Appendix 7: Evaluation of Objectives, Policies and Rules and Efficiency And Effectiveness of the Provisions (S32(1), (2) and (3))

The following assessment evaluates (Table 1 and Table 2) the options selected for further evaluation in Appendix 6. This assessment has been undertaken in accordance with Section 32(1), Section 32(2) and Section 32(3) of the RMA. The assessment:

- Examines the extent to which the objectives or the proposal being evaluated is the most appropriate way to achieve the purpose of the Act
- Examines whether the policies and rules are efficient and effective in achieving the new and existing objectives
- Identifies and assesses the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for economic growth and employment
- Assesses the risk of acting or not acting
- The level of detail corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

Table 1: Assessment of proposed additional and amended objectives against the purpose of the RMA and Strategic Direction of the Hamilton City Operative Plan

Objective	Purpose of the RMA
19.2.1 ~~Significant buildings, structures, sites, and items that define the City's historic heritage are identified and protected.~~ **Historic heritage that contributes to an understanding and appreciation of the history and culture of the City is identified, and significant heritage resources are protected.**	This amended objective is the most appropriate way to achieve the purpose of the RMA as, together with other objectives of the ODP it will achieve sustainable management of the historic heritage resources of the City. In particular, together with ODP objective 19.2.2 (which is not amended by PC9), it ensures that the potential of heritage resources of the City are sustained, to meet the needs of future generations for understanding and appreciating the history of the City. The protection of historic heritage in the City also means that adverse effects of activities on those resources are avoided, remedied or mitigated.
19.2.3 The heritage values of significant buildings, structures and their ~~immediate~~ **setting and** ~~-~~surroundings are protected.	This objective is the most appropriate way to achieve the purpose of the RMA as, together with other objectives of the ODP, it will achieve sustainable management of the historic heritage resources of the City. The amendment to the Objective (to delete the qualifier "immediate") makes the use of the term "surroundings" consistent with the definition of 'historic heritage' in the RMA. The term "setting" is used in International Council on Monuments and Sites (ICOMOS) guidance on the management of heritage. The term "surroundings" is not defined in the RMA, and introducing the term "setting", which is well understood by heritage professionals, will assist in the clarity of intent of the objective. This will in turn support the objective in achieving the Purpose of the RMA. It should be noted that PC9 also proposes the introduction of definitions of 'setting' and 'surroundings' as used in Chapter 19.
19.2.5 The heritage values of a historic heritage area shall be identified and protected.	This addition of objective is the most appropriate way to achieve the purpose of the RMA as, together with other objectives of the ODP it will achieve sustainable management of the historic heritage resources of the City. In particular, together with ODP objectives 19.2.1 and 19.2.2 (which is not amended by PC9), it ensures that the potential of heritage resources of the City are identified and sustained, to meet the needs of future generations for understanding and appreciating the history of the City. This also provides a degree of certainty that historic heritage will be protected which is identified as a matter of national importance under section 6 of the Act.
19.2.6 Recognize, protect and, where possible, enhance the physical and visual qualities of the heritage values of a residential zoned site within a historic heritage area.	This objective is the most appropriate way to achieve the purpose of the RMA as, it will provide for the recognition, protection and where possible the enhancement of the heritage values of the identified historic heritage areas. This provides a degree of certainty that historic heritage will be protected which is identified as a matter of national importance under section 6 of the Act. This also provides a degree of direction and clarification of the criteria used to determine the heritage values of the identified historic heritage areas.
19.2.47 Recorded and unrecorded archaeological ~~and cultural~~ sites shall be protected from **modification,** damage or destruction.	The Heritage New Zealand Pouhere Taonga Act 2014 (HNZPT Act) is the primary legislation for the management of archaeological sites, and all archaeological sites (presently recorded and those yet discovered) are protected under the HNZPT Act. The term "modification" is used in the HNZPT Act and introducing that term to the objective assists in the objective achieving s.5 and s.6f of the RMA.
20.2.1 Significant Natural Areas are protected, maintained, restored and enhanced.	This objective is the most appropriate way to achieve the purpose of the RMA as: • The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna (Significant Natural Areas) is a matter of national importance under section 6(c) of the RMA that must be recognised and provided through the District Plan. The objective is directly focused on achieving section 6(c) through the protection of SNAs. • The objective will help to safeguard the life-supporting capacity of ecosystems consistent with section 5(2)(c) of the RMA. The ongoing natural capital benefits of maintaining the life supporting capacity of indigenous biodiversity ecosystems are significant and will be felt by current and future generations in Hamilton City. • The reference to protection, maintenance and restoration recognises that a range of measures are required to maintain indigenous biodiversity in Hamilton City and enable indigenous biodiversity to thrive and that an objective, policy and rule framework that only focuses on protection is not sufficient. • The objective will require adverse effects on SNAs to be avoided, remedied and mitigated consistent with section 5(2)(c) of the RMA.

	• The use of the term 'maintained' reflects the need to prevent further loss of the extent of SNAs and to achieve net ecological benefits when undertaking activities close to, or within, SNAs. However, the RMA is not a 'no loss' statute and reference to the maintenance of SNAs recognises that the values for which they were scheduled can be protected and maintained without a requirement to avoid all adverse effects. • The use of the terms 'restored and enhanced' acknowledges the need to enable activities such as restoration planting, removal of pests, access tracks for restoration work etc. to help restore indigenous biodiversity and increase indigenous vegetation cover, which is a key strategic priority for Hamilton City as evident through the Nature in the City Strategy. Objective 20.2.1 is also strongly aligned with the following strategic framework objectives and policies in Chapter 2 of the Hamilton City Operative Plan: • Objective 2.2.12 - Protect and enhance natural character, natural features and landscapes, ecosystems and indigenous biodiversity. • Policy 2.2.12a - Land use and development protects natural character, natural features and landscapes and ecosystems and promotes positive outcomes for indigenous biodiversity in the Waikato region. • Policy 2.2.12b - Land use and development maintains the extent and, where possible, enhances ecological corridors. Objective 20.2.1 is also aligned with strategic framework objectives and policies in Chapter 2 of the Hamilton City Operative Plan relating to the Waikato River, particularly Policy 2.2.8a and 2.2.8b.
23.2.5 Subdivision occurs in a manner that recognises ~~historic heritage and~~ natural environments **and recognises and provides for the protection of historic heritage**	This objective is the most appropriate way to achieve the purpose of the RMA as, together with other objectives of the ODP, it will achieve sustainable management of the historic heritage resources of the City. The amendment to the Objective achieves s.6(f) of the RMA.

Table 2: Analysis of proposed provisions to achieve the existing and proposed objectives

Archaeological and Cultural Sites

Table 2.1 Analysis of Proposed Provisions to Achieve Objective 19.2.7 Archaeological and Cultural Sites
Analysis:
PC9 proposes amending Objective 19.2.4 of the ODP as follows: **19.2.4~~.~~ 7** Significant archaeological and cultural sites shall be protected from **modification,** damage or destruction.
Options to achieve the objective
The options considered to achieve the objective have been informed through the methodology report for archaeological and cultural sites along with hui held with Mana Whenua during the preparation of PC9. the following options were considered when reviewing the Chapter 19 provisions relating to Archaeological and Cultural Sites: 1. No changes to the operative policies and rule framework of Chapter 19, assessment criteria or mapping of archaeological and cultural sites (status quo in the ODP) 2. Extend the number of recorded archaeological sites presently identified on the ODP planning maps to include all known, recorded NZAA sites within Hamilton's city boundaries. 3. Revise the existing Schedule 8B and 8C schedules in Appendix 8 to include all recorded NZAA sites and identify their attributes and values as set out in the WSP Archaeological methodology and inventory reports for each site (excluding those sites subject to PC5 - Peacocke Plan Change). 4. Amendments to the policies that give effect to this objective; introduction of new policies relating to the identification of archaeological sites, earthworks and minor work. 5. Provide for the different significant levels between Group 1 and Group 2 archaeological and cultural sites through specific policies and rules.
Overview of proposed provisions to achieve the objective The proposed approach and provisions involve the following options: • Amendments to the policies that give effect to objective19.2.7; introduction of new policies relating to the identification of archaeological sites, and minor work. Amendments that clarify the activity status of earthworks that do

not comply with ODP Rule 19.4.2.

- Identify all known recorded NZAA archaeological sites, and retain those sites already identified in the ODP but that are not recorded (these sites having been identified through the preparation of the 2012 District Plan Review).
- Revise the existing archaeological and cultural schedules (8B and 8C) Volume 2, Appendix 8 of the ODP (no changes to those sites identified through PC5 - Peacocke Plan Change)
- Strengthen the activity status for earthworks to ensure greater protection of Group 2 sites.
- Proposed amendments to matters for discretion and assessment criteria relating to archaeological sites are set out in full in Appendix 3.
- Notes added to acknowledge that the collective of the total 109 sites identified in the district plan does not represent the exhaustive extent of archaeological in the City and there are many unknown and as yet discovered sites.
- great importance of the application of Accidental Discovery Protocols and recognition that while the known extents are being shown in the district plan this may not mean these sites don't have a wider reach.

Assessment of the effectiveness and efficiency of the proposed provisions in achieving the objectives	**Benefits:**	**Costs:**
Retain existing provisions	No costs to Council and submitters for a plan change. Avoids costs to Council and applicants of applications for resource consent required by the provisions.	Cultural and environmental costs in the District Plan not fully giving effect to Part 2 of the Act.
As cited above (amendments to Policies, rules and assessment criteria to clarify terminology; amendments to the earthwork rules within archaeological and cultural sites to give effect to the new objectives and policies introduced by PC9 for the sites.	Clarification that Policy 19.2.4a (19.2.7a, numbered by PC9) relates to 'inappropriate' subdivision, use and development makes the policy consistent with s.6f of the Act, and means the amended policy recognises and provides for that matter of national importance. Proposed new Policy 19.2.6b achieves Objective 19.2.6a, by ensuring that the extent of the archaeological site is identified. Proposed new Policy 19.2.6g achieves Objective 19.2.6a by clarifying how archaeological sites are to be managed. Amending the activity status for earthworks in Group 2 sites provides greater alignment with the policy framework) and ensure the ODP satisfactory recognized the significance of the Group 2 archaeological sites. Rule 19.4.2 will enable engagement with Mana Whenua, and this involvement will assist in the exercise of kaitiakitanga.	The ODP requires a RD resource consent for earthworks on a site in Group 1 archaeological sites. Option 2 proposed to change the activity status of earthworks in Group 2 archaeological sites from a permitted to a controlled activity. This would impose a both time and monetary costs on the proponent. Option 2 also proposes a rule that would require these applications to identify the measures proposed by Mana Whenua. The additional requirements of Rule 19.4.2 would impose additional time and monetary costs on the proponent for Group 1 sites. Rule 19.4.2 would impose a time cost on Mana Whenua. Engagement with representatives of Mana Whenua in the preparation of PC9 identified that this is a cost that Mana Whenua are agreeable to.

Opportunities for economic growth and employment

PC9 identifies 57 additional archaeological sites to be scheduled in Appendix 8. Regardless of inclusion on the District Plan, the Heritage New Zealand Pouhere Taonga Act 2014 protects archaeological sites and requires an Authority from Heritage New Zealand Pouhere Taonga to modify or destroy the site. The ODP already requires resource consent for earth working within a Schedule 8B Group 1 Archaeological and Cultural Site, PC9 also introduces a resource consent for earth working within a Schedule 8C Group 2 Archaeological and Cultural Site; and PC9 introduces a standard and term to that activity class, to encourage engagement with Mana Whenua. While there will be additional time and cost impacts not presently existing with regards to Group 2 sites, the controlled activity resource consent will not affect opportunities for economic growth and employment.

Risk of acting or not acting

The risk of not acting, to make the amendments as proposed through the combination of Options 2-5, are that the heritage resource is not sustainably managed, and these significant archaeological sites are used in a manner that destroys the heritage values.

