compromise future urban use and the efficiency with which that land can be developed.

In some locations, lifestyle block development may be incompatible with primary industrial activities due to different expectations about amenity and subsequent reverse sensitivity effects. Managing reverse sensitivity is important to ensure that primary industries do not face undue restriction and that mineral resources remain accessible.

As the Waikato District continues to grow, and as Auckland and Hamilton also grow, there will be an increasing demand for mineral resources to enable the population to provide for their wellbeing. If these resources are compromised by inappropriate subdivision, use and development they will become inaccessible and the purpose of the RMA, in relation to minerals, will not be achieved.

Previous policy interventions, specifically Plan Change 2 to the Waikato Section and Plan Change 14 to the Franklin Section of the district plan slowed the rate of subdivision. However, given the increased pressure on, and significance of, the District's rural land, fragmentation and the potential compromise of rural land remains a significant issue.

Reverse sensitivity is relatively well managed by the existing provisions but it continues to be an important issue that must be addressed, particularly in relation to mineral resources and intensive farming. The approach taken by objectives, policies and methods in both sections of the Operative Waikato District Plan (OWDP) to address these issues is set out below.

1.4 Current Objectives, Policies, Rules and Methods

The Waikato Section and Franklin Section both contain objectives, policies, rules and other methods that apply to rural areas of the District. The approach taken by each section is summarised in the following sections of this report. An outline of the history of subdivision rules is provided in Section 2 of this report to understand issues created by land fragmentation. Each section of the plan is described in sufficient detail to provide context for the later analysis of options and methods.

Generally, both sections of the OWDP have primary industry as the focus of the Rural Zone. However, where they differ is that the Waikato Section is more 'effects based' than the Franklin Section which is more explicit in listing activities subject to compliance with performance standards.

In respect to rural land use activities, the Franklin Section is considerably more permissive than the Waikato Section. This flexibility in the Franklin Section is largely the result of the former Franklin District Council's Rural Plan Change 14, Plan Change 30 and its adoption of the *'Franklin Plus 2010 – A Development Strategy for a Rural Based Economy'*. For example, the Franklin Section permits covered cropping with no area limit, pack-houses, cool-stores and on-site primary produce manufacturing. The Franklin Section provides for subdivision involving existing intensive rural activities (such as glasshouses) as a discretionary activity subject to proof of permanence and economic viability. There are no equivalent provisions for these particular land use and subdivision activities in the Waikato Section and a more onerous test is required to obtain resource consent.

1.4.1 Waikato Section

As noted above, the Waikato Section has an effects-based approach, allowing a wide range of rural activities if they comply with the land use, effects and building standards.

The land use standards include more extensive setbacks for a sensitive land use from an Aggregate Extraction Policy Area (an overlay that applies to significant quarries that existed, or had been consented, before the Waikato Section was declared operative), intensive farming or the Tamahere Commercial Areas. Intensive farming is a restricted discretionary activity.

Land use – effects

As just one example of a rural activity, while the approach of both the Waikato and Franklin Sections to earthworks is similar, the methods used vary. The Waikato Section permits earthworks up to an area of 1000m² and a volume of 1000m³. In contrast, the Franklin Section permits an area of 2000m² and a volume of 250m³ with a cut and batter height of 1.5m. The cut and batter height permitted in the Waikato Section is 3m. These volume and area figures in the Franklin Section are consistent with the Waikato Regional Plan rules for high risk erosion areas.

Hamilton Urban Expansion Area

Current provisions prohibit a wide range of activities in Hamilton's Urban Expansion Area but allow subdivision (where the new title created does not land on high class soils) subject to a minimum lot size of 5000m². Provisions aim to ensure that future urban development of Hamilton is not impeded.

Subdivision

Subdivision of an existing title issued after 6 December 1997 where new lots land on high class soils (LUC Classes I, II and III) is prohibited. Subdivision of a title created before 6 December 1997 involving more than 2 additional lots is also prohibited. For general subdivision, the existing title proposed for subdivision must be at least 20ha and the new lots created must have areas between 8000m² and 1.6ha. For most subdivision, the starting point is a restricted discretionary activity.

Lakeside Te Kauwhata

Special provisions apply to the Lakeside Precinct at Te Kauwhata as set out in Appendix 8. The appropriate zoning and the relevant provisions for comprehensive development of this 194ha block of land at Lakeside Te Kauwhata was extensively worked through under Plan Change 20 to the Operative District Plan: Waikato Section. This plan change went to a hearing with decisions released in 2018. There were no appeals to the provisions.

Because these matters have been extensively examined this year, and remain appropriate to control the planning outcomes of this part of Te Kauwhata, the PWDP adopts and largely rolls over these provisions. The only changes relate to format and context to align the operative Lakeside provisions with the PWDP as notified.

The OWDP's Lakeside Precinct Plan was supported by an extensive section 32A analysis report. This report was updated following the hearing of submissions to the plan, and further informed by the decision of the independent hearing commissioners who heard Plan Change 20.

The combination of the original section 32A report, the updated amendments to the section 32A report and the Commissioners' decision on Plan Change 20 outlines:

- Why the objectives of the plan best meet the purposes of the RMA Act;
- Why the provisions specific to Lakeside best meet the objectives.

This PWDP section 32A analysis adopts the section 32A report and updates for Plan Change 20 of the OWDP as informed by the decision of the independent commissioners on Plan Change 20.

The approach of this PWDP sets out a more concise targeted set of objectives and policies than the Operative Plans. This is consistent throughout the PWDP provisions. Consequently, the objectives and policies for Lakeside are similarly targeted at a more focused set of provisions. Some of the more generic Plan Change 20 objectives and policies are contained within the general objectives and policies of the PWDP. The specific Lakeside objectives and policies are carried over into the PWDP, albeit in a more concise form.

The key rules of the plan change, particularly the 'Precinct Plans', 'comprehensive land development consents' and 'comprehensive subdivision' provisions are carried over into the PWDP. These are core mechanisms to ensure integrated development of Lakeside. The other Lakeside specific provisions of Plan Change 20 are similarly carried over into the PWDP. Again, the reasons why these controls best meet the objectives and policies of the plan are set out in the section 32A analysis of Plan Change 20 as informed by the independent hearing panel's decision.

1.4.2 Franklin Section

The Franklin Section uses zoning as one method to manage the adverse effects associated with development. Specific 'spot zones' also occur in rural environments. These include the Aggregate Extraction and Processing Zone and the Maioro Mining Zone at North Waikato

Head. A Rural Residential Zone located predominantly on the outskirts of Tuakau and Waiuku townships provides opportunities for lifestyle development.

Objectives

Key objectives in the Franklin Section seek to support a growth hierarchy so that most growth is directed into towns and villages with more limited growth in the rural areas. Objectives and policies to protect versatile soils recognise and provide for the life-supporting capacity of versatile land and enhance opportunities to utilise the productive potential of natural resources in an environmentally sustainable manner.

Provisions

Land use effects

The Franklin Section permits a wide range of rural activities subject to complying with performance standards. These activities include farming, horticulture, conservation and production forestry, up to three dwellings where a title is at least 100ha in area, a marae, papakaainga housing, a produce stall, a rural airstrip, a farmers' market, an equestrian centre, prospecting and exploration for minerals, glasshouses, pack-houses, cool-stores, on-site primary produce manufacturing and farm quarries. Not all these activities are permitted in the Waikato Section.

Cemeteries, additions and alterations to existing community facilities, churches, clubs and existing schools, poultry hatcheries and free range poultry farming are provided as controlled activities in the Franklin Section.

A wide range of restricted discretionary activities is also provided in the Franklin Section. These include rural industry and services, intensive farming, a subsidiary dwelling (for a dependent person or a farm worker), boarding kennels, breeding kennels and catteries, a café/restaurant on the same site and associated with farming, active recreation, equestrian centre, produce stall or on-site primary produce manufacturing and active recreation (excluding motorised sports).

The list of discretionary activities in the Franklin Section include active recreation involving motorised sports, mineral extraction and processing, camping grounds and temporary living places, special housing developments, rural aerial services, schools, community facilities, churches and travellers' accommodation.

Any other land use activity not provided for is non-complying unless it involves mustelid farming which is prohibited in the Rural Zone.

Subdivision

Subdivision for network utilities and boundary relocations or adjustments is a controlled activity, subject to meeting performance standards. The minimum lot size resulting from a boundary adjustment or relocation is 2500m².

The creation of environmental lots is a restricted discretionary activity. Transferable rural lot right subdivisions are provided as a restricted discretionary activity and are discussed later in this report as a method that is specific to the Franklin Section of the Waikato District.

Subdivisions for existing intensive rural activities are provided as a discretionary activity. This involves a covered cropping operation (glasshouses/greenhouse/plastichouses) intensive farming, poultry hatchery, packhouse or packing shed. The existing title must be greater than 4 hectares for a glasshouse/greenhouse/plastichouse operation), 12ha for a commercial orchard and 8ha for other intensive rural activities. The existing intensive rural activity must have been operational for at least 3 years and there is a test for permanence, capital investment and surety of continued operation after subdivision. Aside from commercial orchards that require a minimum lot size of 5 hectares and an average greater than 6 hectares, no minimum lot size is stated.

Performance standards control height, setbacks, safety of the building platform, provision for on-site servicing and separation distances from mineral extraction and intensive rural activities.

Transferable Rural Lot Right Subdivision

The Franklin Section provides for transferable rural lot right subdivision. The broad intention of this type of subdivision is to relocate consented titles from ‘donor’ locations to ‘receiver’ locations to reduce the scale of adverse environmental effects that might otherwise occur if the donor locations were to be developed. No additional entitlements are created with this transfer and this rule only applies to transfers within the Franklin Section of the Waikato District.

In 2012, Waikato District Council and Auckland Council initiated Variation 13 to Plan Change 14. That variation only affected the southern portion of Franklin District inherited by Waikato District Council from the former Franklin District Council. The outcome of that variation was that the transfer of rural lot rights across the jurisdictional boundaries of these two successor Councils became a prohibited activity. Some rule exceptions enable the transfer from historic subdivisions into a mapped area termed the ‘Environmental Enhancement Overlay Area’ (EEOA), however all entitlements under those particular rules have now been used in full.

The EEOA is located mainly within Auckland Council’s jurisdiction with the smallest southern part located within Waikato District (outside Tuakau, Buckland and Pokeno). This transfer mechanism is restrictive in that it does not enable rights to transfer from outside the EEOA to land inside the EEOA. While it does enable a reverse transfer (from inside to outside the EEOA), such an opportunity is not often taken up because the market demand for properties inside the EEOA is typically much higher than outside.

This stringent process is deliberate to ensure that growth opportunities inside the EEOA are ‘more limited’ than outside the EEOA. Environmental lots can be created inside and outside the EEOA although significant environmental gains are required and lot yields are firmly managed.

1.4.3 History of the development of subdivision rules in the District

This section provides context for the later analysis in this report and to understand the issues for the Rural Zone.

Much of the land containing high quality soils, particularly around Hamilton City, has been under substantial pressure to be subdivided and developed for rural-residential living. This development occurred by way of two separate subdivision regimes. The first regime was contained in the District Scheme that was in force throughout the 1970s which allowed rural land around the periphery of Hamilton City to be subdivided down to an unlimited number of 4ha lots. The resulting land fragmentation was further exacerbated by the second regime that was the result of Plan Change 7 to the (now) Waikato Section and allowed up to two additional lots to be created from a minimum of 3.9ha (1.3ha average) and a minimum of 5000m² for additional lots.

The resulting land fragmentation has seriously compromised access to, and the viable use of, land containing high quality productive soils and this historical land development pattern is difficult, if not impossible to reverse. This concern was addressed later by Variation 16 (which became Plan Change 2) which slowed the rate of subdivision.

Similarly, in the north of the district, high quality volcanic soils in close proximity to Pukekohe and Waiuku, which currently provide a significant resource for horticultural activities, also came under significant pressure from the urban sprawl of Auckland and the growing population within Franklin District that sought lifestyle opportunities.

The former Franklin District was a distinct part of the Auckland and Waikato regions in that it contained high levels of productive rural farming and horticultural activities and extensive areas of versatile land. It also had an area that comprised a varied environment including extensive rural lowlands, hill lands and ranges, coastal environments and river systems, as well as a range of settlements and extensive farming areas. All these environments contribute to the overall rural character and amenity of the area.

The former Franklin District was subject to strong growth pressures over the last two to three decades to accommodate, in particular, countryside living at the expense of rural productive land.

Prior to the notification of Plan Change 14 in September 2003, the Franklin District Plan (2000) did not include any strategic objectives or overriding direction relating to the management of growth. Its strategic rural direction focussed mainly on the highly valued land and soil resource and the retention of its versatility. Similarly, it did not contain any directions as to growth management within its rural objectives and policies.

For example, the Franklin District Plan (2000) provided opportunities to create 'general purpose lots' as small as 1 ha from a property of at least 40ha. Similarly, conservation lots were enabled but the benefits of protecting significant indigenous features were not always able to be tempered as there was no rule at that time that set a cap on the maximum number of lots that could be created, irrespective of the amount of protected feature.

Prior to Plan Change 14, the Franklin District Plan (2000) provided for:

- (a) Conservation lots
- (b) Existing intensive use lots
- (c) General purpose lots from properties containing at least 40 hectares
- (d) Title relocations within a property that resulted in an overall reduction of titles
- (e) Boundary relocations and adjustments

Opportunities for subdivision were therefore relatively limited. The lack of clear policy direction presented difficulties for the management of proposed rural countryside living as non-complying activities and this was the driver for Plan Change 14. Transferable rural lot rights were not provided for in the Franklin District Plan at that time and they were only introduced through Plan Change 14.

This undesirable growth pattern led to Plan Change 14 introducing a vastly different framework of objectives, policies and rules that would:

- a) Sustain land versatility and accessibility to the land resources (especially given the relatively scarce versatile land and soil resource within both the Auckland and Waikato regions);
- b) Maintain the landscape character and amenity of the rural and coastal areas;
- c) Promote a pattern of development to support the growth of villages and towns and avoid compromising future urban growth options and the ability to service communities by avoiding ad hoc and widely dispersed residential growth; and
- d) Avoid conflict between residential-countryside living and rural areas (such as farming that includes horticultural and mineral extraction activities) and the potentially adverse reverse sensitivity effects upon established activities.

Plan Change 14 introduced both land use and subdivision rules to address these matters. This plan change had a profound effect on the management of the rural resource, not just in terms of these new provisions, but also the spatial impact. This is because Plan Change 14 addressed the whole of the former Franklin District, except for the townships of Waiuku, Pukekohe and Tuakau and two 'spot zones' – being the Maioro Mining Zone and the Timber Treatment Zone.

Plan Change 14 did not become fully operative until January 2016 (following appeal settlements on Variation 13 which has been noted earlier in section 1.4.2). This meant that the three successor Councils to the former Franklin District Council (Auckland Council, Waikato District Council and Hauraki District Council) needed to jointly manage appeals to Plan Change 14 that were unable to be settled before the 2010 transition.

1.5 Information and Analysis

Table 1 List of relevant background assessments and reports

Title	Author
WDC GIS Analysis	
<i>Expansion of lifestyle blocks and urban areas onto high class soils provides the area of life blocks in New Zealand</i>	Andrew & Dymond Journal of the Royal Society of New Zealand (2013), Volume 43, Issue 3
<i>Demand for 4 hectare rural lots</i>	Insight Economics
<i>Implications of Subdivision for the Waikato District Economy</i>	Market Economics (2018)
<i>Franklin Plus 2010: A Development Strategy for a Rural Based Economy</i>	Consultants commissioned by Franklin District Council

1.6 Consultation Undertaken

While no specific consultation has been undertaken for the Rural Zone, this matter has been canvassed through the comprehensive consultation and engagement on the wider District Plan review. A series of open days and stakeholder information days were held during 2015 and the third phase during 2017, these are listed below:

02/06/2015 – Open day Raglan
 03/06/2015 – Open day Te Uku
 04/06/2015 – Open day Te Kowhai
 09/06/2015 – Open day Tamahere
 10/06/2015 – Open day Puketaha
 11/06/2015 – Open day Ngaruawahia
 16/06/2015 – Open day Whitikahu
 17/06/2015 – Open day Orini
 18/06/2015 – Open day Te Akau
 23/06/2015 – Open day Matangi
 24/06/2015 – Open day Huntly
 25/06/2015 – Open day Tuakau
 30/06/2015 – Open day Waerenga
 01/07/2015 – Open day Mangatani
 02/07/2015 – Open day Pokeno
 07/07/2015 – Open day Te Kauwhata
 08/07/2015 – Open day Port Waikato
 09/07/2015 – Open day Otaua
 23/07/2015 – Extended working group workshop
 25/03/2015 – Extended working group workshop
 27/08/2015 – Consultants workshop
 19/01/2015 – Presentation to Extended Working Group

17/10/2017 – Stakeholder information day in Ngaruawahia town hall;
 19/10/2017 – Stakeholder information day in Tuakau town hall;
 20/11/2017 – Open day Tuakau;
 22/11/2017 – Open day Mangatangi;
 23/11/2017 – Open day Pokeno;
 28/11/2017 – Open day Te Kauwhata;
 29/11/2017 – Open day Huntly;
 30/11/2017 – Open day Raglan;
 05/12/2017 – Open day Te Kowhai;
 06/12/2017 – Open day Tamahere; and
 07/12/2017 – Open day Ngaruawahia.

The draft district plan was available for public to view on Council's website from November 2017 to January 2018. As a result of consultation on the draft district plan in conjunction with various open days, substantial feedback was received from the community. Feedback is summarised in Table 2 below.

Table 2 Specific consultation processes

Specific consultation process	Subject Matter	Feedback
Earthworks Provisions		
Feedback on Draft DP	Earthworks required for a wetland area	Allow for earthworks required for wetland creation, maintenance and enhancement as a permitted activity subject to a set of criteria that ensure long term environmental benefit.
	Cleanfill definition	Retain definition of cleanfill.
	General Earthworks	Considers that the general earthworks rule that imposes restrictions on volume, height and location of earthworks could severely restrict/curtail the size, construction and maintenance of wetlands, dams and ponds which are permitted under the WRP.
Feedback on Draft DP	Filling using imported fill material	Not possible to retain 100% of all sediment on site.
Feedback on Draft DP	Rural Zone – General Earthworks	Need clarity for open drains on private properties. No need to restrict artificial and internal drainage within the site.
	Rural Zone – General Earthworks	Need to clarify whether 1000m ³ is cut to fill or whether cut and fill are calculated separately.
	Rural Zone – General Earthworks	Considers that it is not possible to retain 100% of sediment on a site.
	Rural Zone – General Earthworks	Exclude areas of land used for building platforms or infrastructure activities (these areas are not revegetated)
	Rural Zone –	Need to consider entry and exit points for

	General Earthworks	overland flowpaths.
Feedback on Draft DP	All rules - earthworks	Considers that activity status is unclear for earthworks within Outstanding Natural Feature (ONF), Outstanding Natural Landscape (ONL) and Natural Character (NC) Areas. Need to confirm whether DA status also applies to earthworks within a Significant Natural Area (SNA_.
	All rules - earthworks	States that matters of discretion do not include all indigenous biodiversity and therefore Policy 11.1 in WRPS is not given effect to.
	All rules - earthworks	Queries if thresholds for earthworks within ONF, ONL and areas of High and Outstanding Natural Character have been reviewed by an expert (such as a landscape architect).
	Definition	Considers that there is a possible contradiction - definition of 'cleanfill' refers to no adverse effects yet there is a NCA status.
	Definition	No definition for imported fill.
	Activity status	Supports discretionary activity status for earthworks in Flood Risk Areas
	Definition	Requests that definition of 'Ancillary Rural Earthworks' allows for flood and drainage infrastructure - noting that it already includes reference to farm drains.
Feedback on Draft DP	Residential and Reserves Zone	Considers that upper permitted threshold of 1000m ² within a site in a single calendar year is too high.
	Reference to NESCS	Supports the cross-reference to the NESCS for activities on HAIL sites. However, considers that it is unclear if activities provided under the NESCS are to be controlled solely via the NESC or if they are also subject to zone rules relating to earthworks. Considers the removal and replacement of fuel storage systems is a well-defined activity that is managed under the NESCS and that this does not need to be addressed in the zone rules.
	Earthworks within Landscape and Natural Character Areas	Supports volumes and area thresholds and considers it important that people live and farm within Landscape and Natural Character Areas. Permitted thresholds should apply to the following activities: fences, service connections, effluent disposal systems,

		swimming pools, garden amenities, gardening, planting of any vegetation, burial of marine mammals, bridle paths, cycle and walking tracks and cultivation.
	Residential Zone	Request that earthworks volume increases from 100m ³ to 500m ³ to avoid unnecessary consents for small scale subdivisions and permitted activities.
	Definitions	Clarification sought on the definition of 'cleanfill'. Current definition includes aggregate (metal). Queries whether base metal imported for road construction, a private way prior to sealing, or a building platform require consent.
	Definitions	Definition of 'soil' is confusing as it refers to other matters that are not soil.
	All zones – General Earthworks	Opposes the rules in part. Requests an amendment to refer to an archaeological site, Maaori site or area of significance otherwise provide a link to direct the reader to rules relating to those sites.
	All Zones - General Earthworks	Amend rule to state that earthworks within archaeological sites, Maaori sites and areas of significance are assessed under another rule.
	Earthworks Filling	Requests that all identified sites be ground-truthed and then the buffer could be reduced to 10m from the outer edge of the 'ground-truthed site'. If ground-truthing does not occur, these sites should be removed from the schedule.
	General Earthworks	Supports the provision of cropping, agricultural activities and ancillary rural activities as permitted activities.
	General Earthworks	Requests clarification with respect to open drains and overland flowpaths.
	Definitions	For definitions of earthworks, cleanfilling, cultivation and soil, there needs to be a consideration of the relocation of soil, rock or cleanfill. Need to provide earthworks associated with the installation, operation and maintenance and repair of: fences, planting of vegetation, driveways and parking areas, irrigation and land drainage work below natural ground level.
	General Earthworks	Permitted and Restricted Discretionary Activity volume and area thresholds in the Rural Zone are supported. Does not support more onerous activity status for earthworks, cleanfill and other rules that land

		management such as drainage or track creation and maintenance. These types of activities should not be captured by the earthworks definition. Earthworks for a building platform and foundations should be permitted.
	General Earthworks	Supports the activity type and thresholds for earthworks in the Rural Zone. Also supports a permitted activity status for earthwork relating to biosecurity.
Minerals and Extractive Industries		
Consultation Meeting	Zoning	Preference for a specific zone that provides for quarrying as a permitted activity subject to appropriate performance standards. Supports the general approach of the Franklin Section/Auckland Unitary Plan.
Consultation Meeting	Zoning	Preference for a specific zone that provides for quarrying as a permitted activity subject to appropriate performance standards. Supports the general approach of the Franklin Section/Auckland Unitary Plan. Requests flexibility with respect to traffic generation rules if quarry traffic is to be considered in Infrastructure chapter.
Consultation Meeting	Zoning	Overall preference to retain the existing Maioro Mining Zone (Franklin Section). Does not support any change that might conflict with the rights afforded by the 100-year mining licence.
	Mapping	Wants mapping of Aggregate Extraction Area over McPherson Quarry. Staff have indicated that no map change will occur without confirmation of existing use rights as at December 1995 and outcome of pending application for resource consent that is expected to involve an increase in quarry footprint and traffic numbers.
	Mapping/Zoning	Requests mapping of Aggregate Extraction Area over the sand extraction area but preference also expressed for a specific quarry zone.
	Objectives and policies for mining	Considers that there are no objectives and policies that address access to mineral resources or their availability. Staff note that the Draft DP does contain these particular objectives and policies under the heading of 'Rural Resources and Land Fragmentation'.

