

MATAMATA-PIAKO DISTRICT COUNCIL

Integration of the Development Manual and the Incorporation of Urban Design into the District Plan

Plan Change 24

December 2008

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Appendix 3 Hamilton City Council Development Manual

(Please note, this is a separate document which can be viewed on the Council's website or at the various Council offices.)

1.0 INTRODUCTION

In accordance with the First Schedule of the Resource Management Act 1991, Matamata-Piako District Council (MPDC) proposes to change the District Plan, with the purpose being to integrate and align the Development Manual with the Operative District Plan and to integrate aspects of urban design into the Operative District Plan.

This plan change therefore has two components

1. Integration of the Development Manual into the District Plan.
2. Incorporation of urban design aspects into the District Plan.

Development Manual

The Hamilton City Council Development Manual, commonly referred to as the "Development Manual", has been developed to set out the process and standards that are expected to be followed and met whenever any development project is undertaken. Adopting the Development Manual helps ensure consistency and certainty for both Council and private individuals regarding infrastructural assets.

The Development Manual presently is a non-statutory document that sits outside the District Plan and there is no reference to it within the District Plan. This Plan Change proposes to integrate the Development Manual into the Operative District Plan by way of reference within rules, performance standards and assessment criteria.

The District Plan will provide performance outcomes that are required to be met in relation to the provision of infrastructure. The Development Manual will be considered as one means of compliance with these outcomes. The process also provides for alternative methods to allow for innovation and variation, compliance with the performance outcomes will need to be demonstrated and assessed to ensure the standard and sustainability of the infrastructure is maintained.

Urban Design

Matamata-Piako District Council is a signatory to the New Zealand Urban Design Protocol and in line with this commitment wish to integrate aspects of urban design into the District Plan. This plan change includes the incorporation of provisions that relate to urban design, particularly in relation to subdivision.

2.0 BACKGROUND

2.1 DEVELOPMENT MANUAL

The Hamilton City Council Development Manual has been produced by the City Council for engineering practices within the City. It includes processes, design guides and technical standards.

From October 2006 six neighbouring rural authorities being Matamata-Piako, Waikato, Waipa, Hauraki, Waitomo and Otorohanga District Council's will have adopted or intend to adopt the Development Manual as their own engineering standards. This is seen as a positive approach as it helps keep these Council's costs down and also helps with consistency throughout the region.

Following from this, the other territorial authorities have collaborated to produce a "rural" supplement which sets out engineering processes specific and separate to those within the body of the Development Manual.

In addition to this, each rural council has the ability to produce an addendum specific to their district which can replace existing or amend standards or criteria specific to that particular council.

The volumes of the Development Manual can be summarised as follows:

Volume 1 Subdivision Processes

Volume 1 sets out the processes for subdivision and development and the roles and responsibilities of the parties involved in the various processes.

Volume 2 Design Guide

Volume 2 sets out design guides for key infrastructural services including roading, stormwater, water supply and wastewater disposal. This volume provides a "means of compliance" or one avenue that could be taken to meet the requirements.

Volume 3 Technical Specifications

Volume 3 provides the detailed technical specifications for roading and infrastructure. These specifications set the minimum requirements and are mandatory should a development be undertaken purely in relation to the Development Manual.

The specifications have been developed to ensure the following:

- That the roading and infrastructure services perform to the level of service required;

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- That the roading and infrastructure services are durable and will continue to operate in a satisfactory manner with minimum maintenance for the appropriate economic life;
 - That the maintenance of the roading and infrastructure services can be carried out in an efficient manner without the need for any special tools or spares that are unique to a certain subdivision.

Volume 4 Quality Systems

It is necessary for the Council to be satisfied that the works have been completed to a satisfactory level as in many cases Council is to assume ownership and maintenance responsibilities for the service.

Volume 4 comprises of a series of processes and checklists that must be completed and submitted to Council during construction and prior to the application for the completion certificate and/or Section 224(c) certificate under the Resource Management Act 1991.

Volume 5 District Council Supplement

Volume 5 is a supplement that has been developed by representatives of the rural council's to include any variances or additional standards that are applicable to those council's.

MPDC Addendum

Further to the supplement, Matamata-Piako District Council has produced an addendum that addresses matters specific to MPDC. Currently, the addendum covers specifics in terms of:

- Road works
- Stormwater drainage
- Wastewater drainage
- Water supply

In parallel with this plan change process Council is also investigating opportunities to include aspects of urban design into the Development Manual to give effect to Council's position as a signatory to the New Zealand Urban Design Protocol to assist and inform those changes to the District Plan.

The Development Manual allows for alternative design solutions to be provided and is not an absolute method. Innovation and alternatives may be considered.

2.2 DISTRICT PLAN

The rules, performance standards and assessment criteria against which any development or subdivision is assessed are included within the Matamata-Piako District Plan.

Currently there is reference within the District Plan to compliance with a variety of New Zealand Standards, technical specifications, and other supplementary documents. In a number of circumstances these standards have become outdated and have been replaced or superceded. The more up to date standards and specifications have been collectively assembled in the Development Manual and are therefore not necessarily required to be identified within the District Plan. Should specifications be retained in the District Plan and if any amendment occur, for example, to a New Zealand Standard, this would result in the incorrect reference being located within the District Plan and a plan change would be required to amend this reference. As is commonly known this can be a timely and costly process.

It is noted that the Resource Management Act 1991 includes provisions relating to National Environment Standards (NES). They are used to manage the adverse effects of activities on the environment to provide a consistent nationwide approach. In some cases a NES may be more stringent and in others it may be more permissive than the rules in a District Plan. The NES provisions would override specific plan rules relating to the specific topic of the NES. District Plan rules can be more restrictive but not more lenient than a NES. It determines the activity status and consent requirements. Its relevance to this plan change is that it already recognises that "external" document processes are established in practice.

