

HAMILTON CITY COUNCIL PROPOSED DISTRICT PLAN REFERENCES VERSION 2001

Proposed Variation No.15: Part A Subdivision Connectivity; Design Guidance; Topic-Specific Design Guidance for Subdivisions in Residential Areas

Section 32 Report and Background Information

BACKGROUND INFORMATION AND EXPLANATION

INTRODUCTION

Hamilton City Council is proposing several amendments to the issues, objectives and policies, and rules contained within its Proposed District Plan on the theme of subdivision design and roading connectivity in residential areas. The amending proposal is called Variation 15: Part A: Subdivision Connectivity, Design Guidance; Topic-Specific Design Guidance for Residential Subdivision.

Section 32 of the Resource Management Act 1991, requires that, before Council notifies the Proposed Variation for public submissions, Council carry out an evaluation. The evaluation must examine:

- (a) the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and
- (b) whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.

The evaluation must also take into account:

- (i) the benefits and costs of policies, rules, or other methods; and
- (ii) the risks of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

Section 74 of the Resource Management Act 1991 also requires that the Council, when changing its Plan, have regard to, among other things, the provisions of Part II of the Act, its functions under Section 31 and its duties under Section 32 and any regulations.

This document sets out the evaluation Council has made to satisfy section 32 of the Act and provides other supporting information. It should be read in conjunction with a copy of the Proposed Variation and the explanation contained within that document.

The period for submissions on Proposed Variation No.15: Part A, closes on Monday 6th November, 2006.

If any submissions are received Council will prepare and publicly notify the availability of a summary of submissions. There will then be an opportunity to make further submissions in support of, or in opposition to, the submissions already made. A hearing will be held if any person making a submission asks to be heard in support of a submission. The Council will then give its decision on the Proposed Variation. Any person who has made a submission will then have the right to appeal the Council's decision on the Proposed Variation, to the Environment Court.

BACKGROUND

Proposed Variation No. 15: Part A: Subdivision Connectivity, responds to and recognises a number of key changes in Council's strategic policy direction, as espoused in the Hamilton City Council's 2006-16 Long-Term Plan, and adopted by Council on 30 June 2006.

The Council's Long Term Plan 2006 –16 incorporates two new strategic directions, known as CityScope and Access Hamilton. CityScope is Hamilton City's new Urban Design Strategy which seeks to improve the quality and design of development and architecture within the Hamilton. The Proposed Variation 15: Part A, is in part, a prefatorial response to the Council's CityScope Urban Design Strategy.

The scope of Part A of the Proposed Variation No. 15, is firstly, to introduce a new resource management issue relating to subdivision design and roading patterns; and secondly, to add new objectives and related policies to the current resource management policy framework and thirdly, to make consequential changes to the Rules, Performance Standards, and Planning Outcomes for Subdivisional Planning; including the introduction of a new Rule. The purpose of the new Rule, is to provide illustrated design guidance to support and augment the interpretation of specific Rules within the Plan.

The Proposed Variation No. 15: Part A, contributes to the purpose and principles of the Resource Management Act 1991, in ensuring that the Proposed District Plan for Hamilton City continues to achieve the sustainable management of natural and physical resources, over time.

EXISTING PLAN PROVISIONS

The Hamilton City Proposed District Plan November 2001 (References Version) defines the way in which the city's natural and physical resources will be managed to achieve the purpose and principles of the Resource Management Act 1991. The Hamilton City Proposed District Plan November 2001 (References Version) was publicly notified in October 1999. Although the Plan is not operative, the Rules are beyond challenge and the Proposed District Plan is deemed to be the predominant planning document for the sustainable management of Hamilton.

The Proposed District Plan contains a statement of the key resource management issues; a statement of objectives and policies for the City and the methods to achieve them. These methods include rules and a range of other methods to progress the implementation of the chosen policy directions.

The structure and the relevant parts of the Proposed District Plan on which the Variation focus are set out below:

- Policy Section 4.0 Development Environment
 - 4.2 - Transportation and Accessibility; and
 - 4.4 - Subdivision and Development of Land (4.4);and
 - Rule Section 6.0 Subdivision and Development
 - 6.2 – Subdivisional Planning
 - 6.3 – Subdivisional Standards for Individual Zones;
- and
- Rule Section 8.0 Definitions
 - Rule Section 10.0 Design Guidance
 - Design Guidance for Residential Subdivision

AMENDMENTS TO THE PROPOSED DISTRICT PLAN

The proposed amendments which comprise Variation No. 15 Part A, have been broken into several categories as follows:

- Amendments relating to Subdivision Connectivity affecting Policy Sections 4.2 and 4.4 and Rule Sections 6.2, 6.3 and Rule Section 8.0 Definitions;
- Introduction of a new Rule 10.0 Design Guidance; and
- Design Guidance relating to Residential Subdivision

PART 1: AMENDMENTS RELATING TO SUBDIVISION CONNECTIVITY

POLICY SECTIONS 4.2 AND 4.4; RULE SECTIONS 6.2, 6.3 AND RULE SECTION 8.0 DEFINITIONS

Resource Management Issues

While the District Plan is primarily concerned with its statutory life of 10 plus years, changes occur through the actions of council, developers and landowners which necessitate changes being made to the Proposed District Plan. In addition, the definition of sustainable management (Section 5(2) (a) of the RMA) requires Council to consider the reasonably foreseeable needs of future generations of City residents. This requirement is ongoing and best achieved through the regular monitoring of the District Plan's performance, in terms of environmental outcomes/results.

Recent community surveys and environmental monitoring in relation to residential subdivision indicates the importance of communities which are well integrated, having good connections to local services and facilities and a choice in travel options. Connectivity in the layout of local roads is considered to be a critical factor in achieving the desired environmental outcomes.

A review of the provisions of the District Plan highlights several areas where connectivity and accessibility within and between residential neighbourhoods can be reinforced in the Plan to achieve better land use and transport integration and more sustainable patterns of development.

As a consequence, of these findings, it is considered that an additional resource management issue should be included within the Plan to recognise that importance of the overall design of development for preserving residential amenity values and associated with this, the relationship between the spatial pattern of roading, resource use and energy efficiency.

The following new resource management issue and explanation is proposed in Policy Section 4.2 Transportation and Accessibility:

Section 4.2 Transportation and Accessibility

- **'Relationship between Subdivision Layout and roading design**
The predominant form of suburban subdivisions has resulted in a curvi-linear street pattern, with a large number of cul-de-sacs and few through streets. This has implications for the integration of suburbs and communities and increases reliance on motor vehicles. Amenity values are reduced for these communities in terms of longer car trips to access services outside the immediate neighbourhood area and the discouragement of walking and cycling because of the travel distances involved.'

And similarly a new resource management issue is proposed in Policy 4.4 Subdivision and Development of Land:

- **Subdivisional design; connectivity and permeability.** Well-designed subdivision of land and buildings is integral to the sustainable management and development of land. The predominant form of suburban subdivisions has resulted in a curvi-linear street pattern, with a large number of cul-de-sacs and poor interconnectivity. This form of development has implications for community integration and increases reliance on motor vehicles. By recognising and promoting connectivity and permeability in subdivision design, better linkages within and between adjoining neighbourhoods and more sustainable forms of development can be achieved.

These amendment formally recognise the urban design elements of subdivision layout and roading as significant resource management issues and acknowledges the positive contribution that connectivity makes (ie, in terms of both the physical elements and spatial relationships) in avoiding, remedying and mitigating adverse effects on the environment, society and the economy.

For example, connectivity in roading layouts is an important environmental baseline to achieving integrated and sustainable communities and has the certain potential to contribute to a reduction in travel times:

- A connected roading pattern will help to reduce vehicle trip lengths, energy consumption and the discharge of contaminants. (air pollution)
- The particular design and pattern of transport networks impact on the safety of users, including pedestrians and cyclists, thereby effecting social well-being.
- The particular design and pattern of a transport network can connect or alienate neighbourhoods, thereby impacting on social well-being.
- By recognising and emphasising the importance of accessibility and connectivity in the layout of the local roads, Council can promote an enhanced sense of identity within residential areas and improve access to community facilities and/or alternative transport options.