	Activity status	Does not consider that the default to a DA is appropriate.
Rural Subdivision		
Feedback on Draft DP	Rural Subdivision	Supports the removal of Transferable Development Rights given the uncertainties created by this particular rule.
		Encourages the continuation of the current rule framework and a move towards rules that align with Future Proof and the VRPS. Requests a consideration of a minimum lot size of 40ha which is in keeping with Waipa District.
		Suggests that District Plan can either retain the 6 December 1997 title date and for titles created after this date, consider raising the minimum parent title size to 40ha and the child lot size to either 20 ha or 40ha. Another option would be to remove this 1997 date and, in its place, impose a rule that requires a minimum lot size of 40ha.
		Considers that historical patterns of subdivision should not be replicated in the interests of the wider sub-region's land use pattern, infrastructure and funding matters. Raising the lot size would be consistent with the Future Proof Strategy principle of protecting versatile and quality farmland for productive purposes through the provision of limited rural lifestyle development. Future Proof also seeks to address concerns around the effects of rural residential development on infrastructure, achieve better cross-boundary consistency in terms of approaches to development and growth management and better alignment with the objectives, policies and methods of the VRPS.

		Considers that an increased minimum lot size would aid in implementing the Future Proof settlement pattern by restricting rural subdivision and thereby encouraging more development to occur within towns and villages. If status quo is maintained, it will become more difficult for Council to deliver better management of rural residential subdivision in rural areas.
Feedback on Draft DP	Rural Subdivision – Prohibited Rule	Remove prohibited activity status for any type of subdivision within Hamilton’s Urban Expansion Area (UEA). Enable appropriate boundary adjustments, relocations and limited subdivision of existing activities. Retain current provisions for prohibited subdivision in the UEA.
	Rural Subdivision – Prohibited Rule	Include reserves in provision 3. Requests that roads and reserve areas be excluded from the meaning of an ‘additional title’.
	Boundary Relocation Rule	Requests consistency with terminology and that the approach of the current boundary relocation rule be replicated with the proposed rule.
	Conservation Lot Subdivision	Requests removal of the word ‘contiguous’. Considers that restricting the ability to create conservation lots from existing contiguous areas will jeopardise the legal protection of existing non-contiguous networks. Numerous ecological assessments submitted to WDC for conservation lot subdivisions have demonstrated the importance of pockets of significant habitat which are worthy of protection. The rule should enable and encourage protection of significant habitat, rather than limiting the opportunities.
	Conservation Lot Subdivision	Queries why conservation lot subdivision is limited to SNAS and just the Rural Zone.
	Subdivision across the District	Considers that indigenous biodiversity should be a matter of consideration for all subdivision activities.
	Subdivision in Policy Areas	Supports DA status for subdivision in Policy Areas.

		Concerned with minimum lot size thresholds, lifestyle lots in Rural zone and effects on rural production, reserve sensitivity and infrastructure.
	Rural Subdivision	Considers that subdivision in an Aggregate Resource Area or Aggregate Extraction Area is a discretionary activity. Supports the rules that recognise reverse sensitivity.
	Rural Subdivision	Acknowledges retention of the 20ha parent title minimum lot rule in the Draft DP. Notes that other rural districts have more stringent subdivision rules which may be appropriate in the Waikato District to reduce effects of land fragmentation and inappropriately located rural/residential development in the Rural Zone. Would support WDC if it pursued a larger minimum lot size in line with other rural districts in the Waikato region.
	Rural Hamlet	Considers that resource management justification is not clear for this rule. Rural hamlets would appear to introduce urban activities and urban amenity expectations into the rural environment, conflicting with the policy that supports rural production. Has queries how this compares with the transferable rural lot right subdivision rule.
	Rural Subdivision	Horticulture NZ supports the overall policy approach and defined countryside living areas. Also opposes subdivision of land having high production potential that results in additional dwellings.
	Rural Subdivision	Does not support subdivision that introduces sensitive land use activities into the rural production environment. Supports the direction of countryside living to defined areas in order to support rural production activities.
	General Subdivision	Supports a general subdivision rule. However, requests that the size of the child lot be smaller than 8000m ² . Requests that smaller sized lots be allowed where they contain an existing dwelling.
	Boundary Relocation	The 20ha balance lot and 8000m ² - 1.6ha child lot create multiple issues that defeat and contradict the intent of the Rural Zone and objectives and policies relating to rural resources and land fragmentation.

	Boundary Relocation	Requests the removal of lot size requirements as it will force a number of applications to be on-complying. Suggests that subdivision which does not comply with (1) and (3) should be discretionary. Requests amendment to the definition of 'common boundary'. Suggests the definition in s220(2)(b) of the RMA be used as an alternative. Requests that relocation of titles within a property (continuous land holding in the same ownership) be allowed. Requests definition of 'property'. Requests provision to allow for relocation of consented lots to ensure new lots will not affect farming activities. Requests amendment to Performance Standard (1) so that a boundary relocation is a restricted discretionary activity if it involves relocating a common boundary between two existing viable CFRs or a consented lot within a property. Alternatively, amend the definition of 'viable CFR' to allow flexibility for a subdivision described above.
	Prohibited Subdivision	Opposes the use of the prohibited activity rules. Considers that there may be circumstances where the subdivision of high class soils has a positive effect that can be supported by objectives and policies. Circumstances may arise where it may be unavoidable to create an additional CT (ie: where a title is limited as to parcels and held together via a covenant). Notes the definition of 'high class soils' and 'Urban Expansion Policy Area'. Considers that subdivision in these areas should be completely reliant on objectives and policies.
Feedback on Draft DP	Definitions	For definition of 'Viable Computer Freehold Register' – considers that reference to 5000m ² should be removed. Boundary relocation/adjustment and Rural Hamlet subdivision must still be enabled on smaller land holdings without added assessments.
	Prohibited Subdivision	Rule (a) for the Urban Expansion Policy Area should not refer to a prohibited activity. For Rules (b) and (c), there are circumstances where an additional CFR is created and amalgamated with an adjoining parcel and this should not be prohibited.

	General Subdivision	More flexibility is requested with respect to the area of the new lot to avoid non-complying activities and to provide greater flexibility.
	Boundary Relocation rules	Considers that boundary relocation rules need to be revised. Considers that 'Viable CFR' definition has implications. Boundary relocation/adjustment must still be enabled on smaller land holdings without any issue. Suggest a reduction in the minimum lot size to 5000m ² . Requests removal of the requirement for a balance lot area. If new parcels less than 5000m ² are created and amalgamated with an adjoining parcel, then these types of subdivision should not default to a non-complying activity.
	Conservation Lot Subdivision	Amend rule to exclude word 'contiguous'. SNAs have been specifically identified for protection by Council. Some areas involve small pockets of land. Continuity or being contiguous should be promoted by the Council, but not enforced, as this detracts from the limited incentives that Council has provided in the form of subdivision development opportunities through the protection of SNAs. Requests new rule to promote continuity and contiguous areas of indigenous vegetation between SNAs through planting programmes that provide for additional subdivision rights.
	Rural Hamlet	Considers that more flexibility is needed, including lot sizes. These lots exist and can be developed as individual titles presently. Multiple hamlets should be allowed in one development. Considered that these should be provided as a RDA.
Feedback on Draft DP	Rural Hamlet	Considers that the locations of Rural Hamlets and prohibited activity status for titles landing on high class soils are likely to result in ribbon development and incoherent land use outcomes that mimic small hamlets/villages dispersed in an ad hoc manner throughout the Rural Zone where rural production activities occur. Preference expressed for rural hamlet areas to be identified on planning maps and located in villages such as Matangi rather than be allowed to develop in ad hoc manner. Considered that hamlets should adjoin

		existing villages and provide for lots up to 2500m ² in area and ideally provide for future reticulated services.
	Prohibited Subdivision	Considers that boundary relocations in the Urban Expansion Policy Area should not be prohibited and therefore recommends deletion. Requests a redrafting of clauses (b) and (c) as suggested in their feedback.
	Boundary Relocation	Expresses concern regarding proof of the viability of a lot on land prior to boundary relocation occurring. Considers removal of unnecessary complexity and unwarranted processes not used by other Councils. Considers that only concern that Council should have is whether the lot to be relocated qualifies as a viable rural CT and that the new lot provides a safe and stable building platform, access, and area. Other relevant considerations include ownership, servicing, zone and the increase of dwelling entitlements.
	Boundary Relocation	Considers that clause (2) mixes up the use of the term 'boundary relocation' and 'boundary adjustment'. Notes that some Councils, such as Auckland Council, only use the 'boundary adjustment' term. Considers that a boundary relocation typically involves moving the whole of a boundary or boundaries, sometimes across other land, and the adjustment leaves part of the boundary in place and realigns the rest remaining on the subject site. Requests that wording be made clearer.

1.7 Iwi Authority Consultation and Advice

1.7.1 Consultation

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

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

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

The purpose of the Iwi Reference Group is to provide Council with a single forum to socialise the proposed changes to the OWDP.

The Iwi Reference Group is made up of all Iwi and Hapuu within the Waikato District that Council currently consults with via the resource consent process.

Engagement and consultation with the Iwi Reference Group took place between December 2014 and December 2017. (See Part I Section 32 Report – Introduction to the Evaluation Report)

1.7.2 Advice

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

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

Council undertook consultation with these iwi authorities within Waikato District:

- Waikato Tainui
- Ngaati Tamaoho

Council undertook consultation with this iwi for the purpose of the RMA as listed on Te Kahui Mangai website:

- Tainui o Tainui

Council undertook consultation with these iwi that have relationships in other districts:

- Hauraki
- Ngaati Maniapoto
- Ngaati Paoa - Hauraki

The above Iwi groups were consulted with and a summary of their comments, issues and Council's consideration is listed in Part I Section 32 Report – Introduction to the Evaluation Report.

1.8 Decision-making

A series of workshop presentations and discussion documents were presented to Councillors and community board members on the content and focus of the PWDP provisions.

In very general terms, Council supports the status quo for general subdivision in the Waikato Section and applying that to the Franklin Section as part of the full review of the OWDP.

A number of existing provisions in the Franklin Section directly related to rural production (rural industry being just one example) are considered to have merit and these are proposed to apply across the whole of the district.

1.9 Reference to Other Relevant Evaluations

This s32 topic report should be read in conjunction with the following evaluations:

- Biodiversity
- Country Living
- Contaminated Land
- Hazardous Substances
- Landscapes and Natural Character
- Reserves
- Historic Heritage
- Tangata Whenua
- Strategic Direction and Management of Growth
- Infrastructure
- Industrial Zone and Heavy Industrial Zone

2 ISSUES, OBJECTIVES, POLICIES AND RULES

2.1 Higher Level Planning Documents and Legislation

Under section 75(3) of the RMA, a district plan must give effect to the following:

- (a) any national policy statement; and
- (b) any New Zealand coastal policy statement; and
- (c) any regional policy statement.

The following statutory documents are discussed in terms of their relevance to the Rural Zone.

2.1.1 Policy Approaches of Relevant Documents

Higher level planning documents and legislation guide this assessment and the scope of the provisions. Higher level documents and legislation that set the policy direction for the proposed provisions include:

- Resource Management Act 1991
- Waikato Regional Policy Statement 2016
- Vision and Strategy for the Waikato River (embodied within the Waikato River Settlement Acts and the Waikato Regional Policy Statement)

- Hauraki Gulf Marine Park Act 2000
- Crown Minerals Act 1991
- National Policy Statement for Freshwater Management 2014 (amended 2017)
- Future Proof 2009 (and subsequent update)
- Waikato-Tainui Environmental Plan 2013
- Maniapoto Environmental Plan 2007

The direction set by each of these documents and their relevance to the proposed provisions and Rural Zone topic are discussed in the following sections.

2.1.2 Resource Management Act 1991 (RMA)

Part 2 of the RMA sets out the purpose of this act to promote the sustainable management of natural and physical resources.

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

- (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Section 31 is of particular relevance to Council in that it sets out these functions for the purpose of giving effect to the RMA in the Waikato District:

(1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:

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

(f) any other functions specified in this Act.

(2) The methods used to carry out any functions listed above may include the control of subdivision.

2.1.3 Waikato Regional Policy Statement 2016

The Waikato Regional Policy Statement (WRPS) provides direction on rural residential development, high class and life-supporting soil resources, access to minerals, the integrated management of resources and rural production. Provisions in the Rural Zone must give effect to this direction.

Rural residential development

Policy 6.17 of the WRPS states:

Management of rural-residential development in the Future Proof area will recognise the particular pressure from, and address the adverse effects of, rural-residential development in parts of the sub-region, and particularly in areas within easy commuting distance of Hamilton and:

- a. *the potential adverse effects (including cumulative effects) from the high demand for rural-residential development;*
- b. *the high potential for conflicts between rural-residential development and existing and planned infrastructure and land use activities;*
- c. *the additional demand for servicing and infrastructure created by rural-residential development;*
- d. *the potential for cross-territorial boundary effects with respect to rural-residential development; and*
- e. *has regard to the principles in section 6A*

The principles in Section 6A state that rural residential development should be more strongly controlled where demand is high. Of relevance, ribbon development should be avoided and it should not conflict with land needed for growth of urban centres.

High class soils

The WRPS directs that soils are to be managed to minimise sedimentation and erosion, enhance their properties and retain versatility of the resource.

Policy 14.1 of the WRPS states:

Manage the soil resource to:

- a) *minimise sedimentation and erosion;*
- b) *maintain or enhance biological, chemical and physical soil properties; and*
- c) *retain soil versatility to protect the existing and foreseeable range of uses of the soil resource.*

In relation to high class soils, their decline as a result of inappropriate subdivision, use and development is to be avoided.

Policy 14.2 of the WRPS states:

Avoid a decline in the availability of high class soils for primary production due to inappropriate subdivision, use or development.

Mineral extraction

Given that the Waikato District comprises significant areas of the region's mineral resources, Objective 3.2 of the WRPS is very relevant in respect to recognising and providing for the role of sustainable resource use and development and its benefits in terms of enabling people and communities to provide for their economic, social and cultural wellbeing.

Policy 6.8 of the WRPS states:

Management and development of the built environment appropriately recognises:

- a) the potential impacts of subdivision, use and development on access to mineral resources;*
- b) the need for mineral resources to be available for infrastructure and building developments;*
- c) the potential benefits of further development of the region's minerals and providing for the continued operation of existing lawfully established mineral extraction activities;*
- d) the need to manage the adverse effects of extraction, which may include avoiding mineral extraction, or certain types of mineral extraction, in some areas;*
- e) the potential for land use development that is inconsistent with nearby mineral extraction activities; and that some mineral resources are considered taonga or traditional resources by tangata whenua.*

Of most relevance the WRPS directs that management of development of the built environment appropriately recognises the impacts of subdivision, use and development on access to mineral resources and the need to manage the effects of extraction.

Regionally significant industry and rural primary production

Policy 4.4 of the WRPS states:

The management of natural and physical resources provides for the continued operation and development of regionally significant industry and primary production activities by:

- a) recognising the value and long term benefits of regionally significant industry to economic, social and cultural wellbeing;*
- b) recognising the value and long term benefits of primary production activities which support regionally significant industry;*
- c) ensuring the adverse effects of regionally significant industry and primary production are avoided, remedied or mitigated;*
- d) co-ordinating infrastructure and service provision at a scale appropriate to the activities likely to be undertaken;*
- e) maintaining and where appropriate enhancing access to natural and physical resources, while balancing the competing demand for these resources;*
- f) avoiding or minimising the potential for reverse sensitivity; and*

g) promoting positive environmental outcomes.

It is important for both the Region and the District that the provisions of the Rural Zone continue to support regionally significant industry and primary production activities.

Vision and Strategy for the Waikato River

Schedule 2 of the Waikato Raupatu Claims (Waikato River) Settlement Act 2010 (Waikato River Settlement Act) contains Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River.

The Vision and Strategy is the primary direction-setting document for the Waikato River and its catchment, which includes the lower reaches of the Waipa River. Application of the Vision and Strategy to the upper Waipa River and activities in its catchment occurred as a result of the Nga Wai o Maniapoto (Waipa River) Act 2012. This acknowledges that the Waipa River is a significant contributor to the waters of the Waikato River.

Rural land use and subdivision activities must be carefully managed as the health and wellbeing of the Waikato River is of utmost importance to Waikato-Tainui. The economic, cultural, environmental and social aspirations of Waikato-Tainui are determined by the health of this river. The development of the PWDP reflects Council's legal obligation to give effect to the Vision and Strategy.

Under Section 11 of the Waikato River Settlement Act, the Vision and Strategy is deemed in its entirety to be part of any regional policy statement for the Waikato region without the need for public consultation. A district plan must give effect to any regional policy statement.

The WRPS became operative on 20 May 2016. Chapter 2 in that document sets out how the Vision and Strategy was developed and states that it is deemed, in its entirety, to be part of the WRPS. The WRPS cannot be inconsistent with the Vision and Strategy. If there is any inconsistency, the Vision and Strategy prevails over that part of the WRPS. This also applies to any future review of the Vision and Strategy.

Section 12 of the Waikato River Settlement Act confirms the effect of the Vision and Strategy on all RMA planning documents. In summary, the Vision and Strategy prevails over any inconsistent provision in a national policy statement, national environmental standard or NZ coastal policy statement. Furthermore, a district plan cannot be reviewed and a new or amended rule cannot be introduced if this results in an inconsistency with the Vision and Strategy.

The Vision and Strategy does not require any further analysis as part of the section 32 for the Rural Zone primarily because the Waikato River Settlement Act gives it legislative status. Furthermore, Council responded to the legislative requirements to give effect to the Vision and Strategy through Plan Change 5 and no circumstances have arisen since the operative date of 8 July 2013 that warrant any change to the existing framework of objectives, policies and rules. The PWDP replicates all text (objectives and rules) and map annotations contained in the OWDP which give effect to the now operative WRPS.

2.1.4 Hauraki Gulf Marine Park Act 2000

The purpose of the Hauraki Gulf Marine Park Act is to safeguard the life-supporting capacity of the Hauraki Gulf by taking an integrated approach to the management of the Hauraki Gulf and its catchments. Sections 7 and 8 of the Hauraki Gulf Marine Park Act have the same status of a national policy statement (stated in s9 of the Act). To give effect to the Hauraki Gulf Marine Park Act, recognition of the interrelated nature of rural resources and the Hauraki Gulf is required.

2.1.5 Crown Minerals Act 1991

Allocation of minerals (through the issue of permits) is undertaken under this act and is not a function of Council in district plans. However, district plans can manage the effects of mineral extraction, the location of mineral extraction and access to mineral resources.

The planning maps in the OWDP indicate 'Coal Mining Areas' that align with mining licences that were valid when the OWDP was being developed. This same mapping technique has been rolled over with the PWDP except that those areas where mining licences have expired are no longer annotated. Any subdivision of land containing these 'Coal Mining Areas' is subject to a test through the resource consent process to ensure that access to, and extraction of, this coal resource are not compromised.

2.1.6 National Policy Statement for Freshwater Management 2014 (amended 2017)

The National Policy Statement for Freshwater Management 2014 (Freshwater NPS) sets out the objectives and policies for freshwater management under the Resource Management Act 1991. It came into effect on 1 August 2014 and amendments made in August 2017 took effect on 7 September 2017.

In 2017 the Government amended the National Policy Statement for Freshwater Management 2014 (Freshwater NPS) so that it would:

- support the national swimming targets
- increase direction for Te Mana o te Wai in freshwater management
- provide direction for monitoring macroinvertebrates, managing nitrogen and phosphorus, and considering economic well-being
- require overall water quality to be maintained or improved within a freshwater management unit

Other changes were made to clarify direction for exceptions to national bottom lines and relevant attributes for coastal lakes and lagoons.

2.1.7 Future Proof 2009

Future Proof is a growth strategy specific to the Hamilton, Waipa and Waikato sub-region. The Future Proof partners are Waikato Regional Council, Hamilton City Council, Waipa District Council, Waikato District Council, tangata whenua representatives and the New Zealand Transport Agency (NZTA). This strategy was launched prior to Waikato District Council inheriting the southern part of the former Franklin District Council on 1 November 2010.

Since its launch in September 2009, the Future Proof implementation team has been working on a 100-point plan to manage growth in the Future Proof sub-region. Some major milestones have already been achieved, but more is yet to be done to manage the complex issues of future urban and rural land use, transport, natural and cultural resources, roads and essential infrastructure.

The Future Proof sub-region's population is predicted to double over the next 50 years so collective planning and action between government, residents and businesses is critical to the Waikato's long term success.

Rapid growth puts pressure on resources and the environment through such things as the need for roading, stormwater discharges, waste disposal facilities and subdivision. Already, rural subdivisions for housing are creeping across the sub-region's high quality soils, reducing the area available for horticulture and pastoral farming by about the equivalent of two dairy farms a year. In addition, dispersed settlement patterns in rural areas put pressure on rural transport networks and the arterial routes crossing these areas.

In 2015, the partners initiated an update of the 'Future Proof Growth Strategy and Implementation Plan 2009'. The objective of the update was to provide a Strategy that is current, taking into account changes in the sub-region since the Strategy was first adopted in 2009. For example, the Waikato District has expanded its geographic area, the sub-region is more strongly influenced by interactions with Auckland and the Bay of Plenty, populations continue to grow, and there is new policy direction from central government.

Since its adoption, Future Proof has been in an implementation phase. A number of actions have been completed, including embedding the Strategy in the Waikato Regional Policy Statement and in district plans.

The updated 2017 Strategy has a narrower focus than the original 2009 Strategy, leaving wider strategic planning matters to the Waikato Plan. The Strategy will be updated again in 2018/19 to factor in the new requirements of the NPS-UDC.

During the process to update the Strategy, two other initiatives emerged. The first was the Waikato Plan. The Waikato Plan is an overarching strategic document for the whole of the Waikato region which speaks with one voice about the issues and opportunities the region faces. It was decided to narrow the focus of Future Proof to one of growth management and settlement pattern implementation, leaving the wider strategic planning matters to the Waikato Plan.

The second initiative was the introduction by the Government of the National Policy Statement on Urban Development Capacity (NPS-UDC). In order to factor in the new requirements of the NPS-UDC, the partners decided to update the Strategy in two phases. Hamilton City Council, Waipa District Council and Waikato District Council have now adopted the Phase 1 Strategy. Phase 2 of the updated Strategy involves addressing the

requirements of the NPS-UDC. It is expected that the final updated Strategy will be adopted in early 2019.

2.1.8 Iwi Management Plans

2.1.8.1 Waikato-Tainui Environmental Plan 2013 (Tai Tumu Tai Pari Tai Ao)

The Waikato-Tainui Environmental Plan (Tai Tumu Tai Pari Tai Ao) is developed out of Whakatupuranga 2050 which is a long-term development approach to building the capacity of Waikato-Tainui marae, hapuu, and iwi and will be a legacy for those who come after.

Waikato-Tainui supports and promotes a coordinated, co-operative, and collaborative approach to natural resource and environmental management within the Waikato-Tainui rohe. The key strategic objectives of the Waikato-Tainui Environmental Plan, Tai Tumu Tai Pari Tai Ao (WTEP), include tribal identity and integrity, including growing the tribal estate and managing natural resources within the rohe.

The WTEP is designed to enhance Waikato-Tainui participation in resource and environmental management. It is also intended as a tool to provide clear high-level guidance on Waikato-Tainui objectives and policies with respect to the environment to resource managers, users and activity operators, and those regulating such activities, within the Waikato-Tainui rohe.

The following is a summary of the relevant sections of the WTEP:

Chapter 21 – Land Objective – Effectively manage soil erosion: Re-forestation and retirement of marginal lands from intensive and unsustainable land uses is encouraged to reduce soil erosion and reduction of soil nutrient loss. The WTEP recommends prohibition of indigenous vegetation clearance and soil disturbance on highly erodible land such as river banks and encourages restoration and protection of indigenous habitats. It also supports sustainable land management and encourages riparian planting to stabilise riverbanks.

Chapter 24 Coastal Environment: The WTEP encourages the resource management practitioners to use a precautionary approach to activities that may have an adverse impact on the coastal environment and to plan urban and rural development to ensure positive environmental, cultural, spiritual and social outcomes.