It is intended that if the Development Manual is fully complied with, that this will achieve compliance with the requirements of the District Plan. However alternative options may be pursued to allow for innovations and particular variances due to a site or direction a project may take. However it must be demonstrated by the applicant that the performance outcomes can be met.

The District Plan sits above the Development Manual and Addendum in terms of hierarchy of these relevant Council documents. The hierarchy of documents, being:

- Matamata-Piako District Plan and Structure Plans
- HCC Development Manual Matamata-Piako DC Addendum
- HCC Development Manual Volume 5, District Council Supplement
- HCC Development Manual Volumes 1 to 4

Compliance with the Development Manual will be referenced through conditions of consent and performance standards.

The use of Development Manuals (otherwise known as "Codes of Practice") is a common implementation tool throughout large parts of the country. It helps ensure District Plans are targeted, useable documents not cluttered with too much detail. Further, Council's commonly separate the two documents to allow some flexibility and change to the Development Manual without the need for complex drawn out plan change processes.

2.3 URBAN DESIGN

Matamata-Piako District Council is a signatory to the New Zealand Urban Design Protocol. The Protocol has identified seven design principles that contribute to quality urban design outcomes. These are referred to as the 'seven C's' and are:

- Context.
- Character.
- Choice.
- Connectivity.
- Creativity.
- Custodianship.
- Collaboration.

Previous and current plan changes have targeted the inclusion of certain provisions into the District Plan to help achieve high quality design outcomes. Aspects relating to urban design which could be considered when assessing alternative means of compliance, have been incorporated in the MPDC Addendum.

As a component of Plan Change 32 (Banks Road) Council pursued the opportunity of including an objective, policy and a performance standard which related to urban design. These were open to public comments as part of the consultation and notification component of that plan change process.

A number of submissions were received, primarily from surveyors and consultants operating within the District, who had concerns relating to the proposed new performance standard, being a new Section 6.2.1 (New Zealand Urban Design Protocol and Crime Prevention Through Environmental Design). It was resolved at the Hearing for the plan change that the decision relating to the inclusion of a new performance standard 6.2.1 be deferred. This performance

standard along with supporting inclusions within the District Plan relating to urban design have been included within this plan change and also amendments to the MPDC Addendum have been recommended to include urban design considerations into the primarily engineering document.

A National Policy Statement (NPS) on Urban Design has been identified by the (previous) Government as being desirable. In particular, it considers that national guidance will help to improve the quality of urban design in New Zealand, and national guidance will complement existing voluntary, non-statutory initiatives like the New Zealand Urban Design Protocol. The Ministry for the Environment has asked for comments on how the NPS may be framed, from which the information will be collated and analysed and the scope of the possible NPS will be reported on. From that point, if approved, the proposed NPS will be drafted and publicly notified. This NPS is potentially some years from finalisation and adoption.

'Residential Development Guidelines for Small Subdivisions' are currently being prepared by the Council and these guidelines will be available to assist the community and developers with understanding on how to achieve higher quality urban design outcomes.

2.4 CHANGES TO THE MPDC ADDENDUM

2.4.1 Changes to the MPDC Addendum

As detailed earlier, in tandem with this plan change process, some variations to the MPDC Addendum to the Development Manual are being advanced. The reason they are mentioned in this document is that consultation has been run in parallel with the plan change. Primarily the Development Manual applies unless a viable alternative is proposed that can be justified in terms of meeting performance outcomes. Urban design considerations for any variations are also included within the MPDC Addendum.

2.4.2 Process

A flow diagram has been developed that identifies the steps that are followed from the initial discussions with Council staff regarding a proposal to when an application is lodged, in relation to the engineering design and specifications. This is to ensure that if alternative engineering procedures are undertaken that the Council is aware of them near the beginning of the development process and comments and assessment of these alternatives can be undertaken. A formal application is then to accompany the engineering plans submitted to Council for approval. Appendix 7 of the MPDC Addendum contains a number of tables giving evidence as to what specifics Council will be assessing with an application. The tables provide the applicant with some certainty about how the decision might be made, and what considerations will be taken into account.

They also provide the ability to Council to make consistent and transparent decisions and reduce the reliance on the discretion of Council staff.

2.5 SUMMARY

Development Manual

The Development Manual is the document where engineering guides and specifications are located. This Development Manual has been developed region wide and with an addendum specific to MPDC.

The District Plan currently includes reference to standards and specifications that are out of date or are otherwise located within the Development Manual. The Plan Change proposes to integrate reference to the Development Manual within the District Plan.

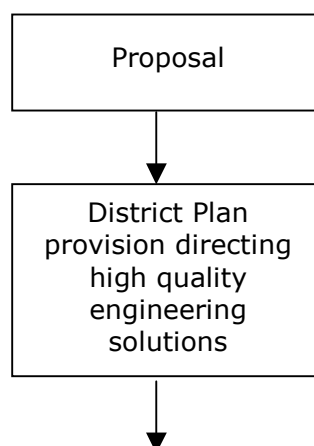
Changes are proposed to the MPDC Addendum that will enhance the Matamata-Piako District Council element of the Development Manual. It will introduce urban design more comprehensively within the District and support the linkage with the District Plan. As the Development Manual provides for the design and construction of infrastructure, the delivery of urban design aspects has greater opportunity to be included. It provides for a level of certainty while retaining flexibility.