Effectiveness and Efficiency

The provisions responding to Options 2-5 will be effective in ensuring that Objective 19.2.7 is achieved. The provisions require engagement with Mana Whenua, and affected party consent from Mana Whenua, and also provide an alternative consenting pathway for applicants, as a discretionary activity, and are considered to be efficient.

Appropriateness in relation to relevant existing objectives:

The provisions proposed through Options 2-5 clarify and provide certainty regarding the application of ODP rules for archaeological and cultural sites, and are considered appropriate in relation to both existing and amended objectives.

Summary of reason for decision on the provisions:

Options 2-5 is the preferred option, the provisions are considered to be the most appropriate, effective and efficient way to achieve the purpose of the RMA and relevant plan objectives.
This combination will:

- give effect to the direction of the WRPS and section 6 of the RMA and provides greater clarity when compared to the operative District Plan provisions
- Protect all known recorded NZAA archaeological sites of which will be under increasing development pressure in residential areas
- Better recognise the role of mana whenua and their connection with the whenua and awa.
- provide more protection through the identification of the archaeological extents that will assist with the potential for accidental discover and the requirement under the HNZPT Act.

Built Heritage

Table 2.2 Analysis of Proposed Provisions to Achieve Objective 19.2.3 - Buildings and Structures		
Analysis:		
PC9 amends the objective of the ODP that relates specifically to heritage buildings and structures (Objective 19.2.3): The heritage values of significant buildings, structures and their ~~immediate~~ **setting and** surroundings are protected.		
Options to achieve the objective		
The options considered to achieve the objective have been informed through the methodology report for identification of additional built heritage sites. The following options were considered when reviewing the Chapter 19 provisions relating to Built Heritage: 1. No changes to the operative policies and rule framework of Chapter 19, assessment criteria or mapping built heritage (status quo in the ODP) 2. Extend the number of recorded built heritage buildings and/or structures than that presently identified on the ODP planning maps. 3. Revise the existing Schedule 8A in Appendix 8 to include a greater number of built heritage items that have significant heritage values meeting the test for protection in accordance with s.6, RMA. 4. Amendments to the policies that give effect to this objective; introduction of new policies relating to the types of works that can be undertaken with and without a resource consent have been given greater clarity. The amendment to the Objective (to delete the qualifier "immediate") makes the use of the term "surroundings" consistent with the definition of 'historic heritage' in the RMA. The term "setting" is used in International Council on Monuments and Sites (ICOMOS) guidance on the management of heritage. The term "surroundings" is not defined in the RMA, and introducing the term "setting", which is well understood by heritage professionals, will assist in the clarity of intent of the objective. This will in turn support the objective in achieving the Purpose of the RMA. It should be noted that PC9 also proposes the introduction of definitions of 'setting' and 'surroundings' as used in Chapter 19.		
Overview of proposed provisions to achieve the objective The proposed approach and provisions involve the following options: • Amendments to the policies that give effect to to achieve Objective 19.2.3. Introduction of new policies relating to the retention, the protection of identified heritage fabric and vales, and encouragement of adaptive reuse including the needs for earthquake strengthening, fire protection and accessibility upgrades. • Undertaking the wider stock take of potential built heritage and scheduling those identified as having significant heritage value, locally, regionally or nationally. • Strengthen the activity status for works to scheduled items, strengthen the rules pertaining to earthquake, fire safety and accessibility works for the avoidance of the exterior heritage fabric being destroyed. • Proposed amendments to matters for discretion and assessment criteria relating to built heritage are set out in full in Appendix 3. • Provisions to achieve the ODP Objective 19.2.3 include rules relating to maintenance and repairs of Schedule 8A buildings and structures. The ODP contains an activity rule for maintenance and repairs of Schedule 8A Built Heritage, but does not reference the requirements of Rule 19.4.1 that relate to the specific standards for maintenance and repairs of Schedule 8A items, and does not state the activity status for a proposal not meeting that Rule. This means non- compliance with Rule 19.4.1 would default to the noncomplying activity status. Rule 19.4.1 contains unclear and uncertain wording, with partial and inconsistent use of the term defined in the ODP for 'maintenance and repair'. PC9 amends the provisions relating to maintenance and repair in order to achieve Policy 19.2.3j. • Definitions for Maintenance and Repair are amended • Amendments to clarify the activity status and matters for discretion for reconstruction and reinstatement of any structure or building in Schedule 8A		

Assessment of the effectiveness and efficiency of the proposed provisions in achieving the objectives	**Benefits:**	**Costs:**
Retain existing provisions (Status quo in the ODP)	No costs or lower costs to Council and people who would submit on PC9.	There are environmental costs and potential loss of the City's historic heritage due buildings and structures with heritage values not being listed in Schedule 8A. There are environmental costs and potential loss of the City's historic heritage due to the absence of a clear policy and rules relating to work to maintain and repair a building or structure listed in Schedule 8A. The uncertain and unclear construction of Rule 19.4.1 has costs to Council, owners of buildings and structures in Schedule 8A. Rule 19.4.1 is unclear as to whether the term defined in the ODP "maintenance" is overridden by the partial and unclear list of activities that are permissible under that rule.
Increase the number of built heritage items on Schedule 8A (Options 2-4)	There are environmental benefits in improving the extent to which heritage buildings and structures in the City are identified in Schedule 8A and made subject to the provisions that sustainably manage the heritage resources identified in Schedule 8A.	Costs of the plan change to Council and submitters. Potentially greater costs to the owners of buildings and structures that are listed in Schedule 8A.

Provisions for reconstruction and reinstatement as set out above and in Appendix 1	Enabling reconstruction and reinstatement through a clear consenting pathway provides benefits to the owners of buildings and structures in Schedule 8A and may encourage the preservation of the heritage values and heritage resources.	
Policy 19.2.3j, amendments to activity for maintenance and repairs, amendment to Rule 19.4.1 and amendment to definition of maintenance and repairs (in relation to Chapter 19), as cited above in this Table.	There are environmental benefits in improving the extent to which buildings and structures in Schedule 8A will be maintained and repaired in a manner that retains the heritage values. A clear policy and rules relating to work to maintain and repair a building or structure listed in Schedule 8A will provide greater certainty for Council and the owners of the buildings and structures listed in Schedule 8A.	Costs of the plan change to Council and submitters. Potentially greater costs to the owners of buildings and structures due to the clarifications that Policy 19.2.3j and amendments to Rule 19.4.1 provide about the manner in which maintenance and repairs must be carried out.
Opportunities for economic growth and employment		
There are no identified effects of retaining the status quo or applying the combination of Options 2-4 on opportunities for growth and employment.		
Risk of acting or not acting		
The risk of not acting, to make the amendments set out via Options 2-4, are that the heritage resource is not sustainably managed, and buildings and structures in Schedule 8A are not preserved, or are altered or added to in a manner that destroys the heritage values; and buildings and structures in Schedule 8A are not maintained or repaired in a manner that conserves the authenticity and integrity of the building or structure.		
Effectiveness and Efficiency		
The status quo is not effective in achieving the objective and is not efficient due to buildings and structures with recognised heritage values not being included in the Schedule 8A. Options 2-4 will be effective in achieving the objective and provide efficiencies due to clearly identifying the heritage values of the buildings and structures included in the Schedule. The option combination with also be effective due to removing uncertainty and improving the clarity of the rules.		
Appropriateness in relation to relevant existing objectives:		
Options 2-4 is appropriate to achieve the objectives of the ODP and the amended objectives of PC9.		
Summary of reason for decision on the provisions:		
The combination of Options 2-4 is the most appropriate to achieve the objective of protecting the heritage values of significant buildings, structures and is the most efficient and effective option. This combination will also achieve the purpose of the RMA and relevant plan objectives: • give effect to the direction of the WRPS and section 6 of the RMA and provides greater clarity when compared to the operative District Plan provisions • provide great clarity on how protection is to be undertaken and the parameters in which maintenance and repair can be undertaken. • ensure the wider collective of the touch points of Hamilton's built heritage is protected for future generations.		

Historic Heritage Areas

Table 2.3: Analysis of proposed rules change to Chapter 4 and Chapter 5		
Analysis:		
PC9 proposes the introduction of rules to Chapter 19 for the provision of Historic Heritage areas (HHAs) and cross referencing in Chapter 4 and Chapter 5		
Options to achieve the objective		
The options considered to achieve the objective have been informed through the methodology report for identification of historic heritage areas. The following options were considered when reviewing the Chapter 19 provisions relating to: 1. No changes to the operative policies and rule framework of Chapter 4 – Residential and Chapter 5 – Special character Zones or the introduction of HHA into Chapter 19 (status quo in the ODP) 2. Introduce the HHA overlay into Chapter 19, while not modifying the underlying zoning; showing this overlay on the features maps. 3. Insert a new schedule in Appendix 8 to identify specific HHA areas and provide a description of the heritage significance of each area, meeting the test for protection in accordance with s.6, RMA. 4. Amendments to the policies that give effect to this objective; introduction of new policies relating to HHAs		
Overview of proposed provisions to achieve the objective The proposed approach and provisions involve the following options: • Undertake review of the existing areas covered by the Special Character zoning. • Undertake a citywide analysis of potential HHA areas within the period 1860 – late 1970s through set criteria to determine significant heritage value, locally, regionally, nationally or internationally. • Introduce suite of planning provisions to protect the identified heritage qualities for the HHAs. • Insert definitions for HHA • Introduce activity status and matters for discretion for demolition, relocation and new building in the identified HHAs.		
Assessment of the effectiveness and efficiency of the proposed provisions in achieving the objectives	**Benefits:**	**Costs:**

Retain the status quo in the ODP– no change or cross-reference in relation to historic heritage area in Chapters 4, Chapter 5, and no introduction of provisions relating to HHA in Chapter 19		No or less cost to Council and submitters to PC9 for the plan change and hearings process.	This option may result in confusion to the plan for plan users as lack of alignment and reference between chapters, zoning controls and overlay controls, resulting in economic costs. It also fails to protect and maintain the heritage values of the identified HHAs due to lack of provisions in the ODP.
No changes to the operative policies and rule framework of the existing zonings. Introduce provisions relating to HHAs and the addition of rules as set out below and in Appendix 1 to provide direct reference to Chapter 19 in relation to historic heritage areas – **Preferred option as a combination of 2, 3 and 4**.		Provide clear directions and reference to plan users for areas subject to historic heritage areas to the relevant chapter. The introduction of provisions and rules for HHAs in Chapter 19 will ensure the protection of the heritage values of these areas.	No or less costs as this is a consequential change due to historic heritage areas.
The specific rules which are most appropriate to achieve the objective:		**Benefits:**	**Costs:**
Rule 4.3 Activity Table	(ss) Demolition or removal of existing buildings on sites located within a Scheduled HHA in Volume 2, Appendix 8, Schedule 8D: Historic Heritage Areas – See Chapter 19 Historic Heritage (tt) Maintenance, repair and alterations and additions to existing buildings on sites located within a Scheduled HHA in Volume 2, Appendix 8, Schedule 8D: Historic Heritage Areas– See Chapter 19 Historic Heritage (uu) Relocated buildings on sites located within a Scheduled HHA in Volume 2, Appendix 8, Schedule 8D: Historic Heritage Areas– See Chapter 19 Historic Heritage (vv) New buildings on sites located within a Scheduled HHA in Volume 2, Appendix 8, Schedule 8D: Historic Heritage Areas - See Chapter 19	The introduction of these rules will provide a clear direction and reference for plan users and avoid potential confusions and complexity of the plan for activities in historic heritage areas.	No or less costs as this is a consequential change for better administration for District Plan.
Rule 4.4.8 Fences and Walls	Fences and/or walls shall have a maximum height of 1.8m, except where sites are located within a Historic Heritage Area then the fences and/or walls standard in Chapter 19 Historic Heritage will take preference. a. The height of any fence and/or wall shall be measured in terms of natural ground level. b. Any retaining wall which is higher than 1.5m and load bearing is not subject to this standard and will be considered, for the purpose of assessment, as a building. c. Any fence and/or wall that is taller than 2.5m is not subject to this standard and will be considered, for the purpose of assessment, as a building. d. This rule shall not apply to any fence and/or wall which: i. Following construction will be located at or below natural ground level of the land that existed prior to construction commencing; or ii. Is internal to a proposed development and does not result in any fence or wall which has a height of 1.8m or more in relation to natural ground level of any adjoining external property not in common ownership.		
Rule 5.3 Activity Table	(b) Alterations and additions (excluding as provided for by (c), (d) and (e) and sites located within a scheduled HHA in Volume 2, Appendix 8, Schedule 8D: Historic Heritage Areas, heritage buildings and structures, in Volume 2, Appendix 8, Schedule 8A: Built Heritage) (gg) Demolition or removal of existing buildings (excluding as provided for by (hh) to (jj) and sites located within a scheduled HHA in Volume 2, Appendix 8, Schedule 8D: Historic Heritage Areas, and heritage buildings and structures in Volume 2, Appendix 8, Schedule 8A: Built Heritage) (kk) Relocated buildings (excluding as provided for sites located within a scheduled HHA in Volume 2, Appendix 8, Schedule 8D: Historic Heritage Areas, and by {heritage buildings and structures in Volume 2, Appendix 8, Schedule 8A: Built Heritage). (nn) New buildings on sites located within a Scheduled HHA in Volume 2, Appendix 8, Schedule 8D: Historic Heritage Areas – see Chapter 19		