As stated above, the amendments are proposed because it is considered that the existing resource management issues identified do not give adequate recognition to the impact of the specific pattern and design of residential development on the environment, in terms of their potential adverse environmental effects. The particular amendments being proposed are necessary modifications to give better effect to the purpose and intent of the Plan's objectives, as a whole. In addition, the proposed amendments will ensure that the Plan continues to operate as effectively and efficiently as possible and assist in achieving the purpose of the Act, being the sustainable management of natural and physical resources.

Objectives and Policies

The objectives and policies of the District Plan relevant to this Variation are contained within Policy Section 4.0 of the Plan. It is important to note that these need to be understood in the context of Policy Section 4.0 of the Proposed District Plan as a whole. The purpose of the objectives and policies is to give guidance as to how the purpose of the Act is achieved. Similarly, the purpose of the policies in the District Plan, is cumulatively, to achieve the purpose of the Act. A full copy of the specific objectives and their relevant policies together with the reasons for adopting those particular policies, are attached as Appendix 1 to this report.

The existing objectives and policies are not adequate or sufficient because they assume that the provision of roading networks in themselves provide for accessibility, without recognising that the particular design of infrastructure can impact on a community's health and safety as well as environmental amenity values. For example, the pattern of a roading network, can have a large

impact on the distances required to travel between facilities and the amount of energy consumed to do so.

Following on from the new resource management issues, the following consequential changes are proposed to the objectives and policies and reasons, within Section 4.0 the Plan:

4.2 Transport and Accessibility

Objective 4.2.4 impacts of the Transport Network

Policies

Amend Policy 4.2.4 d) by deleting the words 'and location and replacing them with 'in locations'

Amend Objective 4.2.4 by inserting the following as Policy e):

'promote the integration and connectivity of the transport network to ensure a well-connected movement system that provides a choice of transport routes and modes including public transport and facilities for pedestrians and cyclists.'

Reasons

Amend Objective 4.2.4 by inserting the following as paragraph four under 'Reasons':

'The adverse effects of transport activities and the transport network on amenity values and the environment can be avoided, remedied or mitigated where land use activities and transport networks are integrated to enhance people's accessibility throughout the City. The transport network (including roads, public transport routes and nodes, cycleways, pedestrian ways and the river) needs to be designed as an integrated network to ensure the sustainable management of the City's urban infrastructure and to provide sufficient design capacity for all modes of transport'

New Objective 4.2.4 A Urban Design and Connectivity

Amend Policy Section 4.2 by inserting the following Objective 4.2.4A:

4.2.4 A Urban Design and Connectivity

<u>To achieve an integrated and sustainable transport network</u>

Policies:

- a) To recognise and provide for a choice of sustainable transport nodes and routes within the City Road Hierarchy.
- b) To ensure a high level of accessibility, connectivity and permeability within the transport network and between surrounding neighbourhoods to enhance neighbourhood amenity values.
- c) To improve the design and integration of access within any new subdivisions.
- d) To ensure the design and appearance of public space, (which includes all elements of the roading corridors), enhances the amenity values of adjoining neighbourhoods.

- e) To develop a legible and understandable City Road Hierarchy through road design and layout, construction, streetscape and landscape treatments.'

Reasons:

The efficient location and layout of roads contributes to the establishment of an integrated and sustainable transport network. A well-designed transport network meets the needs of its users and promotes access for all modes throughout the City. This is principally achieved through the provision of well-connected roads that are capable of supporting a viable public transport network including provision for cyclists and pedestrians. The vitality and vibrancy of the City can be enhanced by incorporating urban design principles into the design of roading infrastructure recognising that these are shared public spaces that contribute to the City's identity.

An integrated transport network helps to avoid, remedy or mitigate the adverse effects of the roading network on the environment and on the community's amenity values by reducing travel distances to facilities, minimising car usage and pollution.

Policy 4.2 Methods: District Plan

- Subdivision Design Change – will be used to provide an interpretation of Assessment Criteria and Performance Outcomes in relation to residential subdivision: layouts and roading design. The guidance explains and illustrates the urban design principles of connectivity and permeability.

New Objective 4.4.4 Subdivision design; connectivity and permeability:

Amend Policy Section 4.4 by inserting the following as Objective 4.4.4:

Objective 4.4.4 Subdivisional Design; Integration, Permeability and Connectivity

To achieve high levels of connectivity and permeability in all subdivision thereby contributing to integrated and sustainable urban development.

Policies

- a) Ensure a high level of accessibility, connectivity and permeability within the transport network and between surrounding neighbourhood subdivisions to enhance neighbourhood amenity values.
- b) Recognise and provide for a choice of sustainable transport nodes and routes within the Road Hierarchy, including linkages for pedestrians and cyclists.

REASONS

The process of land subdivision and development leads to the establishment of activities requiring access to the City's transport network. It is important to ensure that increases in vehicle movements do not reduce neighbourhood amenity values. The design of subdivisions should therefore recognise and provide for a range of transportation modes to meet a community's needs in as sustainable manner as possible. Council requires concept plans for all subdivisions creating ten or more allotments. The purpose of these is to secure better community integration in terms of road connectivity to adjoining development and public facilities including public transport nodes, as well as linkages for pedestrians and cycleways. By recognising the importance of connectivity and permeability for all modes of transport in the design of subdivisions Council is able to secure more integrated and sustainable urban development in the City.

The proposed new objectives and policies and related explanation recognise the importance of good subdivisional design to avoid, remedy and mitigate adverse effects on the environment. For example, travel distances, air pollution and the amount of energy and resources consumed. The inclusion of an express reference to design in the objectives relating to 4.2 Transport and Accessibility and 4.4 Subdivision and Development of Land, will thus assist in achieving the sustainable management of natural and physical resources at the time of subdivision consent approval.

It is considered appropriate that these amendments make express reference to design and amenity considerations, as this is consistent with enabling people and communities to provide for their social well-being (Section 5) and the maintenance and enhancement of amenity values. This is a matter for consideration under Section 7 of the Act.

Providing an explicit objective and policy framework around the principle of connectivity will also support efficiency and promote the better utilisation of infrastructure, consistent with section 6 of the Act. Section 6 prescribes that Territorial Authorities, in exercising its functions under the Act to achieve sustainable management, shall have particular regard to the efficient use and development of natural and physical resources.

Summary conclusion

The proposed changes to the objective and policy framework in Policy Section 4.2 and 4.4, recognises the importance of subdivisional design and roading schemes in achieving an integrated and sustainable transport network and more efficient utilisation of the City's transport infrastructure. The proposed objective and policy framework complements the existing objectives and policies of the Plan, but brings a specific focus to environmentally sustainable urban design. In particular, it seeks to embed urban design and connectivity as an overarching consideration in the design of subdivisions in residential areas and secondly, to ensure that appropriate weight and consideration is given to the principles of connectivity and permeability in the design and configuration of road layouts at the concept design stage. It is also anticipated that the modified approach will also preserve an element of choice in the transport options available to City residents (ie multi-modal modality).

As a consequence, it is considered that the Proposed Variation will assist in achieving the relevant Plan objectives as set out in Section 4.0 Development Environment, and the implementation of Council's CityScope Urban Design Strategy.

Methods of Implementation

Within Policy Section 4.0 Development Environment, a range of methods are identified as a means of implementing the stated objectives and the chosen policy direction. Each particular method is described and collated under the headings, " District Plan" or "Other Methods".

Following on from the new resource management issue in 4.2, and the related objective and policy framework, the following new method is proposed, for inclusion within Policy Section 4.2 and 4.4, under the heading 'District Plan':

- **Subdivision Design Guide** – will be used to provide an interpretation of Assessment Criteria and Performance Outcomes in relation to residential subdivision: layouts and roading design. The guidance explains and illustrates the urban design principles of connectivity and permeability.

The proposed amendment to include 'Subdivision Design Guidance' in the Methods Section, explains the method and its interrelationship with the existing Plan provisions. The overall

effect of this change will be to improve Rule interpretation and guide the overall administrative efficiency of the Plan.

Rules

Subdivision is often the catalyst for the further intensification of settlement. The pattern of a subdivision in residential areas, heavily influences the quality of the natural environment and in particular, decisions about the configuration of roading can have significant impacts on environmental amenity values and for resource sustainability, in the longer term. For these reasons, and potentially others, it is recommended that the District Plan be amended to take a more 'pro-active' approach at the time of subdivisional consent, to secure roading infrastructure, having higher levels of connectivity to the local road network and other facilities, to achieve quality residential environments, in the longer term.