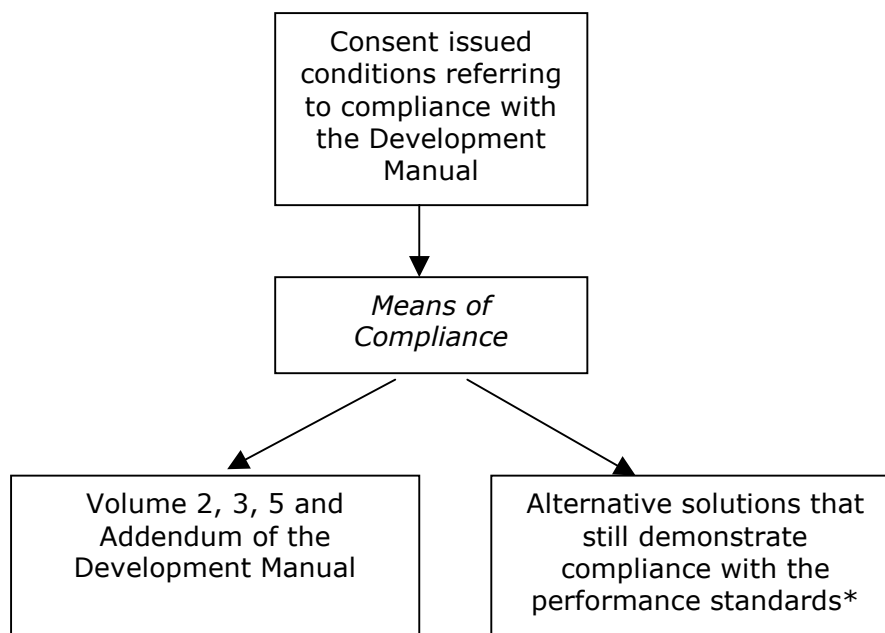
Urban Design

The proposed changes to the District Plan in relation to urban design will incorporate urban design aspects into the District Plan which will endorse Council's position as a signatory to the New Zealand Urban Design Protocol.

2.6 OVERVIEW OF CHANGES SOUGHT

The changes sought are to acknowledge the Development Manual as a supporting document to the District Plan and to integrate the Development Manual into the District Plan.





* Note: Council anticipates consultation at the earliest possible stage where alternative solutions are to be sought.

Critical standards are to be retained within the District Plan as these relate to safety or invariable aspects of development and as such will provide a degree of enforceability to the Council. These are standards which relate to roading hierarchy, road reserve widths, access widths, sight distances and separation distances.

In terms of urban design, a new performance standard is proposed. This outlines the urban design outcomes which are sought to be achieved and the criteria which are required to be met which result in the urban design outcomes being complied with. Urban design guidelines are currently being developed by Council which will provide an understanding to the community and developers on how the criteria may be met.

3.0 SPECIFIC CHANGES SOUGHT

The changes sought to the District Plan are included within *Appendix 2* to this report. The proposed changes within each section of the District Plan have been identified with a double underline, and the removal of text is identified by a ~~strikethrough~~. All changes and additions are identified in red relate to the first component of the plan change being the integration of the Development Manual. The changes identified in blue relate to the second component of the plan change being the incorporation of urban design aspects.

These changes are summarised below in respect of the two components of the plan change.

3.1 PART A: SECTION 1 – INTRODUCTION

Proposed changes within Part A, Section 1 (Introduction) relate to Section 1.4 (Linkages With Other Plans) and Section 1.8 (Supporting Documentation).

3.2 PART B: SECTION 1 – GENERAL PROVISIONS

Proposed changes within Part B, Section 1 (General Provisions) relate to Section 1.2 (Development Suitability) and Section 1.4 (Assessment Criteria for Restricted Discretionary, Discretionary and Non-Complying Activity Resource Consent Applications).

3.3 SECTION 3 – DEVELOPMENT CONTROLS

Proposed changes within Section 3 (Development Controls) relate to Section 3.4 (Business Zone) and Section 3.5 (Signage – All Zones).

3.4 SECTION 5 – PERFORMANCE STANDARDS

Proposed changes within Section 5 (Performance Standards) relate to Section 5.7 (Use and Storage of Hazardous Substances).

3.5 SECTION 6 – SUBDIVISION

Proposed changes within Section 6 (Subdivision) relate to Section 6.2 (Performance Standards), including a new Section 6.2.1 (New Zealand Urban Design Protocol and Crime Prevention Through Environmental Design), a new Section 6.2.2 (Infrastructure and Servicing) and a new Section 6.2.11 (Performance Outcomes for Infrastructure and Servicing).

3.6 SECTION 9 – TRANSPORTATION

Proposed changes within Section 9 (Transportation) relate to Section 9.1 (Access, Parking, Loading), Section 9.2 (Railways) and Section 9.4 (Roads).

3.7 SECTION 11 – NATURAL HAZARDS

Proposed changes within Section 11 (Natural Hazards) relate to Section 11.2 (Activity Table), Section 11.3 (Site Suitability), Section 11.4 (Flooding) and Section 11.5 (Geotechnical Structural Area).

3.8 SECTION 13 – OTHER METHODS

Proposed changes within Section 11 (Other Methods) relate to Section 13.3 (District Plan).

3.9 SECTION 15 – DEFINITIONS

Proposed changes to Section 15 (Definitions) are to include a new term and definition of 'Access Leg', 'Access Lot', 'Accessway', 'Development Manual', 'Private Way', 'Right of Way' and 'Vulnerable Road User'.

3.10 APPENDICES

That the following appendices are proposed to be amended in some form or deleted:

- Appendix 3 – Vehicle Entrances and Minimum Sight Distances
- Appendix 5 – Design Guideline for Verandahs
- Appendix 6 – Tracking Circles for Vehicles and Parking Dimensions
- Appendix 7 – Street Classification and Pavement Structure for Urban Developments
- Appendix 8 – Criteria for Stock Crossing and Underpasses
- Appendix 9 – Sight Lines for Railway Crossings

3.11 SUBSEQUENT CHANGES

Changes will also be required to the Table of Contents to reflect the proposed changes. This will include the addition or amendment to the titles of sections and also subsequent changes to the page numbering. Other relatively insignificant administrative changes may be identified through the plan change that will not impact the content.