Rule 5.4.8 Fences and Walls	a. Fences and walls shall have a maximum height of 1.8m, except as provided below. <u>For sites are located within a Historic Heritage Area then the fences and/or walls standard in Chapter 19 Historic Heritage will take preference.</u> b. Fences and walls within the Special Residential Zone and Special Heritage Zone shall have a maximum height of 1.2m for front and side boundary fences or walls located forward of the front building line of the dwelling.		
Opportunities for economic growth and employment			
All options are neutral in relation to opportunities for economic growth and employment- neither providing or reducing opportunities for economic growth or employment.			
Risk of acting or not acting			
There are minimal risks associated with these amendments as they are for better clarifications rather than additional requirements.			
Effectiveness and Efficiency			
Option 2, 3 and 4, along with the provisions above will improve the effectiveness and efficiency of the plan as it provides clear reference to plan users.			
Appropriateness in relation to relevant existing objectives:			
Option 2, 3 and 4, along with the provisions above is appropriate in relation to achieving objectives of the District Plan.			
Summary of reason for decision on the provisions:			
Option 2, 3 and 4, along with the provisions above is the most appropriate to achieve the objective of the Plan and is the most efficient and effective option.			

Table 2.4: Analysis of proposed provisions and rules to achieve the existing Objective 7.2.6		
Analysis:		
PC9 proposes the amendment and introduction of provision and rules to give effect to the existing objective 7.2.6 Continued development and growth which enhances the commercial heart of Hamilton as an attractive and vibrant pedestrian orientated City Centre that is accessible to all levels of mobility and has a strong relationship with the Waikato River.		
Options to achieve the objective		
The options considered to achieve the objective have been informed through the methodology report for identification of HHAs. The following options were considered when reviewing the inclusion of HHAs: 1. No reference and recognition of historic heritage areas in the Chapter 7 of the ODP (status quo in the ODP) 2. Introduce the HHA overlay and provisions into Chapter 19 and showing this overlay on the features maps. 3. Insert a new schedule in Appendix 8 to identify the specific HHA area and provide a description of its heritage significance, meeting the test for protection in accordance with s.6, RMA. **4.** Amendments to the policies that give effect to this objective in Chapter 7, while not modifying the underlying zoning; introduction of new policies relating to the HHA		
Overview of proposed provisions to achieve the objective The proposed approach and provisions involve the following options: • Undertake an analysis of Victoria Street and its potential as a HHA area through set criteria to determine significant heritage value, locally, regionally, nationally or internationally. • Introduce suite of planning provisions to protect the identified heritage qualities for the HHAs. • Insert definitions for HHA • Introduce activity status and matters for discretion for demolition, relocation and new building in the identified HHA.		
Assessment of the effectiveness and efficiency of the proposed provisions in achieving the objectives	**Benefits:**	**Costs:**
Retain the status quo in the ODP – no change	No or less cost to Council and submitters to PC9 for the plan change and hearings process.	This option may result in confusion to the plan for plan users as lack of alignment and reference between chapters, zoning controls and overlay controls, resulting in economic costs. It also fails to protect and maintain the heritage values of the identified HHAs due to lack of provisions in the ODP.
Provide reference, recognition of historic heritage area including amendments and additions of provisions and rules as set out below. **– Preferred Option is a combination of 2, 3 and 4.**	Council will fulfill its duties under the Act, and in particular s.6f in relation to historic heritage areas and it will ensure better alignments between different chapters within the District Plan. This option will also provide clear directions and reference to plan users for areas subject to historic heritage areas to the	Council and submitters will have costs associated with the plan change process.

		relevant chapter.	
The specific provisions and rules which are most appropriate to achieve the objective:		**Benefits:**	**Costs:**
Policy 7.2.6g	Diversity in building form and height is encouraged, subject to enhancing and protecting public amenity values, and minimising adverse effects on adjoining sites and the public realm, and protecting the authenticity and integrity of the identified historic heritage area.	The identification and recognition of historic heritage areas will provide environmental, social and cultural benefits, protecting the heritage values that are of significance to the development and history of the city. Enabling development within the historic heritage areas will provide economic and social benefits through enabling the provision of developments, including housing and commercial activities. There may be additional design costs associated with requiring a careful approach to development within the historic heritage areas, as it will require consideration of the future development of the area and how this may occur. A comprehensive approach will provide a higher quality design outcome, establishing a higher level of amenity. This results in social benefits.	There are economic costs associated with the identification and protection of the historic heritage area as this will reduce the area of developable land available. There will be costs associated with requiring the preparation of a Heritage Impact Assessment and administration costs for resource consents for development within the area. There may be potential environmental, social and cultural effects associated with enabling developments within the historic heritage areas if the adverse effects not correctly managed.
Policy 7.2.6i	Developments within the historic heritage area are required to be sympathetic to the heritage values and be accompanied with a Heritage Impact Assessment.		
Rule 7.3 Activity Table	b) Alterations and additions to ~~existing~~ buildings– see Rule 7.5.7 (except heritage buildings and structures in Volume 2, Appendix 8, Schedule 8A: Built Heritage and/or for sites located within a Scheduled HHA in Volume 2, Appendix 8, Schedule 8D: Historic Heritage Areas) c) Minor Works (except signs, and maintenance and repair of buildings and structures in Volume 2, Appendix 8, Schedule 8A: Built Heritage and/or for sites located within a Scheduled HHA in Volume 2, Appendix 8, Schedule 8D: Historic Heritage Areas) e) Demolition or removal of buildings (except heritage buildings in Volume 2, Appendix 8, Schedule 8A: Built Heritage and/or for sites located within a Scheduled HHA in Volume 2, Appendix 8, Schedule 8D: Historic Heritage Areas)	The introduction of these rules will provide a clear direction and reference for plan users and avoid potential confusions and complexity of the plan for activities in historic heritage areas.	No or less costs as this is a consequential change for better administration for District Plan.
Opportunities for economic growth and employment			
All options are neutral in relation to opportunities for economic growth and employment- neither providing or reducing opportunities for economic growth or employment.			
Risk of acting or not acting			
Historic heritages are required to be protected to achieve Part 6 of the RMA. The risks of not acting is likely to result in the loss and damage of areas with heritage values that are of significance to the development and history of the city. The risk of acting is that there may be a perception of additional costs and delays for developers. It is considered that the risks of acting outweigh the risks of not acting.			
Effectiveness and Efficiency			
Establishing a policy framework that identifies and recognizes historic heritage areas will ensure that land use is managed to protect areas that have been identified as having particular heritage values in the central city zone. The identification and recognition of such area assists in the effective and efficient management of them by ensuring there are adequate controls in place to allow the protection of the heritage values while enabling some activity to occur. This maximises the efficient use of land by clearly distinguishing those areas that require the protection. It will also improve the effectiveness and efficiency of the plan as it provides clear reference to plan users and ensures better alignment of the Plan.			
Appropriateness in relation to relevant existing objectives:			
Option 2, 3 and 4, along with the provisions above is appropriate in relation to achieving objectives of the District Plan.			
Summary of reason for decision on the provisions:			
Option 2, 3 and 4, along with the provisions above is the most appropriate to achieve the objective of recognising historic heritage areas and is the most efficient and effective option.			

Table 2.5: Analysis of proposed provisions and rules to achieve the existing Objective 16.2.2

Analysis:			
PC9 proposes the introduction of provision and rules to give effect to the existing objective 16.2.2 Activities have minimal adverse environmental effects as it relates to historic heritage.			
Options to achieve the objective			
The options considered to achieve the objective have been informed through the methodology report for identification of HHAs. The following options were considered when reviewing the inclusion of HHAs: 1. No reference and recognition of historic heritage areas in the Chapter 16 of the ODP (status quo in the ODP) 2. Introduce the HHA overlay and provisions into Chapter 19 and showing this overlay on the features maps. 3. Insert a new schedule in Appendix 8 to identify the specific HHA area and provide a description of its heritage significance, meeting the test for protection in accordance with s.6, RMA. 4. Amendments to the policies that give effect to this objective in Chapter 16, while not modifying the underlying zoning; introduction of new policies relating to the HHA			
Overview of proposed provisions to achieve the objective The proposed approach and provisions involve the following options: • Undertake an analysis of Victoria Street and its potential as a HHA area through set criteria to determine significant heritage value, locally, regionally, nationally or internationally. • Introduce suite of planning provisions to protect the identified heritage qualities for the HHAs. • Insert definitions for HHA • Introduce activity status and matters for discretion for demolition, relocation and new building in the identified HHA.			
Options to achieve the objective		**Benefits:**	**Costs:**
Option 1 Status Quo – no reference and recognition of historic heritage areas in the Chapter 16 of the ODP.		No or less cost to Council and submitters to PC9 for the plan change and hearings process.	This option may result in confusion to the plan for plan users as lack of alignment and reference between chapters, zoning controls and overlay controls, resulting in economic costs. It also fails to protect and maintain the heritage values of the identified HHAs due to lack of provisions in the ODP.
Option 2: Provide reference, recognition of historic heritage area including amendments and additions of provisions and rules as set out below. **– Preferred Option is a combination of option 2, 3, and 4**		Council will fulfill its duties under the Act, and in particular s.6f in relation to historic heritage areas and it will ensure better alignments between different chapters within the District Plan. This option will also provide clear directions and reference to plan users for areas subject to historic heritage areas to the relevant chapter.	Council and submitters will have costs associated with the plan change process.
The specific provisions and rules which are most appropriate to achieve the objective:		**Benefits:**	**Costs:**
Policy 16.2.2d	The development and use within the historic heritage areas shall protect and appropriately integrate the authenticity and integrity of the heritage values.	The identification and recognition of historic heritage areas will provide environmental, social and cultural benefits, protecting the heritage values that are of significance to the development and history of the city. Enabling development within the historic heritage areas will provide economic and social benefits through enabling the provision of developments within the Community Facilities Zone, such as schools that not subject to designations. There may be additional design costs associated with requiring a careful approach to development within the historic heritage areas, as it will require consideration of the future development of the area and how this may occur. A comprehensive approach will provide a higher quality design outcome, establishing a higher level of amenity. This results in social benefits.	There are economic costs associated with the identification and protection of the historic heritage area as this will reduce the area of developable land available. There may be potential environmental, social and cultural effects associated with enabling developments within the historic heritage areas if the adverse effects not correctly managed. No or less costs to the change to Activity Table as this is a consequential change for better administration for District Plan.
Rule 16.3 Activity Table	b) New buildings and relocated buildings (except for sites located within a Scheduled HHA in Volume 2, Appendix 8, Schedule 8D: Historic Heritage Areas) c) Alterations and additions to buildings (except heritage buildings and structures in scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage and/or for sites located within a Scheduled HHA in Volume 2, Appendix 8, Schedule 8D: Historic Heritage Areas d) Demolition or removal of ~~existing~~ buildings and structures (except heritage buildings and structures scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage and/or for sites located within a Scheduled HHA in Volume 2, Appendix 8, Schedule 8D: Historic Heritage Areas e) Maintenance and repair of buildings and structures (except heritage buildings and structures scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage and/or for sites located within a Scheduled HHA in		