The following amendments to Rule Section 6.0 are proposed:

Rule 6.2 Subdivisional Planning Rule Statement

Amend Rule 6.2 by inserting the following as the third sentence of Paragraph two under 'Rule Statement':

'The rules specifically implement the urban design principles of connectivity and permeability in subdivision design with the aim of enhancing people's accessibility at both a citywide and neighbourhood level.'

Expected Outcome

Amend Rule 6.2 by inserting the following after the words '...with the City's transport network':

'through the interconnectivity and permeability of roads, pedestrian accessways, cycleways, public reserves and green corridors'

Rule 6.2.1 Subdivisional Planning: 6.2.1 a) Provision of Concept Plans

Amend Rule 6.2.1 a) by making the following deletions and additions:

Where any single or staged subdivision for residential purposes would result in the creation of more than 1050 allotments, then ~~the application shall as part of the application for resource consent, the subdivider shall provide be accompanied by~~ a subdivision concept plan. ~~The subdivision concept plan shall -which-~~ demonstrates how the various requirements of Rule 6.2 will be met and the relevant performance assessments will be satisfied. ~~and it~~ In particular the plan shall show:

- The general pattern of land use and the relationships between the residential development and the commercial, community and recreational opportunities existing or planned in the locality
- The transportation linkages serving both the development and the wider area including arterial, ~~and~~ collector ~~and~~ local roads, existing or potential bus routes, and cycle and pedestrian facilities.
- A subdivision concept plan shall specifically include the following information:
 - The location and width of any proposed roads and carriageways
 - The location and dimension of public reserves

- The location and dimension of pedestrian accessways and cycleways
- The intended use of each lot in the subdivision and the ways in which the subdivision will integrate with all neighbouring sites either as already developed or as proposed in accordance with existing resource consents
- Any significant natural features, any natural hazards and physical constraints, any significant infrastructural services and facilities, and the availability of trunk infrastructural services.

~~Such a~~The concept plan shall be prepared by the applicant in consultation with Council officers as necessary and other stake holders prior to completing detailed subdivision proposal for the resource consent. Council officers shall use the concept plan to assess the subdivision application and will as necessary require compliance with the concept plan for subdivision through conditions of consent and consent notices. The objectives and policies set out in 4.2.4A and 4.4.4 will be considered when assessing the application.

Rule 6.2.2 Consideration of Subdivision Proposals

Rule 6.2.2 a) General Provisions

Amend Rule 6.2.2 a) i) by deleting the words 'good subdivisional design practice' and replacing them with the words 'Good Subdivision Design Guidance contained in Rule Section 10.0'

Amend rule 6.2.2 a) ii) by inserting the following as the second bullet point:

- be consistent with the principles illustrated in Design Guidance contained in Rule Section 10.0

6.2.2 d) Transport Network

Amend Rule 6.2.2 d) i) by deleting the words 'Good subdivisional design' and replacing them with the words 'The Guidance contained in Rule Section 10.0'

Amend Rule 6.2.2 d) ii) by inserting the following as the first and fifth bullet points, consecutively:

- Consideration of the design principles of connectivity and permeability to existing or planned adjoining subdivision, local facilities and transport nodes
- Local road linkages

6.2 Performance Assessment

Rule 6.2.3 Performance Outcomes for Subdivisional Planning

a) Accessibility

Amend Rule 6.2.3 a) by inserting the following as clause (v):

'A well-connected and permeable local movement system which incorporates pedestrian and cycleway routes and provision for public transport nodes.'

k) Transport Network

Amend Rule 6.2.3 k) i) by inserting the words 'and local' after the word 'collector'

Amend Rule 6.2.3 k) ii) by making the following deletions and additions:

- ii) Accessibility within residential areas should be achieved through the establishment of effective vehicle, pedestrians and cycle connections between adjoining subdivisions that facilitates convenient movements, improves access and amenity ~~and, reduces road length, and minimises the connections required between the local and collector road networks.~~

I) Roading Layout

Amend Rule 6.2.3 I) by inserting the following as Clause vii):

'Avoid isolation of land within a subdivision from adjoining land by providing linkages to local roads and for enhanced connectivity between subdivisions.'

Rule 6.3 Subdivisional Standards for individual Zones

Performance Assessment

Rule 6.3.6 a) General Criteria

Amend Rule 6.3.6 a) i) by deleting the reference to 'Rule 6.2' and replacing with 'Rule 6.2.3'

Amend Rule 6.3.6 a) v) by inserting the following at the end of the Clause:

'and to the design principles of connectivity and permeability in minimising the effects of transport activities on the environment.'

Rule 6.3.7 Assessment Criteria for Restricted Discretionary and Discretionary Activities

Rule 6.3.7 a) General Criteria

Amend Rule 6.3.7 a) iv) by inserting the following at the end of the Clause:

'The design principles contained in the Guidance set out in Rule Section 10.0.'

By incorporating greater specificity into the Rules, Council will have the ability at the time of processing subdivision applications to require better connectivity both within a subdivision and from one subdivision to another.

The Proposed Variation No.15 Part A: seeks to amend Rule Section 6.0 Subdivision and Development, specifically, the Rules, Performance Standards and Performance Outcomes for Subdivisional Planning, so that the Performance Outcomes for Subdivisional Planning, apply to all residential streets, both Collector and Local Roads (including cul-de-sacs) thereby enhancing local road connectivity.

Amendments are also proposed to Rule 6.2.1: Subdivisional Planning. This change requires a concept plan to be submitted for all subdivisions in residential areas which create 10 or more allotments. Currently, the District Plan only requires detailed concept plans when 50 or more allotments are proposed. This modification is necessary to ensure developers provide better connectivity with adjoining subdivisions and to ensure that decisions on subdivision consents are determined in the context of information about the form of neighbouring developments. The proposed amendment will secure better residential design outcomes and result in benefits for both the Council and the wider community. The proposed amendments will also ensure that the Plan continues to operate as effectively and efficiently as possible.

To assist with the interpretation of these amendments, three new definitions have been added to the Definitions Section of the Plan. The following amendments to Rule Section 8.0 are proposed:

Rule Section 8.0 Definitions

'Connectivity – connectivity in terms of subdivisional planning, means the ability to provide a well-connected local movement system which makes connections to adjoining land, local facilities and surrounding neighbourhoods through interconnectivity of the local road, pedestrian and cycle networks.

NB, For further illustrated advice on what constitutes connectivity refer to Rule Section 10.0

'Good Subdivision Guidance - means written or illustrative material contained in Council documentation. This may include Guidance contained in Rule Section 10.0, the Hamilton City Development Manual, Best Practice Design Guides or other educational material prepared by Council.'

'Permeability - the extent to which an environment provides choice and ease of movement through it, from place to place. The starting point for a permeable development is the existing system of links into and through the site from the surrounding neighbourhood.'

PART 2: AMENDMENTS RELATING TO THE INTRODUCTION OF A NEW RULE – RULE SECTION 10.0: DESIGN GUIDANCE, INCLUDING DESIGN GUIDANCE FOR RESIDENTIAL SUBDIVISIONS

The Proposed Variation No. 15 : Part A, introduces a new Rule Section for the Proposed District Plan. The Proposed Rule Section 10.0 will contain City-wide, area-based and topic-specific design guidance. It is Council's intent to develop a full suite of Design Guidance Notes for the District Plan, in due course.

As part of this Variation, topic-specific design guidance has been produced to illustrate the principles of connectivity and permeability for subdivisions in residential areas. The purpose of the design guidance (shown in Attachment A to the Proposed Variation) is to support the General Provisions under Rule 6.2.2: Consideration of Subdivision Proposals. It is also anticipated that the Design Guidance will be used to inform Council's subdivision pre-application meetings.

The proposed new Rule 10.0 is as follows:

Rule Section 10.0 Design Guidance

Rule Statement

The purpose of this Rule is to provide Design Guidance that helps to secure development outcomes which are based on sound urban design principles and promotes the enhancement and protection of distinctive areas within the City. The Design Guidance complements the framework of Objectives, Policies and Rules contained within the Plan, and amplifies Performance Outcomes and Assessment Criteria. The Council will be preparing the following types of Design Guidance:

- City-Wide Design Guides
- Area Specific Design Guides; and
- Topic Specific Design Guides.