Chapter 28 – Mining and Quarrying, Oil, Gas, Minerals: The WTEP promotes best practice approaches to mining activities to ensure adverse environmental effects of mining are minimised. This includes applying a precautionary approach to the effects of mining where necessary; confining effects to within the mining site; promoting reuse and recycling of mined materials and promoting research and development that lowers reliance on mined materials.

2.1.8.2 Maniapoto Environmental Plan 2007

The Maniapoto Environmental Plan is a high level direction setting document that describes issues, objectives, policies and actions to protect, restore and enhance the relationship of Maniapoto with the environment including their economic, social, cultural and spiritual relationships. The aims of this Plan are to:

- give effect to the overarching purpose of Nga Wai o Maniapoto Waipa River Act 2012 to restore, maintain and protect the quality and integrity of the waters that flow into and form part of the Waipa River for present and future generations
- raise awareness and understanding of Maniapoto values, interests and aspirations in the management of physical and natural resources
- outline issues that Maniapoto perceive to affect Maniapoto values, interests and aspirations in the management of physical and natural resources
- outline expectations, through policies and actions, that should resolve the above issues.

This Environmental Plan therefore promotes efficient freshwater use; holistic land management; minimisation of sediment and nutrient loss, particularly around water bodies; sustainable land management practices that improve soil nutrient balance and prevent erosion; restoration of indigenous habitat; and protection of high quality soils and productive land for productive purposes.

The Maniapoto Environmental Plan promotes the use of non-renewable resources in a way that maintains the quality and integrity of the environment, i.e. the use of best practice techniques to manage adverse effects; promotes research and innovation that leads to a reduced reliance on mined minerals; promotes managed remediation of mined sites; and does not support hydraulic fracturing (fracking).

2.1.9 Matters and provisions that have been given effect or had regard to

Those strategic matters and provisions that have been specifically given effect to, or given regard to, in this chapter are summarised in Table 5 below and are set out in full in Appendix 3. These documents broadly identify the resource management issues for the Waikato District and provide the higher-level policy direction to resolve these issues.

Table 3 Higher order and guiding documents

Document (Statutory obligation in italics)	Relevant provisions the rural topic is required to take into account/give effect to/not be inconsistent with
Hauraki Gulf Marine Park Act 2000 (s7 and s8 have the status of a National Policy Statement (<i>Must give effect to</i>))	Sections 5, 8 and 9
Waikato Regional Policy Statement (<i>must give effect to</i>)	Objective 2.5.1 Objective 2.5.2 Objective 2.5.3 Objective 3.1 Integrated Management Objective 3.2 Resource use and development Objective 3.3 Decision making Objective 3.4 Health and Wellbeing of the Waikato River Objective 3.8 Ecosystem Services

	<p>Objective 3.9 Relationship of Tangata Whenua with the environment</p> <p>Objective 3.10 Sustainable and efficient use of resources</p> <p>Objective 3.11 Air quality</p> <p>Objective 3.12 Built Environment</p> <p>Objective 3.13 Mauri and health of marine waters</p> <p>Objective 3.14 Mauri and values of fresh water bodies</p> <p>Objective 3.25 values of soil</p> <p>Objective 3.26 High class soil</p> <p>Policy 4.1 integrated approach</p> <p>Policy 4.4 Regionally significant industry and primary production</p> <p>Policy 5.3 Manage Adverse effects on amenity</p> <p>Policy 6.1 Planned and co-ordinated subdivision use and development</p> <p>Policy 6.8 Access to minerals</p> <p>Policy 6.17 Rural-residential development in the future proof area</p> <p>Policy 14.1 Maintain or enhance the life supporting capacity of the soil resource</p> <p>Policy 14.2 High class soils</p>
Waikato River Vision and Strategy (<i>must give effect to</i>)	<p>(in this section numeric references are to the Waikato Regional Policy Statement that the Vision and Strategy is incorporated into).</p> <p>2.5.1 Vision for the Waikato River</p> <p>2.5.2 Objectives (a) – (e) and (g), (h), (j) and (l).</p> <p>2.5.3 Strategies (h),(i),(k) and (l).</p>
Waikato Regional Plan (<i>must not be inconsistent with</i>)	<p>6.1.2 Objective 3 – cumulative effect of discharges on ambient air quality</p> <p>2.3.2 Objective 1 Uncertainty for all parties regarding the relationship between tangata whenua and resources for which they are Kaitiaki minimised</p> <p>2.3.2 Objective 2 Tangata Whenua able to give effect to Kaitiakitanga</p> <p>6.1.2 Objective 3 – cumulative effect of discharges on ambient air quality</p> <p>5.1.4.11 permitted activity rule – soil disturbance</p> <p>5.1.4.14 controlled activity rule – soil disturbance</p> <p>5.1.4.15 – discretionary activity rule – soil disturbance</p>
Waikato-Tainui Iwi Environmental Plan (<i>Must take into account</i>) Maniapoto Environmental Plan (<i>Must take into account</i>)	<p>For the WTTP:</p> <p>Objective 21.3.1 Effectively Manage Soil Erosion</p> <p>Policy 21.3.1.2 Land Development</p> <p>Methods 21.3.1.2(a) and (b)</p> <p>Objective 21.3.2 The Life Supporting Capacity of Land and Soils</p> <p>Policy 21.3.2.1 Soil and Land Management Practices</p> <p>Methods 21.3.2.1(a) and (c)</p>

	<p>Policy 21.3.2.2 Land Management Methods 21.3.2.2(a) and (b) Policy 21.3.4.2 Collaboration with Landowners and Managers Method 21.3.4.2 (a) Policy 21.3.4.3 Waikato-Tainui Relationship with Catchment Method 21.3.4.3(b)</p> <p>Objective 25.3.1 Approach to Land Use and Development Policy 25.3.1.1 Approach to Land Use and Development Method 25.3.1.1(a)</p> <p>Objective 25.3.2 Urban and Rural Development Policy 25.3.2.1 Urban Development Methods 25.3.2.1 (a) to (b), (e), (f), and (h) Policy 25.3.3.2 Rural Development Methods 25.3.3.2 (a) to (d)</p> <p>Objective 25.3.3 Positive Environmental and Cultural Effects Policy 25.3.3.1 Positive Environmental and Cultural Effects Methods 25.3.3.1 (a) to (e)</p> <p>For the Maniapoto Environmental Plan: Objective 18.3.1 Unsustainable and inappropriate land use practices 18.3.1.1 Policy Land management and land use is sustainable and the mauri of land is protected and enhanced. 18.3.1.2 Policy Contaminated land is managed effectively and, where possible and practicable, contamination is mitigation and the land is restored. Objective 18.3.2 Recognition of the role of Maniapoto as rangatira and kaitiaki for land and associated resources. 18.3.2.1 Policy Maniapoto engage and participate at the highest level of decision-making on matters that affect the people in the catchment. 18.3.3 Objective To effectively manage the mauri of land and soil resources by reducing soil nutrient loss, nutrient leaching and runoff to water bodies. 18.3.3.1 Policy Best practice land and soil management techniques are implemented to minimise erosion and soil degradation or loss as a result of land development and loss. 18.3.3.2 Policy Land use prioritises the protection and restoration of the mauri of land and its resources.</p>
Future Proof 2017 (to give regard to)	Regard has been given to the strategy in an holistic manner, particularly future land use and the Settlement Pattern

Hauraki Gulf Marine Spatial Plan (to give regard to)	Regard has been given to the spatial plan as a whole, particularly the impact of land use in rural areas within the Hauraki Gulf Spatial Plan area.
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2.2 Issues

The evaluation of objectives and provisions in the following sections relate to the resource management issue stated in the tables below. The discussion for each issue statement refers to relevant sections of the Resource Management Act 1991.

2.2.1 Issue 1 - Irreversible Loss of High-class Soils

Issue statement	Subdivision, use and development results in irreversible loss of high class soils
<p>High class soils are a significant resource because for most primary sectors including dairy (that is a significant industry for the Waikato District) and horticulture, they result in higher productivity and more efficient land use and fewer inputs are required. Land that has high class soil is able to be used for a wide range of land uses meaning that this land is more adaptable to environmental, social and economic changes in the future.</p> <p>High class soil can be lost when a dwelling is located on it, or during earthworks to facilitate construction if it is taken away from the site (e.g. cut). Once land is subdivided and a house built on it, the property value per hectare generally increases. The increase in value as a lifestyle block means that it is unlikely to revert back to productive use. When smaller, lifestyle lots are located on high-class soils they are less likely to use the soil resources because the number of lots under 1.6ha, used for productive activities is low. Research on productivity in other regions indicates that 82% of lots under 1.5ha are unlikely to be used for productive purposes.⁶</p> <p>High quality soil resources are mainly located in the Waikato basin and lowlands and are considered to be the most versatile for productive purposes. These soils fall into Land Use Capability (LUC) Classes I, II or IIIe. High quality soils constitute 14% of New Zealand's land mass and 35% of the Waikato District and are considered to be important to this district's identity and economy.</p> <p>This issue is directly relevant to Part 2 of the RMA, specifically s5(2)(b); the safeguarding the life-supporting capacity of air, water, soil, and ecosystems, s7(b); the efficient use and development of natural and physical resources, and s7(g) any finite characteristics of natural and physical resources.</p>	

⁶ Andrew and Dymond (2013) Expansion of lifestyle blocks and urban areas on to high class soils in Journal of the Royal Society of New Zealand, Volume 42 issue 3

2.2.2 Issue 2 - Reverse Sensitivity

Issue statement	Reverse sensitivity can threaten the ability to use rural land to provide for wellbeing.
<p>Rural subdivision use, and development can create a conflict between those seeking to live in the rural area for lifestyle reasons and the effects of activities using the rural resource base for productive purposes. As a result of these conflicts there can be demands to restrict legitimate primary productive activities in order to reduce what, in the circumstances, are normally regarded as acceptable effects. There is demand for rural-residential living in the rural areas of the Waikato District. If not managed, rural-residential development can be incompatible with primary industries and established mineral extraction sites.</p> <p>Addressing reverse sensitivity is necessary to achieve the sustainable management of natural and physical resources required by section 5 of the RMA. Rural land, particularly that containing high-class soils, is a finite resource. Addressing the issue gives regard to s7(c) of the RMA; the maintenance and enhancement of amenity values and s7(b); the efficient use of natural and physical resources.</p>	

2.2.3 Issue 3 - Decreasing Rural Character and Amenity

Issue statement	Decreasing rural character and amenity
<p>Subdivision and subsequent rural-residential development can alter rural character and spatial patterns and result in increased roading, earthworks and structures. This can make areas of the rural area appear more urban in character. This erodes the amenity values of a rural area; the things that make it a valued place.</p> <p>Addressing this issue gives regard to s7(c) of the RMA - that is, the maintenance and enhancement of amenity values. Council has jurisdiction to address the potential of decreasing amenity values under s31 of the RMA; specifically, s31(1)(a); the establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district. Section 31(1)(b) allows Council to control any actual or potential effects of the use, development or protection of land.</p>	

2.2.4 Issue 4 - Sporadic growth is inappropriate in Hamilton's Urban Expansion Area

Issue statement	Sporadic development in Hamilton's Urban Expansion Area may compromise future urban development.
<p>Hamilton's Urban Expansion Area (UEA) is comprised of three areas of land that adjoin Hamilton City and provide for strategic growth of the City. The three areas referred to as growth cells are HTI that is approximately 780ha to the North east of the city, R2 to the east of the city and W4 to the south west.⁷ Hamilton City Council and Waikato District Council have a strategic agreement that this land will be managed to provide for the future growth of Hamilton City and land within the growth cells will be gradually transferred to Hamilton City. At present it is estimated that HTI will be transferred to Hamilton City in 2045, R2 in 2039, and W4 when infrastructure constraints are addressed.⁸ There is relative certainty that this land will be used for urban activities in the future.</p> <p>Sporadic development and fragmentation of land within the UEA may make future urban development less efficient as it will be more difficult to plan for this area in a comprehensive way. There is a risk that future plans will need to work around already established uses. Rural-residential development in the area is likely to make the provision of infrastructure to the area inefficient. In addition, the pattern created by rural-residential lots may limit options for the location of future urban uses and reduce the overall sustainability of the areas when developed. This issue is identified in Future Proof which highlights that Hamilton is facing increased pressure from peri-urban development that makes it difficult to plan future infrastructure provision.</p> <p>For growth to be sustainable, land use must be integrated with the provision of infrastructure, services and transport. Sustainable, managed growth is essential to achieving Part II of the RMA, particularly s5 as it manages environmental effects and also enables future generations to provide for their wellbeing. Addressing growth pressure and sporadic development is also required to give regard to s7(b) the efficient use and development of natural and physical resources and s7(g) any finite characteristics of natural and physical resources. Urban land is a physical resource.</p> <p>The issue is relatively significant to Waikato District, due to the growth pressure that is likely to occur in these areas and obligations that Waikato District has under strategic agreements and Future Proof.</p>	

2.2.5 Issue 5 - Mineral Resources become inaccessible

Issue statement	Inadequate access to mineral supplies will inhibit the community's ability to provide for its social and economic wellbeing.
<p>Development, especially of a sensitive nature such as residential and rural-residential in proximity to mineral resources, and haulage routes, has the potential to constrain extraction of those resources as these activities are potentially incompatible with effects of mineral extraction. The Waikato Region has a number of important and significant mineral resources. As Auckland and Hamilton grow, and resources in the Auckland</p>	

⁷ These areas are shown in Map 2 of the Future Proof Strategy November 2017.

⁸ Future Proof Strategy November 2017, p91.

Region and Waikato Region become depleted, the significance of mineral resources to provide for the wellbeing of the community and facilitate growth will increase. If mineral resources are too far from where they are used, transport costs and associated environmental effects increase.

The management of mineral resources is directly relevant to s5 of the RMA providing for the wellbeing of current and future generations and has regard to s7(g); the sustainable use and management of natural and physical resources.

2.2.6 Issue 6 - Rural Activities can have Adverse Environmental Effects

Issue statement	Rural activities can have adverse environmental effects
Subdivision, land use and development near the coast and freshwater bodies can degrade water quality and ecosystems. Rural activities including mineral extraction can generate noise, dust and result in sedimentation that can have adverse environmental effects.	
The management of effects is central to s5(2)(c) of the Resource Management. Addressing the issue has regard to s7(g). Council has the function to manage effects under s31(1) and control noise under s31(1)(d).	

2.2.7 Issue 7 - Land Fragmentation Leads to Decreased Opportunities for Rural Production

Issue statement	Land fragmentation leads to decreased opportunities for rural production
Fragmentation as a result of subdivision, use or development can limit the versatility of rural land by restricting the range of opportunities for land use, constraining access to minerals and other resources, and increasing conflicts between land users. As the size of rural land parcels decrease, they are less likely to be used for rural production.	
The importance of enabling rural production is recognised in the Waikato Regional Policy Statement. It is directly relevant to s5(1) of the Resource Management Act and has regard to s7(b) of that Act. It is within Council's functions under s31(1).	

3 EVALUATION OF OBJECTIVES

The following objectives are considered to be the most appropriate way to achieve the purpose of the RMA. This analysis makes frequent reference to Part 2 and section 31 of the RMA. For ease of reference and to avoid duplication within the table, the full text of these sections is attached in Appendix 3.

The evaluation of objectives in the following tables is undertaken with regard to the following criteria.

Relevance
Achieves purpose and principles of RMA
Addresses a resource management issue
Assists Council to carry out its statutory function
Within the scope of higher level documents
Feasibility
Acceptable level of uncertainty and risk
Realistically able to be achieved
Acceptability
Consistent with identified Iwi and community outcomes
Will not result in unjustifiably high costs on the community or parts of the community

Objective	Summary of evaluation
<p><i>5.1.1 Objective – The rural environment</i></p> <p><i>(a) Subdivision, use and development within the rural environment where:</i></p> <p><i>(i) high class soils are protected for productive rural activities;</i></p> <p><i>(ii) productive rural activities are supported, while maintaining or enhancing the rural environment;</i></p> <p><i>(iii) urban subdivision, use and development in the rural environment is avoided.</i></p>	<p>Relevance</p> <p>The objective is relevant to Part 2 of the RMA and is an essential part of sustainable management; particularly s5(2)(b) which seeks to protect the life-supporting capacity of soils. It has regard to ss7(b), 7(c) and 7(g). It falls within Council's functions under s31(1)(a).</p> <p>Acceptability</p> <p>The objective achieves outcomes sought in higher level documents. As set out in Section 5 of this report, achieving the objective will not result in an unfair distribution of costs.</p> <p>Feasibility</p> <p>Section 5 of this report analyses provisions and identifies that the objective is feasible and is within Council's resources.</p> <p>Overall assessment: Objective 5.1.1 is appropriate to achieve the purpose of the RMA.</p>
<p><i>5.2.1 Objective – Rural Resources</i></p> <p><i>(a) Maintain or enhance the:</i></p> <p><i>(i) inherent life-supporting capacity and versatility of soils, in particular high class soils;</i></p>	<p>Relevance</p> <p>Safeguarding the life-supporting capacity of soils and water is part of the sustainable management of natural and resources</p>

<p>(ii) <i>health and wellbeing of rural land and natural ecosystems;</i></p> <p>(iii) <i>quality of surface fresh water and ground water, including their catchments and connections;</i></p> <p>(iv) <i>life-supporting and intrinsic natural characteristics of water bodies and coastal waters and the catchments between them.</i></p>	<p>stated in s5(2)(b). Section 7(b) requires decision makers to have regard to the efficient use and development of natural and physical resources and s7(g) requires regard be had to any finite characteristics of natural and physical resources. Section 31(1)(a) and (b) provide Council with the function to manage soil resources. It also gives effect to the WRPS, particularly Objectives 3.25 and 3.26 and Policies 14.1 and 14.2.</p> <p>Acceptability</p> <p>Maintaining the life-supporting capacity of rural land and water resources gives effect to the Vision and Strategy for the Waikato River and the WRPS and has regard to iwi management plans. As assessed in Section 5, the objective does not result in an approach that is unfair or inequitable to the community or any part of the community.</p> <p>Feasibility</p> <p>The objective is within Council's powers and, as demonstrated further in Section 5 of this report, is feasible.</p> <p>Overall assessment:</p> <p>Objective 5.2.1 is appropriate to achieve the purpose of the RMA 1991.</p>
<p><i>5.3.1 Objective - Rural Character and Amenity</i></p> <p><i>(a) Rural character and amenity are maintained.</i></p>	<p>Relevance</p> <p>The maintenance of amenity values and character enables people to meet their needs and affords future generations the same opportunity. This contributes to achieving section 5 of the RMA. Further, s7(c) of the RMA requires decisions makers to have regard to the maintenance and enhancement of amenity values. The objective is relevant to Council's functions under ss31(g) and (h). To maintain amenity and character, reverse sensitivity effects need to be managed. This is within the scope of the WRPS (3.12(g) and 6.1).</p>

	<p>Acceptability</p> <p>The objective effectively requires nuisance effects to be controlled, including reverse sensitivity and this meets community outcomes. The Waikato-Tainui Environmental Plan refers to the need for rural development to be well planned, and the environmental, cultural, spiritual and social outcomes are positive.</p> <p>The Maniapoto Environmental Management Plan (section 9.2) raises the issue that reverse sensitivity effects on customary uses and associated land may not be recognised in plans (implying this is an outcome sought). As set out in section 5 of this report, maintaining rural character and amenity values will not result in the unfair distribution of impacts to the community as a whole or any sector of the community.</p> <p>Feasibility</p> <p>The later assessment of provisions in Section 5 of this report indicates this objective is feasible.</p> <p>Overall assessment:</p> <p>Objective 5.3.1 is appropriate to achieve the purpose of the RMA.</p>
<p><i>5.4.1 Objective – Minerals and Extractive Industries</i></p> <p><i>(a) Mineral resource use provides economic, social and environmental benefits to the district.</i></p>	<p>Relevance</p> <p>Providing for the wellbeing of current and future generations is part of achieving sustainable management as expressed in section 5 of the Act. The RMA does not control the distribution of mineral resources and s7(b) does not apply to mineral resources. However, it is appropriate for plans to manage land uses in the Waikato District and access to mineral resources. This has regard to s7(g) of the RMA.</p> <p>Acceptability</p>

	<p>The later analysis in this report identifies that the distribution of impacts to the community or any part of the community is not unfair. Managing access to minerals enables communities to provide for their wellbeing and this is consistent with high level documents. The objective is consistent with outcomes sought through consultation (as set out in Sections 1.6 and 1.7 of this report).</p> <p>Feasibility</p> <p>Interpreted broadly, the objectives ensure that access to mineral resources is managed, so that the District is enabled with opportunities to provide for their wellbeing.</p> <p>Overall assessment:</p> <p>Objective 5.4.1 is appropriate to achieve the purpose of the RMA.</p>
<p><i>5.5.1 Objective – Urban Expansion Area (a) Protect land within Hamilton’s Urban Expansion Area for future urban development.</i></p>	<p>Relevance</p> <p>Protecting land for future urban development is linked to the sustainable growth of urban areas. It will achieve Part 2 of the RMA specifically by efficiently managing land to meet the needs of future generations whilst avoiding and mitigating environmental effects. In turn, this allows future generations to provide for their wellbeing.</p> <p>The objective gives effect to the WRPS (particularly Policy 6.1) that requires coordinated urban development and indirectly the NPS-UDC as it will enable more efficient utilisation of urban land to meet forecasted capacity. It assists Council to carry out its functions under s31, specifically s31(1)(a) and s31(2). Further, it considers that the district plan needs to be consistent with the plans of surrounding territorial authorities (in this case Hamilton City) under s74(2)(c).</p> <p>Acceptability</p>

	<p>The objective achieves community outcomes as identified through Future Proof and the WRPS and is consistent with iwi management plans that seek to avoid effects associated with uncoordinated urban development. It is therefore acceptable. The later analysis of provisions in Section 5 of this report demonstrates that the distribution of impacts to the community or parts of the community is not unfair.</p> <p>Feasibility</p> <p>The later assessment of provisions in Section 5 of this report indicates that the objective is feasible.</p> <p>Overall Assessment: Objective 5.5.1 is appropriate to achieve the purpose of the RMA.</p>
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4 SCALE AND SIGNIFICANCE EVALUATION

The level of detail undertaken for the evaluation of the PWDP provisions has been determined by assessing the scale and significance of implementing them.

The scale and significance assessment considered the environmental, economic, social and cultural effects of the provisions. In making this assessment, regard has been had to the following, namely whether the provisions:

- (a) are of regional or district-wide significance;
- (b) have effects on resources that are considered to be a matter of national importance in terms of Section 6 of the RMA;
- (c) adversely affect people's health and safety;
- (d) result in a significant change to the character and amenity of local communities;
- (e) adversely affect those with particular interests including Maaori;
- (f) limit options for future generations to remedy effects;
- (g) have implicitly or explicitly considered the higher order documents; and
- (h) include regulations or other interventions that will impose significant costs on individuals or communities.

The evaluation has focused on those provisions that will result in a substantial change to the rural area and are of greater importance to ensure the objectives of the Rural Zone (and other objectives where relevant) are achieved.

The majority of changes proposed to the current provisions involve greater restriction on subdivision to better manage effects on high class soils. Section 1 of this report described subdivision rules in some detail and Section 5 explains proposed changes to these rules.

The management of land in Hamilton’s Urban Expansion Area is of considerable significance because of the high level of effect this has on the growth of Hamilton and the efficient use of land as well as Council’s obligations under strategic agreements.

Similarly, provisions relating to the accessibility of mineral resources are significant due to the direction provided by the WRPS and increased growth pressures that make these resources even more sought after for all types of infrastructure, including dwellings and roads.

Policies and rules have been evaluated as a package, as together they address a particular issue and seek to meet a specific objective. Some rules implement more than one policy, for example the suite of subdivision rules implement several policies and therefore have been referred to multiple times.