	Volume 2, Appendix 8, Schedule 8D: Historic Heritage Areas		

Opportunities for economic growth and employment
All options are neutral in relation to opportunities for economic growth and employment- neither providing or reducing opportunities for economic growth or employment.
Risk of acting or not acting
Historic heritages are required to be protected to achieve Part 6 of the RMA. The risks of not acting is likely to result in the loss and damage of areas with heritage values that are of significance to the development and history of the city. The risk of acting is that there may be a perception of additional costs and delays for developers. It is considered that the risks of acting outweigh the risks of not acting.
Effectiveness and Efficiency
Establishing a policy framework that identifies and recognizes historic heritage areas will ensure that land use is managed to protect areas that have been identified as having particular heritage values in the Community Facilities Zone. The identification and recognition of such area assists in the effective and efficient management of them by ensuring there are adequate controls in place to allow the protection of the heritage values while enabling some activity to occur. This maximises the efficient use of land by clearly distinguishing those areas that require the protection. It will also improve the effectiveness and efficiency of the plan as it provides clear reference to plan users and ensures better alignment of the Plan.
Appropriateness in relation to relevant existing objectives:
Option 2, 3 and 4, along with the provisions above is appropriate in relation to achieving objectives of the District Plan.
Summary of reason for decision on the provisions:
Option 2, 3 and 4, along with the provisions above is the most appropriate to achieve the objective of recognising historic heritage areas and is the most efficient and effective option.

Table 2.6 Analysis of Proposed Provisions for historic heritage areas		
Analysis:		
PC9 proposes the introduction of provisions to give effect to the proposed objectives: • Objective 19.2.5: The heritage values of a historic heritage area are identified and protected. • Objective 19.2.6: Recognize, protect and, where possible, enhance the physical and visual qualities of the heritage values of a residential zoned site within a historic heritage area.		
Options to achieve the objective	**Benefits:**	**Costs:**
Option 1 Status Quo – no identification of historic heritage areas in the ODP.	No or less cost to Council and submitters to PC9 for the plan change and hearings process. No restriction or controls for developments within the identified areas with historic heritage values.	Council may not fulfill its duties under the Act, and in particular s.6f in relation to historic heritage areas. There may be environmental, social and cultural costs due to the lost and damage of the valuable history and values associated with these areas.
Option 2: Identification of historic heritage areas, policies, rules and assessment criteria as set out below and in Appendix 1. **– Preferred Option**.	Council will fulfill its duties under the Act, and in particular s.6f in relation to historic heritage areas. This provides a degree of certainty that historic heritage will be protected which is identified as a matter of national importance under section 6 of the Act. The identified historic heritage areas can be sufficiently and appropriately protected and enhanced where it is possible. These are environmental, social and cultural benefits.	Council and submitters will have costs associated with the plan change process. Additional matters for control and matters for discretion applied to activities that already require resource consent under the provisions of the ODP may result in additional costs to applicants, including the requirement for a heritage impact assessment and the possible imposition of additional conditions of consent.
The specific provisions which are most appropriate to achieve the objective:	**Benefits:**	**Costs:**
Policy 19.2.5a Development is sympathetic with the existing historic values found within the historic heritage area through: • Being compatible with the design, material used and placement of buildings and structures within the area. • Mitigating the effects of the demolition or removal of existing buildings and structures from the site.	The provisions will ensure all historic heritage areas be correctly and accurately identified, and Council will fulfill its duties under the Act, and in particular s.6f, in relation to historic heritage areas. The recognition and protection of historic heritage areas will protect the important elements and features, such as the existing buildings, that contributing to the heritage values and will retain a different residential environment from other parts of Hamilton, which will provide social benefits for retaining choices in living environments for Hamilton	There will be economic cost associated with this approach as it may reduce development yield in order to protect sites from the effects of development. There are also economic costs associated with considering the heritage values as part of development when compared to taking an approach that doesn't consider heritage values. The establishment of provisions that direct protection of historic heritage areas to occur in these locations may result in economic

• Ensuring that any car parking, servicing, lighting and sign requirements do not adversely affect the heritage values of the area or the relationship of a building with the streetscape. • Providing a site-specific Heritage Impact Assessment.	residents. By identifying locations where historic heritage area will provide clear directions and a level of certainties where development will require more considerations in relation to the protection and enhancement of historic heritage values. The policies and requirement of Heritage Impact Assessment will benefit on development compatible with the identified areas with heritage values. This will provide economic and social benefits. The provisions in relation to the matters of discretions and assessment criteria will ensure Council has discretion over how developments in relation to historic heritage areas and the associated adverse effects can be avoided, minimized and mitigated. Mapping the historic heritage areas will ensure the District Plan to be aligned and consistent with the National Planning Standards in relation to identify heritage area as an overlay.	costs and may restrict development of a site achieving its maximum potential. Many of these policies and associate provisions will result in less choice of design and placement of dwellings, including additions to existing dwelling, and they will restrict any development options requiring removal or demolition of dwellings. There are potential additional costs for maintaining an existing house for landowners. Administrative costs for Council associated with processing applications and assessing compliance. There will be additional time and cost through requiring some developments to be assessed through a statutory process.
Policy 19.2.5b The size, scale and placement of buildings and structures is compatible with the heritage values for the area being identified.		
Policy 19.2.5c The design, material use and placement of buildings and structures, including relocated buildings and additions and alterations to existing buildings, demonstrate consistency with the physical and visual qualities of the historic heritage area through a Heritage Impact Assessment		
Policy 19.2.5d The effects of demolition or removal of existing building, including detached accessory building, on a front, corner or through site within a historic heritage area is managed to protect the identified historic heritage values.		
Policy 19.2.6a Development, building and structure is consistent with the existing historic values found within the historic heritage area through: • Avoiding the demolition or removal of original buildings and structures from the site. • Ensuring that any car parking if it is provided, servicing, lighting and sign requirements do not adversely affect the heritage values of the area or the relationship of a building with the streetscape • Providing a site-specific Heritage Impact Assessment		
Matters of Discretions Identify matters of discretions as set out in Appendix 3 for activities that requiring resource consent in relation to historic heritage areas.		
Include new definition of historic heritage areas to the District Plan		
New Information Requirement Require the preparation of Heritage Impact Assessment for applications requiring resource consents in relation to historic heritage areas.		
Amendment to assessment criteria E as set out in Appendix 3		
Apply the historic heritage areas as an overlay and identify them through the feature mapping.		
Opportunities for economic growth and employment		
All options are neutral in relation to opportunities for economic growth and employment- neither providing or reducing opportunities for economic growth or employment.		
Risk of acting or not acting		
The risk of not identifying, protecting and enhancing (whereas possible) areas with historic heritage values mean the valuable history and values associated with these areas could be destroyed and lost forever. The risks associated with acting are related to economic cost in the development process and yield. It is considered that the risks of acting outweigh the risks of not acting.		
Effectiveness and Efficiency		
These provisions and rules are effective as they provide direction on how historic heritage areas and the associated values can be protected, communicated and promoted. The identification of these areas on planning maps is efficient and effective as it clearly communicates the location of these spatially and ensures they are considered in the consenting process. Requiring Heritage Impact Assessment to be prepared and submitted as part of consent pathway provides a clear guidance for consent applicants and the processing planners to avoid, minimize and mitigate any potential adverse effects of the heritage areas and the associated values.		
Appropriateness in relation to relevant existing objectives:		
Option 2 and the proposed provision addressed above are considered to be appropriate in relation to the existing and proposed objectives that relate to historic heritage.		
Summary of reason for decision on the provisions:		
Option 2 is the most appropriate to achieve the objective of identification, recognition, protection and where is possible enhancing historic heritage areas and is the most efficient and effective option.		

Table 2.7 Analysis of rules for historic heritage areas

Analysis:

PC9 proposes the introduction of rules to give effect to the proposed objectives:

- Objective 19.2.7: The heritage values of a historic heritage area shall be identified, protected and, where possible, enhanced.
- Objective 19.2.8: Recognize, protect and, where possible, enhance the physical and visual qualities of the heritage values of a residential zoned site within a historic heritage area.

The specific provisions which are most appropriate to achieve the objectives:		Benefits:	Costs:
Rule 19.3.2 Activity Table	Proposed PC provisions, as set out in Appendix 1 and below: Activity / Class a. Alterations and additions to an existing building on a front, corner or through site within an HHA (excluding heritage buildings in Volume 2, Appendix 8, Schedule 8A: Built Heritage) — RD b. Alterations and additions to an existing building on a rear site within an HHA (excluding heritage buildings in Volume 2, Appendix 8, Schedule 8A: Built Heritage) — P c. Ancillary residential structure, excluding fences and/or walls provided in (h) and (i) below. — P d. Demolition of existing curtilage wall — RD e. Demolition of existing dwellings on a front, corner or through site within an HHA (excluding detached accessory buildings, or heritage buildings listed in Volume 2, Appendix 8, Schedule 8A: Built Heritage) — D f. Demolition of existing detached accessory buildings on a front, corner or through site within an HHA (excluding heritage buildings listed in Volume 2, Appendix 8, Schedule 8A: Built Heritage) — RD g. Demolition of existing buildings on a rear site within an HHA (excluding heritage buildings listed in Volume 2, Appendix 8, Schedule 8A: Built Heritage) — P h. Fences and/or walls located forward of the front building line of the dwelling: • Have a maximum height of 1.2m — P • Have a maximum height of 1.8m — RD i. Fences and/walls except provided in (h) above — P j. New buildings — RD k. Relocated buildings off the original site within an HHA (excluding heritage buildings listed in Volume 2, Appendix 8, Schedule 8A: Built Heritage) — D l. Relocated buildings on the original sites within an HHA (excluding heritage buildings listed in Volume 2, Appendix 8, Schedule 8A: Built Heritage) — RD m. Relocated buildings onto sites within an HHA — RD	Gives clear expectations of what is anticipated/appropriate within the historic heritage area. Buildings and activities have a different status depending on their suitability for these historic heritage areas. Permitted activity pathways for activities that need to be acknowledged and enabled in HHA and activities that may be suitable in the historic heritage areas depending on their effects are restricted discretionary. Those requiring closer scrutiny of effects are discretionary activity, in particular: • Different activity status approach for alterations and additions to the existing building, and demolitions and removal of existing dwelling on sites within an HHA, depending on whether the site is a front, corner, through site or a rear site. This is because the presence of original buildings and front boundaries is a key feature of each of the recommended HHAs, with these being critical in determining whether an area is representative of a period of development which has historic heritage significance in the development of the city. Resource consent pathway will manage the placement, scale and form of the buildings on these sites that have strong visual relation to the street within the HHAs. • New provisions now separate controls for existing buildings and accessory buildings (such as garages). This is because for some HHAs, the placement and existence of the garages also play indicate a specific layout and design setting of a site within a HHA, reflecting a unique historic heritage evolution of the City (for example the increasing ownerships of private vehicles and the introduction of various oversea building technologies to Hamilton in 1960s and 70s mean people would had more options and freedom of how they could design and layout their accesses and garages). • Demolition of existing dwellings on front, corner and through sites within an HHA requires consent pathway as discretionary activity as the removal of original dwelling will have a detrimental impact on the representativeness of the area. Whilst each area will potentially have buildings which do not contribute to the representativeness of the area as a whole, the removal of any dwelling and the creation of a potentially vacant site would potentially have a negative effect on the matters considered under the consistency criteria. • Any new buildings and construction of fences and walls can potentially have an impact on the historic significance of each area.	There will be some activities and buildings that will be required to obtain resource consent due to their potential effect on the existing environment with historic heritage values. This adds additional cost, complexity and time to those developments. Many of these provisions will result in less choice of design and placement of dwellings, including additions to existing dwelling, and they will restrict any development options requiring removal or demolition of dwellings. There are potential additional costs for maintaining an existing house for landowners. Administrative costs for Council associated with processing applications and assessing compliance. There will be additional time and cost through requiring some developments to be assessed through a statutory process
Rule 19.4.3 Historic Heritage Areas – Fences and Walls	a. Sites within Victoria Street HHA shall have no fence or wall along the street front boundary. b. The following design and dimension shall apply to fences and/or walls located forward of the front building line of the dwelling: Designed and constructed with the use of material, colour texture and form as the existing dwelling onsite — 1.2m maximum		

	height
Designed and constructed with the use of material, colour texture and form as the existing dwelling onsite; and achieve with 50% or more see-through visibility1	1.8m maximum height

c. The height of any fence and/or wall shall be measured in terms of natural ground level.

d. All other fences and/or walls shall have a maximum height of 1.8m.