This Rule provides Design Guidance on the following:

- Hayes Paddock
- Design Guidance for Residential Subdivisions

Amend Rule Section 10.0 by inserting 'Design Guidance for Residential Subdivisions as per Attachment A.

It is advocated that the regulatory approach for urban design, will give rise to significant improvements in the overall form of residential subdivisions that are ultimately approved by Council. It also advances the implementation of CityScope and Council's commitment to promoting best practice principles in urban design. Furthermore, the collation of Design Guidance in a stand-alone chapter, will facilitate the processing of subdivision applications and the administrative efficiency of the Plan.

Council has recently approved Variation No. 17 for public notification which sets the scene for the inclusion of Design Guidance within the Plan, as a stand alone chapter.

SECTION 32 EVALUATION

INTRODUCTION

Before adopting a Variation, Council is required to complete an evaluation pursuant to Section 32 of the Resource Management Act 1991. This section of the report examines the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and whether, having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objectives.

Section 32(4) of the Act states that this evaluation must also take into account:

- The benefits and costs of policies, rules or other methods; and
- The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.

The following table assesses the benefits and costs of the Proposed Variation.

Proposed Amendments relating to subdivision connectivity

Benefits/Advantages	Costs/Disadvantages
Provides for the explicit consideration of urban design principles – connectivity and permeability - in applications for residential subdivision.	The costs incurred by Council in undertaking a Variation to the Proposed District Plan.
Consistent with the intent of Council's CityScope- Urban Design Strategy.	The costs incurred by those who may lodge a submission to the Variation.
Better achieves the objectives and policies in the District Plan relating to subdivision and transport accessibility.	Developer expectations as to the granting of Subdivision and land Use Consents may change.
Provides more certainty to developers as to Council's design expectations for roading residential subdivisions.	
Increased ability to promote social well-being, walking, cycling and the provision of public transport.	
Opportunity for the more efficient use of residential land and better utilisation of infrastructure.	
Potential to reduce overall compliance and administrative costs through the provision of design guidance to support interpretation of Subdivisional Rules.	
Could result in better understanding of the natural and physical resources to be managed; and improved environmental outcomes.	
Promotes the sustainable management of the City's natural and physical resources.	
Potential to avoid, remedy or mitigate environmental effects (s 6 of the RMA).	

Promotes the community outcomes of Hamilton's Long-Term Plan 2006-16.	
Would not be inconsistent with the Regional Policy Statement.	

The Extent to Which each Objective is the Most Appropriate Way to Achieve the Purpose of the Act (S 32 (3) (a))

Variation No. 15: Part A, proposes a number of changes to the objectives and policies in Policy Sections 4.2 and 4.4. These changes are in direct response to Council's CityScope – Urban Design Strategy, and recent monitoring undertaken in fulfilment of Council's responsibilities under section 35 of the Resource Management Act 1991. The following tables investigate the appropriateness of the proposed amendments in terms of achieving the purpose of the Act.

In the context of section 32, the term **appropriateness** means the suitability of any particular option in achieving the purpose of the RMA. To assist in determining whether the option (whether regulation or other method) is appropriate, then the **effectiveness** and **efficiency** of the option should be considered.

Effectiveness means how successful a particular option is in addressing the issues in terms of achieving the desired outcome. While, **efficiency** means the measuring, by comparison, of the benefits to costs (environmental benefits minus environmental costs) compared to social and economic costs minus their benefits.

As stated, the proposed objectives in this Variation complement and support the existing objectives or policies of the Proposed District Plan. This fact is important, as the recent District Plan review concluded that these objectives and policies are the most appropriate way to achieve the purpose of the Resource Management Act 1991.

The District Plan objectives and policies which are considered to be most relevant to the Proposed Variation are contained in Appendix 1 of this report.

How Efficient, Effective and Appropriate are the Alternative Options in Achieving The Objectives?

Identification of Alternative Options

For Variation No. 15: Part A, the following alternative means or methods have been considered in terms of addressing the resource management issues and achieving the purpose of the Act. (Of note, Section 32 of the Act requires Council to identify and consider methods (within and outside the RMA), including the 'take no action' option).

Alternative Options:

Option 1:

Retain the current Plan provisions ('take no action').

Option 2:

Retain the current plan provisions and provide non-statutory design guidance notes/explanations to provide clarification of the relevant District Plan provisions, as well as

providing advocacy to property developers on the importance of adopting the design principles of connectivity and permeability, to achieve more sustainable urban development.

Option 3:

Undertake a District Plan review.

Evaluation of Alternative Options

This section of the report evaluates the efficiency and effectiveness, of the policies, rules or other methods assessed, in the preparation of Variation No. 15: Part A. The results are summarised in the tables below.

(i) Assessment of Efficient and Effectiveness

Method	Efficiency	Effectiveness
Option 1 Take No Action	The Plan provisions fail to promote the relevant objectives and related policies identified in Section 4.0 Development Environment, based on results of recent community surveys and environmental monitoring.	The settled objectives and policies and may not be sufficient to achieve the desired environmental results.
Option 2	The production of Design Guidance, education and advocacy of the importance of principles of connectivity and permeability in developing residential subdivisions, will promote the relevant Objectives in Section 4.0 Development Environment and the achievement of the relevant Anticipated Environmental Results, to some degree.	The proposed approach to rely on the settled objectives and policies, together with targeted design guidance, education and advocacy, may not be sufficient to achieve the desired environmental results.
Option 3 Plan Review	New Plan provisions are formulated to achieve the purpose of the RMA by the most appropriate methods at the lowest practicable cost to individuals and the community.	The effectiveness of a new objective and policy framework is uncertain and will not become apparent for some time.

(ii) **Assessment of Appropriateness.**

Method	Efficiency/Effectiveness	Appropriateness
Option 1 Take No Action	Does not achieve the stated Objectives and Anticipated Environmental Results. There is existing evidence of unsustainable resource management and community concern about increased social costs to resource users, the Council, and the community.	Not Recommended.
Option 2	May not achieve the relevant objectives listed in Section 4.0 of the Plan and the relevant Anticipated Environmental Results.	Not Recommended.
Option 3 Plan Review	Will promote the specified Objectives and Anticipated Environmental Results. In determining the proposed policy approach, the net environmental benefits will need to outweigh the net social and economic costs.	Not Recommended.

(iii) **Consideration of Alternatives, Benefits and Costs (S.32(4)(a))**

As part of the section 32 evaluation, Council must take into account the benefits and costs of the identified policies, rules or other methods. Benefits and costs are defined in Part I, Section 2 of the RMA to include "benefits and costs of any kind, whether monetary or non-monetary" The benefits and costs associated with each of the identified options are summarised in the following tables:

Option 1

Retain the current provisions in the Proposed District Plan
(Take No Action).

Benefits/Advantages	Costs/Disadvantages
No requirement to notify the Variation.	The Proposed District Plan fails to achieve the stated subdivision and transport objectives and the desired environmental results.
No costs associated with undertaking a Variation to the Plan.	May lead to increased social costs and increased private costs (private travel).
Minimum level of intervention.	Reduced potential to promote social well-being, walking, cycling and provision of public transport.
Implementation and compliance costs remain unchanged.	Insufficient policy backing in the Plan to implement Council's CityScope Urban Design Strategy.
Provides a level of development certainty ie, the granting of subdivision and land use consents remain unchanged.	Integrated management of effects of land use and control of subdivisions is inadequate in the context of the settled objectives, policies and methods within the District Plan.
Flexible and equitable approach.	Is contrary to the sustainable management of the City's natural and physical resources (section 5 of the RMA).

Administrative costs are low to moderate.	Is contrary to section 6 of the Resource Management Act 1991.
	May erode public confidence in the integrity of the Proposed District Plan over time.
	Does not promote the community outcomes of Hamilton's Long-Term Plan 2006-16.

The costs or disadvantages of the 'take no action' option, clearly outweigh the benefits or advantages and is therefore not considered to be the most efficient and effective means of achieving the purpose of the RMA 1991. Retaining the current provisions is wasteful because of the costs to society (in terms of accessibility, travel costs, and sustainability of urban form, etc) and would be more than the benefits (ie, social connections, possible reduced pollution effects, reduced travel times/costs, etc) that would accrue from making the changes to the Plan.