The following table contains a summary of the policies and rules considered to be of a scale and significance to justify a more comprehensive evaluation of options.

Table 4 - Scale and significance assessment

Issue	Provisions evaluated	Scale and Significance Reasoning
<p>Issue 1 - Irreversible loss of high-class soils</p> <p>Issue 2 - Reverse sensitivity</p> <p>Issue 3 - Decreasing rural character and amenity</p> <p>Issue 7 - Land fragmentation leads to decreased opportunities for the community to provide for their wellbeing</p> <p>Issue 6 – Rural activities can have environmental effects.</p>	<p>i. Policies – All policies</p> <p>ii. Rural Zone and activities</p> <p>iii. New and amended activity definitions</p> <p>iv. Subdivision Rules – particularly Rules 22.4.1.1 and 22.4.1.2.</p> <p>v. Built form standards relating to height, building setback from road boundaries, minimum separation distances from noise generating activities and site coverage</p>	<p>a) Why is it a significant issue or not?</p> <p>b) Rural land and high class soils are significant for the Waikato District and Region and to New Zealand. Primary industry makes a significant contribution to the wellbeing of the Waikato District and is the largest industry.</p> <p>c) Management of rural land as a resource is a matter that Council must have regard to. Safeguarding the life- supporting capacity of air, water, soil and ecosystems is central to achieving Part 2 of the RMA.</p> <p>d) Addressing the irreversible loss of (particularly high class) soils and rural land is essential to give effect to the WRPS and have regard to iwi management plans and has an indirect impact on the NPS-UDC.</p> <p>e) The issue must be addressed to give effect to Future Proof and Council’s obligations to the Waikato sub-region. The issue has a significant impact on the strategic management of growth, both in the Waikato District and in the sub-region as well as impacts on the Auckland Region.</p>
<p>Issue 5 - Mineral resources become</p>	<p>Policy 5.3.2</p> <p>Policy 5.3.3</p>	<p>a) Mineral resources are significant to the Waikato District and Region and</p>

<p>inaccessible</p> <p>Issue 6 - Potential effects of mineral extraction and some rural activities</p>	<p>Policy 5.3.4 Policy 5.3.5</p> <p>Policy 5.3.7 Policy 5.3.9 Policy 5.4.2 Rural Zone and Activities Aggregate Resource Area overlay Aggregate Extraction Area overlay Coal Mining Area overlay Built form standards relating to height, building setback from road boundaries, minimum separation distances from noise generating activities and site coverage</p>	<p>to meet demand in neighbouring regions (particularly Auckland)</p> <p>b) Managing access to mineral resources and the effects of rural activities is required to give effect to the WRPS and have regard to iwi management plans.</p>
<p>Issue 4 – Sporadic growth is inappropriate in Hamilton’s Urban Expansion Area</p>	<p>Policy 5.5.2 Rule 22.1.5 NC4 Rule 22.4.1 PRI Mapping of Hamilton’s Urban Expansion Area Rural Activities</p>	<p>a) The provisions impact on the sub-region as they directly affect the sustainable growth of Hamilton.</p> <p>b) The provisions prohibit subdivision involving the creation of any additional lot. The operative rule in the Waikato Section specifies a non-complying activity for lots that are larger than 5000m². The proposed rule is therefore considerably more restrictive.</p> <p>c) Some land use activities face less restriction. They are currently prohibited and are proposed to be discretionary or non-complying.</p> <p>d) The provisions are significant in that they provide for future generations to mitigate effects of urban development.</p> <p>e) The provisions are required to give effect to higher level documents (WRPS and, indirectly, NPS-UDC).</p> <p>f) The provisions are required to meet Council’s obligations under Future Proof and the Strategic Agreement with Hamilton City Council 2005.</p>

5 EVALUATION OF PROPOSED POLICIES, RULES AND METHODS

Section 32(1)(b) requires an evaluation of whether the provisions are the most appropriate way to achieve the objectives by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions.

The assessment must identify and assess the benefits and costs of environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment. The assessment must, if practicable, quantify the benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter. The quantification of the costs and benefits associated with subdivision of Rural zoned land is set out in Appendix 5.

5.1 Identification of Reasonably Practicable Options – for Achieving Objectives

The following table examines all reasonably practicable options for achieving each objective. This high-level screening process considers the effectiveness of each option. Only those options considered to be reasonably practicable in this section will be subject to further evaluation.

Table 5 Reasonably Practicable Options for Achieving Objectives 5.1.1 and 5.2.1

Objectives	5.1.1 Objective – The rural environment 5.2.1 Objective – Rural Resources				
Options Approach to achieve objective(s)	Description (brief)	Relevance	Feasibility	Acceptability	Recommendation
Option 1: Do nothing – (remove all policies and associated methods)	This option would involve removing all policies and rules and not having any regulation of rural land use, development or subdivision. It effectively allows the landowners to undertake any type of activity and generate any level of effect within the general obligations of the RMA.	Without any regulation, it is highly unlikely that the objectives would be achieved. It would allow past trends to continue such as fragmentation of rural land to small lot sizes. This would, in turn, compromise existing primary industries. There would be no means to ensure that environmental effects were controlled, and this could lead to	The option is within Council's resources. However, it does not allow Council to fulfil its responsibilities. This option would not enable Council to fulfil its functions under s31 of the RMA. It would fail to give regard to the WRPS, relevant national policy statements, would not have regard to iwi management plans or cultural values. It would be contrary to the responsibilities	With no regulation, the externalities of the activities that people undertake and the resulting effects would unlikely be managed. This would result in unchecked environmental effects including the loss of high-class soil and the rural land resource. Nuisance effects and reverse sensitivity would increase. The likely fragmentation of rural land would mean that the provision of	Discard This option is not effective or acceptable. It ultimately does not allow the objective to be achieved and this would not achieve the sustainable management of natural and physical resources, give effect to the WRPS or s6(c) of the RMA.

Objectives	5.1.1 Objective – The rural environment 5.2.1 Objective – Rural Resources				
Options Approach to achieve objective(s)	Description (brief)	Relevance	Feasibility	Acceptability	Recommendation
		high levels of undesirable (adverse) effects, if no other mechanisms were in place to encourage or require these to be managed, thus eroding rural character and amenity.	that Council has under the Local Government Act. There is a high level of risk and uncertainty that the method will achieve the objectives.	infrastructure would likely be inefficient, travel distances will increase, and overall people would be less able to provide for their wellbeing. The option is likely to be inequitable, having a disproportionate effect on primary industries as it impacts on the extent that rural land users are able to provide for their wellbeing.	
Option 2: Apply the Waikato Section approach to the whole of Waikato District	This approach would involve wholesale application of the Waikato Section provisions across the Waikato District. This	Operative provisions were introduced by Plan Change 2 and these provisions slowed the rate of subdivision. However,	The approach is within Council's jurisdiction and would mean a continuation of current roles and allocation of resources. The	This approach would generally maintain the existing distribution of impacts across the District. However, it is possible that there may be a	Evaluate further – Further analysis is required to understand potential impacts of this option on further fragmentation on

Objectives	5.1.1 Objective – The rural environment 5.2.1 Objective – Rural Resources				
Options Approach to achieve objective(s)	Description (brief)	Relevance	Feasibility	Acceptability	Recommendation
	approach has been summarised in Section I of this document	subdivision of productive land is still occurring and existing provisions allow a child lot to be located on high class soils, where the existing title was created prior to 6 December 1997.	approach may not respond appropriately to feedback received and trends identified.	higher level of impact on the Franklin Section. This is because of the shift from the resource management framework resulting from the significant Rural Plan Change 14.	high class soils and productive land.
Option 3 – Apply the Franklin Section approach to the whole of Waikato District	This approach would involve rolling out the wide ranging land use provisions and various subdivision opportunities described earlier in section I.4.2 of this report. In regards to land use provisions, the Franklin section provides for a wide range of activities,	In regards to the land use provisions, they are very relevant for the rural zone and apply appropriate controls in most cases. However certain activities may be more permissive than the existing Waikato provisions (i.e.	Insofar as transferable rural lots are concerned, continuing with this regime may be problematic because it may require the identification of appropriate receiver sites. High class soils are typically concentrated	Feedback on transferable rural lot subdivisions suggests that this method has not been as effective as it was when Franklin District Council existed. Its acceptability to all members of the community is therefore questionable. Other	Evaluate Further Further analysis is required to determine the merits of applying the Franklin approach for both land use and subdivision. This does not mean that all Franklin Section provisions need to be adopted. Instead, it could mean the

Objectives	5.1.1 Objective – The rural environment 5.2.1 Objective – Rural Resources				
Options Approach to achieve objective(s)	Description (brief)	Relevance	Feasibility	Acceptability	Recommendation
	which are relatively enabling for the rural zone. Insofar as subdivision is concerned, rules are available for the creation of transferable rural lot rights with certain requirements depending on whether lots are located inside or outside of the EEOA; environmental lots also with different requirements applying inside and outside of the EEOA; lots for existing intensive rural activities; and boundary	number of dwellings) and in some cases more restrictive than the existing Waikato provisions (i.e. farm quarries) In regards to subdivision, while transferable rural lot right subdivisions can sometimes result in improved environmental outcomes, their overall merit was challenged following the disestablishment of Franklin District Council with the 2010 local government transition,	around towns but they also appear throughout the entire Waikato District.	subdivision rules in the Franklin Section have received considerable support.	selection of some or even most provisions.

Objectives	5.1.1 Objective – The rural environment 5.2.1 Objective – Rural Resources				
Options Approach to achieve objective(s)	Description (brief)	Relevance	Feasibility	Acceptability	Recommendation
	relocations and adjustments.	development of the Auckland Unitary Plan and Council's Variation 13 to Plan Change 14. Feedback on the approach for the Auckland Unitary Plan highlighted issues with implementation and efficiencies. Some donor areas and indigenous vegetation are often not developed because of market demands, relative isolation from urban services and main transport routes and existing geographical			

Objectives	5.1.1 Objective – The rural environment 5.2.1 Objective – Rural Resources				
Options Approach to achieve objective(s)	Description (brief)	Relevance	Feasibility	Acceptability	Recommendation
		constraints. Administrative complexities with this type of subdivision were also raised in Council's section 42A report on Variation 13 to Plan Change 14.			
Option 4 – Strengthen the provisions of the Waikato Section	This approach would involve strengthening the provisions in the Waikato Section. Essentially, it would maintain the fundamental provisions but place greater restrictions on general subdivision and the use of rural land.	Strengthening existing provisions to address those parts of the existing approach that are weak and ineffective would respond to current issues.	The approach is within Council's responsibilities and jurisdiction. There is less uncertainty and risk as the general approach has been tested to some degree. The approach may result in a greater number of applications for non-complying activities. Whilst this requires	The approach is more consistent with surrounding local authorities and the outcomes sought by higher level documents. It may not depart so far from the status quo that it would be unacceptable to the community or stakeholders. The approach avoids the loss of most high class soil	Evaluate further – This approach is likely to be efficient and effective whilst being acceptable to a wide range of stakeholders.

Objectives	5.1.1 Objective – The rural environment 5.2.1 Objective – Rural Resources				
Options Approach to achieve objective(s)	Description (brief)	Relevance	Feasibility	Acceptability	Recommendation
			Council planners to apply a different test when processing consents it does not necessarily require additional resources to those currently committed.	and adverse effects associated with the fragmentation of other soils would be reduced.	
Option 5: Adopt a very restrictive approach preventing all subdivision of land with high class soils and restricting land use activities to protect rural resources for productive use	This approach would prohibit subdivision of any land containing high class soils and restrict land uses that do not require high class soils, or rely on the life-supporting capacity of soils. Subdivision would be prohibited whilst dwelling construction on versatile soils (and	This approach would significantly reduce the loss of any high class soils and would maintain the life-supporting capacity of soils. Non-productive activities would be directed to locate on land that does not contain high class soils.	This approach is feasible as it is within Council's jurisdiction and responsibilities. It may require more staff resources as a greater number of land uses would be restricted and require consent.	This approach would be unlikely to be accepted by the community. Various activities (such as building a house) would face onerous restrictions that currently do not exist. The rights that people commonly associate with land would be removed.	Evaluate further – While this option is a very restrictive approach and very unlikely to be accepted by the community, it does have some merit in respect to the protection of high class soils in which Council must have regard to in order to meet the

Objectives	5.1.1 Objective – The rural environment 5.2.1 Objective – Rural Resources				
Options Approach to achieve objective(s)	Description (brief)	Relevance	Feasibility	Acceptability	Recommendation
	on vacant lots would be non- complying).				objectives and policies of the WRPS.

Table 6 Reasonably Practicable Options for Achieving Objective 5.5.1 Hamilton Urban Expansion Area

Objectives	5.5.1 Objective – Urban Expansion Area Protect land within Hamilton’s Urban Expansion Area for future urban development.				
Options	Description (brief)	Relevance	Feasibility	Acceptability	Recommendation
Option 1: Do nothing (remove all policies and associated methods)	This option would involve removal of provisions that apply specifically to subdivision, use and development in Hamilton’s Urban Expansion Area. Some feedback received to date is that no subdivision should be prohibited.	The option is unlikely to be effective as land fragmentation within the area would most likely continue.	The option is within Council’s jurisdiction but it would not meet responsibilities under strategic agreements with Hamilton City or Future Proof partners.	The option is highly unlikely to be acceptable to HCC as it would constrain future urban development which is an agreed strategic outcome. Ad hoc development on the peri-urban fringe would have a range of social, economic, environmental and cultural effects including higher infrastructure costs, increased environmental effects due to a less dense settlement pattern and inefficient use of land identified for urban activities.	Evaluate further – Whilst this approach is unlikely to be acceptable, further analysis of likely development without specific intervention should be undertaken.

<p>Option 2: Specific control of land use, effects and subdivision in Hamilton's Urban Expansion Area</p>	<p>This is the approach taken by the OWDP is supported by both Future Proof and Hamilton City Council. It specifically controls use, development and subdivision to prevent the later establishment of urban uses being compromised.</p>	<p>The provisions have generally been effective. However, the 5000m² minimum lot size allowed by the existing provisions needs to be reconsidered to avoid this scale of fragmentation. The philosophy behind this approach is sound.</p>	<p>The approach is within Council's resources and is within Council's jurisdiction and responsibilities, including those under Future Proof and the strategic agreement with Hamilton City Council.</p>	<p>The approach is likely to have the least impact on the greatest number of people. It enables a wide range of options for future urban development for the benefit of both Hamilton City and Waikato District. There are some impacts on individual owners of land but these are likely to be minimal, temporary and small scale.</p>	<p>Evaluate Further- This approach is likely to be acceptable, effective and relevant. Further analysis on impacts on land owners in the area affected is required.</p>
<p>Option 3: Take a prohibitive approach to land use</p>	<p>This approach would prohibit the construction of dwellings and activities that are incompatible with more sensitive urban activities. This approach is similar to that for some Future Urban Zones in other District Plans.</p>	<p>It would be effective to protect future urban land as no incompatible uses, or dwellings that could limit future urban form would be enabled.</p>	<p>This option is within Council's jurisdiction, responsibilities and resources and is feasible.</p>	<p>This option is likely to result in various levels of acceptance. Impacts would mainly affect those people living in the Urban Expansion Area.</p>	<p>Evaluate further – Further evaluation of the efficiency and effectiveness of this option is required as a potential policy intervention.</p>

Table 7 Reasonably Practicable options to achieve Objective 5.3.1 Rural Character and Amenity

Objectives	5.3.1 Objective - Rural Character and Amenity Rural character and amenity are maintained.				
Options	Description (brief)	Relevance	Feasibility	Acceptability	Recommendation
Option 1: Do nothing (remove all policies and associated methods)	All provisions that control nuisance and visual amenity effects (including noise, dust, effects of signs, sediment runoff) would not be included in the Rural Zone chapter. The same would apply to land use activity rules that give prominence to activities that are rural in nature and subdivision rules would allow any size of lot to be created, even urban sized lots.	Without any provisions to control nuisance effects, amenity values of rural areas would decrease. Without any control of the type and level of effect to be generated, land uses that are more urban in nature on smaller sites may dominate the area. This would result in reverse sensitivity.	Doing nothing would not allow Council to fulfil its general functions under the RMA or Local Government Act. It is within Council's resources. It may reduce consent applications but as there would be no record of resource consents (thus relying on building consent data), it may be difficult to monitor what is occurring.	While this approach provides flexibility for the general public, it is unlikely to be acceptable to most stakeholders as it would compromise the function of rural production activities and decrease the values of the rural area and its character. The option would have a high level of adverse environmental, social and economic effects.	Discard – This option is not acceptable as it does not fulfil Council's legal obligations and would be highly ineffective.
Option 2: Adopt the approach of the Waikato Section and	Both the Waikato and Franklin Sections control amenity effects in	The provisions reduce the risk of reverse sensitivity and ensure that	The option is within Council's jurisdiction, responsibilities and	The approach controls environmental effects in a broad	Evaluate further – This approach meets all criteria.

Objectives	5.3.1 Objective - Rural Character and Amenity Rural character and amenity are maintained.				
Options	Description (brief)	Relevance	Feasibility	Acceptability	Recommendation
Franklin Section ie: status quo rollover	terms of land use activities and subdivision that could compromise rural character. The approach of each section (discussed in section 1.4 of this report), is to include rules that manage noise generation, earthworks, signs, lot sizes and traffic generation to ensure these do not detract from amenity values or the character of the area.	the overall level of effect does not compromise amenity values. Monitoring of the number of complaints and available information indicates that the current approach is generally effective to maintain amenity values. In regards to subdivision, Plan Change 2 sought to restrict the minimum lot size to 0.8ha to maintain rural character. However, it is likely to take a longer period of	already allocated resources.	sense. It controls reverse sensitivity that is likely to have an economic impact. The approach is likely to be acceptable as feedback from stakeholders thus far is supportive of rural character and amenity being managed.	

Objectives	5.3.1 Objective - Rural Character and Amenity Rural character and amenity are maintained.				
Options	Description (brief)	Relevance	Feasibility	Acceptability	Recommendation
		time before the effectiveness of this existing approach can be fully determined.			
Option 3 – Adopt a prescriptive approach to manage amenity and character.	This approach involves restricting any non-rural activities in the rural environment.	Rural residential land use activities with an appropriate ratio of buildings to open space (where there are larger parcels in between) do not necessarily compromise rural character. The additional level of restriction may not be necessary and could be inefficient. It would be effective to avoid all activities that are non-rural in	The approach is feasible as it would require the same amount of resources albeit distributed differently. It is within Council’s jurisdiction, responsibilities and functions.	There is demand for residential living in the rural area. There is also a need to provide for a limited amount of activities to provide goods to those living in the rural area. Restricting non-rural activities is likely to be unacceptable. It is likely to be unfair on those wanting to live in the rural environment and those wanting or needing to raise capital by creating a rural residential lot.	Evaluate further – Placing further restriction on the effects of rural residential lots and non-rural activities needs to be further evaluated because of the continuing demand for this type of development in the rural area. Further evaluation will help to determine the balance between the provision of rural residential activities, non-rural activities and

Objectives	5.3.1 Objective - Rural Character and Amenity Rural character and amenity are maintained.				
Options	Description (brief)	Relevance	Feasibility	Acceptability	Recommendation
		<p>nature and in turn, this would maintain rural character and avoid reverse sensitivity effects. However, rural character is subjective and some people may consider smaller rural residential lots are still in keeping with the overall character of the rural area. Therefore, some uncertainty exists regarding the effectiveness of this approach to achieve the objective.</p>		<p>In some cases it may restrict multiple generations of a family from living close to each other. If there is a lack of opportunities to meet demand for living in the rural environment this is likely to increase demand for land in the Countryside Living and Village Zones. In turn, land around the periphery may increase in value and this could make it difficult to efficiently and effectively use rural land around villages to enable economic and social wellbeing.</p>	<p>managing the adverse effects of these on rural character and amenity.</p>

Table 8 Reasonably practicable options to achieve Objective 5.4.1 Minerals and Extractive Industries

Objective(s)	5.4.1 Objective – Minerals and Extractive Industries Mineral resource use provides economic, social and environmental benefits to the District.				
Options	Description (brief)	Relevance	Feasibility	Acceptability	Recommendation
Option 1: Do nothing (remove all policies and associated methods)	Remove all policies and methods from the plan.	Having no policies or methods may lead to more sensitive land uses establishing around mineral extraction sites and haulage routes. In turn, this would make it difficult for mineral extraction activities to operate.	The option is within Council's jurisdiction and functions. However, because of the risk of reverse sensitivity effects, it is uncertain whether it would achieve the objectives.	This approach is unlikely to be acceptable to stakeholders.	Discard Discard this option as it is not effective or acceptable.
Option 2: Adopt the approach of the Waikato Section	This approach is to continue to control the establishment of more sensitive activities around mineral extraction sites and acknowledge the presence and importance of mineral resources through using an	This approach reduces the risk of reverse sensitivity that may constrain the operation of mineral extraction sites and the subsequent use of minerals to provide benefits to the district.	The approach is within Council's resources and continues the current approach.	The continued approach is likely to be accepted by most stakeholders in the Waikato Section.	Evaluate further – This approach is acceptable, feasible and relevant.

Objective(s)	5.4.1 Objective – Minerals and Extractive Industries Mineral resource use provides economic, social and environmental benefits to the District.				
Options	Description (brief)	Relevance	Feasibility	Acceptability	Recommendation
	Aggregate Extraction Area and Aggregate Resource Area overlays.				
Option 3 – Adopt the approach of the Franklin Section	This option involves the use of a specific Aggregate Extraction and Processing Zone to clearly signal a buffer around consented or potential mineral extraction sites and to specifically provide for mineral extraction activities and processing.	The use of a zone allows mineral extraction sites to be clearly identified and is effective in this manner. The provisions would ensure that mineral resources are available to provide future benefits to the community. However, this relies on Council being able to accurately identify feasible mineral deposits and this can sometimes be reliant on quarry	This approach is feasible but may result in administrative costs due to an additional zone method.	The option is likely to be acceptable to key stakeholders.	Evaluate Further This option deserves further evaluation as it may be acceptable and feasible.

Objective(s)	5.4.1 Objective – Minerals and Extractive Industries Mineral resource use provides economic, social and environmental benefits to the District.				
Options	Description (brief)	Relevance	Feasibility	Acceptability	Recommendation
		owners and operators providing what is often considered to be commercially sensitive information.			

5.2 Evaluation of Selected Options

This section contains an evaluation of those options identified above for further evaluation. The short list of options has been developed further to include (where relevant) policies, rules and methods. In some instances, provisions have been bundled where they are expected to work together to achieve the objective(s).

For efficiency, this second-tier evaluation focuses on the approach and the policies and rules which implement that approach as a package, rather than a detailed analysis of every policy and every rule. How this section is approached in terms of the level of detail depends to what extent the options are departing from the existing Waikato and Franklin Sections and the significance of the alternative options. This is guided by the assessment of scale and significance that was undertaken earlier in Section 4 of this report.

The following tables provide a summary of the evaluation results.

5.3 Objective 5.1.1 The Rural Environment

The provisions that work together to achieve objective 5.5.1 are:

- a) All policies
- b) Rural Zone
- c) Rule 22.1 Activities
- d) Rule 22.2 Effects
- e) Rule 22.3 Building
- f) Rule 22.4 Subdivision

5.3.1 Identification of Options

In considering options for managing and enabling the protection of the life-supporting capacity of soils, a number of factors were considered, including:

- The performance of approaches taken in the Waikato and Franklin Sections of the Plan;
- Experiences of neighbouring territorial authorities that experience similar growth pressures and have large areas of high class soils;
- Research on high class soils in New Zealand and policy approaches to manage soils;
- The requirements of the Waikato Regional Policy Statement (discussed in Section 2.1.3 of this report); and
- Rural subdivision and zone provisions in neighbouring territorial authorities.
- Feedback received from consultation.