4.0 PLANNING DOCUMENTS

4.1 MATAMATA-PIAKO DISTRICT PLAN

The Matamata-Piako District Plan (the Plan) became operative on 25 July 2005. In the Plan, Council has a number of objectives, policies and rules which are designed to protect the amenity and natural environment that the District offers.

4.1.1 Integration of the Development Manual

The following objectives and policies are relevant to the provision of infrastructure within the District:

3.2.2.1 – Natural Hazards

- O1 To minimise the risks of flooding affecting people and property in the District.*
- P1 To ensure that all future development does not increase the flood risk for existing buildings and activities.*
- P2 To avoid building development below a known risk factor of 1% annual return flood levels.*
- P3 To ensure new developments and subdivision take cognisance of overland flow paths in their design to avoid adverse effects.*
- P4 To utilise public open space as natural floodways and ponding areas where this does not adversely affect protected natural environments and heritage features.*

3.4.2.1 - Subdivision

- O1 To ensure that land subdivision results in allotments that are suitable for activities anticipated by the zone and that existing activities and resources in the vicinity of the site are not unreasonably compromised.*
- O4 Subdivision of land in a manner that does not adversely affect the function or capacity of roads within the District.*
- P1 To ensure that each allotment has suitable natural and physical characteristics including infrastructure services for the activities anticipated by the zoning or resource consent.*

3.7.2 – Works and Network Utilities

1. Provision and Benefits

- O1 To enable the effective provision of works and utilities so as to minimise the adverse environmental effects while enabling people and communities to provide for their social economic and cultural wellbeing and for their health and safety.*
- P2 To protect existing and proposed works and infrastructure from incompatible use or subdivision of adjacent lands.*
- P3 To ensure that works and network utilities are considered having particular regard to the avoidance, remediation or mitigation of anticipated adverse environmental effects and comprehensive analysis of the existing and future services/facilities.*
- P4 To provide an acceptable degree of protection to settlements and productive rural land from the adverse effects of flooding.*

2. Council Infrastructure Services

SO1 To ensure that effective, efficient and environmentally appropriate water supply, sewage reticulation and treatment and stormwater services continue to be provided and maintained.

3. Reserves and Public Open Space

O1 To manage the development of reserves in a manner which best serves the dual objectives of environmental enhancement and the provision of adequate land for recreational use.

SP1 To adopt a comprehensive approach to reserve management utilising a 10 year strategic plan covering acquisition, maintenance and upgrading of all public open space.

3.8.2 – Transportation

O1 To protect and improve the safety and efficiency of the state highways and District road network.

O2 To protect residential amenity from the effects of excessive traffic generation and on-street parking on residential streets.

O3 To encourage self sufficiency in the provision of parking and loading spaces to avoid conflict with on-street usage.

O4 To maximise safety and convenience for pedestrians and vehicular traffic on all sites.

O5 The avoidance, remediation or mitigation of the adverse effects of transportation.

O6 To encourage the provision of alternative transportation networks where it is clearly demonstrated that the provision of such networks will positively benefit and enhance the environment and community which they serve.

O7 To ensure that those activities that place demands on the roading network contribute fairly to any works considered necessary to meet those demands.

P1 To ensure that access points and intersections have optimum visibility along the state highway and are formed to appropriate design standards.

P2 To maintain road safety and efficiency by requiring activities to provide adequate off street parking and loading facilities for foreseeable future needs.

P3 To ensure that traffic safety is maintained by carefully managing the location and design of any signs visible from state highway and District roads.

P4 To manage unrelated through traffic on local roads to maintain and enhance the amenity values of the locality.

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- P5 To require landscaping within the transportation facilities or corridors where appropriate.*
- P6 To implement noise abatement measures along State highways, District arterials and airports.*
- P7 To avoid dust and noise nuisance by requiring formation, sealing and screening of parking and loading areas and access ways in residential, business and Industrial zones and Kaitiaki (Conservation) zones that adjoin an urban area.*
- P8 To enhance the amenity value of the central business area of Te Aroha, Matamata, and Morrinsville by ensuring that such areas are not congested by service delivery activities and a lack of adequate parking.*
- SP1 To establish and maintain service lanes and public carparks which assist in reducing traffic congestion on surrounding streets.*
- SP2 To encourage alternative transport modes by making provision for cycleways and walkways.*
- SP3 To require the retention of all roads, including paper roads, where alternative public access to the District's rivers is not available.*

No changes are considered necessary to the existing objectives and policies as they adequately address the outcomes sought by Council and the integration of the Development Manual will not impact on these.

4.1.2 Urban Design Provisions

The following objectives and policies of the Operative District Plan relate to urban design.

3.5.2 – Amenity

1. DEVELOPMENT STANDARDS

- O1 To maintain and enhance a high standard of amenity in the built environment without constraining development innovation and building variety.*
- O2 To minimise the adverse effects created by building scale or dominance, shading, building location and site layout.*
- P1 To ensure that development in residential and rural areas achieves adequate levels of daylight admission, privacy and open space for development sites and adjacent properties.*
- P2 To minimise the effects created by building scale, overshadowing, and building bulk in business, industrial and recreational areas.*

P3 To maintain the open space character of residential and rural areas by ensuring that development is compatible in scale to surrounding activities and structures.

P4 To recognise that the low density urban form in the District's towns contributes to the amenity and character of the area.

P5 To provide for development within the District in a manner that encourages flexibility and innovation in design and variety in the built form while achieving the anticipated environmental results.

2. DESIGN, APPEARANCE AND CHARACTER OF BUILT ENVIRONMENT

O1 To ensure that the design and appearance of buildings and sites is in keeping with the character of the surrounding townscape and landscape.

