

Appendix H – Applicable Statutory Framework

Resource Management Act 1991

The purpose of the RMA is set out in Section 5 and is to promote the sustainable management of natural and physical resources. Sustainable management means:

Managing the use, development and protection of natural and physical resources in a way and at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while –

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

The applicable framework for district plans is contained within Sections 72-77 of the RMA. I note that the purpose of a District Plan (Section 72) is to assist councils to carry out their functions to achieve the purpose of the RMA. The functions of district councils are listed in Section 31 of the RMA and include:

- Integrated management of the effects of the use, development and protection of land and associated natural and physical resources of the district.
- The control of any actual or potential effects of the use, development, or protection of land.

The procedure for requests to change a District Plan are set out in Part 2 of Schedule 1. As set out in clause 22, the request must contain an evaluation report prepared in accordance with section 32 and an assessment of environmental effects in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change.

I note that a District Plan, and any changes, must give effect to higher order planning documents, including National Policy Statements (and Te Ture Whaimana) and the Waikato Regional Policy Statement (and any proposed changes).

Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River)

Section 9(2) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 confirms that the Vision and Strategy for the Waikato River (Te Ture Whaimana o Te Awa o Waikato) applies to the Waikato River and activities within its catchment affecting the Waikato River. As well as being deemed part of the Waikato Regional Policy Statement in its entirety pursuant to Section 11(1) of the Settlement Act, the Vision and Strategy prevails over any inconsistent provision in a national policy statement and Sections 11 to 15 of the Settlement Act prevail over Sections 59 to 77 of the RMA.

National Policy Statement on Urban Development 2020

The NPS-UD directs councils to plan for growth and ensure a well-functioning urban environment for all people, communities, and future generations. This includes providing for sufficient development capacity in accessible places and encouraging the integration and coordination of land use and infrastructure. It recognises the importance of:

Having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

Providing sufficient development capacity to meet the different needs of people and communities.

National Policy Statement on Freshwater Management 2020

The National Policy Statement of Freshwater Management (NPS-FM) sets out the overarching objectives and policies for the management of freshwater under the RMA. The NPS-FM manages freshwater in a way that seeks to give effect to the concept of Te Mana o te Wai, improve degraded water bodies and maintain or enhance all others. The NPS-FM contains one objective which prioritises the health and well-being of water bodies and freshwater ecosystems. The NPS-FM is relevant to the plan change through the stormwater run-off generated by the site which will eventually be discharged to the Waikato River.

National Policy Statement for Indigenous Biodiversity 2023

The National Policy Statement for Indigenous Biodiversity (NPS-IB) provides increased clarity and direction to councils on their roles and responsibilities for identifying, protecting and maintaining indigenous biodiversity under the RMA. The NPS-IB is relevant to the plan change as the site is within proximity with multiple Significant Natural Areas.

National Planning Standards 2019

The National Planning Standards provide national consistency for the structure, form, definitions and electronic accessibility of RMA plans and policy statements to make them more efficient and easier to prepare and use. HCC has not yet implemented the National Planning Standards in its District Plan and is not considered further.

Waikato Regional Policy Statement (WRPS)

Section 75(3)(c) of the RMA requires a district plan to give effect to any relevant Regional Policy Statement. The WRPS provides an overview of the resource management issues of the region and contains the overarching policy framework to achieve integrated management of the natural and physical resources.

Waikato Regional Policy Statement Change 1 (PC1)

PC1 was notified on 18 October 2022 to change the WRPS to incorporate the requirements of the NPS-UD and to reflect the updated Future Proof Strategy. Specifically, the amendments to the WRPS include:

A revised urban form and development chapter to ensure that the WRPS is giving effect to the NPS-UD.

Deleting the specific provisions relating to growth strategies prepared by territorial authorities outside of the Future Proof subregion (Policies UFD-P7 and UFD-P8). These have been replaced with generic provisions to guide preparation of, and give weight to, growth strategies.

Updating the provisions in the WRPS that relate to the Future Proof subregion to reflect the updated Future Proof Strategy. This includes the outcomes of the Hamilton to Auckland Corridor Plan, the Hamilton-Waikato Metro Spatial Plan (MSP), the MSP Transport Programme Business Case, and the Three Waters Sub-Regional Study.