Options considered to achieve the objective included:

- Adopting the Franklin Section provisions;
- Adopting the Waikato Section provisions;

- Strengthening the Waikato Section provisions to address issues identified. This option ensures that smaller lots are less likely to be productive, are not located on high class soils, and fragmentation of land fragmentation in the District that contains lower value soils is better managed; and
- Prohibiting all subdivision of land containing high class soils and placing the most onerous restriction on land uses that seek to locate on high class soils and productive land that do not rely on that resource.

5.3.2 Policy, Rule and Method Evaluation

This section assists to identify the provisions (i.e. policies, rules and methods) that are the most appropriate to achieve the objective.

For clarity, the analysis is split into two parts:

- Evaluation of provisions – Maintaining high class soils
- Evaluation of provisions – Maintaining rural production land

The costs and benefits of subdivision in the Rural Zone are quantified in Appendix 5.

Table 9 Evaluation of provisions – High class soils – these provisions are particularly relevant to achieving part (a)(ii) of the objective.

Provisions most appropriate	Effectiveness and Efficiency	
	Benefits	Costs
a) <i>Policy 5.2.2</i> b) <i>Policy 5.2.3</i> c) <i>Policy 5.3.2</i> d) <i>Policy 5.3.4</i> e) <i>Policy 5.3.5</i> f) <i>Policy 5.3.7</i> g) <i>Rule 22.1 Activities</i> h) <i>Rule 22.2 Effects</i> i) <i>Rule 22.3 Buildings</i> j) <i>Rule 22.4 Subdivision</i>	<p>Environmental:</p> <p>Land is able to be used for a wider range of land use activities which provides resilience to adapt to changes in the environment.</p> <p>Retaining productive land (particularly high class soils) requires fewer inputs (such as fertiliser). This reduces environmental impacts.</p> <p>Reverse sensitivity is reduced by enabling more productive activities on larger areas of land.</p>	<p>Environmental:</p> <p>Locating smaller lots on low quality soil will mean that there are greater constraints to development as this soil tends to be located on steeper land that is more challenging to develop. This could detract from landscape and character and make it challenging to meet standards that relate to on-site amenity.</p>
	<p>Economic:</p> <p>Land is able to be used for a wider range of activities that provide opportunities to use land for the most valuable use.</p> <p>High class soils are used efficiently providing greater economic benefits that are increased by the reduction in required inputs.</p>	<p>Economic:</p> <p>Fewer inputs are required to use the land productively. The costs of production are lower.</p> <p>Lost opportunities to subdivide where the lot lands on high class soil either for lifestyle reasons or to raise capital.</p> <p>Increased costs during the resource consent phase which would involve the applicant obtaining expert soil advice.</p>

		Increased considerations during resource consent applications for subdivision design that will increase costs of the application.
	<p>Social: Land is able to be used more efficiently to provide food and fibre to a growing population.</p> <p>High class soils are protected for future generations to meet their needs.</p> <p>As high class soils can be used for a greater range of uses, the Rural Zone and communities are more resilient to future changes in the economy and environment.</p>	<p>Social: Lower quality land is generally located some distance away from main towns. This means that any new lots created in the Rural Zone are likely to result in increased travel costs.</p>
	<p>Cultural: Fewer inputs required for production reduces environmental effects.</p>	<p>Cultural: Reduced impact on cultural values.</p>

Opportunities for economic growth and employment

High class soils are able to be used for a wider range of land use activities than soils of poorer quality.⁹ By retaining high class soils in blocks that are large enough to be productive, land owners have the opportunity to change the use of their land to respond to changing demand and environmental conditions. This resilience provides an opportunity for economic growth because there are greater opportunities for land owners to change to land use of high value.

The rural economy of the Waikato District is growing. The dairy sector has played a significant role in the increased productivity of land.

⁹ Our Land, 2018

Retaining productive blocks of rural land, located on high class soils is likely to provide opportunities for continued economic growth as there is a positive correlation between productivity and higher quality soil in the dairy industry, as well as in the horticultural sector. Due to economies of scale, larger farms are generally more productive than smaller farms.

Opportunities for economic growth may not correspond with opportunities for employment. This is because labour is one of only three factors of production. Employment in the agricultural sector is currently decreasing. There is little evidence available on the drivers of this in the Waikato District. However, in the Waikato Region, decreasing employment – particularly in the dairy sector, may be partly due to increased investment in technology and conglomeration in this sector. Farming operations are becoming larger, with one entity owning several blocks of land or individual farms. The selected option retains productive blocks of land and this provides the opportunity to maintain productive primary industries with associated employment opportunities.

Appropriateness of the options to achieve the objective

Option 1: Adopt Waikato Section Rules

The Waikato Section rules are described in detail in Section 1.4.1 of this report. The difference between the Waikato Section rules and the proposed provisions is that operative provisions while they do restrict subdivision on high class soils, particularly on titles created after 6th December 1997, the provisions do not go far enough to protect all high class soils. The proposed provisions aim to ensure that regard is given to all high class soils and that subdivision is directed off high class soils.

Appropriateness:

The general approach taken to protect high class soils is appropriate. However, there are lots under 1.6ha already located on high class soils and it is likely that some of these are the result of the lack of restriction on the area of high class soils that can be contained within a new lot. Further, continuing this rule would result in the potential for some 2580 ha of land to be located within lots smaller than 1.6ha. This is not appropriate because of this potential loss of high-class soils.

Option 2: Adopt Franklin Section Rules

The Franklin section rural land use provisions as detailed in Section 1.4.1 are fairly comprehensive given the extensive range of activities within the Franklin section (i.e. horticultural activities, agricultural activities, horse training centres, glasshouses). Some of the provisions are more lenient than the existing Waikato section provisions and would therefore provide more flexibility for rural land use activities.

The regime for subdivision in the Franklin section is very different by contrast to the Waikato Section as the provisions provide for transferable rural lot rights, which involves the transfer of latent titles from a donor rural property to a latent receiver title, limited only

by whether the titles are inside or outside of the EEOA. General commentary prepared for the Auckland Unitary Plan stated that the system has been difficult to monitor. It also has the unintended consequence of lots that never would have been subdivided due to their location, being used to create a title elsewhere to satisfy market demand. They may also be created in a receiver location which may not necessarily be desirable given the desired growth hierarchy supported by the WRPS or Future Proof. Because some donor locations are currently not at risk of development, the value of this rule is highly questionable.

Appropriateness:

Adopting the Franklin Section's transferable rural lot rule for the whole of the district is not expected to be an effective method of achieving the desired growth hierarchy. Other rules in the Franklin Section, however, including those for environmental lots, general purpose lots and boundary relocations and adjustments are worth investigating further.

Risk of acting or not acting

Uncertainty or insufficiency of information:

The relationship between lot size and productivity specific to Waikato District is uncertain (particularly where a farm can be comprised of more than one lot). However, there is evidence that lots lower than 1.6ha are less likely to be productive, whilst general research indicates that lots over 20ha have higher productive potential. Lots over 20ha are also likely to offer flexibility to a farming operation but there is insufficient information to reach this conclusion.

The largest uncertainty is the percentage of high-class soils a lot needs to cross a productivity threshold. For example, is a lot that has 20% high-class soils more productive than one that has 10% high-class soils? Whilst there is information that dairy farming and horticulture are more productive when located on high-class soils, there is no information specific to the percentage of high-class soils needed to increase in productivity.

There is, however, information on the area of high-class soils in the Waikato District and the number of titles that would be prohibited and non-complying to subdivide due to the area of high-class soils they contain. This provides certainty around the total area of high-class soils the approach is likely to protect and the cumulative effect across the District. This is a better indication of the effectiveness of the approach than quantifying productivity at lot level because of the high variance and the multiple factors that affect land productivity and not just soil quality.

Risk of acting or not acting:

The risk of not acting is high. There is a high probability that land would be fragmented because of the high level of documented demand for smaller lots and lifestyle living. Historically, provisions that do not act have led to subdivision on high-class soils. The impact of fragmentation, leading to decreased production, would be high because of the significance of the primary sector in the Waikato District,

Waikato Region and New Zealand as a whole. Important to emphasise here is the fact that Waikato District has a higher percentage of high class soils than compared to New Zealand as a whole.

Efficiency and effectiveness

As the percentage of high class soils within an additional lot increases, then so does the level of restriction with subdivision. The purpose of the approach is to locate child lots away from areas on a site that contain high class soils. As discussed earlier in Section 1.3, there is a high probability that small child lots will not be used for productive purposes. It is important to retain as much high class soil as possible within a balance lot so they can continue to be made available for productive rural activities.

There are a total of 9362 titles in the Rural Zone that contain any amount of high class soils. This is approximately 50% of the total number of titles in the Rural Zone. There is a relatively linear relationship between the percentage of high-class soils contained within these lots. There are approximately 5149 titles where 90% or more of the land area is comprised of high class soils. To be effective and efficient, provisions should give the greatest weight to protecting high class soils on these titles.

The prohibited rule prevents any subdivision of titles created after 6 December 1997 where the new lot lands on high class soil. For parcels created before this date, only one lot may land on high-class soils. If a title to be subdivided contains 90% or more high class soils, it would be rare for a new lot to land on soils that are not high class.

The table below estimates the number of titles that would be prohibited from subdivision, the number that would have a non-complying activity status and the remaining that would be restricted discretionary. The table indicates the 'starting point' for activity status. Therefore, the table contains estimates only due to the number of variables that determine activity status.

Activity Status	Number of Titles
Prohibited	3157
Non-complying	1314
Restricted discretionary	1613

This table shows that high class soils on 3157 titles in the District will be prevented from further fragmentation. The 1314 titles containing high-class soils that would require consent for a non-complying activity to subdivide would be subject to the s104D test. To pass through the objective and policy gateway, the application would need to demonstrate that the proposal would not be contrary to protecting high-class soils. To pass the second gateway, the application would need to demonstrate effects on the life supporting capacity of soils were no more than minor. It is therefore likely that any subdivision consented as a non-complying activity will still achieve the overall objective to protect, maintain or enhance high class soils.

The subdivision of 1613 titles would have a starting point as a restricted discretionary activity. However, the effect of this on high-class soils is low. This is because the provisions enable only one lot between 0.8 and 1.6ha as a restricted discretionary activity which can contain up to 20% high class soils. Assuming the larger lot size (of 1.6 ha) in order to take a conservative approach, the greatest amount of high class soils within a new lot could be 3200m². Cumulatively, this is 516ha. This is considered to be a small percentage of the total rural zone. This also needs to take into account the practicalities of subdividing land and the actual impact of production if the 3200m² of high class soil were to be retained within the balance lot. It may be that there would be little appreciable difference to justify a more onerous provision. Currently, the provisions allow all of the lot created (if created from a title issued before 6 December 1997) to contain high class soils. The proposed provisions are more effective in protecting high class soils because they reduce the amount of high-class soils allowed to be contained in the new lot. This means the potential loss of approximately 2064ha of high class soil would be prevented.

The land use and land use effects provisions are effective as they give priority to productive rural activities that utilise high class soils.

Efficiency

The provisions are efficient if the benefits exceed the cost. Whilst there would be additional costs to applicants or those looking to subdivide, the overall benefits to the Waikato District and its communities are considered to justify the more restrictive provisions.

Table 10 Provisions – Maintaining Rural Production land

The table below analyses those provisions that are the most appropriate to achieve the second two parts of Objective 5.1.1 – the support of rural activities and the avoidance of urban land use, development and subdivision.

Provisions most appropriate	Effectiveness and Efficiency	
	Benefits	Costs
a) All policies b) Rule 22.1 Activities c) Rule 22.2 Effects d) Rule 22.2 Building e) Rule 22.4 Subdivision	<p>Environmental:</p> <p>Land is able to be used for a wider range of land use activities which provides resilience to adapt to changes in the environment.</p> <p>Greater opportunities exist on large pieces of land to develop land uses that support each other and in turn this may reduce inputs required.</p> <p>Reverse sensitivity is reduced by enabling more productive activities on larger areas of land and greater buffer areas.</p> <p>There may be reduced pressure to maintain or increase stocking rates.</p>	<p>Environmental:</p> <p>Locating smaller lots on low quality soil will mean that there are greater constraints to development as lower quality soils tend to be located on steeper land which is more challenging to develop. This could detract from landscape and character and make it challenging to meet standards that relate to on-site amenity.</p> <p>There is a risk that limited subdivision to create smaller parcels will lead to scattered development and this would have adverse effects on the provision of infrastructure, transport costs and reverse sensitivity effects.</p>
	<p>Economic:</p> <p>Land is able to be used for a wider range of activities that provides opportunities to use land for the most valuable use.</p> <p>Economies of scale can be gained from</p>	<p>Economic:</p> <p>Fewer inputs are required to use the land productively. The costs of production are lower.</p> <p>Opportunity cost of the lots that are subdivided that could otherwise be used for production.</p>

	<p>larger pieces of land.</p> <p>Limited subdivision of small parcels allows capital to be raised.</p>	<p>Increased considerations during resource consent applications for subdivision design that will increase costs of the application.</p>
	<p>Social: Land is able to be used more efficiently to provide food and fibre to a growing population.</p> <p>The rural production resource is better protected for future generations to meet their needs.</p> <p>Generally, larger parcels of land can be used for a greater number of uses, the rural zone and communities are more resilient to future changes in the economy and environment.</p> <p>Limited opportunities to subdivide some parcels over 20ha to provide lots ranging in area between 8000m² and 1.6 ha will offer opportunities for lifestyle living in the rural area.</p>	<p>Social: Lower quality land is generally some distance from main towns. This means that any lots created in the Rural Zone would likely result in greater travel costs.</p> <p>Smaller lifestyle lots created are generally unavailable for future generations to meet their needs.</p>
	<p>Cultural: Fewer inputs required for production reduces environmental effects and associated impacts on cultural values.</p>	<p>Cultural: No costs anticipated on cultural values.</p>

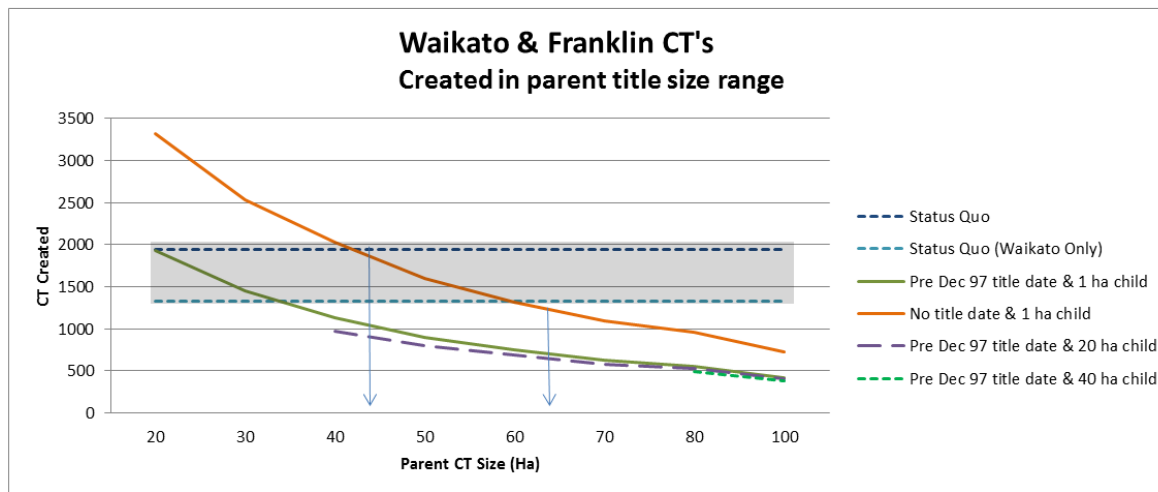
Opportunities for economic growth and employment

Generally, larger blocks are more productive than smaller sized blocks, primarily due to economies of scale. Larger blocks may also be able to be used for a wider range of purposes to promote economic growth in the future. There may be rural land uses in the future that the community is currently unaware of. Maintaining reasonable sized pieces of rural land provides flexibility for rural producers to respond to changing demand.

Opportunities for economic growth may not correspond with opportunities for employment. This is because labour is one of only three factors of production. Employment in the agriculture sector is currently decreasing. There is little evidence available on the drivers of this in the Waikato District. Farming operations are becoming larger, with one entity owning several blocks of land or individual farms. The selected option retains productive blocks of land and this provides the opportunity to maintain productive primary industries with associated employment opportunities.

Options less or not as appropriate to achieve the objective

Various options have been considered for minimum areas for parent and child lots, and provisions that are with or without a title date. The following graph shows the impact of varying thresholds. These calculations are approximate only, but the assumptions of more or less lots being generated than the status quo are accurately shown.



Allowing subdivision of titles less than 20ha (without a title issue date) results in approximately 19,700 lots eligible for subdivision. This is entirely inappropriate and is a retrograde step. It does not achieve the objective. With a title issue date of 6 December 1997, allowing subdivision of lots smaller than 20ha is still inappropriate due to failure to achieve the objective, respond to feedback and meet Council's obligations.

A parent lot size of 40ha, with no title date results in a potential yield of around 3,500 lots eligible for subdivision. This potential yield still exceeds the status quo and is also inappropriate.

Maintaining both a title date and imposing a 40ha minimum lot size for the parent title does reduce potential yield, as does raising the child lot size. This is effective to reduce fragmentation of titles. However, there are comparatively few parcels of land between 20ha and 40ha. There are 637 titles in the district between 20ha and 40ha. Of these, 212 were issued before the 1997 title date. Titles in this size range pre-6 December 1997 are comparatively few, particularly if the yield is spread over the expected 10 year lifespan of the district plan.

Whilst there is no specific information available, research and a comparison of the spatial distribution of lot sizes and land uses do indicate that parcels of 20ha are generally used productively. Many farms are comprised of more than one title. So, whilst the 40ha parent lot size (or larger) with the 6 December 1997 title date would reduce the overall number of parcels generated, it is likely to have little appreciable

impact on the productive use of the balance lot.

Removing this particular title date would result in a greater yield for the whole of the district, despite the majority of titles within the Franklin Section being created post 6 December 1997. For this reason, removing the title date is not an appropriate option given the need for a regime that can be applied broadly across the Waikato District.

Overall, options that result in less yield are effective but there is still demand from the community for rural-residential living in the Rural Zone and this needs to be balanced with the potential impacts of land fragmentation.

Option 2: Adopt Franklin Section Rules

The Franklin Section allows applications to be made for transferable title right subdivision. This rule intends to provide an incentive to maintain large blocks of land whilst relocating potential development to less sensitive locations. Note however, that this is not the only subdivision rule available in the Franklin Section. Other rules provide for the creation of environmental lots, existing intensive use lots and boundary relocations and adjustments.

Appropriateness:

As discussed most titles in Franklin are less than 20ha (86%). General commentary prepared for the Auckland Unitary Plan and the s42A hearing report for Variation 13 to Plan Change 14 highlighted that the effectiveness of the transferable rural lot rule has been difficult to monitor. It also has had the unintended consequence of lots that never would have been subdivided due to their location, being used just to create a title elsewhere to meet market demand. That title has fragmented land in another part of the District even though no additional lot is created within the Franklin Section with this transfer. However, if a donor location is used where there is little or no pressure for subdivision, this rule becomes ineffective as a policy mechanism. Further, it may be difficult to find a receiver location in Waikato District where the effects of fragmentation can be adequately managed. However, other subdivision rules in the Franklin Section (environmental lots, existing intensive rural activities and boundary relocation and adjustments) are still deserving of further investigation.

Risk of acting or not acting

Uncertainty or insufficiency of information:

The relationship between lot size and productivity specific to Waikato District is uncertain (particularly where a farm can be comprised of more than one lot).

Risk of acting or not acting:

The risk of not acting is high. There is a high probability that land would be fragmented because of the high level of documented demand

for smaller lots and lifestyle living. This is particularly pertinent given the pressures on the Waikato District from the urban spread of both Auckland and Hamilton. Historically, provisions that do not properly act have led to subdivision of small lots. The impact of fragmentation, leading to decreased production would have high impact because of the significance of the primary sector in the Waikato District, Waikato Region and New Zealand as a whole. This is particularly important given that the Waikato District has a higher percentage of high class soils than compared to New Zealand as a whole.

Efficiency and effectiveness

A decrease in subdivision followed Plan Change 2 to the Waikato Section becoming operative. In 2010 there were 187 general subdivision applications and 251 in 2011. This number dropped to 38 in 2012 and then 14 in 2013.

The provisions work together, and subdivision of land created after 6 December 1997 is non-complying, as is subdivision of land created before that date if the parent title is less than 20ha.

The table below shows potential yield and activity status of those subdivisions applications.

Activity Status	Number of Titles
Prohibited	3157
Non-complying	13314
Restricted discretionary	1613

As noted in the previous table, there are 3157 titles that would most likely be prohibited to subdivide. The more onerous general subdivision provisions result in the majority of applications being for non-complying activities.

Overall the use of a title date, the restriction on the number and size of titles created and the requirement for the 20ha parent lot size limits yield. Whilst applications for non-complying activities may be granted and this will result in additional yield over and above the numbers identified in the table above, these applications will be assessed for eligibility and effects on productive land considered.

If all restricted activity subdivisions are granted the maximum amount of land contained in lots less than 1.6ha (and therefore less likely to be used for production) is less than 1% of the total land in the Rural Zone.

Overall, the subdivision rules are effective in having regard to maintaining rural land for production. The subdivision of land can offer opportunities for primary producers to raise capital to support primary production. A small percentage of smaller lots are used for

productive purposes meaning that the total yield does not necessarily result in appreciable areas of productive land being lost.

Land use activity and effects rules

The land use and land use effects rules are effective to reduce the risk of losing productive rural land due to reverse sensitivity. This is because the provisions impose setbacks from larger parcels of land for more sensitive activities and adequately manage effects on more sensitive uses.

The land use activity rules are largely the same as the status quo and similar to rural zones in neighbouring districts. Appendix 4 compares proposed activity status proposed with other district plans that are operative.

Monitoring and feedback received during consultation indicates that the activity status rules are appropriate. The rules give primacy to primary industry and are adequate to control adverse environmental effects. The main difference in activity status is that those activities not provided for are non-complying rather than permitted as is the current situation. This allows the effects and the appropriateness of any activity to be assessed and a cautious approach is taken which is appropriate and effective to achieve Objective 5.5.1.

Policy 5.3.16 Agricultural Research Centres recognises the importance of Agricultural Research Centres. The rules for Specific Area 22.5 provide for the operation of Agricultural Research Centres. These rules are effective because they recognise that these centres are an important part of the overall function of primary industries and economic growth. Consultation has occurred with the agent acting on behalf of Livestock Improvement and Dairy NZ and minor changes are proposed to the rules to better reflect the detail of their operations. The planning maps for the Dairy NZ Agricultural Research Centre indicate a relocation of their campus to avoid the constraints of the existing transmission lines and better enable their future development.

Efficiency

A cost benefit analysis has been undertaken by Market Economics and is attached as Appendix 5. At a broad level, costs and benefits are identified at the beginning of this table. The analysis indicates that the benefits outweigh the costs and the approach is efficient. The distribution of costs does not unfairly impact any sector and no part of the community is burdened with costs that would make the provisions inefficient.

5.4 Objective 5.3.1 Rural Character and Amenity

- (a) Rural character and amenity are maintained.

The following provisions work together to achieve objective 5.3.1

- a) Policy 5.3.2
- b) Policy 5.3.3
- c) Policy 5.3.4
- d) Policy 5.3.5
- e) Policy 5.3.6
- f) Policy 5.3.7
- g) Policy 5.3.8
- h) Policy 5.3.9
- i) Policy 5.3.10
- j) Policy 5.3.11
- k) Policy 5.3.12
- l) Policy 5.3.13
- m) Policy 5.3.14
- n) Policy 5.3.15
- o) Policy 5.3.16
- p) Policy 5.3.17
- q) Policy 5.3.18
- r) Rural Zone
- s) Overlays
- t) Rule 22.1 Land use Activities
- u) Rule 22.2 Land use Effects
- v) Rule 22.3 Buildings
- w) Rule 22.4 Subdivision
- x) Rule 22.5 Specific Area rules
- y) Rule 22.6 Specific Area rules
- z) Rule 22.7 Specific Area rules

5.4.1 Identification of Options

In considering options for managing and maintaining rural character and amenity, a number of factors were considered, including:

- The requirements of the WRPS
- Monitoring and feedback
- Relevant Waikato Regional Plan rules

Options considered for Objective 5.3.1 are further evaluated in the following section that provides an assessment of the most appropriate provisions. A narrow range of provisions were considered because the operative provisions are generally working well. The scale of the assessment is in accordance with the scale and significance assessment summarised earlier in this report.