O2 To recognise and promote the special urban character of Te Aroha and Matamata and to develop the urban character of Morrinsville.

P1 To encourage a high standard of on-site amenity in residential, business, recreational and industrial areas.

P2 To recognise and enhance the historical character of the built form at Te Aroha.

P3 To recognise and enhance the open space "garden city" character of the built form at Matamata.

P4 To achieve a compatible and consistent urban form through the utilisation of design guidelines for special character areas.

P5 To encourage a varied and interesting built form by supporting initiatives and providing development amenity incentives for comprehensive and innovative subdivision and development design.

P6 To maintain and enhance the predominant domestic character of residential areas.

No changes are considered necessary to the existing objectives and policies relating to urban design. Plan Change 32 (Banks Road) adopted a new issue, objective and policy relating to urban design. These are considered to sufficiently address the overall aim of incorporating urban design aspects into the District Plan.

The objective and policy within the decisions version of Plan Change 32 (Banks Road) are as follows:

3.4.2.1 - Subdivision

O5 To ensure that our towns are developed to enhance our communities through recognising good quality urban design.

P4 To avoid, remedy or mitigate any potential adverse effects of subdivision as a result of lack of urban design through the New Zealand Urban Design Protocol and through the National Guidelines for Crime Prevention Through Environmental Design.

4.2 WAIKATO REGIONAL POLICY STATEMENT (OCTOBER 2000)

The intention of the Waikato Regional Policy Statement is to identify the significant resource management issues for the Region and the methods that will be used to manage natural and physical resources over the next ten years.

The following objectives and policies of the Regional Policy Statement are considered relevant to this plan change.

2.2 Integrated Management

Objective One: The integrated management of natural and physical resources in the Waikato Region achieved.

Policy Two: Inter-Agency Integration and Cross Boundary Processes

Ensure inter-agency integration and consideration of cross boundary processes in the management of natural and physical resources.

3.8.4 Natural Hazards - Adverse Effects

Objective: The adverse effects associated with natural hazards minimised, the resilience of the community and public awareness of the causes and potential effects of natural hazards events increased.

Policy One: Adverse Effects of Natural Hazard Events Avoided and Mitigated

Ensure the occurrence of natural hazard events are prevented or the associated adverse effects are avoided, remedied or mitigated.

Policy Two: New Settlements and Structures

Ensure new subdivisions and developments are built in a manner designed to avoid or mitigate the adverse effects of natural hazards.

3.12.3 Infrastructure

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

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

The Development Manual is being developed by seven neighbouring Waikato Council's to enable cross-boundary consistency in many aspects of infrastructure development. Provision has been made by way of the District Council Addendum to include additional aspects that are particular to Matamata-Piako. The Development Manual includes standards relating to the design in respect of natural hazards, particularly flooding. Therefore, the Development Manual is one of several "implementation" tools that helps give effect to the Regional Policy Statement. No inconsistencies with the Regional Policy Statement and this proposed plan change have been identified.

4.3 WAIKATO REGIONAL PLAN

For the purpose of this report, all reference to the Operative Waikato Regional Plan is the version as at September 2007. The intention of the Regional Plan is to provide direction regarding the use, development and protection of natural and physical resources in the Waikato Region. The Regional Plan implements the Regional Policy Statement. The Regional Plan has been considered and the incorporation and use of the Development Manual is not inconsistent with this Plan.

5.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

It is not considered that there will be any adverse environmental effects in relation to this plan change. The plan change is to integrate the Development Manual into the District Plan to replace existing reference to New Zealand Standards and specifications.

The inclusion of the Development Manual will have positive effects in that consistency and certainty will be developed and will assist in providing for good urban design for the community with regard to the infrastructural assets created. The Plan Change is in effect a process change rather than a change in the outcomes that will be generated.

The incorporation of a performance standard relating to urban design with a clear inclusion and reference within the District Plan, will result in positive effects for the community in terms of providing for high quality urban design outcomes for future subdivisions within the District.

6.0 CONSULTATION

6.1 CONSULTATION UNDERTAKEN

A letter was sent to key stakeholders and surveying companies which operate in the District regarding the proposed plan change, advising them generally of the contents of the plan change, the open days to be undertaken and seeking any comments from them.

Three open days were held which were open to members of the public. These were held as following:

- Matamata – Monday 6 October 2008 between 1pm and 4pm at the Tainui Room of the Memorial Hall, Tainui Street, Matamata.
- Te Aroha – Tuesday 7 October 2008 between 11am and 1pm at the Citizens Advice Bureau, Te Aroha.
- Morrinsville – Tuesday 7 October 2008 between 3pm and 5pm at the Morrinsville Events Centre, Morrinsville.

These open days were advertised in the Piako Post and the Matamata Chronicle.

A draft copy of the proposed plan change, an information leaflet and a comments form were available to people to review and take away with them. It was requested that any feedback be provided by 23 October 2008. It was also advised that there would be a formal process to make any submissions and further submissions.

A copy of the responses received are attached as *Appendix 1* to this report.

6.2 CONSULTATION RESPONSES

Three people attended the open days and a copy of the draft proposed plan change, information leaflet and comments form were sent to people who requested them.

Responses received are detailed in the following table:

Table 1: Consultation Responses and Discussion		
Name	Issue	Discussion
Rod Young (Rod Young Ltd)	That Appendix 7 of the Addendum, paragraph 2.3 'Roading and Pedestrian Access', subheading 'Connected Roads' refers to that right of ways, driveways and access legs serve no more than 2 or 3 allotments. This will contradict existing provision within 6.2.1 of the District Plan (which has also been deleted) which allows for up to 6 allotments to be provided from them if the access is the appropriate width.	The sentence referred to has been deleted from Appendix 7 of the Addendum. The provision referred to within the District Plan has been deleted, however this information has been included within Appendix 3 of the District Council Supplement of the Development Manual. The deletion of this sentence within the addendum ensures the intended consistency with Section 9 of the District Plan.