The proposed amendment is a more efficient method of achieving the objectives and policies of the District Plan having regard to the environmental and social costs of more traditional subdivisional roading layouts on the wider community, over time.

Option 2

Retain the current Plan provisions (objectives, policies, rules) and provide non-statutory guidance notes/explanations to provide clarification of the relevant District Plan provisions.

Benefits/Advantages	Costs/Disadvantages
No requirement to notify the Variation.	The costs incurred by Council in preparing the guidance notes/explanations for subdivisions in residential areas.
No costs associated with undertaking a Variation to the District Plan.	Uptake of design advice by developers may be poor, as Design Handouts have no legal 'teeth'.
Opportunity to 'sell-design' using educational material and moral-suasion techniques.	The time/processing/legal costs incurred by those who challenge the intent of the Design Guidance, at the time of consent application.
Augmenting the District Plan with non-regulatory Design Guidance could avoid potential 'backlash' from the development community.	May increase time/processing costs for staff to explain the intent of the Design Guidance and how they work in relation to the existing Subdivision Rules.
Minimum level of intervention.	Potential for inconsistent application of design principles to residential subdivisions due to the use of a non-regulatory approach.
Clarification would promote the achievement of the Objectives and Anticipated Environmental Results to some degree.	The use of non-statutory Design Guidance may be insufficient to drive change in the pattern of residential subdivision and thus fulfil the intent of CityScope.
May reduce some compliance costs through increased administrative efficiencies.	Potential for the CityScope initiative to fail, given insufficient policy backing in the Proposed District Plan.

May encourage a diversity of solutions to environmental problems.	Does not promote the community outcomes of Hamilton's Long-Term Plan 2006-16.
Increased ability to promote well-being, cycling and provision of public transport.	Will not achieve the objectives and policies of the District Plan in relation to transport accessibility and subdivision.
Promotes the sustainable management of the City's natural and physical resources.	Does not constitute the sustainable management of the City's natural and physical resources.
Would promote the community outcomes of Hamilton's Long- Term Plan 2006-16, to some degree.	

Option Two has a number of benefits, including the advancement of the District Plan Objectives, as well as potential improvements in the administration of subdivision consents, essentially through the provision of supporting educational information: Design Guidance for Residential Subdivisions. It is considered however, that the provision of non-statutory Design Guidance (ie, Design Guidance outside the District Plan), would not, in itself, be able to achieve the relevant objectives and policies of the District Plan and the desired environmental results. Approaching the Plan as a whole and with the function of integrated management in mind, particularly given the number of objectives through different sections of the Plan, it is clear that the relationship between land use and transport is important. Accordingly, this Option is not considered to be the most appropriate means to achieve the purpose of the Act, nor the desired environment outcomes.

Option 3

Review the Proposed District Plan.

Benefits/Advantages	Costs/Disadvantages
Promotes the sustainable management of the City's natural and physical resources.	The costs incurred by Council in undertaking a Review process and public notification of a new District Plan for Hamilton City.
Enables the development of an holistic and coherent urban design approach for Hamilton City and its consistent integration within a new resource management policy framework.	The introduction of a new planning regime may result in certain parties being disadvantaged and the potential for legal challenge.
Greater potential to change the pattern of residential subdivision, and promote a more sustainable urban form through adopting a prescriptive regulatory approach to design ie robust design-oriented Performance Standards and Rules.	May increase compliance costs/development costs in the short to medium term, as the new policy direction take effect.
Integrated management of effects of land use and control of subdivision.	Administratively complex in the transition period given the operation of two Planning documents.
Increased ability to promote transit oriented design and associated benefits in residential areas ie social well-being, walking, cycling and provision of public transport.	Administrative costs are moderate to high in the implementation phase.

Reduced social costs to society – air pollution, congestion, travel times, etc.	Potential for development delays and hold-ups for complex consent applications and/or larger-scale subdivisions.
Design expectations for residential subdivision are clearly outlined, and the policy direction contributes to creating a distinctive, and more sustainable urban form.	May create some uncertainty for residents, and the development community, in the short term.
Improves the transparency, efficiency and relevance of the District Plan.	Effectiveness of a new Policy framework is uncertain and dependent on the response of residents, the development community and other interest groups.
Increased public confidence in the integrity of the Plan.	
Consistent with Council's CityScope – Urban Design Strategy and the community outcomes identified in Hamilton's Long-Term Plan 2006-16.	
Would not be inconsistent with the Regional Policy Statement.	

Option 3 has significant benefits as the evaluation shows. However, it is noted that the objectives and policies contained within the Proposed District Plan have recently been endorsed by the public at the time of the District Plan Review. Given that the Proposed District Plan for Hamilton City, has not been made operative yet, it is considered premature to initiate a review of the District Plan, at this point in time. (refer Clause 25(4)(e), Part II of the First Schedule to the RMA)

Summary Evaluation of Alternative Options

The Resource Management Act 1991 requires that Council be satisfied that it has chosen the most appropriate means of exercising a function, having regard to the effectiveness and efficiency of alternative means.

Option One

While Option 1 would cost less in terms of the direct costs incurred in undertaking a Variation, this option would does not promote the sustainable management of resources, as revealed in the settled (and legal Objectives and Policies of the Proposed District Plan. In addition, maintaining the status quo increases the social costs to society over the medium to long term by increasing the potential for adverse transport-related effects (in terms of congestion, air pollution, amenity values) on the environment.

The costs of taking no action are also considered to be substantially outweighed by the benefits to the community in terms of the increased ability to promote community health and social well-being, walking, cycling and public transport provision.

At another level, this option does not enable Council to fulfill its commitments to implement CityScope and New Zealand Urban Design Protocol, to which the Council is a signatory and has committed obligations.

The option of taking no action is neither an effective nor efficient alternative, nor is it the most appropriate way to achieve the purpose of the Act, as stated in the objectives and policies of the District Plan. The Proposed Variation provides a positive policy direction on urban design for the Plan and how it can be practicably used to effect better land use and transport integration to achieve sustainable forms of residential development. The Proposed Variation also tightens the Rules governing subdivisional design. As a consequence, the Proposed Variation is considered a more efficient and effective method, having regard to the costs of maintaining the current provisions.

Option Two

The effectiveness of this alternative option to achieving the purposes of the Act, would almost certainly be reliant on the take-up by developers of the targeted design advice. In the event that Council sought to enforce the use of design principles, in relation to a specific application, and it was subsequently the subject of a legal challenge, Council would be on a tenuous footing, given that there is no legal policy framework in the Plan to support the use of Design Guidance, as a planning technique. Accordingly, the effectiveness of this method to achieve the objectives of the Plan and the sustainable management of the City's natural and physical resource, is somewhat constrained. As a consequence, it is considered that this alternative option is neither an effective nor efficient approach.

Option Three

While Option Three has significant benefits, it is noted that the Proposed District Plan for Hamilton City, is not yet operative and consequently, it is premature to initiate a full review of the Plan, at this point in time.

The preferred approach, being the modifications to the Plan contained within the Proposed Variation 15: Part A, is thus considered to be both the most appropriate way to achieve the purpose of the Resource Management Act 1991, in terms of efficiency and effectiveness. The benefits include the integrated management of effects of development, positive social benefits for society, more closely aligning the District Plan with the City's Long-Term Plan 2006-16 including the CityScope Urban Design Strategy, increased administrative efficiency in relation to processing subdivision applications, and the maintenance of public confidence in the integrity of the Proposed District Plan. The environmental, social and economic benefits of undertaking the Proposed Variation are thus considered to outweigh the potential costs of undertaking a Variation to the Plan.

The Risk of Acting or Not Acting if there is Uncertain or Insufficient Information about the Subject Matter of the Policies, Rules or Other Methods (S 32 (4)(b))

The information upon which Council will base its decision regarding notification of Variation No. 15: Part A, is neither uncertain nor insufficient. The Proposed Variation allows Council policy to continue to be implemented effectively over time, to achieve the principles and purposes of the Resource Management Act 1991.