5.4.2 Policy, Rule and Method Evaluation

Table 11 Evaluation of the package of provisions

Provisions most appropriate	Effectiveness and Efficiency	
	Benefits	Costs
a) Policy 5.3.2 b) Policy 5.3.3 c) Policy 5.3.4 d) Policy 5.3.5	Environmental Control of environmental effects Reduced reverse sensitivity risk	Environmental: Provisions allow a low level of environmental effect (but acceptable)
e) Policy 5.3.6 f) Policy 5.3.7 g) Policy 5.3.8 h) Policy 5.3.9 i) Policy 5.3.10 j) Policy 5.3.11 k) Policy 5.3.12 l) Policy 5.3.13 m) Policy 5.3.14 n) Policy 5.3.15 o) Policy 5.3.16 p) Policy 5.3.17 q) Policy 5.3.18 r) Rural Zone	Economic: Specific rules provide for Agricultural Research Centres, the Huntly Power Station coal and ash water facilities as well as the Meremere Dragway. These specific rules recognise the unique nature of these operations and are expected to facilitate more efficient operation on these sites. Reverse sensitivity effects are controlled thus providing certainty for primary industry	Economic: Increased compliance costs in some cases. Some duplication in earthworks responsibilities. Cost of acoustic insulation is some locations.
s) Overlays t) Rule 22.1 Land use Activities u) Rule 22.2 Land use Effects v) Rule 22.3 Buildings w) Rule 22.4 Subdivision x) Rule 22.5 Specific Area rules	Social: Nuisance effects are controlled Reverse sensitivity effects are controlled Controlled on-site and off-site amenity	Social: No anticipated social costs.

<p>y) Rule 22.6 Specific Area rules z) Rule 22.7 Specific Area rules</p>	<p>Maintenance of character of the rural area</p>	
	<p>Cultural: Specific provisions for inside and outside the Whaanga Coast Development Areas</p> <p>Allows the unique identity of rural areas to be maintained.</p>	<p>Cultural: No anticipated costs on cultural values.</p>
<p>Opportunities for economic growth and employment</p>		
<p>The provisions that maintain amenity and character indirectly contribute to economic growth and employment by maintaining values of the rural environment and controlling reverse sensitivity.</p>		
<p>Options less or not as appropriate to achieve the objective</p>		
<p>Various provisions for increased levels of restriction were considered. For example, more stringent noise and vibration standards or greater control of earthworks.</p> <p>Appropriateness: Placing greater restriction to maintain rural amenity and character is not necessary and the costs of doing so outweigh the benefits. It is therefore not the most appropriate option.</p>		
<p>Risk of acting or not acting</p>		
<p>Uncertainty or insufficiency of information: There is no uncertain or insufficient information.</p> <p>Risk of acting or not acting: There is no risk of acting or not acting as information is sufficient and not uncertain.</p>		
<p>Efficiency and effectiveness</p>		
<p>The approach selected is to continue to control reverse sensitivity, building placement, noise, earthworks, signs, subdivision and the range of activities that can be undertaken in the rural environment to maintain rural character and amenity. For clarity, the effectiveness of each set of provisions is assessed separately, with a conclusion on the overall approach proposed. This allows those provisions that differ from the approach of the Operative District Plan to be highlighted. The efficiency of the provisions is assessed as a whole.</p>		

This evaluation focuses on provisions that are different from the approach taken currently but considers the effectiveness of the full range of provisions.

Earthworks

Earthworks can both detract from and contribute to amenity. Earthworks contribute to amenity because they are usually undertaken to facilitate land use or development. The effects of earthworks can detract from amenity and rural character through adverse visual effects, the potential for dust generation and sediment runoff. Amenity and character can be compromised if earthworks are undertaken in a manner that is not sustainable. Control of earthworks is an effective way to minimise these potential effects.

A less restrictive approach is taken to earthworks that are ancillary to farming activities, the construction of a building platform, farm quarries and the creation of tracks and drains. Earthworks undertaken as part of activities permitted in the rural zone, particularly farming and horticulture form part of the character of rural areas. The purpose of the Rural Zone is to provide for primary industries whilst managing adverse effects. It is therefore effective to impose a lesser restriction in these circumstances, whilst imposing requirements on batter slopes (the requirement is 2:1 horizontal to vertical) a cut of no more than 3m, an area of 2000m² and a volume of 1000m³. This is not only effective to maintain amenity and character effects but also to allow rural production to be undertaken more effectively. Further rules require management of sediment generation.

If earthworks are not for the purpose of a building platform, ancillary farming earthworks or tracks and drains, the provisions require resource consent for a discretionary activity for earthworks over 1000m², 500m³, a cut greater than 1.5m or batter steeper than 1:2. The provisions allow less area to be exposed than the Franklin Section but a higher volume. They allow a lower volume than the Waikato Section. This would restrict the amount of earthworks able to be undertaken for cleanfills and managed fills. This is considered acceptable as cleanfills can expose large areas and volumes of material that can have adverse visual amenity effects. The importation of more than 200m³ of material requires resource consent and most cleanfills would fall into this category. The requirement to gain consent allows Council to assess the effects of filling and its importation, including stability.

Dust generation is not specifically controlled. District Councils do not have an air quality management function under the RMA and this is a function of Waikato Regional Council. The plan does not duplicate the regulation in the Regional Plan in relation to dust. It does control the establishment of setback distances and restrictions of certain activities, such as intensive farming as well as the management of reverse sensitivity.¹⁰ This is an accepted method for territorial authorities to control dust. Further, the generation of dust from smaller sites is

¹⁰ Ministry for the Environment – Good Practice Guide for Assessing and Managing Dust- November 2016

typically less likely as there is less exposed area. For any sites greater than the permitted thresholds, dust effects would be considered in terms of the various assessments for a restricted discretionary activity in Rule 22.2.3.

There is some duplication between Waikato District and Waikato Regional Council for land use rules for the control of the effects of earthworks. However, the focus of the two sets of provisions is different as they reflect the different functions that these Councils have. It is appropriate for Waikato District Council to continue to regulate the amenity and nuisance effects of earthworks as this might otherwise not be considered and it would risk achievement of the objective to maintain rural amenity and character.

Building height, setbacks, daylight, building coverage

The provisions control the height of buildings, set back from boundaries and daylight admission. These rules are effective to maintain rural character and amenity for two reasons. The first is that they control the dominance of buildings ensuring that they are at a scale consistent with rural character and maintain an appropriate ratio of buildings to open space. The second reason they are effective is that setbacks in the plan reduce potential reverse sensitivity effects.

The setbacks vary, and larger setbacks are required if the neighbouring lot is over 6ha. This recognises that larger lots are more likely to be used for primary production (refer to Section I of this report) and productive uses need to be protected from reverse sensitivity effects. Greater setbacks are required from activities that generally less compatible with sensitive activities, such as intensive farming and extractive activities. As discussed in Section I of this report, there are a relatively high number of existing, smaller blocks of land in the rural area of the Waikato District.

The daylight rule in conjunction with other standards manages on-site amenity by ensuring sufficient daylight admission, particularly on those sites that are steep and where there is a difference between boundary height and ground level of the building platform. Of note, a specific height is provided for frost fans. This recognises the practical elements of using a frost fan.

The performance standards above work effectively together to maintain rural amenity and character.

Signs

Signs can compromise both visual amenity and character. They can also have adverse traffic safety effects. It is therefore necessary to place appropriate controls on signs, consistent with NZTA approaches to effectively manage rural character and amenity.

Noise

The noise provisions in the Operative Plan refer to an outdated noise standard and, to be effective, this has been updated to refer to

NZS6802:2008 Acoustics – Environmental Noise. Similarly, to be effective and efficient, the construction noise rule refers to NZS6803:1999 Acoustic – Construction Noise. The majority of noise complaints received to date relate to the operation of frost fans. The regulation of noise from frost fans is currently absent from the OWDP. The control of frost fan noise is consistent with the rule that Waipa District Council has in place. The general noise levels are the same as the rules for the Waikato Section. Where relevant, rules also refer to a notional boundary as opposed to a site boundary. Noise from farming activities continues to be permitted. Noise from emergency generators and sirens is permitted recognising the necessity of these.

Acoustic insulation

Acoustic insulation is required by the Airport Noise Outer Control Boundary and there are rules regarding acoustic buffers from the Huntly Power Station site and the Waikato Gun Club Noise Control Boundary. An additional level of requirement around these activities is appropriate because they generate higher noise levels than other activities that typically locate in the Rural Zone. Requiring internal acoustic insulation means that the noise levels are managed and an acceptable level of amenity will be achieved in these higher noise areas.

Lighting

Provisions that relate to lighting are effective to manage reverse sensitivity and amenity by ensuring the adverse effects of light spill are adequately managed.

Subdivision

Subdivision in itself does not have any effect on amenity or character. However, once land is subdivided, it generates the right to undertake activities that are permitted in the plan and these include the construction of a dwelling. It is the development and use facilitated by subdivision that can detract from rural character and amenity. If dwellings are constructed close to each other, this can result in a more urban character. Rules concerning minimum lot sizes are carried through from Plan Change 2. Plan Change 2 increased the minimum lot size to better manage effects on rural character by achieving a better ratio of buildings to open space/ pasture. Smaller lots tend to be concentrated around the north of the District and around Hamilton City. Outside these areas, these smaller lots are relatively scattered particularly in the flatter eastern part of the District and where they tend to be separated by larger blocks of land.

The proposed rules reinforce this pattern of smaller 1.6ha lots amongst larger parcels, as subdivision can only be undertaken where there are no high-class soils (depending on the title date requirement being satisfied). To be able to subdivide without being considered as a non-complying activity, the size of the lot to be subdivided must be 20ha. Only one lot can be created (this is a change from the current approach) and this lot must be between 0.8 and 1.6ha. The subdivision rules are likely to result in smaller parcels scattered between larger parcels. This will maintain a higher ratio of buildings to open space. It avoids rural areas developing a character that is more urban in nature.

Plan Change 2 slowed the trend of the creation of parcels between 1.6ha and 18.4ha. Similarly, Plan Change 14 to the Franklin District Plan achieved a similar result. The proposed provisions take a further step placing greater restriction on the creation of lots of this size that would be assessed as a non-complying activity.

Nationwide and within the Waikato District, demand for rural-residential living has increased as have the number of lifestyle blocks. By property count, over 50% of the properties in Waikato District are defined as 'lifestyle' although some properties are vacant. Within the District, dispersed rural-residential living now forms part of the character of large parts of the rural area but it does not dominate that character.

Currently improved lifestyle blocks (lifestyle blocks that have a building on them – most likely a dwelling) comprise 6% of the total land area of the rural zone. A further 4% of the total land area of the rural zone contains vacant lifestyle blocks. Lifestyle blocks are not a dominant land use because of the small area of land they take up and because they are dispersed.

Further, whilst there is less chance of lifestyle blocks being productive (and subsequently having a rural-residential character), some blocks are used for productive purposes; just over 13% of farms in 2012 were recorded as being below 5ha. This diversifies the character of the rural area.

There are 1613 lots that could be created as a restricted discretionary activity. The location of these potential lots is not concentrated. The subdivision provisions are effective to maintain rural character. Performance standards are also effective to maintain rural amenity.

Land use activities

Appendix 4 compares the activity status in both sections of the Operative Plan to the activity status that is proposed. There is very little difference with the range of activities able to be undertaken as a permitted activity and farming is the dominant activity, effectively maintaining the character of the rural area of the Waikato District. It is noted that the proposed definition of 'farming' is broad and includes horticulture and apiculture.

The main proposed change is that those activities that are not provided for are non-complying. That is the current presumption in the Franklin Section of the plan but in the Waikato Section, those activities not provided for are permitted. The default non-complying activity status is appropriate because it means that any activity that is new or not currently occurring in the District would be need to be assessed for eligibility and then its effects on rural character and amenity.

Specific rules are also provided for Agricultural Research Centres, Huntly Power Station (Coal and Ash Water) and the Whaanga Coast

Development Areas recognising the unique circumstances of these activities and providing for their continued operation and development.

Efficiency

Costs and benefits of the approach are summarised in the table at the start of this section. Overall, benefits exceed costs and the proposed provisions to achieve Objective 5.3.1 are efficient.

Market Economics has undertaken a detailed cost benefit analysis of the proposed rural subdivision provisions and this is attached in Part 3. Primacy is given to primary production activities and in some cases, this may result in resource consent costs for more sensitive activities, particularly those on lots with smaller dimensions that will be less likely to achieve the required setbacks from larger lots. Overall, however the approach reduces the risk of reverse sensitivity enabling primary industries to continue to operate to enable people to provide for their wellbeing. This is an efficient approach to the management of the rural land resource, amenity values and character. In terms of the use of Council resources, the approach is not significantly different from the status quo but is likely to be slightly more effective, improving overall efficiencies for Council. None of the rules require significant resourcing to implement.

5.5 Objective 5.2.1 Rural Resources

The following provisions work as a package to achieve objective 5.2.1

- a) Policy 5.2.2
- b) Policy 5.2.3
- c) Policy 5.3.5
- d) Policy 5.3.6
- e) Rule 22.1
- f) Rule 22.2
- g) Rule 22.3
- h) Rule 22.4

5.5.1 Identification of Options

In considering options for managing and enabling Objective 5.2.1, a number of factors were considered including:

- Requirements of the WRPS
- Waikato River Vision and Strategy
- Iwi Management Plans
- Waikato Regional Plan
- Advice received on the management of high class soils
- An overview of literature on management of high class soils

Table 12 Evaluation of Provisions

Provisions most appropriate	Effectiveness and Efficiency	
	Benefits	Costs
a) Policy 5.2.2 b) Policy 5.2.3 c) Policy 5.3.5 d) Policy 5.3.6 e) Rule 22.1 f) Rule 22.2 g) Rule 22.3 h) Rule 22.4	Environmental: The importance of high class soils is recognised. Fewer inputs are required if resources particularly soil resources are well managed.	Environmental: Land use activities generate effects on soil resources. Fragmentation of land will occur with subdivision.
	Economic: Future generations are able to use resources to meet their needs.	Economic: Some duplication in functions for earthworks with Waikato Regional Council. Increased costs of mapping soil resources for subdivision applications.
	Social: Life supporting capacity of resources is maintained.	Social: Where subdivision occurs, growth of the rural zone increases.
	Cultural: Recognises the importance of environmental values. Likely to result in less impact on the Waikato River.	Cultural: Where loss of soils and fragmentation occur this can negatively impact on cultural values.
Opportunities for economic growth and employment		
Maintaining the quality of the environment and its life supporting capacity supports the continued operation of business and associated employment.		

Options less or not as appropriate to achieve the objective (note the options in Table I0 are also of relevance)

Option 1: Do not specifically recognise the importance of high class soils or the quality of the rural environment.

Appropriateness:

High class soils are decreasing and are a significant resource to provide for the wellbeing of the District. This approach is not appropriate as it does not give effect to higher level documents.

Risk of acting or not acting

There is no uncertain or insufficient information.

There is no risk of acting or not acting as information is sufficient and certain.

Efficiency and effectiveness

The provisions direct the management of high class soils and their life-supporting capacity. Earthworks provisions and land use activity and effects provisions manage the effects that activities may have on rural resources.

The provisions are efficient as overall benefits outweigh costs.

5.6 Objective 5.4.1 Mineral Resources

The following provisions in the Rural Zone work as a package to achieve Objective 5.4.1:

- a) Policy 5.4.2 Policy – Access to Minerals and extractive industries
- b) Policy 5.3.8 Effects on Rural character and amenity from rural subdivision
- c) Policy 5.3.7 Reverse sensitivity effects
- d) Rule 22.4. Subdivision
- e) Rural Zone
- f) Aggregate Extraction Area Overlay
- g) Aggregate Resource Area Overlay
- h) Coal Mining Area

It is important to again emphasise here that there are significant overlaps with other section 32 reports insofar as mineral resources are concerned. These minerals include the non-renewable coal resource located within Waikato District, the use of which is important for our district, regional and national economies. The need to transport the non-renewable gas resource across the Waikato District is also recognised in the section 32 report on infrastructure. Non-renewable coal and gas resources are used within our district for domestic and industrial purposes.

Therefore, the Rural Zone analysis for the objectives that are required to achieve the purpose of Part 2 in the RMA and the analysis of policies that best implement these objectives need to be considered as a wider package. Reference is made here to Objective 6.3.6 and the accompanying Policy 6.3.7 in the section 32 report for the Infrastructure Chapter. That report discusses the infrastructure necessary to draw this coal resource and transport it to the Huntly Power Station which is identified as a regionally significant industry. The section 32 report for the Heavy Industrial Zone, in which the Huntly Power Station is located, notes the specific provisions that allow for the use of non-renewable resources (coal and gas) and their contribution to people's general wellbeing.

5.6.1 Identification of Options

In considering options for managing and enabling Objective 5.4.1, a number of factors were considered including:

- Feedback from operators of extractive industries
- Best practice guidance
- Statutory direction provided by the WRPS, particularly the following
 - Provide for the protection of existing, and encourage new, regionally significant industry and primary production, potentially through appropriate zoning;
 - Identify all mineral resources (whether or not these are currently being exploited) and maintain access to these resources. Resources include soil resources for primary production;
 - Recognise and minimise the potential for reverse sensitivity in relation to the effects of regionally significant industry and primary production.

5.6.2 Policy, Rule and Method Evaluation

This section assists to identify the provisions (i.e. policies, rules and methods) that are the most appropriate to achieve the objective.

Table 13 Evaluation of provisions

Provisions most appropriate	Effectiveness and Efficiency	
	Benefits	Costs
a) Policy 5.4.2 Policy – Access to Minerals and extractive industries b) Policy 5.3.8 Effects on Rural character and amenity from rural subdivision c) Policy 5.3.7 Reverse sensitivity effects a) Rule 22.4. Subdivision b) Rural Zone c) Aggregate Extraction Area Overlay d) Aggregate Resource Area Overlay e) Coal Mining Area	Environmental: Identify Aggregate Extraction Areas, Aggregate Resource Areas and Coal Mining Areas allows more opportunities for effects to be internalised.	Environmental: Mineral extraction and processing can have adverse environmental effects if not managed appropriately.
	Economic: Allows opportunities for minerals to be accessed to provide for infrastructure, construction and to provide for wellbeing. Reduces the risk of reverse sensitivity, making the operation of mineral extraction and processing more efficient.	Economic: Costs associated with identifying overlay areas Costs associated with GIS mapping and resourcing Removal of the overlay when rehabilitation is complete Increased cost of subdivision for land owners within an Aggregate Resource Area or Coal Mining Area.
	Social: Raises awareness of mineral extraction and processing locations to inform location decisions. Buffer zones provide amenity to surrounding areas. Raises awareness of the need to strategically plan for mineral extraction	Social: A shift may be required to take a strategic approach to the management of mineral resources.

	Cultural: Adverse effects of mineral extraction sites must be managed and this may reduce associated effects on Iwi values.	Cultural: Where loss of mineral resources and fragmentation of land occurs this can negatively impact on cultural values.
Opportunities for economic growth and employment		
Minerals are necessary for infrastructure and construction that directly supports economic growth. Opportunities for employment in the sector are maintained.		
Options less or not as appropriate to achieve the objective		
<p>Option 1: Do not identify existing or potential mineral resources The option would not include any overlay identifying mineral extraction operations or specific zones.</p> <p>Appropriateness: The option is not the most appropriate because it fails to take a strategic approach to the planning of mineral resources. In turn, this is likely to restrict their ability to provide opportunities for communities to provide for their wellbeing.</p>		
<p>Option 2: Adopt Franklin Section Rules The Franklin Section has an Aggregate Extraction and Processing Zone and Maioro Mining Zone (North Waikato Head).</p> <p>Appropriateness: This option is not the most appropriate because it results in duplication and inefficiencies from administering multiple zones.</p>		
Risk of acting or not acting		
<p>Uncertainty or insufficiency of information: Information is sufficient and there is no uncertainty</p> <p>Risk of acting or not acting: The risk of not acting is that the access to minerals is not retained, and development is highly likely to compromise mineral extraction activities.</p>		
Efficiency and effectiveness		
The provisions are effective for three reasons. The first is that they work together to reduce the risk of reverse sensitivity, restricting or preventing mineral extraction. The second is that they identify aggregate and coal extraction areas and resource areas for future extractive industry. This is an addition to the standard Rural Zone provisions and is analysed in more detail below. In summary it is		

effective to guide the location of other activities that may be more sensitive to the effects of aggregate extraction and processing. The third reason is that the provisions enable aggregate extraction and processing to establish subject to the control of environmental effects. Cleanfills are promoted in the provisions as a way to rehabilitate quarries.

Effectiveness of the Aggregate Resource Area, Aggregate Extraction Area and Coal Mining Area

There are two approaches to identifying aggregate extraction areas. The first (and existing) approach in the Waikato Section involves identifying areas of existing or consented aggregate extraction as an 'Aggregate Extraction Area' in the plan and providing an external buffer around these areas through restrictions on subdivision and housing development (200 metres for sand and 500 metres for hard rock). Provisions control subdivision in extraction areas and building setbacks. A similar approach is taken around existing licensed coal mining areas.

The second approach identifies areas where a combination of factors indicates that aggregate extraction could be appropriate in the future. These areas are subject to the Aggregate Resource Area overlay on the planning maps and subdivision in this discrete area (currently applying only to the Stevenson Quarry on Riverview Road) is a discretionary activity.

Five criteria that must be met before an area is considered an Aggregate Resource Area, including:

- there is a substantial volume of high-grade aggregate resources, particularly where the resource is in close proximity to a significant market
- the transport network provides a convenient and direct route from the resource area to a major market
- large land holdings predominate
- current development does not unduly constrain access to or transportation of aggregate
- aggregate extraction would not compromise the matters identified as being of national importance under section 6 of the RMA.

The Aggregate Extraction Area (ARA) does not imply approval in principle for extraction, and aggregate extraction remains a discretionary activity requiring resource consent. However, the ARA seeks to retain access opportunities to aggregate resources by managing the subdivision process. This is effective because it allows particular attention to be paid to the size, location and layout of new lots, for example, to ensure additional lots are away from haulage routes and that a sufficient buffer is retained between the aggregate extraction and residential activities.

The identification and management of subdivision in within the rural area and in close proximity to an ARA will help retain access to resources but also help internalise the effects of any future quarrying within a site. Proactively identifying mineral resources is effective to achieve the objective.

The Maioro Sand Mine is currently regulated by the Maioro Mining Zone. The proposed provisions show that it is an Aggregate Extraction Area overlaying the Rural Zone. This overlay coincides with the existing 100 year mining licence. The provisions remain effective, as above to enable the continued operation of the mine and are more efficient as a result of only having one 'standard' overlay as opposed to continuing a separate zone.

Efficiency

The approach is efficient because the benefits exceed the costs. Identifying future resources and existing resources is efficient because it provides clarity for rural land users and potential investors.

5.7 Objective 5.5.2 Urban Expansion Area

5.5.2 (a) Avoid subdivision, use and development within Hamilton's Urban Expansion Area that compromises future urban development.