Table 1: Consultation Responses and Discussion		
Name	Issue	Discussion
Andrew Holroyd (Barr & Harris Surveyors Ltd)	Object to aspects of the roading standards and materials allowed, being that the roading standards are too stringent and the materials do not provide for the best sustainable solution and use of local materials.	Unsure of exact provisions/requirements in relation to roading standards which are too stringent. In relation to roading materials, 3.7.3/3.7.4 (Pavement Design), Council was to undertake discussions with the submitter.
	Object to Appendix 6 in Volume 5 as is philosophy and not a design standard.	This has been discussed within this report.

6.3 URBAN DESIGN CONSULTATION

The urban design performance standard within Section 6.2.1 was, in part, introduced and consulted upon as part of Plan Change 32. Of the 11 submissions received in respect of Plan Change 32 approximately half of them related directly to the urban design component. A pre-hearing meeting was held on 22 September with the aim being to resolve the issues and concerns raised in the submissions and further submissions. A major issue raised at the meeting was the parts of the proposed plan change that relate to urban design. Feedback from consultants/developers on the draft Urban Design Guidelines were requested and as a result submitters concerns regarding these guidelines still remained in terms of the inclusion of a new section 6.2.1 within the Plan Change. On-going consultation and discussion has been undertaken by Council staff in relation to the inclusion of a new provision relating to urban design within the District Plan.

7.0 STATUTORY REQUIREMENTS

The statutory requirements for the development of a plan change and what can be included within a District Plan are within the Resource Management Act 1991.

7.1 RESOURCE MANAGEMENT ACT 1991

The Resource Management Act 1991 is New Zealand's main piece of legislation that sets out how the environment should be managed. It incorporates aspects relating to how district plans should be developed and changed, the process to be undertaken and what information can be included in a district plan

7.1.1 Part II

In considering the most appropriate means of addressing the resource management issues it is important to consider these in the context of the

purpose of the Act. The purpose of the Act is established in Section 5 of Part II, which states the following:

5 Purpose

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—*
 - (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Also, set out in Part II is a series of other matters that shall be provided for or had regard to. These are set out in Section 6 to 8 of the Act.

Section 6 of the Act sets out a number of matters of national importance, including:

- (b) *The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*

Section 7 identifies a number of "other matters" to be given particular regard by the Council. This includes:

- (b) *The efficient use and development of natural and physical resources:*
- (c) *The maintenance and enhancement of amenity values:*
- (f) *Maintenance and enhancement of the quality of the environment:*
- (g) *Any finite characteristics of natural and physical resources:*

The proposal is not considered to affect any matters of national importance and the other matters identified within Section 7. The proposed incorporation of reference to the Development Manual into the District Plan will allow for an integrated approach and consistency in relation to proposed subdivisions and developments and the inclusion of urban design aspects that will require

consideration of urban design principles and result in high quality urban design outcomes.

Section 8 requires the Council to take into account the principles of the Treaty of Waitangi. It is considered that the proposal raises no Treaty issues.

The proposed plan change is an appropriate and sustainable approach to the use of engineering design guides and standards and the incorporation of urban design aspects into the District Plan. The collaborative approach of the seven Council's provides for greater consistency between territorial authorities, security and reliability to applicants, their agents and Council, ensuring that social and economic wellbeing are provided for by way of managed infrastructure. As the Council is a signatory of the New Zealand Urban Design Protocol, the plan change results in incorporation of aspects that require consideration in the development of subdivisions within the District.

7.1.2 Schedule 1

Part 3 of Schedule 1 of the Resource Management Act 1991 allows for Council's to incorporate documents by way of reference in the District Plan. This technique is used to address other documentation, in this case the Development Manual that is otherwise too large or bulky to be embedded in the District Plan.

8.0 ANALYSIS

8.1 ALTERNATIVES

The following alternatives were considered in establishing the need for the Plan Change:

Development Manual

- a) No Change;
- b) Incorporation of standards into the District Plan;
- c) Incorporation of critical standards into the District Plan;
- d) Direct reference to the Development Manual in performance standards;
- e) Reference to the Development Manual as a guide/means of compliance.

Urban Design

- a) No Change;

- b) Inclusion of Provisions;
- c) Inclusion of Performance Standards;
- d) Await the National Policy Statement on Urban Design.

8.2 APPROPRIATENESS OF OPTIONS – DEVELOPMENT MANUAL

8.2.1 No Change

The option of taking no action would result in the Development Manual not being linked or integrated into the District Plan and the continued use of the outdated NZS4404 and other existing links that are currently within the District Plan. This would create inconsistencies with the joint agreement with the other Council's in the region and not give effect to the processes set out in the Development Manual.

8.2.2 Incorporation of Standards into the District Plan

The incorporation of all standards that have been included within the Development Manual into the District Plan would result in a large, bulky document. Should any changes be necessary to the standards or materials used a plan change would be required every time a change would need to be made. As the Development Manual is the collaboration of seven territorial authorities, should changes be made to the body of the document or the MPDC addendum, these would be required to proceed through the formal plan change process. This creates the same problem that currently exists. Further, the Development Manual covers significant information that are specification based and have no resource management implications.

8.2.3 Incorporation Of Critical Standards Into The District Plan

The incorporation of critical standards into the District Plan provides clear direction from the outset in regards to the absolute standards that must be met. These are those that relate to safety issues and future development protection, and include matters such as the roading hierarchy, accessway width dimensions, road reserve widths and sight distances. The incorporation of critical standards in the District Plan allows more basis to enforce these minimum standards should this be necessary.