STATUTORY PROVISIONS

SECTIONS 72, 73, 74, 75 AND 76 OF THE RESOURCE MANAGEMENT ACT 1991

INTRODUCTION

The Resource Management Act 1991 sets out the obligations and functions of Council which must be undertaken before the notification of a Variation to a District Plan. The additional procedural considerations which Council must observe in respect of making a Variation to the Proposed District Plan, are as follows:

Section 72

Section 72 states the following:

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

Section 73

Section 73(1A) requires that a Variation be prepared in accordance with the First Schedule of the Resource Management Act 1991. The proposed Variation No. 15: Part A, has been prepared in accordance with that Schedule.

Section 74

Section 74(1) of the Resource Management Act 1991 states the following:

'A territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provisions of Part II, its duty under section 32, and any regulations.'

(i) Functions under Section 31 of the RMA

Section 31 (a) of the Resource Management Act 1991 provides Councils with a mandate to review the objectives, policies and methods adopted to promote the sustainable management of natural and physical resources. Furthermore, Section 31(b) states a function of a territorial authority is "the control of any actual or potential effects of the use, development, or protection of land".

In promoting this Variation to the District Plan, the Council is acting in accordance with its functions under Section 31(a) to achieve the integrated management of the effects of the use, development and the protection of land. The relevant effects and potential cumulative effects, for this Variation include:

- low density residential development (urban form) and sprawling road layouts
- inefficient use of transport infrastructure
- transport-related effects including increased car dependency, travel times, potential congestion and air pollution effects

In Council's view, the integrated management of the effects of land use and control of subdivisions is adequately (and best) managed in the context of the settled objectives and policies and methods of the Proposed District Plan. For this reason, the Variation focuses on making modifications to the Policy and Rule Sections of the Plan.

It is noted that there are numerous objectives and policies within the Plan, focussed on the integration of land use and transport networks, which clearly need to be implemented. Further, it is common ground that the design of residential subdivisions influences environmental amenity, transport preferences (including preferred modes of travel), and travel times.

In Council's view, there is a need for strong regulations in its District Plan to ensure the adequate design of subdivisions, to achieve the abovementioned objectives for more sustainable, transit-friendly neighbourhoods. For this reason, by promoting this Variation to the Plan, Council is fulfilling its powers and responsibilities under the Act.

It is noted that Council has less ability to influence the other transport-related effects eg congestion, air pollution effects and the efficient use of infrastructure. This is principally because of the 'free' use of roads in economic terms. Under the current national road pricing strategy, the 'artificial suppression of costs' of road use, leads to the 'over-use' of the road resource and predominance of private car travel. The economic effect of this policy, is that roads are not being used in an allocatively efficient way. Over time with city growth, the City is likely to suffer increased congestion levels – a potential adverse effect of the current use of the transport system. Accordingly, Council considers that a responsible and pro-active approach to the effective management of these potential and future effects is to shape the design of urban form, travel demand patterns and overall management of the traffic network. At a local level, embracing the principles of connectivity in terms of the design and linkages of roadways, pedestrian paths and cycleways within local communities to schooling, social and employment opportunities nearby, will almost certainly influence the choice of transport modes and potentially reduce travel costs and congestion effects.

The part of the Variation relating to Design Guidance and topic-specific design guidance for residential subdivisions, is also consistent with Council's powers and responsibilities under the Act in respect of integrated management. It is important for Council to have the ability to decline a subdivision concept plan if it creates adverse effects on the environment. As stated, the provisions of the Proposed District Plan are weak in respect of design controls even though there are policies and methods in the Plan which seek to achieve the integrated management of the effects of development and apply a comprehensive planning approach for new subdivisions in growth areas. The proposed approach will complement the existing objectives and policies but also provides some flexibility for land developers to demonstrate that a particular subdivision concept plan complies with the intent of the Design Guidance in respect to the principles of connectivity and permeability. Summarily, the Proposed Variation extends the Plan provisions to address the matters of subdivision design in a more integrated and holistic way.

The other sections of the RMA which Council must have regard to in respect of notifying a Variation to a District Plan are the provisions of Part II. This matter is addressed below.

(ii) The Provisions of Part II of the RMA

Part II of the Resource Management Act relates to its 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 wellbeing 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."

The objectives and policies contained within the Proposed Plan seek to ensure that subdivision and development is carried out in a manner which enables people both now and in the future to meet their needs, which respects the natural environment, which facilitates and attractive and efficient environment, and which provides an attractive and efficient built environment, and which provides the necessary supporting infrastructure and other facilities required by a modern community. This signifies Council's response to requirement under the RMA to sustainably manage the natural and physical resources within Hamilton District. Land is a finite resource (Section 7(g)) and the subdivision of it must be managed at a rate or in a manner that enables people to provide for their social, economic and cultural well-being now and in the future (Section 5 (2)(a)).

In providing for subdivision and development the current Plan recognises the importance of the matters identified as being of national importance in Section 6 of the RMA and provides for protection and enhancement during the subdivision process and in relation to subsequent activity. Similarly, the Plan identifies areas and/or items of cultural; natural; physical and heritage value (Section 7 (b) & (e)) which are to be maintained and protected during subdivision and development. By managing the intensity, form, and rate of development of natural and physical resources (Section 7 (b)) and ensures the maintenance and enhancement of amenity values (Section 7 (c)).

It is considered that this duty is complied with, if the Proposed Variation is consistent with purposes and principles of the Act. For example, the obligation to:

- (a) Sustainthe potential of the Natural and Physical Resources...;*
- (b) Safeguard....the life supporting capacity of air, water, soil ecosystems;*
- (c) Avoid, remedy.., or mitigate...any adverse effects (especially cumulative effects) of activities on the environment.*

It is clear therefore that the RMA provides Council with the power to regulate the rate at which natural and physical resources are used. As a consequence of recognising the value of the land resource and the effects of the design of residential development on the environment, Council has decided to undertake selective and targeted regulatory intervention. It is considered that this provides for cost-effective improvements to the existing Policies and Rules in the Proposed Plan, for the reasons outlined in this report. The approach enables impacts on the natural and physical resources to be addressed in a sustainable and flexible manner while ensuring that people are able to meet their needs both now and in the future.

From an examination of Part II, and other relevant Sections of the Act, Council has also concluded that the accommodation of the suite of amendments within the structure of the Proposed District Plan is the most appropriate way to achieve the purposes of the Act. Furthermore, Council has determined that for the CityScope vision to be effectively implemented, some change to the District Plan is necessary to ensure strategy alignment. The proposed amendments 'dove-tail' the new vision into the existing Plan in an integrated and transparent way.

In confirming the consistency of objectives and policies of the Plan with the Act's principles and purposes espoused in Part II, there is nothing else in Part II, that needs to be considered.

It now falls to consider Section 75 of the RMA.

Section 75

Section 75 states that a District Plan shall make provision for such of the matters set out in Part II of the Second Schedule as are appropriate to the circumstances of the district, and shall state-

- a) *The significant resource management issues of the district; and*
- b) *The objectives sought to be achieved by the plan; and*
- c) *The policies in regard to the issues and objectives, and an explanation of those policies; and*
- d) *The methods being or to be used to implement the policies, including any rules; and*
- e) *The principle reasons for adopting the objectives, policies and methods of the implementation set out in the plan; and*
- f) *The information to be submitted with an application for resource consent, including the circumstances in which the powers under Section 92 may be used.*
- g) *The environmental results anticipated from the implementation of these policies and methods; and*
- h) *The processes to be used to deal with issues which cross territorial boundaries; and*
- i) *The procedures to be used to review the matters set out in paragraphs (a) to (h), and to monitor the effectiveness of the plan as a means of achieving its objectives and policies; and*
- j) *Any other information that the territorial authority considers appropriate; and*
- k) *Such additional matters as may be appropriate for the purposes of fulfilling the territorial authority's functions, powers, and duties under this Act.*

The Proposed Variation follows this format and in that it identifies a new resource management issue for Hamilton and provides an integrated package of objectives and policies to address this issue. Where new policies have been amended or inserted, an explanation of these policies is clearly provided under the heading 'Reasons' as required by S 75(1)(c). Further, the Proposed Variation details the Methods to be used to implement the objectives and policies. Consequential amendments are then made to the Rules Section of the Plan to ensure that potential adverse effects of land use and development are avoided, remedied or mitigated. In Council's opinion, the proposed changes to the current Rules will assist with the administration of the District Plan by reinforcing the information requirements for subdivision applications and by providing interpretative information on the meaning of connectivity and permeability in particular situations. The current information requirements for subdivision applications are set out in Rule Section 1.0 Administration Provisions of the District Plan. The Proposed Variation thus fulfils the requirement of section 75(1) of the RMA.