Provisions that work together to achieve this objective are

- Policy 5.5.2 Activities Within Hamilton's Urban Expansion Area
- Rural Zone
- Hamilton Urban Expansion Area Map Overlay
- 22.1.6(1) NC4
- 22.1.4.2 PR I
- Rural Zone – Permitted Activities, Activity Specific Standards and Built Form Standards

5.7.1 Identification of Options

In considering options for the protection of land in Hamilton's Urban Expansion Area (UEA) for urban development, a number of factors were considered, including:

Requirements of higher order documents and agreements:

- The NPS-UDC does not specifically address rural-residential subdivision. However, there is an indirect link in terms of the impact that inappropriately located rural-residential growth may have on future urban development.
- The WRPS directs that growth occurs in a planned and coordinated manner (specifically Policy 6.17 and Section 6A Development Principles).
- Waikato District Council has a strategic agreement with Hamilton City Council. One of the clauses of the agreement is:

That the agreed purpose of the growth cells will be to provide for the full range of urban uses required to ensure the sustainable development of Hamilton City and its communities¹¹

- Future Proof states that, as a general principle, land defined by the expressway will come into the city. Future urban use and cooperation between the two authorities is part of Future Proof.

These requirements mean that to be appropriate any policies and rules must be effective to restrict rural-residential development and other forms of subdivision and development that could compromise future urban use.

Feedback Received and Consultation Undertaken:

¹¹ Strategic Agreement on the Future Urban Boundaries between Hamilton City Council and Waikato District Council, March 2005, <http://www.hamilton.govt.nz/our-council/council-publications/operativeDistrictplan/Documents/strategic%20agreement%20on%20future%20urban%20boundaries.pdf>

In refining and evaluating options, feedback has also been considered, specifically from Future Proof and Hamilton City Council.

- Future Proof supports the policies that relate to urban expansion¹²
- Hamilton City Council supports greater restriction on subdivision and certain land use activities in the UEA.
- Feedback from surveyors is that there may be some circumstances when subdivision in the UEA is appropriate.
- These comments have also been given consideration in further development of options identified for further evaluation.

Options considered to achieve Objective 5.5.1 that are evaluated further and refined from the broad screening undertaken are:

- Removal of specific provisions that control subdivision, use and development in the urban expansion area. Subdivision use, and development would then be regulated by the Rural Zone policies and methods;
- Placing greater restriction on land uses within the UEA; and
- Continuing to have specific provisions that control subdivision, use and development in the UEA. This would involve introducing more onerous subdivision provisions than continuing with the status quo.

5.7.2 Policy, Rule and Method Evaluation

This section assists to identify the provisions (i.e. policies, rules and methods) that are the most appropriate to achieve the objective.

¹² Future Proof Feedback on Draft Proposed District Plan 19 January 2018

Table 14 Evaluation of provisions

Provisions most appropriate	Effectiveness and Efficiency	
	Benefits	Costs
a) Rural Zone b) Policy 5.5.2(a) Activities within Hamilton's Urban Expansion Area c) 22.4.1.1 PRI d) 22.1.5 NCI e) Mapping of Hamilton's UEA	<p>Environmental Land fragmentation is avoided, avoiding the potential for any increase in reverse sensitivity effects.</p> <p>Future environmental effects are likely to be reduced as the area can be comprehensively planned.</p> <p>Avoids the development of a high number of onsite package plants for wastewater treatment that cumulatively are likely to have higher impact than providing public services to the area as part of the later planning process.</p>	<p>Environmental: Where development is not appropriately planned and developed, this can have consequential impacts on the environment.</p>
	<p>Economic: Infrastructure can be comprehensively provided once the UEA is developed, in a comprehensive way. This prevents any on-site development needing to be removed and avoids the risk that infrastructure will be inefficient to cater for future land uses that are highly likely to be urban in nature. The benefit is difficult to quantify because the future land use is not known.</p>	<p>Economic: Opportunity Cost Individual land owners within Hamilton's UEA face restrictions on what they are able to do to provide for their wellbeing. This is an opportunity cost, as the ability to subdivide to raise capital is lost in the short term. However, there are a low number of land owners with titles issued after 6 December 1997. This means that even if subdivision were not prohibited due to a location on high class soils, it would likely be difficult to achieve under other proposed provisions. The opportunity cost is</p>

		<p>therefore low when distributed amongst few people. It is of relatively short duration as these properties are likely to be able to be intensified once the land becomes part of Hamilton City.</p> <p>Cost of non-complying activity applications: Some specific activities are non-complying. All of these applications would require consent in the underlying zone, so it is simply the difference in cost between a restricted discretionary or discretionary application and one that is non-complying.</p> <p>Land values in the area are higher than the average land value of land in the Rural Zone. The proximity to Hamilton City and future knowledge of development opportunities may cause land values to increase. At the same time, the immediate returns from the land are only those that result from the range of activities and effects permitted in the Rural Zone. This mismatch may result in primary productive uses not being viable. It is difficult to quantify the likely impact, as it is totally dependent on individual farming operations. There are relatively few large blocks of land and some appear to be part of a larger area used for farming, thus lessening this cost.</p>
	<p>Social: The provisions allow for the comprehensive planning of later urban use and this will better enable communities to provide for their social wellbeing, rather than ad hoc development.</p>	<p>Social: Should it become non-viable to farm the larger blocks of land within the area, this will have indirect social costs.</p>

	<p>Cultural: Iwi will be able to be involved during the comprehensive planning of the area. This will enable Iwi to better control effects on cultural values and ensure cultural values are recognised and given regard to during the planning and development phase.</p>	<p>Cultural: No anticipated costs to cultural values.</p>
<p>Opportunities for economic growth and employment</p>		
<p>The option does not have any immediate consequences for employment. The land is likely to remain in pasture and provide the current level of employment as it currently does. Long term urban development will have opportunities for economic growth and employment that will not be realised if future urban use is compromised.</p>		
<p>Options less or not as appropriate to achieve the objective</p>		
<p>Option 1: No specific provisions for the urban expansion policy area This option is to remove policies and rules that are specific to the UEA. This would mean that the Rural Zone policies, rules and assessment criteria would apply.</p> <p>Appropriateness: Land fragmentation and subsequent piecemeal development and provision of infrastructure can compromise future urban development by making it difficult to comprehensively plan an area and achieve an urban form that creates a sustainable urban area (e.g. where there is a logical position for services, commercial activities, industry and houses).</p> <p>Whilst highly likely the majority of future applications would be non-complying, the possibility of further land fragmentation would be inappropriate to achieve the objective that future urban use is not compromised.</p>		
<p>Option 2: Increase restriction on development by taking a prohibitive approach.</p> <p>This option would prohibit development of additional dwellings, and those activities listed as non-complying in the UEA.</p> <p>Appropriateness: Prohibiting an activity is the highest level of intervention and the activity status should only be used if actual and potential effects are significant and cannot be managed otherwise. There are very few vacant sites where a house could be constructed. The low potential</p>		

number of additional dwellings does not justify the high level of intervention created by prohibition. To do so would result in an inequitable distribution of impact on those land owners. As a policy intervention, it is not warranted as even if those vacant lots were to be built upon, the extent of development would not be significant enough to compromise future urban use. Similarly, there are a small number of parcels that are large enough to be used for those activities listed as non-complying and those parcels are surrounded by more dense development. Further, those activities could operate on a temporary basis with an expiry date imposed on the resource consent and this would not compromise future urban use of the area. Prohibiting these activities is therefore unjustified.

Overall, placing greater restriction by requiring a resource consent for all activities in the UEA and prohibiting the construction of a dwelling and those uses that are listed as non-complying is not appropriate to achieve the objective to protect land within the UEA, as this level of intervention is not justified. It would also result in an unfair distribution of impacts which is not acceptable.

Risk of acting or not acting

Uncertainty or insufficiency of information:

There is a small level of uncertainty about the eventual land use and density and exactly when the land will have a live urban zoning. The need for the UEA is based on capacity modelling which has a high level of accuracy and is based on sound assumptions.

Risk of acting or not acting:

The capacity analysis is based on conservative assumptions and this reduces risk associated with the uncertainty that is present in any model. The risk of acting before exact details of the future land use and timing are confirmed, is low. If land is subdivided in a piecemeal fashion and houses developed, it is more challenging to comprehensively plan urban use. This is because once houses are developed they are likely to be in place for some time and would compromise potential urban form. Future land use patterns may be less efficient. Premature subdivision risks compromising future urban land uses, particularly given the relatively few larger parcels of land that remain in the UEA.

Efficiency and effectiveness

This evaluation focuses on the specific provisions that apply to land in the urban expansion area and where there is a change from provisions in the Operative Plan.

The changes are

- All subdivision (involving the creation of additional lots) will be prohibited, not just the creation of lots smaller than 5,000m².
- Activities that are prohibited in the operative provisions are now either specifically listed as non-complying, or are non-complying or discretionary under the general Rural Zone rules.

Effectiveness

The proposed provisions prohibit subdivision involving the creation of any additional lot. Currently, only the creation of new lots less than 5000m² is prohibited.

All subdivision involving new lots is effectively prohibited. This will prevent further fragmentation of land within Hamilton's UEA. Limiting fragmentation will in turn avoid the development of further houses that could compromise future urban uses. The prohibited rule is required to prevent subdivision of these lots. It provides Hamilton City Council with a greater number of options for future urban use and the ability to achieve the best form of urban development to respond to conditions at that time, and to ensure that the development is able to meet capacity modelling at that time. It is noted that there are no Significant Natural Areas within the UEA and therefore no need exists to warrant the exclusion of environmental lot subdivisions.

Non-complying activity rules

The following are specifically listed as non-complying in Hamilton's UEA (they are currently prohibited);

- Intensive farming;
- Storage, processing or disposal of hazardous waste;
- Correctional facility;
- Extractive industry;
- Industrial activity;
- Motorised recreation activity; and
- Transport depot.

The non-complying activity rule applies to activities that are expected to generate reverse sensitivity effects because of their incompatibility with urban uses. This could compromise later development of urban land uses. All of these uses require significant investment and are unlikely to be short term uses. The non-complying activity status provides the opportunity for effects to be assessed and consideration to be made whether the use will compromise future urban use.

To be granted consent for a non-complying activity, the effects of the activity would need to be no more than minor or the activity must not be contrary to objectives and policies of the district plan. It is possible that if an applicant was unable to demonstrate this, consent could be granted if they passed the second 'gateway' and were able to demonstrate that effects were no more than minor. As part of this assessment, it is unlikely that the effects on future urban use would be able to be considered as this is not currently part of the existing environment that effects are measured against. However, any activity would need to demonstrate how reverse sensitivity and environmental effects are managed. Sufficient mitigation of effects would reduce the risk of that activity compromising future urban land use. Realistically, the number of lots of sufficient size to be used for these activities is few and there are a relatively high number of smaller residential lots. This means that,

without significant mitigation, those specifically listed activities would have more than minor effects. The larger lots are not able to be subdivided.

Activity status that will change from prohibited to discretionary or non-complying

The table below lists remaining prohibited activities under operative provisions and the activity status in the Proposed Plan provisions.

Activity prohibited in Operative Plan	Proposed Activity Status
Disposal of solid waste, excluding contaminated land remediation.	Non-complying (under general rural zone rules).
Education facilities involving more than 10 people.	Discretionary
Travellers' accommodation	Discretionary
Commercial activity (excluding produce stalls)	Discretionary
New roads (except where they comply with the indicative road rules)	Non-complying (as an activity not provided for)
Buildings over 2,000m ²	Depends on use and size of the lot. ¹³ However buildings over 500m ² are likely to be discretionary.

Disposal of solid waste and the construction of new roads become non-complying under general provisions. It is highly likely that any new road would be created by the designation process so the receipt of an application for a subdivision involving new road is very unlikely. Similarly, it is highly unlikely that an application would be received for a solid waste disposal facility. The non-complying activity test provides relative certainty that future urban use would not be compromised.

Travellers' accommodation, education facilities and commercial activities all become discretionary. Commercial activity is defined as '*Means activities involving the sale or distribution of goods and services and includes retail activities.*' It is fair to expect that limited retail services may be needed to meet the day-to-day needs of residents living within the area. The form of development that would occur from any of these activities and their function is not likely to be incompatible with future urban use.

¹³ Rule 22.3.6 limits building coverage to 500m² or 2% of the site area, whichever is the larger.

Efficiency

The costs and benefits of the provisions are discussed in the first part of this table. Whilst these costs have not been quantified as there is not enough information on likely future land uses and timing and some factors are qualitative in nature, the overall value of the benefits exceeds costs and the provisions are efficient. Generally, the costs are minor in nature. The effects are not likely to impact on a wide range of people due to the limited number of parcels that are impacted by the prohibited activity rule. The costs are short term in duration, but the benefits are long term and more significant to a greater number of people.

6 CONCLUSION

After undertaking an evaluation as required by section 32 of the RMA, the objective is considered the most appropriate way to achieve the purpose of the RMA (section 5) to address management of the rural environment.

It is considered that the recommended policies and methods outlined above are the most appropriate way for achieving the objective, having considered:

- (i) other reasonably practicable options for achieving the objective; and
- (ii) assessing the efficiency and effectiveness of the provisions in achieving the objective.

APPENDIX I PROVISION CASCADE

Issue to be addressed	Objective	Policies	Rules	Assessment Criteria
Issue 1 – Irreversible loss of high class soils	5.1.1 5.2.1	Policy 5.2.2 Policy 5.2.3	Rule 22.1 Rule 22.2 Rule 22.3 Rule 22.4	
Issue 2 – Reverse sensitivity	5.3.1 5.1.1	Policy 5.3.2 Policy 5.3.3 Policy 5.3.4 Policy 5.3.5 Policy 5.3.6 Policy 5.3.7 Policy 5.3.8 Policy 5.3.9 Policy 5.3.10 Policy 5.3.11 Policy 5.3.12 Policy 5.3.13 Policy 5.3.14 Policy 5.3.15 Policy 5.3.16 Policy 5.3.17 Policy 5.3.18	Rule 22.1 Rule 22.2 Rule 22.3 Rule 22.4	
Issue 3 – Decreasing Rural Character	5.3.1	Policy 5.3.2 Policy 5.3.3 Policy 5.3.4 Policy 5.3.5 Policy 5.3.6 Policy 5.3.7 Policy 5.3.8	Rule 22.1 Rule 22.2 Rule 22.3 Rule 22.4	

		Policy 5.3.9 Policy 5.3.10 Policy 5.3.11 Policy 5.3.12 Policy 5.3.13 Policy 5.3.14 Policy 5.3.15 Policy 5.3.16 Policy 5.3.17 Policy 5.3.18		
Issue 4 – Hamilton’s Urban Expansion Area	Objective 5.5.1	Policy 5.5.2	Rural Zone 22.1.5 NC4 22.4.1.1 PRI Mapping of Hamilton’s UEA	
Issue 5 – Mineral Resources become inaccessible	Objective 5.4.1	Policy 5.4.2 Policy 5.3.8 Policy 5.3.7	Rule 22.1 Activities Rule 22.6.8 Huntly Power Station Rule 22.4. Subdivision Rural Zone Aggregate Extraction Area Overlay Aggregate Resource Area Overlay Coal Mining Area Overlay	
Issue 6 – Rural activities can have environmental effects	Objective 5.3.1 Objective 5.2.1	Policy 5.3.2 Policy 5.3.3 Policy 5.3.4 Policy 5.3.5 Policy 5.3.6	Rule 22.1 Rule 22.2 Rule 22.3 Rule 22.4	

		Policy 5.3.7 Policy 5.3.8 Policy 5.3.9 Policy 5.3.10 Policy 5.3.11 Policy 5.3.12 Policy 5.3.13 Policy 5.3.14 Policy 5.3.15 Policy 5.3.16 Policy 5.3.17 Policy 5.3.18		
Issue 7 – Land Fragmentation	Objective 5.1.1	All policies	Rule 22.1 Rule 22.2 Rule 22.3 Rule 22.4	

APPENDIX 2: HIGHER LEVEL PLANNING DOCUMENTS

Te Ture Whaimana O Te Awa O Waikato – Waikato River Vision and Strategy (incorporated into the Waikato Regional Policy Statement)

2.5.1 Vision for the Waikato River

Tooku awa koiora me oona pikonga he kura tangihia o te maataamuri

“The river of life, each curve more beautiful than the last”

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

2.5.1 Objectives

In order to realise the vision, the following objectives will be pursued:

- a) The restoration and protection of the health and wellbeing of the Waikato River.
- b) The restoration and protection of the relationships of Waikato-Tainui with the Waikato River, including their economic, social, cultural, and spiritual relationships.
- c) The restoration and protection of the relationships of Waikato River Iwi according to their tikanga and kawa with the Waikato River, including their economic, social, cultural and spiritual relationships.
- d) The restoration and protection of the relationships of the Waikato Region’s communities, with the Waikato River, including their economic, social, cultural and spiritual relationships.
- e) The integrated, holistic and co-ordinated approach to management of the natural, physical, cultural, and historic resources of the Waikato River.
- g) The recognition and avoidance of adverse cumulative effects, and potential cumulative effects, of activities undertaken both on the Waikato River and within the catchment on the health and wellbeing of the Waikato River.
- h) The recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities
- j) The recognition that the strategic importance of the Waikato River to New Zealand’s social, cultural, environmental and economic wellbeing, requires the restoration and protection of the health and wellbeing of the Waikato River.
- l) The promotion of improved access to the Waikato River to better enable sporting, recreational, and cultural opportunities.

2.5.3 Strategies for the Waikato River

- h) Actively promote and foster public knowledge and understanding of the health and wellbeing of the Waikato River among all sectors of the Waikato community.
- i) Encourage and foster a ‘whole of river’ approach to the restoration and protection of the Waikato River, including the development, recognition and promotion of best practice methods for restoring and protecting the health and wellbeing of the Waikato River.
- k) Ensure that cumulative adverse effects on the Waikato River of activities are appropriately managed in statutory planning documents at the time of their review.
- l) Ensure appropriate public access to the Waikato River while protecting and enhancing health and wellbeing of the Waikato River.

National Policy Statement on Urban Development Capacity 2016

OA1 - Effective and efficient use of urban environments that enable people and communities and future generations to provide for social, economic, cultural and environmental wellbeing.

OA2 - Urban environments that have sufficient opportunities to meet demand, and which provide choices that will meet the needs of people and communities and future generations for a range of dwelling types and locations, working environments and places to locate businesses.

OA3 - Urban Environments that, over time, develop and change in response to the changing needs of people and communities and future generations.

OBI - A robustly developed, comprehensive and frequently updated evidence base to inform planning decisions in urban environments.

OCI - Planning decisions, practices and methods that enable urban development which provides the social, economic, cultural and environmental wellbeing of people and communities and future generations in the short, medium and long term.

OC2 - Local authorities adapt and respond to evidence about urban development, market activity and the social, economic, cultural and environmental wellbeing of people and communities and future generations, in a timely way.

OD1 - Urban environments where land use, development, development infrastructure and other infrastructure are integrated with each other.

OD2 - Coordinated and aligned planning decisions within and across local authority boundaries.

PA1 - Local authorities shall ensure that at any one time there is sufficient housing and business land development capacity according to the [following]:

- Short term: Development capacity must be feasible, zoned and serviced with development infrastructure.
- Medium term: Development capacity must be feasible, zoned and either:
 - serviced with development infrastructure, or
 - the funding for the development infrastructure required to service that development capacity must be identified in a Long-Term Plan required under the Local Government Act 2002.
- Long term: Development capacity must be feasible, identified in relevant plans and strategies, and the development infrastructure required to service it must be identified in the relevant Infrastructure Strategy required under the Local Government Act 2002.

PA2 - Local authorities shall satisfy themselves that other infrastructure required to support urban development are likely to be available.

PA3 - When making decisions that affect the way and rate at which development capacity is provided, decision-makers shall provide for the social, economic, cultural and environmental wellbeing of people and communities and future generations, having regard to:

- Providing choices that will meet the needs of people and communities and future generations for a range of dwelling types and locations, working environments and places to locate businesses
- Promoting efficient use of scarce urban land and infrastructure
- Limiting as much as possible adverse impacts on the competitive operation of land and development markets.

PA4 - When considering effects of urban development, decision-makers shall take into account:

- The benefits that urban development will provide with respect to the ability of people, communities and future generations to provide for their social, economic, cultural and environmental wellbeing
- The benefits and costs of urban development at a national, inter-regional, regional and district scale, as well as local effects.

Waikato Regional Policy Statement

3.10 Sustainable and efficient use of natural and physical resources

Use and development of natural and physical resources, excluding minerals, occurs in a way and at a rate that is sustainable, and where the use and development of all natural and physical resources is efficient and minimises the generation of waste.

3.12 Built environment

Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes, including by:

- a) promoting positive indigenous biodiversity outcomes;
- b) preserving and protecting natural character, and protecting outstanding natural features and landscapes from inappropriate subdivision, use, and development;
- c) integrating land use and infrastructure planning, including by ensuring that development of the built environment does not compromise the safe, efficient and effective operation of infrastructure corridors;
- d) integrating land use and water planning, including to ensure that sufficient water is available to support future planned growth;
- e) recognising and protecting the value and long-term benefits of regionally significant infrastructure;
- f) protecting access to identified significant mineral resources;
- g) minimising land use conflicts, including minimising potential for reverse sensitivity;
- h) anticipating and responding to changing land use pressures outside the Waikato region which may impact on the built environment within the region;
- i) providing for the development, operation, maintenance and upgrading of new and existing electricity transmission and renewable electricity generation activities including small and community scale generation;
- j) promoting a viable and vibrant central business district in Hamilton city, with a supporting network of sub-regional and town centres; and

- k) providing for a range of commercial development to support the social and economic wellbeing of the region.

3.21 Amenity

The qualities and characteristics of areas and features, valued for their contribution to amenity, are maintained or enhanced.

3.25 Values of soil

The soil resource is managed to safeguard its life supporting capacity, for the existing and foreseeable range of uses.

3.26 High class soils

The value of high class soils for primary production is recognised and high class soils are protected from inappropriate subdivision, use or development.

4.4 Regionally significant industry and primary production

The management of natural and physical resources provides for the continued operation and development of regionally significant industry and primary production activities by:

- a) recognising the value and long term benefits of regionally significant industry to economic, social and cultural wellbeing;
- b) recognising the value and long term benefits of primary production activities which support regionally significant industry;
- c) ensuring the adverse effects of regionally significant industry and primary production are avoided, remedied or mitigated;
- d) co-ordinating infrastructure and service provision at a scale appropriate to the activities likely to be undertaken;
- e) maintaining and where appropriate enhancing access to natural and physical resources, while balancing the competing demand for these resources;
- f) avoiding or minimising the potential for reverse sensitivity; and
- g) promoting positive environmental outcomes.

6A Development Principles

General Development

New development should:

- a) support existing urban areas in preference to creating new ones;
- b) occur in a manner that provides clear delineation between urban areas and rural areas;
- c) make use of opportunities for urban intensification and redevelopment to minimise the need for urban development in greenfield areas;
- d) not compromise the safe, efficient and effective operation and use of existing and planned infrastructure, including transport infrastructure, and should allow for future infrastructure needs, including maintenance and upgrading, where these can be anticipated;
- e) connect well with existing and planned development and infrastructure;
- f) identify water requirements necessary to support development and ensure the availability of the volumes required;
- g) be planned and designed to achieve the efficient use of water;
- h) be directed away from identified significant mineral resources and their access routes, natural hazard areas, energy and transmission corridors, locations identified as likely renewable energy generation sites and their associated energy resources,

regionally significant industry, high class soils, and primary production activities on those high-class soils;

- i) promote compact urban form, design and location to:
 - i) minimise energy and carbon use;
 - ii) minimise the need for private motor vehicle use;
 - iii) maximise opportunities to support and take advantage of public transport in particular by encouraging employment activities in locations that are or can in the future be served efficiently by public transport;
 - iv) encourage walking, cycling and multi-modal transport connections; and
 - v) maximise opportunities for people to live, work and play within their local area;
- j) maintain or enhance landscape values and provide for the protection of historic and cultural heritage;
- k) promote positive indigenous biodiversity outcomes and protect significant indigenous vegetation and significant habitats of indigenous fauna. Development which can enhance ecological integrity, such as by improving the maintenance, enhancement or development of ecological corridors, should be encouraged;
- l) maintain and enhance public access to and along the coastal marine area, lakes, and rivers;
- m) avoid as far as practicable adverse effects on natural hydrological characteristics and processes (including aquifer recharge and flooding patterns), soil stability, water quality and aquatic ecosystems including through methods such as low impact urban design and development (LIUDD);
- n) adopt sustainable design technologies, such as the incorporation of energy efficient (including passive solar) design, low-energy street lighting, rain gardens, renewable energy technologies, rainwater harvesting and grey water recycling techniques where appropriate;
- o) not result in incompatible adjacent land uses (including those that may result in reverse sensitivity effects), such as industry, rural activities and existing or planned infrastructure;
- p) be appropriate with respect to projected effects of climate change and be designed to allow adaptation to these changes;
- q) consider effects on the unique tangata whenua relationships, values, aspirations, roles and responsibilities with respect to an area. Where appropriate, opportunities to visually recognise tangata whenua connections within an area should be considered;
- r) support the Vision and Strategy for the Waikato River in the Waikato River catchment;
- s) encourage waste minimisation and efficient use of resources (such as through resource-efficient design and construction methods); and
- t) recognise and maintain or enhance ecosystem services.