8.2.4 Direct Reference To The Development Manual In Performance Standards

Should the Development Manual be directly referenced within the performance standards of the District Plan this method would not allow for alternative design and treatments being made available to a developer or subdivider. To meet the performance standard the Development Manual must be adhered to. This will discourage and restrict innovation and possible processes that would achieve a

higher quality outcome for the specific project. Specific site characteristics of a project may lend themselves to alternative design solutions. However as the performance standards in the Development Manual must be met, this would not allow alternative approaches to proceed.

This option provides definite certainty on what is to be produced and expected to be constructed for the developer and the community. Incorporating a direct reference may inhibit the use of the Development Manual as a dynamic, changing document.

8.2.5 Reference To The Development Manual As A Guide / Means Of Compliance

This approach involves developing performance outcomes sought in relation to infrastructural services which would be included within the District Plan. This option provides certainty in meeting these outcomes if the development proceeds in compliance with the Development Manual, however it also provides for some flexibility as alternative engineering designs could be developed. Performance outcomes would be incorporated into the District Plan to provide the overriding result which the Council would require, however the method to achieve this is up to the developer or subdivider.

One means of compliance, or a guide to complying with these performance outcomes, would be meeting the requirements of the Development Manual. Furthermore, for certain aspects of a proposal an alternative solution may be possible and lead to a higher quality result. This approach allows for alternative solutions to be considered however it must be shown that the performance outcomes can be complied with.

8.2.6 Preferred Option

The preferred approach is a combination of the above options being including reference to the Development Manual as a guide or means of compliance to achieving the objectives of the District Plan, and also retaining some the key critical standards within the District Plan.

This approach provides for flexibility whilst retaining a level of certainty to all parties involved. Performance outcomes included in the District Plan provide for the outcomes sought by Council in relation to infrastructural services. To meet the outcomes two approaches could be undertaken. Option one would be to comply with the requirements of the Development Manual which meet the performance outcomes. The second option would be to deviate from the Development Manual. This would allow for alternative engineering solutions, however compliance with the performance outcomes in relation to this alternative design must be demonstrated. A developer or subdivider therefore knows what outcomes must be met, being the outcomes Council would be assessing a proposal against.

The critical standards have been retained within the District Plan as they provide an absolute that must be met as they relate to key safety issues and invariable aspects, and if necessary provides some enforceability for Council to ensure that these critical standards are complied with.

8.3 APPROPRIATENESS OF OPTIONS – URBAN DESIGN

8.3.1 No Change

This will result in no reference to urban design within the performance standard/rule section of the District Plan, and provide no direction or assistance in what Council desires or that developers should provide in respect of higher quality urban design outcomes. Council's position as a signatory to the New Zealand Urban Design Protocol has not been advanced in the manner of including reference within the Council primary regulatory document.

8.3.2 Inclusion of Provisions

The inclusion of specific provisions will provide prescriptive rules on what has to be achieved to meet the requirements of the rule. This could be achieved by including the actual rules within the District Plan, or include reference that the urban design guidelines are required to be complied with. This method provides definite certainty of what is required by Council and anticipated by developers. However, it does not provide for innovation of design and the consideration of alternatives. There may be site specific characteristics existing that do not allow for the specified requirements to be provided for on site, this would result in non-compliance with this provision, therefore altering the activity status.

8.3.3 Inclusion of Performance Standards

The inclusion of relevant performance standards result in a standard 'benchmark' of what is required in the design of a subdivision. The ways in which the performance standards can be met provides for a degree of flexibility in the alternative put forward to Council, which will be assessed against the relevant performance standards which are the final benchmark for evaluation.

Criteria to meet the required outcomes would be identified to provide particular aspects for assessment.

Without direct reference to the Residential Development Guidelines, this provides some flexibility to Council in terms of amending them if the need arises without having to proceed through a plan change process.

8.3.4 Await the National Policy Statement on Urban Design

As discussed earlier in this report, the National Policy Statement on Urban Design (NPS) has been identified by the Government as being desirable. The

Ministry for the Environment has asked for comments on how the NPS may be framed, from which the information will be collated and analysed and the scope of the possible NPS will be reported on. From that point, if approved, the proposed NPS will be drafted and publicly notified. It is unknown when a version of the NPS will be notified for public consultation and the eventual document being finalised and adopted.

8.3.5 Preferred Option

The preferred option in relation to the incorporation of urban design aspects within the District is to proceed with the incorporation of relevant performance standards within the District Plan. The timeframe for the NPS is unknown and the framework it may include is unknown. This creates a degree of uncertainty. Urban design aspects were considered as a component of Plan Change 32. Residential Development Guidelines have been identified to assist with the understanding of the performance standards, rather than actual provisions within the District Plan, to enable alternative design that may be dependent on specific site characteristics or desires of the developer.

8.4 STATUTORY CONTEXT

Section 32 of the Resource Management Act 1991 states the following:

32 Consideration of alternatives, benefits, and costs

- (1) *In achieving the purpose of this Act, before a proposed plan, proposed policy statement, change, or variation is publicly notified, a national policy statement or New Zealand coastal policy statement is notified under section 48, or a regulation is made, an evaluation must be carried out by—*
 - (a) *the Minister, for a national policy statement or a national environmental standard; or*
 - (b) *the Minister of Conservation, for the New Zealand coastal policy statement; or*
 - (c) *the local authority, for a policy statement or a plan (except for plan changes that have been requested and the request accepted under clause 25(2)(b) of Part 2 of Schedule 1); or*
 - (d) *the person who made the request, for plan changes that have been requested and the request accepted under clause 25(2)(b) of Part 2 of the Schedule 1.*
- (2) *A further evaluation must also be made by—*
 - (a) *a local authority before making a decision under clause 10 or clause 29(4) of the Schedule 1; and*
 - (b) *the relevant Minister before issuing a national policy statement or New Zealand coastal policy statement.*
- (3) *An evaluation must examine—*
 - (a) *the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and*
 - (b) *whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*
- (3A) *This subsection applies to a rule that imposes a greater prohibition or restriction on an activity to which a national environmental standard applies than any*

prohibition or restriction in the standard. The evaluation of such a rule must examine whether the prohibition or restriction it imposes is justified in the circumstances of the region or district.