Note
Glass, metal bars or louvres are acceptable fence designs to achieve minimum 50% see-through visibility.

- The development of existing rear sites and within blocks (such as already seen within Hamilton East) provides the opportunity for redevelopment (in particular demolitions of building is provided for as permitted activity). However, to ensure that these do not become over dominant or overbearing from the street it is important that a restricted discretionary consent pathway is in place to ensure any new building will be sympathetic to the identified HHA and not detract from the heritage values. For rear sites development, it is also important to ensure the design of any upgrades to the accesses for these do not have a negative impact on the appearance of the street, as being one of the physical and visual quantities under the consistency criterion for the HHAs.
- Different consent pathways and a new standard (19.4.3) for material and design are provided for fences and walls, depending on the location and maximum height of fences and walls. The open plan frontages (with often low retaining walls or low walls/fences) in some HHAs are an implication showing a particular development layout which was unique to a certain development era in Hamilton's growth history and it retains strong visual relationship with these areas.
- A consent pathway is provided for fences and wall with 1.8m max high, as in some instance, it is acknowledge that this may be acceptable, provided that the use of materials are consistent with the dwelling on site and still achieve a level of visual and physical relationship with the streets (i.e. the open plan frontage as identified for this HHAs). Resource consent will allow Council to assess the proposal/situation on a case-by-case basis.
- A specific provision is proposed for curtilage walls as in some HHAs have been identified and recognised as one physical and visual element showing a particular development layout which was unique to a certain development era in Hamilton's growth history and it retains strong visual relationship with these areas. Often these walls are continuous across multiple properties and they were highly likely with the same locally manufactured concrete blocks, such as in the Temple View HHA.
- Different consent pathways are provided for relocating buildings as to manage and mitigate the potential loss of heritage values of an area due to either, the loss of original buildings, or the loss of setting of buildings on a site within an HHA.

Overall, the proposed provision will have less permitted activities due to the heritage nature of these areas. This will benefit for the recognition, protection and enhancement (where is possible and appropriate) for the heritage values.

Opportunities for economic growth and employment
All options are neutral in relation to opportunities for economic growth and employment- neither providing or reducing opportunities for economic growth or employment.

Risk of acting or not acting
The risks associated with acting are: • Restricting development potential and reducing development flexibility due to controls over demolitions, relocations, alterations and additions to existing buildings within the identified HHAs. • Increased development costs due to design considerations. The risks associated with not acting are: • The features and elements with heritage values within the historic heritage areas are destroyed or lost. • The heritage values of the areas are destroyed or lost due to cumulative effects resulting from inappropriate developments. It is considered that the risks of acting outweigh the risks of not acting.
Effectiveness and Efficiency
These rules will be efficient and effective to achieve all proposed and existing objectives by: • Protecting, retaining and enhancing the particular heritage values of these areas.
Appropriateness in relation to relevant existing objectives:
The proposed rules addressed above are considered to be appropriate in relation to the existing and proposed objectives that relate to historic heritage.
Summary of reason for decision on the provisions:
The proposed rules addressed above is the most appropriate to achieve the objective of identification, recognition, protection and where is possible enhancing historic heritage areas and is the most efficient and effective option.

Table 2.8: Analysis of proposed provisions and rules to achieve the proposed Objective 23.2.5			
Analysis:			
PC9 proposes the amendment of provisions to give effect to the proposed Objective 23.2.5 Subdivision occurs in a manner that recognises historic heritage and natural environments and recognises and provides for the protection of historic heritage.			
Options to achieve the objective		**Benefits:**	**Costs:**
Option 1 Status Quo		No or less cost to Council and submitters to PC9 for the plan change and hearings process. No restriction or controls for developments within the identified areas with historic heritage values.	Council may not fulfill its duties under the Act, and in particular s.6f in relation to historic heritage areas. There may be environmental, social and cultural costs due to the lost and damage of the valuable history and values associated with these areas.
Option 2: Amend existing policy 23.2.5a as set out below and amend rules as set out in Appendix 1. – **Preferred Option**		Council will fulfill its duties under the Act, and in particular s.6f in relation to historic heritage areas. This provides a degree of certainty that historic heritage will be protected which is identified as a matter of national importance under section 6 of the Act. The identified historic heritage areas can be sufficiently and appropriately protected and enhanced where it is possible. These are environmental, social and cultural benefits.	Council and submitters will have costs associated with the plan change process.
The specific provisions which are most appropriate to achieve the objective:		**Benefits:**	**Costs:**
Policy 23.2.5a	Subdivision avoids, remedies or mitigates adverse effects on: i. Scheduled heritage ~~items~~buildings and structures ii. Scheduled archaeological and cultural sites. iii.Scheduled ~~significant~~ notable trees. iv.~~-~~Scheduled significant natural areas. v. The Waikato River and gullies and river banks, lakes, rivers and streams. vi. Scheduled historic heritage areas.	The requirement of recognition and consideration of historic heritage areas as part of subdivision process will help to protect the heritage values of the areas. This will also ensue better alignment between chapters within the District Plan.	There are economic costs associated with additional considerations of subdivision design due to the identification and protection of the historic heritage area as this will reduce the area of developable land available. There may be potential environmental, social and cultural effects associated with enabling subdivisions within the historic heritage areas if the adverse effects not correctly managed.
Opportunities for economic growth and employment			

All options are neutral in relation to opportunities for economic growth and employment- neither providing or reducing opportunities for economic growth or employment.
Risk of acting or not acting
The risks associated with acting are: • Restricting development potential and reducing development flexibility due to additional considerations of subdivision layout and design. • Increased development costs due to design considerations. • Provides certainty for communities as to the future level of change/development they can expect The risks associated with not acting are: • The heritage values of the areas are destroyed or lost due to the change of density and intensification of the areas. It is considered that the risks of acting outweigh the risks of not acting.
Effectiveness and Efficiency
These rules will be efficient and effective to achieve all proposed and existing objectives by: • Recognising the scheduling of historic heritage areas as part of subdivision processes. • Protecting, retaining and enhancing the particular heritage values of these areas through density and allotment shape controls. • Provide better alignments between different chapters within the Plan.
Appropriateness in relation to relevant existing objectives:
Option 2 is appropriate in relation to achieving objectives of the District Plan.
Summary of reason for decision on the provisions:
Option 2 is the most appropriate to achieve the objective of recognising historic heritage areas and is the most efficient and effective option.

NOTABLE TREES

Table 2.9: Analysis of proposed provisions and rules to achieve the existing Objective 20.2.3 relating to notable trees		
Analysis:		
PC9 proposes the amendment to, and introduction of policies and rules to give effect to the existing objective 20.2.3 - *The values of ~~significant trees~~ <u>Notable Trees</u> are protected and maintained.*		
Options to achieve the objective		
The options considered to achieve the objective have been informed through the methodology report for reassessment of the existing scheduled notable trees and the identification of additional street and reserve trees for inclusion onto the scheduled. The following options were considered when reviewing the Chapter 20 provisions relating to Notable trees: 1. No changes to the operative policies and rule framework of Chapter 20, assessment criteria or mapping for Notable Trees (status quo in the ODP) 2. Reassess all existing scheduled trees using the STEM Method 3. Identify greater number of the significant street and reserve trees, either groups, avenues or individuals as a response to the RMA Amendment Act 2021. 4. Amendments to the policies that give effect to this objective and strengthens of rules to ensure the health and wellbeing of the tree(s) is protected.		
Overview of proposed provisions to achieve the objective The proposed approach and provisions involve the following options: • Amendments to clarify the methodology used for the identification, activity status and matters for discretion for works to notable trees scheduled in Appendix 9, Schedule 9D • Amendments to Rules 20.3 to provide greater clarification on the types of works to be permitted with or without a resource consent • Deletion of the existing definition of the Root Protection Zone and the introduction of a new definition for a Protected Root Zone. • Identification of the Protected Root Zone for each scheduled trees to remove subjectivity and confusion. • Apply the STEM method, widely used by many local authorities; and that is easier to apply. • Amendments to Schedule 9D – Notable Trees		
Assessment of the effectiveness and efficiency of the proposed provisions in achieving the objectives	**Benefits:**	**Costs:**
Do nothing - Status Quo –	No or less cost to Council and submitters to PC9 for the plan change and hearings process.	This option will continue the use of an over complicated methodology and potential further loss of scheduled trees, resulting in environmental, social and economic costs. The existing uncertain and unclear rules, with an absence of clear assessment criteria relating to protection and maintenance of notable trees has costs to

		Council, and owners of buildings and structures in Schedule 9D, and may lead to the loss of natural amenity.
Amendments to clarify the methodology used for the identification, activity status and matters for discretion for works to notable trees scheduled in Appendix 9, Schedule 9D	This option will also provide clear directions and reference to plan users on Notable Trees. All scheduled trees have been assessed at the same time, using the same arboricultural methodology.	Council and submitters will have costs associated with the plan change process.
Provisions for protection and maintenance of notable trees as set out above and in Appendix 1	Enabling protection and maintenance through a clear consenting pathway provides benefits to the landowners of sites where notable trees are located in Schedule 9D and may encourage the preservation of the environmental amenity these trees provide to their surroundings.	To protection and maintenance of notable trees Council, and landowners there will have additional costs relating to resource consent requirements and/or how works to notable trees are permitted to be permitted without a resource consent
Opportunities for economic growth and employment		
There are no identified effects of Option 1 or the combination of Options 2-4 on opportunities for growth and employment.		
Risk of acting or not acting		
The risk of not acting, to make the amendments in Options 2-4, are that the natural environmental resource of significant trees in the city, is not sustainably managed, and these notable trees in Schedule 9D are not protected or maintained in a manner that conserves the health and natural form of the tree(s).		
Effectiveness and Efficiency		
Doing nothing is not effective in achieving the objective and is not efficient due to the lack of clarity and certainty of the ODP rules. Option 2 will be effective in achieving the objective and provide efficiencies due to removing uncertainty and improving the clarity of the rules.		
Appropriateness in relation to relevant existing objectives:		
The combination of Options 2-4 is appropriate to achieve the objectives of the ODP and the amended objectives of PC9.		
Summary of reason for decision on the provisions:		
The combination of Options 2-4 is the most appropriate to achieve the objective of protecting the natural environmental values provided through Notable Trees and is the most efficient and effective option.		