Principles specific to rural-residential development

As well as being subject to the general development principles, new rural-residential development should:

- a) be more strongly controlled where demand is high;
- b) not conflict with foreseeable long-term needs for expansion of existing urban centres;

- c) avoid open landscapes largely free of urban and rural-residential development;
- d) avoid ribbon development and, where practicable, the need for additional access points and upgrades, along significant transport corridors and other arterial routes;
- e) recognise the advantages of reducing fuel consumption by locating near employment centres or near current or likely future public transport routes;
- f) minimise visual effects and effects on rural character such as through locating development within appropriate topography and through landscaping;
- g) be capable of being serviced by onsite water and wastewater services unless services are to be reticulated; and
- h) be recognised as a potential method for protecting sensitive areas such as small water bodies, gully-systems and areas of indigenous biodiversity.

6.8 Access to minerals

Management and development of the built environment appropriately recognises:

- a) the potential impacts of subdivision, use and development on access to mineral resources;
- b) the need for mineral resources to be available for infrastructure and building developments;
- c) the potential benefits of further development of the region's minerals and providing for the continued operation of existing lawfully established mineral extraction activities;
- d) the need to manage the adverse effects of extraction, which may include avoiding mineral extraction, or certain types of mineral extraction, in some areas;
- e) the potential for land use development that is inconsistent with nearby mineral extraction activities; and that some mineral resources are considered taonga or traditional resources by tangata whenua.

14.1 Maintain or enhance the life supporting capacity of the soil resource

Manage the soil resource to:

- a) minimise sedimentation and erosion;
- b) maintain or enhance biological, chemical and physical soil properties; and
- c) retain soil versatility to protect the existing and foreseeable range of uses of the soil resource.

14.2 High class soils

Avoid a decline in the availability of high class soils for primary production due to inappropriate subdivision, use or development.

Waikato Regional Plan

2.3.2 Objective 1: Uncertainty for all parties regarding the relationship between tangata whenua and resources for which they are Kaitiaki minimised

2.3.2 Objective 2: Tangata Whenua able to give effect to Kaitiakitanga.

6.1.2 Objective 3: Cumulative effects of discharges on ambient air quality do not:

- present more than a minor threat to the health of humans, flora and fauna
- cause odour that is objectionable to the extent that it causes an adverse effect
- result in levels of suspended or deposited particulate matter that are objectionable to the extent that they cause adverse effects
- have a significant adverse effect on visibility
- cause accelerated corrosion of structures
- cause significant adverse effects on the relationship tangata whenua as Kaitiaki have with their identified taonga such as air, ancestral lands, water and waahi tapu.

5.1.4.11 Permitted Activity Rule – Soil Disturbance, Roding and Tracking and Vegetation Clearance

1. Unless otherwise provided for by Rules 5.1.4.14, 5.1.4.15, 5.1.4.16 or 5.1.4.17, soil disturbance, roding and tracking, and vegetation clearance and any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants into water or air;
2. Any roding and tracking activities associated with the installation of bridges or culverts permitted by Rules 4.2.8.1, 4.2.9.1 and 4.2.9.2, within 20 metres of that bridge or culvert and any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants into water or air;
3. Vegetation clearance of planted production forest as planted at the date upon which this Plan becomes operative;
4. are permitted activities subject to the conditions in Section 5.1.5. In addition, 5.1.4.11(3) is subject to the following conditions:
 - a. Provided that replanting of planted production forest does not occur within:
 - i. five metres, on either side, of the bed of a water body excluding an ephemeral stream (except on the Coromandel Peninsula); and
 - ii. ten metres, on either side of the bed of a water body excluding an ephemeral stream on the Coromandel Peninsula streams greater than 50 hectares
 - iii. five metres on either side of the bed of water bodies between 20 and 50 hectares on the Coromandel Peninsula regardless of slope;
 - b. On the Coromandel Peninsula where wilding pines are present at a density of greater than 50 stems per kilometre of riparian margin they will all be removed at first thinning so long as practicable from a safety perspective.

Advisory Notes:

- District plans may have rules which restrict land disturbance and vegetation clearance in areas outside of high risk erosion areas.
- Grazing and cultivation are excluded from the requirements of this Rule.

5.1.4.14 Controlled Activity Rule – Soil Disturbance, Roding and Tracking and Vegetation Clearance, Riparian Vegetation Clearance in High Risk Erosion Areas

Except as restricted by Rule 5.1.4.16, the following activities, occurring in any continuous 12-month period and located in a high-risk erosion area:

1. Roding and tracking activities between 100 and 2,000 metres in length, or
2. Soil disturbance activities between 250 and 1,000 cubic metres in volume (solid measure), or

3. Soil disturbance activities between 0.2 and 2.0 hectares in area, or
4. Soil disturbance activities resulting in a cut slope batter exceeding three metres in vertical height over a cumulative distance between 30 and 120 metres in length, or
5. Vegetation Clearance of between one and five hectares with the exclusion of planted production forests, plant pests as specified in the Waikato Regional Council's Regional Pest Management Strategy and vegetation clearance adjacent to a Natural State water body as shown on the Water Management Class Maps
6. Vegetation clearance which is within five metres on either side, of the banks of a water body excluding an ephemeral stream, and which is between 50 to 100 metres in length per kilometre of that water body, with the exclusion of planted production forests and vegetation in riparian margins adjacent to planted production forest, riparian enhancement and replanting programmes and plant pests as specified in the Waikato Regional Council's Pest Management Strategy.
7. Vegetation clearance within five metres on either side of the banks of a water body excluding an ephemeral stream of greater than 50 metres in length per kilometre of that water body of:
 - Planted production forest (except as provided for in Rule 5.1.4.11(3) and/or vegetation in riparian margins adjacent to planted production forest; or
 - Vegetation associated with riparian enhancement programmes.
8. Any roading and tracking activities associated with the installation of a bridge or culvert controlled by Rules 4.2.8.2 and 4.2.9.3, within 20 metres of that bridge or culvert; and any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants into water or air are controlled activities (requiring resource consent) subject to the standards and terms as specified in Section 5.1.5.

Exclusion to Rule 5.1.4.14:

- a. This Rule shall not apply to vegetation clearance within high risk erosion areas and riparian vegetation clearance where it is for the express purposes of erosion control or natural hazard mitigation, provided Waikato Regional Council is notified in writing at least ten (10) working days prior to the activity commencing. (Rule 5.1.4.11 applies).
- b. This Rule shall not apply to the clearance of planted production forest where the clearance is for the express purpose of constructing access across the bed of a river where the crossing structure and associated earthworks are otherwise permitted by this plan or a resource consent.

Notification:

1. Subject to 2. below applications for resource consents under this Rule will be considered without notification.
2. Notice of applications for vegetation clearance under this Rule other than:
 - clearance of planted production forest,
 - vegetation clearance in riparian margins adjacent to planted production forest, or
 - riparian enhancement and replanting programmes

will be served on all adversely affected persons.

Advisory note:

- Information requirements to enable the assessment of any application under this Rule are set out in Section 8.1.4.1 of this Plan. In addition, assessment shall also take into account the matters identified in Policy 2 of Section 5.1.3.
- For the disposal of materials in high risk erosion areas generated by activities under Rule 5.1.4.14 refer to Rules 5.2.5.1, 5.2.5.2 and 5.2.5.3.
- For vegetation clearance by way of burning also refer to Section 6.1.12 of this Plan.
- For vegetation clearance by way of spraying agrichemicals also refer to Section 6.2.4 of this Plan.
- Applicants are advised to consult with the relevant district plan to determine whether district rules apply.
- Grazing and cultivation are excluded from the requirements of this Rule.
- Solid measure may be approximated by calculating the volume of soil that has been disturbed multiplied by a factor of 0.8 to account for the bulking up of soil when disturbed.

5.1.4.15 – Discretionary activity rule – soil disturbance

Except as restricted by Rule 5.1.4.16 the following activities, occurring in any continuous 12 month period and located in a high risk erosion area:

1. Roading and tracking activities exceeding 2,000 metres in length
2. Soil disturbance activities exceeding 1,000 cubic metres in volume (solid measure)
3. Soil disturbance activities exceeding two hectares in area
4. Soil disturbance activities resulting in a cut slope batter exceeding three metres in vertical height over a cumulative distance exceeding 120 metres in length
5. Vegetation clearance exceeding five hectares with the exclusion of planted production forests (except those restricted by Rule 5.1.4.16), and plant pests as specified in the Waikato Regional Council's Regional Pest Management Strategy
6. Riparian vegetation clearance which is within five metres on either side of the banks of a perennial water body which exceeds 100 metres in length per kilometre, with the exclusion of planted production forests, riparian enhancement programmes and plant pests as specified in the Waikato Regional Council's Regional Pest Management Strategy
7. Any riparian vegetation clearance within five metres of a Natural State water body as shown on the Water Management Class Maps except:
 - i. that which is required as part of the construction of a walking track no greater than two metres width, and
 - ii. the control of plant pests as specified in the Waikato Regional Council's Regional Pest Management Strategy
8. Any activity specified in Rules 5.1.4.14 and 5.1.4.16, that does not comply with the conditions and standards and terms in Section 5.1.5;

and any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants into water or air are discretionary activities (requiring resource consent).

Exclusions to Rule 5.1.4.15:

This Rule shall not apply to vegetation clearance within high risk erosion areas and riparian vegetation clearance where it is for the express purposes of erosion control or natural hazard mitigation, provided Waikato Regional Council is notified in writing at least ten (10) working days prior to work commencing. (Rule 5.1.4.11 applies).

Advisory Notes:

- Information requirements to enable the assessment of any application under this Rule are set out in Section 8.1.4.1 of this Plan. In addition, assessment shall also take into account the matters identified in Policy 2 of Section 5.1.3.
- For vegetation clearance by way of burning also refer to Section 6.1.12 of this Plan.
- For vegetation clearance by way of spraying agrichemicals also refer to Section 6.2.4 of this Plan.
- Applicants are advised to consult with the relevant district plan to determine whether district rules apply.
- Grazing and cultivation are excluded from the requirements of this Rule.
- Solid measure may be approximated by calculating the volume of soil that has been disturbed multiplied by a factor of 0.8 to account for the bulking up of soil when disturbed.

Ko Ta Maniapoto Mahere Taiao - Maniapoto Environmental Plan13.3.1 To inform Maniapoto about the cause and effects of climate change to ensure adequate preparations are made throughout Maniapoto rohe*13.3.1.1 Policy*

Maniapoto are informed on the causes and effects of climate change and are prepared for the resulting impacts.

13.3.1.1 Actions

- (b) Promote and support urban planning to reduce transport emissions
- (d) Promote and support improved land use activities and practices to reduce emissions

13.3.2 To minimise and avoid further adverse effects of natural hazards associated with climate change*13.3.2.1 Policy*

All aspects of subdivision, development, land use and activities recognise and provide for the need to avoid contributing further to climate change and associated natural hazards and their effects.

13.3.2.1 Actions

- (a) subdivision and design location to make best use of transport
- (b) encourage developments, land use and activities that provide for developments and transport provisions that enable sustainable communities to thrive.

Waikato Tainui Environmental Management Plan

Objective 21.3.1 Effectively manage soil erosion

Activities that accelerate soil erosion are managed effectively, including through the reforestation and retirement of marginal lands from existing intensive and environmentally unsustainable land uses.

Policy 21.3.1.2 Land Development

All major excavation works that have the potential to impact on waterways shall have sufficient erosion and sediment control measures in place to ensure that adverse effects on water bodies are managed.

Methods

- (a) Erosion and sediment control plans in place.
- (b) Waikato-Tainui input, as appropriate, into development and monitoring of the erosion and sediment control plans.

Objective 21.3.2 The life supporting capacity of land and soils

The life supporting capacity of land and soils effectively manages soil nutrient loss and water quality so there is minimal impact on nutrient loss to waterways.

Policy 21.3.2.1 Soil and land management practices

To promote the adoption of best practice land and soil management that minimises soil erosion, nutrient leaching, and sediment and nutrient runoff.

Methods

- (a) Land management practices that are sustainable, improve soil organic matter, naturally improve soil nutrient balance and prevent soil erosion are encouraged and promoted.
- (c) Land use activities are matched to land use capability through methods such as matching land use to soil type so as to minimise soil damage. Ideally, land should only be used in a way that the land is capable of sustaining.

Policy 21.3.2.2 Land management

Promote and encourage the development and adoption of land management practices that protects waterways from suspended sediments, nutrients and pollutants.

Methods

- (a) Promote and encourage environmentally sustainable farming practices that maintain and restore the good health of the land, rivers, lakes, wetlands, estuaries, and coast.
- (b) Ensure best practice management to minimise soil loss from cultivated land. This shall include, but not be limited to, having planted riparian buffer zones located in areas most likely to intercept surface runoff containing sediment.

Policy 21.3.4.2 collaboration with landowners and managers

To ensure that landowners and land managers that impact on the rohe manage land sustainably and effectively. This includes land that is upstream of the Waikato-Tainui rohe.

Methods

Landowners and land managers that impact on the rohe manage land in a manner that:

- (a) Protects the mauri of the land.
- (b) Reduces sediment loads resulting from erosion to the extent required to improve the ecological and cultural condition of rivers, lakes, estuaries and coastal areas.
- (c) Ensures farming practices on highly erodible land manage the effects of erosion on this land.
- (d) Encourages retirement of land from inappropriate land use activities or the restoration of land to appropriate land use.
- (e) Ensures there is minimal erosion resulting from vegetation clearance or land disturbance.

Policy 21.3.4.3 Waikato-Tainui relationship with catchment

To recognise and provide for the relationship of Waikato-Tainui with catchments in the Waikato-Tainui rohe.

Methods

- (b) Waikato-Tainui shall be consulted and included in the decision-making process for all proposed activities, developments, and/or land-use changes that may have an impact on land and water values.

Objective 25.3.1 Approach to Land Use and Development

Development principles are applied to land use and development (urban and rural) and, in particular, development in new growth cells, that enhance the environment.

Policy 25.3.1.1 Approach to land use and development

To encourage development principles to be applied to land use and developments (urban and rural) and, in particular, development in new growth cells, that enhance the environment.

Methods

- (a) Proposed developments shall demonstrate how they have considered and applied development principles that enhance the environment including, but not limited to how the development:
 - i. Restores the capacity of ecosystems;
 - ii. Creates or maintains ecosystems that function without human intervention;
 - iii. Understands and acknowledges the diversity and uniqueness of the development location (socially, culturally, spiritually, economically, and environmentally);
 - iv. Considers how the development design incorporates the diversity and uniqueness of the development location (such as culturally appropriate design, interpretive panels, commemorative pou [poles], etc);
 - v. Minimises pollution and waste;
 - vi. Promotes efficient and effective energy conservation and use;
 - vii. Preserves and preferably enhances the natural hydrologic functions of the site;
 - viii. Identifies and preserves sensitive areas that affect the hydrology, including streams and their buffers, floodplains, wetlands, steep slopes, high-permeability soils and areas of indigenous vegetation;
 - ix. Effectively manages natural hazards;
 - x. Considers beneficial re-use on-site of stormwater and wastewater;

- xi. Considers water conservation; and
- xii. Provides for visual amenity consistent with the surrounding environment.

Objective 25.3.2 Urban and Rural Development

Urban and rural development is well planned, and the environmental, cultural, spiritual, and social outcomes are positive.

Policy 25.3.2.1 Urban Development

To ensure that urban development is well planned, and the environmental, cultural, spiritual, and social outcomes are positive.

Methods

- (a) Where possible and practicable, avoid development or subdivision of land where there are high quality and versatile soils.
- (b) If development or subdivision occurs on high quality or versatile soils, demonstrate how the development or subdivision provides a greater environmental, cultural, spiritual, or social outcome than the current land use provides.
- (e) Land development, subdivision design, or applications shall consider cumulative effects and demonstrate in a clear fashion the real impacts of the development.
- (f) Land development or subdivisions are not supported where the effects or the cumulative effects of the proposed development or subdivision decreases existing environmental, cultural, spiritual, or social outcomes.
- (h) Manage the adverse effects of urban and rural residential subdivision and development through the use of Low Impact Development ('LID') principles in all new subdivisions and developments including, but not limited to:
 - i. Minimising stormwater impacts to the greatest extent practicable by reducing imperviousness, conserving natural resources and ecosystems, maintaining natural drainage courses, reducing use of pipes, and minimising clearing and grading;
 - ii. Providing runoff storage measures dispersed through the site's landscape with a variety of detention, retention, and runoff practices;
 - iii. Where they will be of benefit, encouraging the use of mechanisms such as rainwater harvesting, rain gardens, roof gardens, and onsite storage and retention;
 - iv. Where they will be of benefit, encouraging the use of stormwater treatment devices including on-site treatment systems, allowing for emergency storage and retention structures; and
 - v. Such areas that have unavoidable impervious areas, attempt to break up these impervious areas by installing infiltration devices, drainage swales, and providing retention areas.

Policy 25.3.3.2 To ensure that rural development is well planned, and the environmental, cultural, spiritual and social outcomes are positive.

Methods

- (a) Generally, the methods in policy 24.3.2.1 above, applies to rural residential subdivision.
- (b) Recognise the genuine need, at times, for smaller rural residential subdivision to enable landowner use of their site for personal, family, or staff use. However, rural residential subdivision shall not result in 'ribbon' type ad hoc development along rural roads.
- (c) Rural residential form shall be well designed taking into account the surrounding environment, visual amenity, and other policies and methods in this chapter.

(d) Minimise the amount of high quality or highly versatile land that is taken out of productive use or that has options for future use reduced as a result of rural development.

Objective 25.3.3 Positive Environmental and Cultural Effects

Land use and development has positive environmental and cultural effects.

Policy 25.3.3.1 To ensure that land use and development, particularly new land use and development, has positive environmental and cultural effects.

Methods

- (a) Through the use of LID (Low Impact Design) principles in all new subdivisions and developments;
- i. Protect surface and ground water quality;
 - ii. Maintain the integrity of aquatic and terrestrial ecosystems;
 - iii. Preserve the physical integrity of receiving streams;
 - iv. Protect soils by providing appropriate sediment and erosion control; and
 - v. Make maximum use of natural ground levels.
- (b) Require reserves next to oceans, lakes and rivers to be set-aside during the subdivision and land development process to protect the water body, allow access, increase biodiversity, and enhance ecosystems.
- (c) Decisions on use of reserves or similar provision in subdivision applications shall give priority to protecting the water body health regardless of the water body or subdivision size.
- (d) Subdivisions should not impede access to and along waterways.
- (e) Require resource consent conditions to be imposed that allow Waikato-Tainui access to culturally and/or spiritually significant sites and sites of customary activities through the imposition of caveats on titles or providing for the registration of right-of-way servitudes.
- (f) Ensure in all development proposals that access is retained and improved to water bodies and cultural and/or spiritual sites.
- (g) Structure or management plans will be required as conditions of resource consent to ensure that critical environmental and cultural considerations are taken into account and that on-going monitoring and review occurs.
- (h) Land use and development design features reflect Waikato-Tainui cultural values and perspectives.
- (j) Local authorities revise their statutory instruments to reflect the principles contained in the Plan, including
in so far as the Plan affects subdivision, use and development.

Objective 26.3.4 Transportation

Transportation infrastructure is developed and managed in a manner that provides for social, cultural, spiritual, economic, and environmental needs.

Policy 26.4.3.1 Transportation

To ensure that transportation infrastructure is developed and managed in a manner that provides for social, cultural, spiritual, economic, and environmental needs.

Methods

(b) Sustainable transport options should be incorporated into subdivisions and developments including options for public transport, carpooling, walking, and cycling.

Minerals are allocated under the Crown Minerals Act and minerals are excluded from s5(2)(a) of the Resource Management Act. The purpose of the Crown Minerals Act 1991 is to promote prospecting and exploration for, and mining of, Crown owned minerals for the benefit of New Zealand. It provides the legal mechanism for the Ministry of Business, Innovation and Employment to

- allocate rights (permits) to prospect for, explore for, and mine Crown owned minerals;
- manage and regulate the exercise of those rights;
- make sure activities are carried out in accordance with good industry practice, i.e. require a high health and safety standards; and
- maintain (through regulations) a fair financial return to the Crown for its minerals.

Permits do not override the provisions of a District or Regional plan, where applicable, resource consents may be required before prospecting, exploration or mining activities can commence.

APPENDIX 3 RESOURCE MANAGEMENT ACT 1991

PART 2 RMA – PURPOSE AND PRINCIPLES

5 Purpose and Principles

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

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

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

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

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

6 Matters of National Importance

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

(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:

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

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

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

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

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

(g) the protection of protected customary rights:

(h) the management of significant risks from natural hazards.

7 Other Matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

(a) kaitiakitanga:

(aa) the ethic of stewardship:

(b) the efficient use and development of natural and physical resources:

(ba) the efficiency of the end use of energy:

(c) the maintenance and enhancement of amenity values:

(d) intrinsic values of ecosystems:

(e) [Repealed]

(f) maintenance and enhancement of the quality of the environment:

(g) any finite characteristics of natural and physical resources:

(h) the protection of the habitat of trout and salmon:

(i) the effects of climate change:

(j) the benefits to be derived from the use and development of renewable energy.

8 Treaty of Waitangi

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

SECTION 31 RMA – FUNCTIONS OF TERRITORIAL AUTHORITIES UNDER THIS ACT

(1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its District:

(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the District:

(aa) the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the District:

(b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—

(i) the avoidance or mitigation of natural hazards; and

(ii) [Repealed]

(iia) the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:

(iii) the maintenance of indigenous biological diversity:

(c) [Repealed]

(d) the control of the emission of noise and the mitigation of the effects of noise:

(e) the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:

(f) any other functions specified in this Act.

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

APPENDIX 4 COMPARISON OF ACTIVITY STATUS (SAMPLE)

Activity	Activity Status Proposed	Activity Status Waikato District Plan – Franklin Section	Activity Status Waikato District Plan – Waikato Section
A Marae Complex or Papakaainga Housing Development on Maori Freehold Land or on Maori Customary Land.	Permitted	Permitted	Permitted
A temporary event	Permitted	Permitted	Permitted
A home occupation	Permitted	Permitted	Permitted
Meremere Dragway Activity	Permitted	N/A	Permitted
Farming	Permitted	Permitted	Permitted
Forestry	Permitted	Permitted	Permitted
Produce stall	Permitted	Permitted	Permitted
Home stay	Permitted	Permitted	Permitted

APPENDIX 5 COSTS AND BENEFITS

APPENDIX 6 NOTIONAL BOUNDARY

APPENDIX 7 GUN CLUB ACOUSTIC ADVICE

APPENDIX 8 LAKESIDE TE KAUWHATA PRECINCT