

STATEMENT OF EVIDENCE

In the matter of the Resource Management Act 1991 (RMA)

And a submission and further submissions on Proposed Waikato Regional Plan Change 1 – Waikato and Waipā River Catchments (PPC1)

Submitter's Name: Hamilton City Council (HCC)

Submission Number: 74051

Hearing Topic: **s42A Officers' responses to questions and requests the Hearing Panel put to Council Officers during the Block 1 and Block 2 hearings**

Type of Evidence: Supplementary

Witness: Paul Stanley Ryan

Date: 19 July 2019

Summary statement

1. This evidence responds to the response of Mr Matthew McCallum-Clark, lead s42A Report author, to the Hearing Panel's Question to the Council Officers about Policy 10.
2. It seeks rejection of the Officer's suggested amendment to Policy 10 because it:
 - (1) Puts at risk:
 - (a) The ability to consent or re-consent discharges from existing, upgraded, extended, or new, regionally significant infrastructure and regionally significant industry; and
 - (b) Predicted urban growth in the Waikato and Waipaa catchments;
 - (2) Would not give effect to the Waikato Regional Policy Statement (RPS); and
 - (3) Is not the most appropriate way to achieve the purpose of the RMA.
3. If Policy 10 were to require provision for regionally significant infrastructure and regionally significant industry, the Regional Council could manage the effects of contaminant discharge by imposing appropriate consent conditions or decline to grant discharge permits where the circumstances justify this¹.

Personal statements

4. My full name is Paul Stanley Ryan. Please refer to my Rebuttal Evidence on “Part B – Outcomes: Overall direction and whole plan submissions” for my:
 - (1) Qualifications and experience;
 - (2) Endorsement of the content of HCC’s submissions and further submissions, except where stated otherwise in my evidence;

¹ See Paragraph 22 below.

- (3) Agreement to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014; and
 - (4) Reserved position with respect to the relief my Block 1 evidence seeks.
5. As for my Block 1 evidence, I reserve my position with respect to the relief this Supplementary Evidence seeks.

Abbreviations

6. Abbreviations and terms used in my evidence are explained in **Attachment A**.

Scope of evidence

7. My evidence relates to the s42A Officer's response to the Hearing Panel's question about Policy 10.

Supplementary evidence

Policy 10

8. The notified version of Policy 10 is:

Policy 10: Provide for point source discharges of regional significance
When deciding resource consent applications for point source discharges of nitrogen, phosphorus, sediment and microbial pathogens to water or onto or into land, provide for the:

- a. Continued operation of regionally significant infrastructure²; and*
- b. Continued operation of regionally significant industry³.*

The Hearing Panel's question

9. The panel asked:

Can Policy 10 be read as a Controlled Activity Rule policy? If that's not the intention, can clarification of the correct intention be provided?

The s42A Officers' response

10. Mr McCallum-Clark responded:²

*That is one possible interpretation of Policy 10. In the Officers' opinion, "provide for" does not mean "permit" or "always grant", although it is accepted that it has quite an enabling implication. An alternative wording, considered during drafting of the s42A report, was to reduce this positive implication in the chapeau of Policy 10. At the time, on-balance, it was considered that the existing wording was better supported by the RPS. However, the RPS is not particularly directive on this matter. A revised wording, which may also have **the appropriate balance**³ is⁴ 'new' infrastructure or industry was to be included, could be:*

² Paragraph 122 of Mr McCallum-Clark's Memo - Response to Hearings Panel questions (5 July 2019)

³ Emphasis is added by shading. The highlighted text is discussed below at Paragraph 17.

⁴ The word "is" may be a typographical error. The context suggests the author meant "if".