- (4) *For the purposes of the examinations referred to in subsections (3) and (3A), an evaluation must take into account—*
 - (a) *the benefits and costs of policies, rules, or other methods; and*
 - (b) *the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.*
- (5) *The person required to carry out an evaluation under subsection (1) must prepare a report summarising the evaluation and giving reasons for that evaluation.*
- (6) *The report must be available for public inspection at the same time as the document to which the report relates is publicly notified or the regulation is made.*

The evaluation required by clauses (1), (3) and (4) above has been undertaken as part of the preparation of the plan change request. This report contains the summary report required by clause (5).

8.5 OBJECTIVES AND POLICIES

The existing objectives and policies within the Operative District Plan provide for the integration of the Development Manual into the District Plan. These objectives and policies set the direction for the provision of infrastructure in a sustainable manner without adversely effecting the surrounding community and the wider environment.

The District Plan includes existing objectives and policies, some recently introduced by way of Plan Change 32, which provides the direction for the inclusion of provisions relating to urban design criteria and considerations within the District Plan. These existing objectives and policies enable the provision of urban design criteria to ensure higher quality outcomes are achieved.

Therefore no changes or amendments to the existing objectives and policies are necessary.

8.6 RULE CHANGES

8.6.1 Development Manual

As detailed the changes proposed have been made to integrate reference to the Development Manual into the District Plan. Below is the summary of the assessment of the benefits, costs, efficiency, effectiveness and the appropriateness of the proposal to meet the objectives, as set out in Section 4.1 of this report.

Summary of Benefits

- Provides a direct link to the Development Manual.
- Reduces the bulk and technical aspect of the District Plan.

Summary of Costs

- Requires the District Plan to be read in conjunction with the Development Manual in relation to subdivision design and development.

Efficiency

- Region wide approach to development matters will result in greater consistency and ease for applicants working within different districts.

Effectiveness

- The individual Council addendum to the Development Manual allows for features specific to MPDC to remain at the front.
- Critical standards relating to sight distances, separation distances, road widths and roading hierarchy are to be retained in the District Plan.

Appropriateness to Meet Objectives

The proposed methods outlined meet the objective of integrating the Development Manual into the District Plan.

8.6.2 Urban Design

As detailed the changes proposed have been made to integrate urban design aspects into the District Plan. Below is the summary of the assessment of the benefits, costs, efficiency, effectiveness and the appropriateness of the proposal to meet the objectives, as set out in Section 4.1 of this report.

Summary of Benefits

- Provides for alternative urban design solutions.
- Enacts the Council's commitments as a signatory to the New Zealand Urban Design Protocol.

Summary of Costs

- Includes new aspects that relate to urban design that will require consideration and assessment by Council and developers.

Efficiency

- A district wide approach to urban design matters within subdivision will provide direction as to what Council is wishing to achieve.

Effectiveness

- The inclusion of outcomes sought within the performance standard will provide some flexibility in the design of the subdivision in terms of urban design aspects, however the a set of guidelines prepared by the Council can be used as a means of understanding and providing guidance in what is sought.

Appropriateness to Meet Objectives

The proposed methods outlined meet the objective of incorporating provisions relating to urban design into the District Plan.

8.7 RISK OF NOT ACTING

Section 32(4)(b) requires and evaluation of the risk of acting or not acting. The risk of not acting includes:

- The current District Plan includes references to New Zealand Standards which are now out of date, therefore the quality of outcomes achieved could be below current accepted best practice. This in turn could affect community wellbeing.
- The Development Manual has been developed region wide and by not introducing reference to the Development Manual into the District Plan will result in the procedures and specifications within the Development Manual not being able to be applied or enforced in relation to subdivision and landuse development within the District.
- Council's position as a signatory to the New Zealand Urban Design Protocol is not included in the District Plan, being the Council's primary regulatory document.

9.0 CONCLUSION

9.1 INTEGRATION OF THE DEVELOPMENT MANUAL

In conclusion this proposed plan change will result in the effective and efficient integration of the Development Manual into the Matamata-Piako District Plan.

The proposed plan change accords with good planning practice and aligns with the objectives and policies of the Operative District Plan. The plan change will ensure sound environmental outcomes are achieved in relation to engineering design and construction whilst allowing for alternative designs.

9.2 URBAN DESIGN PROVISIONS

In conclusion this proposed plan change will result in the effective and efficient incorporation of urban design criteria to help increase residential amenity into the Matamata-Piako District Plan.

The proposed plan change accords with good planning practice and aligns with the objectives and policies of the Operative District Plan. The plan change will ensure that high quality urban design outcomes are considered and achieved with future subdivisions within the district. The preferred option allows for alternative designs provided a set of criteria can be complied with, which link directly to the performance outcomes sought. The Design Guidelines which are currently being produced provide some assistance and understanding to the way in which the criteria can be met.

APPENDIX 1
Consultation Responses

APPENDIX 2

Proposed Specific Changes to the MPDC District Plan

- Part A: Section 1 – General Provisions
- Part B: Section 1 – General Provisions
- Section 3 – Development Controls
- Section 5 – Performance Standards
- Section 6 – Subdivision
- Section 9 – Transportation
- Section 11 – Natural Hazards
- Section 13 – Other Methods
- Section 15 – Definitions
- Appendices