There are a range of objectives and policies that I consider are relevant to PPC17 including:

- IM-01 – Integrated management
- IM-02 – Resource use and development
- IM-04 – Health and wellbeing of the Waikato River
- IM-07 – Relationship of tangata whenua with the environment
- IM-09 – Amenity
- LF-01 – Mauri and values of freshwater bodies
- LF-03 – Riparian areas and wetlands
- ECO-01 – Ecological integrity and indigenous biodiversity
- UFD-O1 – Built environment
- HAZ-O1 – Natural hazards
- HCV-O1 – Historic and cultural heritage
- NATC-O1 – Natural character
- UFD-O1 – Built environment
- UFD-P2 – Co-ordinating growth and infrastructure
- UFD-P11 – Adopting Future Proof land use pattern
- UFD-P12 – Density targets for Future Proof area

Waikato Regional Plan

Section 67(3)(a) and (d) of the RMA states a regional plan must give effect to relevant national policy statements and regional policy statement. The operative Waikato Regional Plan (WRP) implements the WRPS and contains objectives, policies and methods to manage the natural and physical resources of the Waikato region.

Hamilton District Plan

Chapter 2 of the District Plan outlines the Strategic Policy Framework which includes overarching objectives and policies to be implemented into the District Plan provisions, including the anticipated settlement patterns.

Of relevance to PPC17 is Objective 2.2.7 which states “Industrial and business activities contribute to the economic, cultural, social and environmental wellbeing and prosperity of the community,” with the following associated policies:

- (a) The positive effects of business and industry on economic, cultural, social and environmental wellbeing are encouraged and promoted.
- (b) Business activities and industrial activities and development uses land allocated and serviced for business and industrial purposes.
- (c) Industrial zoned land shall be safeguarded for industrial purposes.

Waikato Tainui Environmental Plan

Section 74(2A) of the RMA requires that when changing a district plan any relevant planning document recognised by an iwi authority must be considered. The Waikato-Tainui Environmental Plan was published in 2013 and has been developed out of Whakatupuranga 2050, which is a long-term development approach to building the capacity of Waikato-Tainui marae, hapu, and iwi. The key strategic objectives include tribal identity and integrity, including “to grow our tribal estate and manage our natural resources”.

Ngāti Tamainupō Mātauranga and Taonga Management Plan 2021

The purpose of the Te Mata Herenga - Ngāti Tamainupō Mātauranga and Taonga Management Plan is to serve as the first generation plan for Ngāti Tamainupō to direct external agencies and organisations, and developers and their agents, on the management and use of Ngāti Tamainupō mātauranga and taonga. The plan is relevant to the plan change due to the potential impacts on the Waikato River.

Future Proof Strategy 2024

The Future Proof Strategy is a 30-year growth management and implementation strategy for numerous sub-regional areas, including Hamilton. Updated in 2024, An update of the Future Proof Strategy in 2024 incorporates all requirements for an Future Development Strategy including identifying Te Rapa North as a metro-economic corridor and a location to be developed as a 'primary sub-regional centre' in the next 0-30 years, including provision of industrial land.

Hamilton to Auckland Corridor Plan 2020

The government's Urban Growth Agenda ('UGA'), introduced in 2018, is a shift in the approach to urban development and infrastructure in New Zealand. The UGA identified the Hamilton-Auckland corridor ('H2A Corridor') as a priority area, acknowledging its role as New Zealand's most significant transport corridor. The H2A Corridor Plan outlines the agreed spatial intent for the corridor and a work programme of six focus areas and 13 key initiatives. The Plan was updated in November 2020 and is integrated with Future Proof.

Hamilton-Waikato Metropolitan Spatial Plan 2020

The Hamilton-Waikato Metropolitan Spatial Plan is a vision and framework for growth and development in Hamilton and neighbouring districts. Of relevance to the plan change is the concept of development, including urban intensification, around a multi-modal rapid transport network. Te Rapa and surrounds is identified as a key employment node and is part of the 'northern corridor'.

Hamilton Urban Growth Strategy 2023

The Hamilton Urban Growth Strategy (HUGS) guides urban growth in Hamilton over the next 50 years. One of the outcomes identified in HUGS is to grow along transport corridors which includes focusing housing and jobs along key corridors, with references to the Hamilton-Waikato Metropolitan Spatial Plan.

Access Hamilton 2024

Access Hamilton manages the City's transport needs over a 30-year timeframe. The vision of Access Hamilton is a transport network that enables everyone to connect to people and places in safe, accessible and smart ways. It promotes safety, transport accessibility, a multi-modal transport system and a transport system that supports a quality and compact urban form.