When deciding resource consent applications for point source discharges of nitrogen, phosphorus, sediment and microbial pathogens to water or onto or into land, ~~provide for~~ have regard to the benefits of:

- a. Continued operation of regionally significant infrastructure; and*
- b. Continued operation of regionally significant industry.*

HCC's submission

11. HCC's submission on PPC1 opposes Policy 10 in part and seeks its amendment to include provision for new or extended regionally significant infrastructure and industry which may be necessary to accommodate urban growth in accordance with the Waikato Regional Policy Statement (RPS). The submission sought the addition of the following:

; and

- c. Continued operation of regionally significant infrastructure associated with the provision of municipal water supply, wastewater and stormwater services, including where this is in response to growth in urban development to give effect to the Waikato Regional Policy Statement.*

Relief sought in my Block 2 Primary Evidence

12. My Block 2 Primary Evidence⁵ seeks the following alternative amendments to Policy 10:

Policy 10: Provide for point source discharges of regional significance

When deciding resource consent applications for point source discharges of nitrogen, phosphorus, sediment and microbial pathogens to water or onto or into land, provide for the:

a. ~~Continued operation, upgrade or development of, or new,~~ regionally significant infrastructure'; and

b. ~~Continued operation of~~ regionally significant industry'.

"Have regard to" versus "provide for"

13. The s42A Report for Block 2 discusses the difference between the meanings of "have regard to" and "provide for".⁶ The Officers concluded:⁷

It is evident therefore that the phrase "have regard to" does not provide certainty of outcome. Conversely, the term "provide for" is defined²¹⁹ as meaning "to cause something to happen in the future". If Council wishes the outcomes in clauses a) and b) of Policy 10 to be consistently achieved in the future then the notified words "provide for" should be retained.

14. I agree with this conclusion.

⁵ Paragraphs 45 to 63

⁶ Paragraphs 1062 and 1063.

⁷ Paragraph 1063.

15. I also agree with Mr McCallum-Clark that "provide for" has an "enabling implication" but "does not mean "permit" or "always grant".⁸ I set out my reasons for this viewpoint below.
16. However, I disagree with his conclusion that the RPS "*is not particularly directive*" about requiring regionally significant infrastructure and regionally significant industry to be "provided for". I present evidence below supporting my opinion.
17. I do not understand what Mr McCallum-Clark means by his reference⁹ to "*the appropriate balance*".

Why "provide for" does not mean "permit" or "always grant"

18. Policy 10 does not stand in isolation. It must be considered alongside a raft of other relevant matters.
19. Section 104 (1) of the RMA sets out the matters that the Regional Council must have regard to when considering an application for a resource consent and any submissions received - see **Attachment B**.
20. In addition, s.105 (1) of the RMA sets out further matters the Regional Council must have regard to when considering an application for a discharge permit to discharge contaminants into water or onto or into land in circumstances which may result in the contaminant entering water - see **Attachment B**.
21. Furthermore, s.107 of the RMA sets out circumstances when discharge permits must not be granted - see **Attachment B**.
22. In my opinion, "provide for" in Policy 10 implies a presumption that the activities provided for would be consented, unless they would have significant adverse effects, or would be significantly at odds with, or contrary to, relevant provisions of the planning instruments listed in s.104(1)(b), in which case the activities may not be consented. Each matter referred to in Paragraphs 19, 20 and 21 above needs to be considered carefully for each application.

Regional Council can impose conditions on consents

23. As well as having the ability to decline a discharge consent under certain circumstances, even if Policy 10 were to provide for infrastructure and industry, the Regional Council also has the ability under s.108 to impose conditions on any discharge consent granted - see **Attachment B**.
24. Under s.108(2)(e), Regional Council may impose a condition on a discharge permit requiring the consent holder to adopt the best practicable option to prevent or minimise any actual or likely adverse effect on the environment of the discharge.
25. Under s.108(8), the Regional Council must be satisfied that the inclusion of any condition on a discharge permit is the most efficient and effective means of preventing or minimising any actual or likely adverse effects on the environment. In making this assessment, the Council must have regard to the nature of the discharge and the receiving environment and other alternatives, including any condition requiring the observance of minimum standards of quality of the receiving environment.

⁸ See Paragraph 10 above.

⁹ This is highlighted in Paragraph 10 above.

26. Adherence to appropriate discharge permit conditions should ensure the any adverse effects of a contaminant discharge are appropriately managed.