Section 75(2) of the RMA requires that a District Plan must be consistent with other statutory documents including the Regional Policy Statement (RPS). Section 75 (2) implies a threshold over which any proposed provision must pass. Generally speaking, if the proposed methods meet the objectives and Policies of the District Plan then they cannot be inconsistent with the Regional Policy Statement.

For the purposes of this report, it is noted that the obligation for a District Plan to be 'not inconsistent' with the RPS only applies to an operative document and not to a Proposed Plan (refer Section 2 of the RMA). Section 2 of the Act defines a "District Plan" as an "Operative Plan" approved by a Territorial Authority under the First Schedule... Logically then, a Proposed Plan is not a "District Plan" and therefore Section 75(2) of the RMA does not apply in this particular case. However, notwithstanding this legal technicality, for the purposes of this report, it is concluded that the methods proposed in the Variation are not generically inconsistent with the RPS.

It now remains to consider Section 76 of the RMA.

Section 76

The following provisions of Section 76 are also relevant, to this variation:

- (1) *A territorial authority may, for the purpose of –*
- (a) *Carrying out its functions under this Act; and*
 - (b) *Achieving the objectives and policies of the plan, include rules in a district plan...*

.....

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

These considerations are comprehensively addressed in the body of this report.

Consideration: Statutory Provisions

Variation No. 15: Part A, is consistent with the overall purpose of the Resource Management Act 1991.

In terms of Section 5 of the Act, the modifications proposed within Variation No. 15: Part A, are a means of managing the use, development and protection of the natural and physical resources within Hamilton in a way and at a rate which enables people and communities to provide for their social and economic well-being and for their health and safety. It is also a means to remedy the adverse effects of low density residential subdivision on the environment. The potential effect of subdivision design on amenity character and connectivity of residential communities is a potential effect and in terms of section 3(d) is a proper matter for consideration in terms of Section 72 of the RMA.

The Council is satisfied that the Proposed Variation has positive social benefits. The Variation will promote social, economic and cultural well-being to the extent that community and social well-being will be enhanced through greater convenience and accessibility to key facilities. The Council is thus satisfied that advantages of the Proposed Variation outweigh any detriment and conforms with the concept of sustainable management.

The Proposed Variation is not considered to challenge the provisions of Sections 6 or 7 of the Resource Management Act 1991, nor Section 8 obligations, which the Council has under the Treaty of Waitangi.

The Proposed Variation No. 15: Part A, has been prepared in accordance with Section 73, 74, 75 and Part I of the First Schedule to the Resource Management Act.

The requirements set out in the Local Government Act 2002, in particular those specified in Sections 76-82, have also been met in relation to Variation No. 15: Part A.

Summary Conclusion: Statutory Provisions

The Council is therefore satisfied that the Proposed Variation has been prepared in accordance with :

- the purpose of the Act in itself; and
- the purpose as revealed by the objectives, policies and other provisions of the District Plan read as a whole;
- the functions of the Council to achieve integrated management of the effects of the use, development and protection of land;

- section 32 of the Act;
- the Regional Policy Statement; and
- Part II of the Act

OVERALL CONCLUSION : SECTION 32 EVALUATION

Based on the section 32 evaluation and above statutory assessment, the overall conclusion is that the Proposed Variation No. 15 : Part A, is the most appropriate response to the identified resource management issue. Firstly, in terms of establishing a new policy direction and thereby contributing to the development of a dynamic city environment and secondly, in terms of achieving the stated objectives and policies of the Plan better than either the current plan provisions or the alternatives canvassed in this report. Accordingly, it is desirable to amend the Proposed District Plan, as described, to recognise and provide for these changes within the established structure and policy direction of the District Plan.

The majority of the amendments included within Variation No. 15: Part A seek to avoid, remedy or mitigate adverse effects of residential development on the environment. Where compliance costs are likely to increase (ie, information requirements, potential delays in the transition period), the benefit, in terms of decision making and/or environmental results, are sufficiently high to outweigh the costs imposed by the proposed changes. Further, it is considered the anticipated environmental results will more closely align with the objectives and policies of the Proposed District Plan.

It is concluded therefore that benefits of the Proposed Variation outweigh the costs.

The Proposed Variation then falls for consideration in terms of whether it is most appropriate method. The principle alternative means of achieving the purposes of this Act is a complete Plan review (comprehensive review of design aspects of the Plan) in terms of the provisions of the RMA. A substantive factor in relation to the Proposed Variation is that the Council has embarked on an ambitious strategy to promote better urban design in Hamilton. The ability for Council to carry out its vision would be severely constrained by the current objective and policies prescribed in the Proposed District Plan. This alternative would require major examination under a District Plan review process, however, this would put on hold benefits that the Proposed Variation can accrue presently. Furthermore, it is an option not legally available under Clse 25 (4)(e), Part II of the First Schedule to the RMA and the expenditure involved in such a review exercise is not warranted given the lengthy community consultation process undertaken in the Long-Term Plan which confirms this new strategic direction.

The Proposed Variation is thus an appropriate device enabling the Council to implement its vision; it overcomes the deficiencies in the objectives of the Proposed District Plan and it maintains confidence in the Plan for those who rely on its provisions. Clearly, if the Council was to promote new forms of residential subdivision development, without lodging a Variation to the Plan, then the objectives and policies of the Plan would suffer.

Consequently, the method that the Council has adopted in approving and adopting the Variation to the Proposed District Plan is the most appropriate means of exercising its functions having regard to the efficiency and effectiveness, relating to other means.

In conclusion, it is considered that the Council has exercised its functions correctly in terms of s 32 having regard to the importance of the issues before it.

CONSULTATION PROCESS

Preliminary consultation on this Proposed Variation has been undertaken with Council officers, the Council's Access Hamilton Team, various statutory agencies, as well as potentially affected parties.

By way of background, it is also noted that Part A of Variation 15, to the proposed District Plan for Hamilton City is an agreed and programmed response to Council's Long-term Plan 2006-16, notably, the CityScope Urban Design Strategy. This Plan together with the new policy direction was the subject of extensive community consultation process and has recently been adopted by Council. As a consequence, it is considered that the public notification of this variation will serve as sufficient notice to the community.

A list of parties with whom consultation has been undertaken to date is attached to this report as Appendix 2.

POLICY DEVELOPMENT PROCESS

The policy development process that led to Variation No. 15: Part A involved extensive investigation and consultation to ensure that the proposed modifications were workable alongside the existing provisions in the Plan.

Process Diagram

May 2006	Initial investigations, initial Audit of the Plan (Design) and scoping of proposed amendments relating to CityScope and Access Hamilton.
June - August 2006	Consultation undertaken with key staff on draft amendments to the Proposed District Plan.
July - August 2006	Consultation on Proposed Variation No. 15 undertaken with statutory authorities pursuant to Clause 3 First Schedule of the Resource Management Act 1991.
July - August 2006	Preparation of Proposed Variation No. 15 and Report to the City Development Committee.
8 August 2006	Final Report to City Development Committee on Proposed Variation No. 15.
16 August 2006	Proposed Variation No. 15 adopted by full Council and approved for Public Notification.
24 October	City-wide Public Notification of Proposed Variation No. 15

Appendix One: Relevant Plan Provisions

Objective 4.2.1 Transport Network

To maintain a safe and efficient transport network that allows the city to function and develop with minimal conflicts between land uses, traffic and people.

Policies

- a) Establish and maintain a transport network which accommodates a variety of traffic functions and which minimises conflicts between road users.
- b) Ensure that the roading system provides for property access requirements without compromising the safety and efficiency of the transport network.
- c) Ensure that local road networks provide an integrated road, pedestrian and cycle network that meets the needs of residents and road users and promotes the overall amenity and efficiency of the transport and land use environment.
- d) Facilitate the reticulation of network utilities within the transport network without adversely affecting access, traffic flow or local amenity values.
- e) Encourage design of the transport network which enhances visual amenity values and aids in protecting ecological values.
- f) Encourage the multi-functional use of the transport network which avoids adverse effects on the safe and efficient functioning of the network.