Significant Natural Areas

Table 2.10: Analysis of proposed provisions to achieve the existing and proposed objectives
Analysis:
Operative Objective 20.2.1 Significant Natural Areas are protected, maintained, restored and enhanced.
Overview of options considered to achieve the objective (note these options are not mutually exclusive)
The options considered to achieve the objective are set out in more detail in the 4Sight Report '*Hamilton City District Plan Review – Issues and Options Report'*[11] which should be read in addition to this evaluation. In summary, the following options were considered when reviewing the Chapter 20 provisions relating to Significant Natural Areas (SNAs): 1. No changes to the operative policies and rule framework of Chapter 20 and no change to SNA maps (status quo) 2. Extend SNA maps to cover all land that meets the significance criteria for SNAs in the Waikato Regional Policy Statement (refer the 4Sight SNA mapping report[12] for methodology to assess and map all SNA in Hamilton District) 3. A new SNA schedule in Appendix 9C to identify the attributes and values that were assessed as being significant for each SNA area, classification of SNA, and area (no changes to the SNAs subject to Peacocke Plan Change) 4. Retain stringent 'avoid' policy approach from operative Chapter 20 to ensure maximum protection of SNAs with no exceptions 5. Provide a revised effects management policy framework focusing on avoiding adverse effects that are necessary to protect SNAs and applying an 'effects management hierarchy' for certain activities 6. Amend policies to recognise that certain activities with positive economic, social, environmental and cultural benefits should be anticipated in SNAs, provided that the ecological values and functions for which the SNA was scheduled are protected 7. Provide a permitted activity pathway for restoration and enhancement activities but no other activities that are likely to adversely affect the values and functions of SNAs 8. Provide permitted activity pathways for a specific set of activities that have economic, social, environmental and cultural benefits (specifically restoration and enhancement works, maintenance of infrastructure, public walkways and cycleways, customary activities) subject to compliance with appropriate standards 9. Provide consenting pathways for activities that have a functional or operational need to be in SNA or may provide wider benefits while protecting SNAs (e.g. walkways to connect public to the Waikato River) 10. Apply the same policies and rules to all mapped SNA, regardless of whether it was scheduled for floristic values or ecological corridor/fauna habitat values 11. Apply a slightly different policy and rule framework that differentiates between floristic SNA (fSNA) and corridor SNA (cSNA) to reflect that their different ecological functions and values warrant different approaches to managing impacts on the values of the SNA in certain circumstances.

[11] 4Sight (2022), '*Hamilton City District Plan Significant Natural Area Review – Issues and Options'*, prepared for Hamilton City Council.
[12] 4Sight (2022) '*Significant Natural Areas of Hamilton City District: Terrestrial and Wetland Ecosystems',* prepared for Hamilton City Council.

Overview of proposed provisions to achieve the objective

The proposed approach and provisions involve the following options:

- Extend SNA maps to cover all land that meets the significance criteria for SNAs in the Waikato Regional Policy Statement (refer the 4Sight SNA mapping report[13] for methodology to assess and map all SNA in Hamilton District)
- Include a new SNA schedule in Appendix 9C to identify the attributes and reflect the values that were assessed as being significant for each scheduled SNA, classification of SNA, and area (no changes to the SNAs subject to Peacocke Plan Change)
- Provide a revised effects management policy framework that focuses on avoiding adverse effects that are necessary to protect SNAs and applying a 'effects management hierarchy' for certain activities
- Amend policies to recognise that certain activities with positive economic, social, environmental and cultural benefits should be anticipated in SNAs, provided that the ecological values and functions for which the SNA was scheduled are protected
- Provide permitted activity pathways for a specific set of activities that have economic, social, environmental and cultural benefits (specifically restoration and enhancement works, maintenance of infrastructure, public walkways and cycleways, customary activities) where permitted thresholds are met
- Provide consenting pathways for activities that have a functional or operational need to be in SNA or may provide wider benefits while protecting SNAs (e.g. walkways to connect public to the Waikato River)
- Apply a slightly different policy and rule framework that differentiates between floristic SNA (fSNA) and corridor SNA (cSNA) to reflect that their different ecological functions and values warrant different approaches to managing impacts on the values of the SNA in certain circumstances.

Assessment of the effectiveness and efficiency of the proposed provisions in achieving the objectives		**Benefits:**	**Costs:**
Amended policies 20.2.1(a) and 20.2.1(b) **New Appendix 9C covering all SNAs in Hamilton District**	The proposed policies, schedule and planning maps: • Identify the values and characteristics that define SNAs, make these areas ecologically significant, and include these in a new SNA schedule. • Amend the new schedule of SNAs in Appendix 9C to identify the type of SNA (fSNA and cSNA) and the attributes that make these areas ecologically significant in accordance with the Waikato RPS. • Extent the spatial area of SNAs on planning maps to cover areas of significant indigenous vegetation and significant habitats of indigenous fauna in accordance with section 6(c) of the RMA and the Waikato RPS.	• Identifying the spatial areas of SNA on planning as well as the ecological values and attributes for which each SNA was assessed as significant has a number of benefits. It makes it clearer for plan users whether an area was scheduled as either an area of significant indigenous vegetation and/or a significant habitat of indigenous fauna and allows for more targeted assessment of any adverse effects on the values of the SNA that make it significant. It will also help improve public awareness and appreciation of SNAs (Objective 20.2.2). • Mapping SNAs in district plans is recognised as the most effective method to protect SNA by providing certainty to all parties on the location and extent of SNAs. It is consistent with best practice and the anticipated requirements in proposed NPS-IB. While the proposed NPS-IB does not have legal effect, it is highly relevant to the review of SNA provisions and is expected to come into effect in late 2022 during the Plan Change 9 submission and hearing process. It is therefore considered effective and efficient to align the proposed provisions with the proposed NPSIB where relevant. • The proposed changes to the SNA overlay in the District Plan will significantly increase the area of land in Hamilton City mapped and scheduled as a SNA. In the Operative District Plan, there is 166ha of mapped SNA, which is predominantly forest remnants with high quality indigenous vegetation and is approximately 1.5% of the total city area. The SNA mapping in the Operative District Plan does not extend to significant habitat of indigenous fauna, including the long-tailed bat' which has been recognised as a significant gap[14] in terms of meeting obligations under section 6(c) of the RMA and the Waikato RPS. • The proposed changes to the SNA planning maps and schedule detailed in the 4Sight report will increase the extent of SNA coverage in the District to 695.47ha, which includes 137ha of the Waikato River. This is an increase in SNA coverage of 529.47ha or 392.47ha of new	• Costs associated with mapping additional areas of SNA and specifying the values for which they are scheduled, including the costs of expert ecologists to identify the land, list the values and ground truth particular sites. • Costs associated with this plan change to incorporate the new SNA overlay and schedule in the District Plan through the Schedule 1 process. However, these costs are not considered to be unjustifiably high given that the protection of SNAs is a matter of national importance under section 6(c) of the RMA and the maintenance of indigenous biodiversity is a core function of local authorities under the RMA. • Costs to private landowners that have identified SNA on their land in terms of development opportunities – these are discussed in more detail in response to the specific rules being introduced for SNAs below.

[13] 4Sight (2022) '*Significant Natural Areas of Hamilton City District: Terrestrial and Wetland Ecosystems',* prepared for Hamilton City Council.

[14] For example, in *Weaston Lea v Hamilton City Council* [2020] NZEnvC 189, paragraph 40-42, the Environment Court commented on the absence of critical bat habitat in the operative SNA maps and schedule as follows " *This is an unfortunate oversight. It is a matter requiring urgent redress In fairness, we understand this to be the case with the necessary policy development work being undertaken by the Council. At the same time, the oversight cannot be ignored. There is a diminishing population of an endangered species of native New Zealand fauna, deemed to be so rare as to be classified "Nationally Critical" pursuant to the New Zealand Threat Classification System".*

		terrestrial vegetation and habitat. Importantly, this increased SNA coverage will captures all the Waikato River Gully and Corridor network, which is a significant habitat for Threatened and At-Risk indigenous species, including the long-tailed bat. This will address a key gap in the Operative District Plan as outlined above. There are also expected to be significant ecological benefits from identifying and mapping this additional land as SNA, particularly as the Waikato River Gully and Corridor network comes under increasing pressure from more intensive residential development.	
New policies 20.2.1(c) to 20.2.1(l)	The proposed policies: • List the specific adverse effects on SNA values that need to be avoided to protect SNAs • Introduce the effects management hierarchy for infrastructure and public walkways and cycleways in SNAs • Provide direction on when biodiversity offsetting and compensation will not be appropriate • Will require the specific ecological values and functions of SNAs to be assessed and managed having regard to the Waikato RPS significance criteria and the classification of SNA - fSNA and cSNA • Seek to enable to infrastructure and public walkways and cycleways to locate in SNAs subject to certain tests (operational or functional need, demonstrated public benefits etc.) • Recognise the need for essential pruning, maintenance and tree removal in SNAs for certain activities where adverse effects are minor • Promote activities that increase the area of SNA and indigenous vegetation cover • Recognise the role of mana whenua as kaitiaki and landowners as stewards of SNAs and indigenous biodiversity • Enable activities that improve public connection to, and appreciation of, indigenous biodiversity • Enable activities that seek to implement the vision, goals and outcomes in the Nature in the City Strategy.	• The revised provisions provide a more effective effects management framework for SNAs. This includes clear direction on the adverse effects that need to be avoided to ensure the protection of SNAs, focusing on key ecological values and functions (e.g. connectivity, buffering). This will ensure the significant ecological values of SNAs are protected without the need for an absolute "avoid all adverse effects" approach. • The provisions enable the effects management hierarchy to be applied to infrastructure and public walkways and cycleways and for offsetting and compensation to be used in certain circumstances to address unavoidable adverse effects. This will ensure positive ecological outcomes and a 'no net loss' when more significant public works are proposed in SNA. • The provisions support and enable restoration activities and activities that restore the ecological function and increase the extent and quality of SNAs. This will lead to ecological benefits by improving the quality and extent of SNAs (particularly cSNA) over time by being more enabling of Council, community and individual restoration projects. • Economic and social benefits include recognition that infrastructure often has a functional or operational need to locate in SNAs (particularly three waters infrastructure within the Waikato River Corridor and Gully network)[15] and the policies to enable these projects in certain circumstances to provide essential services and support the economic and social wellbeing of people and communities. There is also a social benefit from the policies which seek to enable activities that improve public connection to, and appreciation of, indigenous biodiversity, such as public walkways and cycleways that link areas of SNA or provide public access to the Waikato River. • The policies also provide a cultural benefit as they recognise the role of mana whenua as kaitiaki which helps to set an expectation at the policy level that mana whenua will be involved in resource consent applications that may impact on the values of SNA.	• There are potential environmental costs associated with the proposed set of policies. The Operative District Plan policies are based on a very stringent 'avoid all adverse effects' approach that applies to most activities in SNA and do not provide any recognition of infrastructure, restoration/maintenance projects, public walkways and cycleways or customary activities through either the polices or the subsequent rule framework. The proposed policies do anticipate these activities which is reflected in the implementing rules which provide targeted permitted pathways (subject to compliance with standards) and consenting pathways for these activities to be undertaken and located in SNAs in certain circumstances. • Providing for certain activities in SNAs inevitably creates risks of adverse effects where these involve vegetation removal, earthworks and/or the new structures or infrastructure. However, it is considered that these potential environmental costs are effectively mitigated through: ○ The proposed effects management policies which are based on best practice, anticipated national direction through the proposed NPSIB (recognising this does not yet have legal weight but is expected to come into effect in late 2022), and are targeted to the key ecological effects that need to be avoided to protect SNAs. ○ The permitted thresholds for activities that have a pathway in SNAs (discussed in more detail below) and the need to follow the 'effects management hierarchy' for larger public projects (infrastructure and public walkways and cycleways) that require resource consent to ensure positive ecological outcomes. ○ Limiting the range of activities that can occur in SNA to public works, restoration activities, and other essential activities that have minor adverse effects on SNAs.
Rules for vegetation pruning, maintenance planting, and removal in a SNA (excluding	The proposed provisions provide permitted activity rules and standards for general activities that have minimal adverse effects on the values of SNA or have social, economic, environmental or cultural benefits that should be provided for. This includes the pruning, maintenance, planting or removal of indigenous or exotic vegetation or trees associated with:	• The proposed vegetation pruning, maintenance and removal rules (and rules managing planting of new species) collectively have environmental benefits. These benefits are tiered: ○ Vegetation and trees in a fSNA have the greatest level of protection (only pruning, maintenance or removal for maintaining or upgrading existing tracks or fencing, customary use, or works to manage unacceptable health and safety risks	• There are economic costs associated with these provisions, namely that: ○ Most vegetation clearance in a fSNA will require a resource consent process (although this is same as status quo). ○ Removal of vegetation or trees in a cSNA that has a diameter greater than 150mm, measured at 1.4m in height, will require the input of a suitably qualified person to determine if it is being used as indigenous fauna habitat. This will add cost to proposals