Objective 4.2.2 Access

To ensure that the location and distribution of access points for activities along roads do not adversely affect the safe and efficient functioning of the transport network.

Policies

- a) Ensure that access on to and off roads where the primary function is to provide for through-traffic does not adversely affect the safe and efficient functioning of the road.
- b) Require activities which generate high traffic volumes to avoid or mitigate adverse effects on surrounding traffic flows and pedestrian and cyclist safety.
- c) Control the number, size and position of access points to individual properties and land uses to minimise the adverse effects on the transport network and public safety.
- d) Encourage road designs which reflect their assigned through-traffic and access functions.
- e) Encourage activities which require multiple, closely spaced access points to locate on roads where the access function predominates over the through-traffic function.

Objective 4.2.3 Parking and Loading

To ensure that sufficient and accessible off-street parking, loading and manoeuvring areas are provided as part of development without adverse effects on traffic flows, amenity values or public safety.

Policies

- a) Require a minimum number of parking spaces for motor vehicles, bicycles, motorcycles and for vehicles used by people with disabilities to meet the normal needs of the site or building use.
- b) Require on-site loading and unloading areas to meet the needs of the site or building use.
- c) Ensure that access, parking, loading and manoeuvring areas do not create a nuisance or detract from the amenity values of the site or adjoining properties, or traffic functions of the adjoining street.
- d) Require cash payments in lieu of the provision of parking spaces in the central city to meet the parking needs of shoppers and workers.

Objective 4.2.4 Impacts of the Transport Network

To minimise the adverse effects generated by transport networks uses on the natural and physical environment, amenity values and public safety.

Policies

- a) Differentiate road functions to minimise adverse effects of through-traffic on safety, noise, cyclists, pedestrians and amenity values.
- b) Promote transport network, individual road, and traffic management designs which minimise adverse effects on the safety, noise and amenity values of the local environment.
- c) Promote network and individual road designs which minimise the pollution of natural waterways from road stormwater run-off.
- d) Promote road construction and location which avoids or minimises disruption or modification of sites of ecological and cultural significance.

4.4 Subdivision and Development of Land

Objective 4.4.1 Opportunities for Subdivision

To enable land to be subdivided in a manner which accommodates a wide range of activities while promoting the amenity values of the neighbourhood and maintaining opportunities for future utilisation.

Policies

- a) Encourage a comprehensive approach to subdivisional planning, particularly in new growth areas that enables the long term needs of the community to be addressed and the potential impacts of future development on the environment to be minimised.
- b) Facilitate , as part of any subdivision, the efficient and effective provision of roading, essential services and reserves to avoid or mitigate the environmental, health and safety impacts of under capacity.
- c) Ensure that interim subdivision in future urban areas occurs in a manner that will accommodate activities and their associated effects while protecting the environment and the potential for urban development.

- d) Ensure that subdivision in residential areas can accommodate the housing and related needs of the community, while enhancing residential amenity values and without exceeding environmental and service capacities.
- e) Ensure that subdivision in commercial and industrial areas can accommodate a wide range of activities in a manner which addresses potential impacts including the maintenance of amenity values and meets functional needs including vehicular provision.
- f) Ensure that where any subdivision involves established buildings, recognition is given to functional needs, future redevelopment potential, existing environmental effects and existing usage as well as to the protection of the environment and maintenance of amenity values.

Objective 4.4.2 Environmental Impacts of Subdivision and Development

To ensure that any subdivision and development of land is carried out in a manner which reflects the physical constraints in its use and development and avoids, remedies or mitigates any adverse effects on the environment.

Policies

- a) Ensure that the subdivision and development of land does not negatively impact on the identified natural, amenity, cultural and heritage values in the locality.
- b) Avoid the intensive subdivision and development of land where it is likely to increase exposure to natural hazards or detrimentally impact on identified ecological values.
- c) Require as part of any subdivision and development of land; that provision be made that enables the effective environmental management of, and public access to, the riparian margins of the Waikato River and the city's lakes and major streams.
- d) Ensure that as part of any subdivision and development of land, the carrying out of earthworks and the provision of stormwater disposal facilities both on and off the site minimises the contamination of natural waters and the danger of flooding and erosion in the area.
- e) Require as part of any subdivision and development of land; provision for the environmentally acceptable disposal of sewerage and other waste generated by activities able to be established on that land.
- f) Minimise any detrimental effects on the safety and efficiency of the transport network and on amenity values of surrounding communities due to increased traffic movement arising from subdivision and development of land.

Objective 4.4.3 Public Facilities and Subdivision

To ensure the adequate and equitable provision of infrastructural services and facilities, and reserves required, as a consequence of the subdivision or development of land, in order to avoid, remedy or mitigate adverse effects on the environment and to enable the community's needs to be met.

Policies

- a) Ensure the provision of land for recreational, amenity and environmental protection purposes throughout the city.

- b) Require developers to provide for land to be set aside and developed as reserves in conjunction with the subdivision and development of land to address the community's recreational needs.
- c) Ensure that the land set aside as reserves has regard to the protection of identified natural, amenity, cultural and heritage values in the locality being subdivided.
- d) Require developers to provide for network utility reticulation and roading within the site as part of the subdivision and development of land, and to provide connections to the trunk service systems where necessary in order to remedy or mitigate impacts on the environment and on people's health and safety.
- e) Ensure that the costs of additional provision for stormwater disposal, required to remedy or mitigate the flooding, erosion and other environmental impacts of the subdivision and development of land within each catchment area are met by developers.
- f) Ensure that a reasonable share of the cost of meeting the off-site provision for arterial roading, needed to mitigate the impacts of the additional traffic generated on the transport network which arise from the subdivision and development of land within each new growth area is recovered from developers.
- g) Ensure the costs of meeting the off-site provision for reticulated sewage disposal and water supply within each service area, needed to protect people's health and mitigate environmental impacts, which arise from the subdivision and development of land, together with a reasonable share of the costs of providing trunk services to that area, are met by the developers.
- h) Ensure that for intensive developments, developers meet the costs of remedying or mitigating the local impacts on the environment and on the capacity of infrastructural services and roading.
- i) Co-ordinate new urban and infrastructural development to enable subdivision to respond to market demand while facilitating the economic and timely provision of roading and essential services.
- j) Ensure that the developers meet the full costs of infrastructural provision where subdivision is proposed ahead of programmed development.

Appendix Two: Consultation Parties

1. Citywide feedback (Council's Long-Term Plan)

The Council's Long-Term Plan is Council's strategic planning document for the City of Hamilton and outlines a new set of community outcomes and Council's contribution to Hamilton's development, over the next 10 years.

This Plan was formally adopted by Council on 30 June 2006. Council is now in the phase of progressively implementing its Strategic Vision, including making changes to its other higher-level strategic documents, such as the Proposed District Plan, which was prepared under the Resource Management Act 1991.

As part of preparing its Long-Term Community Plan, Council undertook extensive consultation with the Community in 2006, as required pursuant to the Local Government Act 2006. The draft Plan was open for public submissions between 31 March and 1 May 2006 with 202 written submissions received on a wide variety of topics. These submissions were considered by Council and helped shape Council's final Vision, its key plans and policies.

Useful and relevant feedback from this process was forwarded to the District Plan Team for their consideration. This citywide feedback formed an invaluable and integral foundation for the preparation of Variation No. 15.

2. Targeted preliminary consultation

a) Statutory Agencies (Resource Management Act)

Statutory parties that were served a copy of the Proposed Variation No. 15, in accordance with clause 3 of the First Schedule, of the RMA 1991, were as follows:

- The Minister for the Environment
- The Ministry for the Environment: Manager of Statutes
- Environment Waikato
- Waipa District Council
- Waikato District Council
- Namtok
- The New Zealand Historic Places Trust

b) Cross-Council consultation

Consultation was undertaken with senior staff in the following departments:

- Planning Guidance Unit : Subdivision Team Leader and Planner (Subdivision), Land Use Team Leader and Urban Design Planner
- The Parks and Gardens Unit : Research and Planning Manager/Reserves Planner
- Roads and Traffic Unit : Development Engineer