[15] Memo from Hamilton City Council – City Waters, 9 June 2022, *'Plan Change 9: Three-Waters supporting context for Infrastructure Provisions within proposed Significant Natural Areas'*, File Reference D-4235849.

pruning, maintenance, planting and removal associated with infrastructure or public walkways and cycleways) – 20.3(a) to 20.3(f)	• Disease, age or unacceptable health and safety risks • Existing track and fencing maintenance or upgrades • Customary use • Management or removal of pest species • Short-term planting of exotic species (willow) for land stabilisation • Planting indigenous vegetation for restoration purposes • Restoration projects. The proposed provisions provide restricted discretionary rules for pruning, maintenance or removal of indigenous or exotic vegetation: • In a fSNA where it is not provided for by 20.3(a) or 20.3(b) • In a cSNA where it is not provided for by 20.3(a) or 20.3(b) and it does not comply with Standard 20.5.4 The proposed provisions provide a non-complying rule planting of exotic vegetation or trees in a Significant Natural Area where Standard 20.5.5 is not complied with.	are permitted, all other vegetation alteration requires a resource consent). ○ There more permitted pathways for activities in cSNA, including a permitted pathway for restoration projects. • This is a pragmatic approach where the protection of vegetation is tailored to reflect the value of that vegetation and its importance as both an ecological corridor/buffer and as indigenous species habitat. • There are also environmental benefits from supporting restoration and enhancement activities, such as removal and management of pest species and planting of eco-sourced indigenous vegetation, and strong non-complying rules preventing planting of pest species and exotics in SNA unless it is for a specified land stability purpose as per Standard 20.5.5. • There are environmental benefits from the use of soft engineering solutions for erosion protection within SNA gullies. Providing for the short-term planting of sterilised willow species is an effective way to stabilise stream banks without the use of hard engineering solutions. The species used are sterile to ensure they do not propagate and spread, and the trunk of the willow is removed once the root ball has established[16]. • The protection of cSNA in recognition of its value as long-tailed bat habitat (as well as habitat for other indigenous fauna) will have significant environmental benefits. Standard 20.5.6 (applying to restoration projects) imposes a maximum clearance cap of 50m² per site per calendar year, requires replanting with eco-sourced vegetation within 12 months and requires a suitably qualified person to check if larger trees in a cSNA are being used as indigenous fauna habitat before felling. This standard is expected to ensure indigenous fauna habitats are protected during restoration projects. • There will be cultural benefits from providing for the pruning, maintenance or removal of indigenous vegetation for customary activities as a permitted activity, regardless of whether it is in a fSNA or cSNA.	that require vegetation removal in a cSNA. ○ Land impacted by the new cSNA areas will face additional restrictions and costs if future development proposals involve vegetation alteration in these areas. ○ There are environmental costs associated with these provisions as inevitably some vegetation and trees will be removed and there will be some impact on indigenous fauna habitats. However, these costs are expected to be limited as: • The removal of diseased or aged trees means there is increased potential for new, healthier species to emerge • The volume of vegetation or tree removal associated with both existing track and fence maintenance or upgrades or customary use is expected to be very small, with few impacts on the values of the SNA • Any willow trees planted will be removed within 10 years and will not be allowed to spread beyond the original planted tree • The requirement to replant with eco-sourced vegetation within 12 months of clearance for a restoration project will help mitigate vegetation loss.
Rules for earthworks in a SNA (excluding earthworks associated with infrastructure or public walkways and cycleways) - 20.3(g) and 20.3(h)	The proposed provisions provide permitted rules for earthworks associated with: • Existing track and fencing maintenance or upgrades • Earthworks for permitted vegetation removal	• The earthworks rules provide the opportunity for Council staff to consider the ecological impacts of land disturbance on the values of SNA. This will provide ecological benefits, particularly in cSNA areas where the operative provisions only allow consideration of the land instability impacts of earthworks in gullies, not impacts on the indigenous biodiversity values. • There will be economic and social benefits from the changes to earthworks rules that apply in fSNA. Under the status quo, any earthworks in a SNA are non-complying. However, the permitted activity pathways for existing track and fencing upgrades, particularly existing walking tracks used for restoration projects, will ensure that public good, small-scale works can be undertaken without a non-complying consent process. • The permitted status for earthworks associated with permitted	• Potential environmental costs in fSNA as the rule framework moves away from the absolute non-complying activity status for all earthworks towards a framework with a few limited permitted activity pathways. However, the actual impact on the ecological values of fSNA is expected to be very limited as the permitted earthworks activity circumstances are very narrow and there are few existing public or private tracks in fSNA. • The costs for earthworks in cSNA are expected to be the same as the operative plan, as there are already controls on earthworks in these areas through the Waikato Riverbank and Gully Hazard Area overlay (GHO) in Chapter 20, but no specific earthworks rules relating to SNA. Having two narrow permitted activity pathways for earthworks in cSNA will not negate the need to obtain resource consent in the GHO if there is a land stability issue.

[16] Memo from Hamilton City Council - City Waters, 9 June 2022 '*Plan Change 9: Three-Waters supporting context for Infrastructure Provisions within proposed Significant Natural Areas*', File Reference D-4235849

		vegetation removal makes it clear that if vegetation removal is provided for as a permitted activity under another activity in the table, there should be no additional consent requirement for any land disturbance in a SNA associated with its removal. This is a pragmatic and efficient approach to ensure activities do not need to obtain an earthworks consent for an otherwise permitted activity.	
Rules for buildings and structures, infrastructure and public walkways and cycleways in SNA (including pruning, maintenance and removal of vegetation and trees and earthworks associated with infrastructure and public walkways and cycleway–) - 20.3(i) to 20.3(n)	The proposed provisions provide permitted rules and standards in a SNA for: • Alterations to, or the replacement of, any existing building or structure that does not exceed the existing envelope or footprint • Structures associated with erosion protection and sediment control that are required under a regional plan rule or regional consent from Waikato Regional Council • The operation, maintenance, renewal or upgrading of, or access to, existing infrastructure and public walkways and cycleways, including associated pruning, maintenance or removal of indigenous or exotic vegetation or trees and associated earthworks, provided it is not covered by 20.3(a) or 20.3(b) and Standard 20.5.7. is complied with The proposed provisions provide restricted discretionary rules in a SNA for: • Construction of new public walkways and cycleways through a SNA, including associated pruning, maintenance or removal of indigenous or exotic vegetation or trees and associated earthworks. The proposed provisions provide discretionary rules in a SNA for: • Alterations to, or the replacement of, any existing building or structure that is proposed to exceed the existing envelope or footprint in a SNA • Construction of, or access to, new infrastructure in a cSNA, including associated pruning, maintenance or removal of indigenous or exotic vegetation or trees and associated earthworks The proposed provisions provide non-complying rules in a SNA for: • Construction of, or access to, new infrastructure in a fSNA, including associated pruning, maintenance or removal of indigenous or exotic vegetation or trees and associated earthworks	• These rules have benefits for infrastructure, walkways and cycleways that already exist or are proposed in a SNA. The operative SNA provisions do not recognise the economic, social and cultural benefits of having access to efficient and well-functioning infrastructure, walkways and cycleways that are able to be regularly maintained and upgraded/renewed (within limits) without the additional time and cost associated with a resource consent process. The operative provisions also do not explicitly recognise that infrastructure, walkways and cycleways can be appropriate in some areas of SNA (particularly cSNA). The proposed provisions provide appropriate permitted and consenting pathways for infrastructure, walkways and cycleways (including associated pruning, maintenance and removal of vegetation and associated earthworks) which will have wider environmental, economic and social benefits for people and communities. • Providing a permitted land use pathway for operation, maintenance, renewal and upgrading of existing infrastructure and public walkways and cycleways in SNA recognises the benefits of keeping this infrastructure running as efficiently and effectively as possible, while still minimising the impact of the works on the ecological values of the SNA to ensure SNAs are protected. • Standard 20.5.7 sets limits on the scale of works that can occur in association with an infrastructure or public walkway or cycleway project as a permitted activity. This standard sets thresholds that balance the need for day to day operation, maintenance, renewal and upgrading activities to occur without a resource consent, but also ensure that larger, more significant projects are assessed through a resource consent project to ensure methodologies are prioritising the values of the SNA and all efforts are being made to minimise the impact of the works on the values for which the SNA was scheduled. • There are economic and social benefits from providing a clear pathway for the operation, maintenance, renewal and upgrading of infrastructure and public walkways and cycleways to allow these to be managed on a day-to-day basis as a permitted activity. Most existing three waters infrastructure is located in cSNA (as opposed to fSNA) but there is a need to ensure vegetation and tree removal necessary for operation, maintenance, renewal and upgrades of infrastructure (subject to controls on scale) can occur as a permitted activity, regardless of which type of SNA the infrastructure is located in. Ensuring infrastructure continues to operate efficiently and effectively has wider benefits for the economic and social wellbeing of communities. • Applications for new infrastructure in SNA are discretionary in a cSNA	• There will be environmental costs associated with the vegetation alteration and earthworks rules designed to provide permitted activity pathways for infrastructure and public walkways and cycleways in SNA. However, these environmental costs are likely to be much less than the status quo with respect to cSNA, which currently allows infrastructure and public walkways and cycleways to be operated, maintained, upgraded and renewed, and new infrastructure or access constructed, in Hamilton's gullies without consideration of the ecological impacts of proposals. • There may greater environmental costs in fSNA as the operative SNA provisions do not include any land use, vegetation alteration or earthworks rules recognising that infrastructure or public walkways and cycleways may be appropriate in SNAs. However, these impacts are expected to be limited as: ○ Most of the infrastructure located in SNA are stormwater stream channels (essentially streams that receive stormwater from the Hamilton City urban catchment). Most hard engineering assets located in SNA are stormwater related (e.g. outlets/inlets and manholes) although there are some wastewater and water supply assets[17]. Overall, only a small proportion of infrastructure assets are located in SNA compared to the total amount of assets managed by the Council, so the impact on SNA will be limited to the scale of existing infrastructure. ○ All new infrastructure projects will be required to go through a robust consent process in both cSNA and fSNA to ensure that the environmental impacts are managed through the effects management hierarchy. ○ The permitted scale of renewals/upgrades of infrastructure is deliberately small (can increase the footprint of existing infrastructure by a maximum of 5% or 30m², whichever is the greater). ○ The vegetation clearance and earthworks standards in 20.5.5 (both total area and distance from asset caps) are designed to protect the ecological values of SNA by restricting the amount of disturbance in a SNA to either a small area or a short distance from the asset. Work examples provided by the Hamilton City Waters team demonstrate that most small-scale projects require at least 100m² of vegetation clearance (often indigenous) and earthworks to undertake asset maintenance, upgrade and renewal projects and a permitted cap smaller than 100m² would be unworkable in terms of the number of resource

[17] Memo from Hamilton City Council - City Waters, 9 June 2022 '*Plan Change 9: Three-Waters supporting context for Infrastructure Provisions within proposed Significant Natural Areas'*, File Reference D-4235849.

		and non-complying in a fSNA. This is to send a clear message that SNA are not generally a good location for infrastructure assets due to the potential for ongoing disturbance to the SNA over the life of the asset. However, the discretionary activity status for cSNA recognises that the gully network is often the only location where three waters infrastructure can establish and that adverse effects on SNA values can often be managed appropriate through the resource consent process. The non-complying activity status for new infrastructure in a fSNA is appropriate as in most cases there are better locations for new infrastructure than in the most ecologically significant areas of vegetation in the Hamilton City district. • There are social and cultural benefits of allowing the public to access SNA areas, including the Waikato River, using public walkways and cycleways. Providing for operation, maintenance, renewal and upgrades of existing public walkways and cycleways as a permitted activity ensures these benefits are maintained and do not diminish over time as accessways get overgrown or deteriorate. • There will also be social and cultural benefits from the restricted discretionary pathway for constructing new public walkways and cycleways through both types of SNA. This provides the opportunity (through the consent process) to support projects that enhance the connection of people with SNA and allow them to better appreciate the values of indigenous biodiversity. • There are environmental benefits of providing for the installation of sediment control structures to manage the adverse environmental effects of sediment run off as a permitted activity. This permitted pathway ensures that key sediment control projects can go ahead without the need for a secondary resource consent process that likely duplicate matters already considered by the Waikato Regional Council. • There are economic benefits of not requiring a resource consent to replace or upgrade a building or structure where there is no increase in footprint – this is a pragmatic response to an activity that is unlikely to have an adverse impact on the ecological values for which the SNA was scheduled.	consents that would be required for small scale projects[18]. The permitted thresholds proposed for vegetation clearance and earthworks are a balance between the need to undertake the works as efficiently as possible but also limit the scale of adverse effects associated with infrastructure projects. ○ In terms of economic costs, new/existing infrastructure assets may face increased consenting and design costs when undertaking works in cSNA areas (costs are likely to be the same as the status quo in fSNA or potentially less with respect to operation, maintenance, renewal or upgrade projects). ○ The costs for earthworks in cSNA are expected to be very similar to the operative plan, as there are already controls on earthworks in these areas through the Waikato Riverbank and Gully Hazard Area overlay (GHO) in Chapter 20. The key difference is that Council staff processing resource consents for earthworks in areas of the GHO that overlap with cSNA will be able to consider the impact of the earthworks on the ecological values for which the cSNA was scheduled, not just the land instability impacts.
Rules for other activities in a SNA not otherwise provided for - 20.3(o) to 20.3(r)	The proposed provisions provide 'catch-all' activity rules for vegetation pruning, maintenance, planting or removal, earthworks or buildings and structures not otherwise provided for in the table. The activity status of all of these catch-all rules is non-complying in all SNA, except for earthworks in a cSNA, which is discretionary. The proposed provisions provide restricted discretionary activity rules for: • Additions to, or replacement of buildings that exceed the existing footprint in a cSNA • New public walkways and cycleways through SNA.	There are certainty benefits associated with having 'catch-all' rules for district plan users and implementers. Having a stringent activity status (discretionary or non-complying) as a default rule to capture all other activities not otherwise considered in the table ensures that unanticipated activities are considered on their merits through the resource consent process and are assessed against the policy framework to determine if they are appropriate in a SNA. • There are environmental benefits associated with making the storage of hazardous substances a non-complying activity in SNA as these substances are a threat to the values for which SNA are scheduled and have the potential to be damaging to both flora and fauna.	• There may be some economic costs to using stringent 'catch-all' rules in SNA as some potentially beneficial projects that fall outside of the permitted or restricted discretionary pathways may need to obtain a resource consent and undertake a full assessment against the SNA policy framework. However, this is considered to be a reasonable cost when compared with the risk of inappropriate activities occurring in SNA. Projects that have ecological merits or other benefits to SNA should be able to obtain consent as they should be able to demonstrate these benefits when being assessed against the Chapter 20 objectives and policies.

[18] Memo from Hamilton City Council - City Waters, 9 June 2022 '*Plan Change 9: Three-Waters supporting context for Infrastructure Provisions within proposed Significant Natural Areas'*, File Reference D-4235849, refer to Attachment 1 for project examples

	There is also a non-complying activity rule for the storage of hazardous substances in a SNA.		
Rules to manage edge effects along SNA boundaries – section 25.2 and 25.6	The proposed provisions introduce additional permitted activity standards into Chapter 25.2 to ensure permitted pruning, maintenance and earthworks activities that impact SNA trees in Chapter 20 also apply in situations where SNA trees overhang the SNA boundary. The proposed provisions provide permitted activity standards for: • Earthworks within a dripline of a tree where the trunk is located in a SNA, provided that the maximum thickness (cross-section) of any root that may be cut is 50mm • Pruning and maintenance of the canopy of a tree overhanging the boundary of a SNA, provided that the amount of foliage to be removed per tree per calendar year is 15% and the maximum thickness (cross-section) of any branch or root that may be cut is 50mm. • Amendments to the lighting and glare policy in section 25.6 of the District Plan (25.6.2.1a) to ensure that the effects of lighting on indigenous fauna are considered and managed when resource consent is required for development adjacent to SNAs.	• Environmental benefits from ensuring that all parts of trees scheduled as SNA are protected, regardless of whether they are wholly contained within a SNA or overhang the SNA boundary. • As rules are consistent with Chapter 20 permitted standards for the same activities, there is internal alignment between plan chapters. • Provides for a pragmatic approach to SNA mapping, which sets the SNA boundary using the trunk of SNA trees, as opposed to the canopy. This ensures that the SNA mapping does not erroneously pick up non-SNA vegetation but also ensures that the full extent of any trees with trunks inside the SNA boundary are protected from the adverse effects of earthworks and tree pruning/maintenance. • Ensures the approach to managing edge effects on SNAs is targeted to the specific trees located in a SNA that need protection. This is more positive from a landowner perspective than having a broader setback preventing earthworks or vegetation alteration within a certain distance of SNAs. • Ensures the effects of lighting on indigenous fauna are considered when resource consent is required for development adjacent to SNAs, while also avoiding the potentially significant compliance costs associated with a blanket lighting standard at the SNA boundary.	• There will be a cost for private landowners who have a need to undertake works within the dripline of a tree scheduled as SNA that overhangs their boundary – a resource consent for the work will be required unless they can comply with the permitted activity standards. However, these costs are partially offset by the benefits of having less or no SNA shown as being mapped on their land. • Lighting effects will not be considered for permitted activities adjacent to SNA which may result in adverse effects on indigenous fauna near the boundary (although this is same as status quo).
Opportunities for economic growth and employment			
The establishment of additional areas of SNA may provide opportunities for restoration and replanting projects that may assist in some employment and growth opportunities. The additional area of SNA will have additional restrictions to protect the SNAs on that land which will limit the activities that can take place. However, this is not expected to have any adverse effects on opportunities for economic growth and employment as: • The majority of the new area of SNA is also Gully Hazard Overlay which is already subject to the restrictions on the development that can take place. • Viable opportunities for development within the Waikato River Corridor and Gully System are very limited. • Most SNA coverage is limited to the edge of private properties within limited/no impact on development/employment opportunities unless development is proposed directly underneath the dripline of a SNA tree.		
Risk of acting or not acting			
There is sufficient information and certainty to act through the proposed provisions as they are based on existing RMA obligations, current best practice, give effect to the Waikato RPS, and are aligned with anticipated policy direction in the proposed NPSIB (recognising this does not yet have legal weight). The risk of not acting is that the Hamilton City District Plan will not fully give effect to section 6(c) of the RMA which relates to significant indigenous vegetation and significant habitats (not mapped in Operative District Plan) these higher order documents. There is also a risk that not acting results in further losses of ecological habitat with cSNA areas (primarily Waikato River Corridor and Gully network), which could be exacerbated when residential areas are placed under more intensification pressure (anticipate under Plan Change 12) and there is increased desire to develop within the gully network. The risk of acting is that this plan change would occur in advance of the release of the proposed NPS-IB. This means that the proposed provisions may not align with all the requirements in the NPSIB and may potentially need further changes However, this is considered to be a low risk as there is strong alignment and this can be addressed through the Schedule 1 process (as proposed NPSIB is expected to be gazetted in late 2022 during the Plan Change 9 submission and hearing period). Overall, it is considered that the risks of acting are low and the risks of not acting are significantly greater in terms ongoing loss of indigenous biodiversity and limited protection of significant indigenous habitats.		
Effectiveness and Efficiency			
The proposed provisions will be effective in achieving the purpose of the RMA, in particular section 6(c) of the RMA, and achieving Objective 20.2.1 to protect, maintain and restore SNAs. The provisions strike a balance between the need to increase the area of SNA protected in Hamilton City and achieve positive ecological outcomes in these areas, and also the need to provide pragmatic permitted and consenting pathways for a limited list of activities that are important to the environmental, economic, social and cultural well-being of people and communities within the new areas of SNA. This is an effective approach to achieve the purpose of the RMA which seeks to ensure indigenous biodiversity is managed and protected in a way that enables people to provide for their economic, social and cultural well-being. The new policy direction will provide clearer guidance to plan users on the specific adverse effects that need to be avoided to protect the significant ecological values of SNAs, how the effects management hierarchy should be applied to larger public projects to ensure a net ecological gain, and what types of activities can occur in SNAs and in what circumstances. It will also provide stronger support for activities that should be enabled in SNAs, namely restoration and enhancement projects. Overall, the provisions will be effective in achieving Objective 20.2.1 to protect, maintain and restore SNAs within the Hamilton City district.		

In terms of efficiency, the proposed provisions are necessarily more complex than the operative provisions, particularly the proposed rule framework. This is to respond to the two types of SNA being protected and the different values for which fSNA and cSNA are identified and scheduled as SNAs. The proposed provisions also recognise that restoration/enhancement activities, infrastructure and public walkways and cycleways are not adequately provided for in the operative provisions in Chapter 20 and seek to provide for these activities through a more targeted, specific set of rules to ensure the desired outcomes are achieved. Although there are additional rules, these are necessary to strike the balance between ecological protection and enabling key activities that have a functional or operational need to occur in a SNA. Overall, this is expected to be a more efficient approach than retaining the status quo or simply increasing the amount of mapped SNA as it will avoid unnecessary consent requirements and provide greater certainty to all parties on the types of activities anticipated or strongly discouraged/avoided in SNAs.
Appropriateness in relation to relevant existing objectives:
The proposed provisions are considered to be appropriate in relation to existing Objective 20.2.1 in Chapter 20 and other relevant plan objectives. The provisions will ensure that the existing and new SNAs are protected, maintained, restored and enhanced, in a way that still allows for activities that provide for the environmental, economic, social and cultural well-being of people and communities.
Summary of reason for decision on the provisions:
The suite of provisions proposed for SNAs in Chapter 20 combined with updated SNA schedule and maps, and amendments in other chapters are assessed as being the most appropriate option as these will: • Better give effect to the direction of the Waikato RPS and section 6(c) of the RMA compared to the operative District Plan provisions • Address a key gap in the operative District Plan by extending the extent of SNA to include significant habitat of indigenous fauna, including the long-tailed bat • Largely future proof Chapter 20 with respect to the proposed NPS-IB based on the knowledge of its requirements and current best practice (recognising that it does not yet have legal effect) • Protect more of the vulnerable SNA areas in Hamilton City, including the Waikato River Corridor and Gully network, both of which will be under increasing development pressure in residential areas • Achieve a pragmatic balance between protection of ecological values and the need to provide appropriate pathways for activities with a functional or locational need to locate in a SNA and which provide public benefits – i.e. infrastructure, public walkways and cycleways • Support activities that will benefit a SNA, namely restoration and enhancement projects • Recognise that public access into SNAs can sometimes be desirable, particularly where it allows for enjoyment, and appreciation of the values, of SNAs and allows people to connect with nature in their local area • Better recognise the role of mana whenua as kaitiaki, and landowners as stewards, of SNAs • Manage edge effects on SNAs in a targeted and proportionate way so that the health of SNA trees is protected, even when parts of the tree overhang the SNA boundary. As such, the provisions are considered to be the most appropriate, effective and efficient way to achieve the purpose of the RMA and relevant plan objectives.