Relevant provisions in the RPS requiring provision for infrastructure and industry

27. The RPS recognises that regionally significant infrastructure¹⁰ and regionally significant industry¹¹ support the wellbeing of people and communities.
28. The RPS includes strong direction to provide for existing regionally significant infrastructure and regionally significant industry and their maintenance, continued operation, and upgrading.
29. It also includes direction to provide for development of new regionally significant infrastructure and new regionally significant industry.
30. Relevant provisions are set out in **Attachment C**.
31. Specifically, with respect to infrastructure, the RPS requires:
- (1) Development of the built environment to enable positive environmental, social, cultural and economic outcomes (Objective 3.12);
 - (2) Integration of land use and water planning¹² (Objective 3.12(d));
 - (3) Recognition and protection of regionally significant infrastructure (Objective 3.12(e));
 - (4) Allowance for future infrastructure needs, including maintenance and upgrading (Policy 6.1 and 6A Development Principles, General development principle (d))¹³;
 - (5) Protection and enhancement of the efficient functioning of existing and planned regionally significant infrastructure (Implementation method 6.1.8(c));
 - (6) Protection of the effective and efficient operation of existing and planned regionally significant infrastructure (Policy 6.6(a) and Implementation Method 6.6.1(f)(iii));
 - (7) Co-ordination of the development of infrastructure and the built environment (Policy 6.3);
 - (8) Optimisation of the efficient and affordable provision of infrastructure and development (Policy 6.3(a)(i));
 - (9) Maintenance or enhancement of the operational effectiveness and viability of existing and planned infrastructure (Policy 6.3(a)(ii));
 - (10) Protection of investment in existing infrastructure (Policy 6.3(a)(iii));
 - (11) Particular regard to be given to the benefits that can be gained from the development and use of regionally significant infrastructure (Policy 6.6(b));
 - (12) Provisions in regional plans for infrastructure (Implementation Method 6.6.1(f));
 - (13) Maintenance and improvement of the resilience of regionally significant infrastructure (Implementation Method 6.6.6);
 - (14) Provision of infrastructure and services to be co-ordinated with development of regionally significant industry (Policy 4.4(d));

¹⁰ See the Explanation under Implementation Method 6.6.6.

¹¹ See the Explanation under Issue 1.4, and Policy 4.4(a).

¹² Potable water supply, stormwater and wastewater infrastructure all involve discharge of contaminants to land or water and therefore fall within the scope of PPC1. Planning this infrastructure is an integral part of land use and water planning.

¹³ The Regional Council is required to have regard to this principle when changing its regional plan (Implementation Method 6.1.1 of the RPS).

- (15) Provision of infrastructure of appropriate capacity to support regionally significant industry (Implementation Method 4.4.1(e);
 - (16) New development does not impact on the efficiency and effectiveness of existing infrastructure (Environmental Results Anticipated, 15.4.3 (j)).
32. With respect to regionally significant industry, the RPS requires:
- (1) Maintenance and enhancement of access to natural and physical resources¹⁴ to provide for regionally significant industry (Objective 3.2);
 - (2) Provision for the continued operation and development of regionally significant industry (Policy 4.4);
 - (3) Provisions in regional plans to enable the operation and development of regionally significant industry (Implementation Methods 4.4.1(a));
 - (4) Retention of, and provision for, regionally significant industry (Environmental results anticipated 15.4.3 (zc)).
33. In my opinion, given the nature and strength of these directions in the RPS, the wording of Policy 10 should include "*provide for*" and not merely "*have regard to the benefits of*", which Mr McCallum-Clark suggests.
34. The latter would not give effect to the RPS provisions listed in Paragraphs 31 and 32.

The implications of accepting Mr McCallum-Clark's suggested amendment

35. Replacing "*provide for*" with "*have regard to the benefits of*" would create uncertainty regarding whether existing regionally significant infrastructure and regionally significant industry could continue to operate.
36. Mr McCallum-Clark's suggested amendment to Policy 10 would provide the Regional Council with an opportunity to decline discharge consents for these activities if that Council deemed the benefits of these activities were insufficient.
37. The amended Policy 10¹⁵ would provide no certainty that regionally significant infrastructure or regionally significant industry could be upgraded or extended, or new such infrastructure and industry would be allowed to establish and operate.
38. The uncertainty resulting from the amended Policy 10 may discourage investment in upgrades and extensions of existing regionally significant infrastructure and regionally significant industry and establishment of new such infrastructure and industry. This investment is needed to accommodate expected growth and improve the quality of discharges to achieve the Vision and Strategy for Waikato River.
39. Properly managed urban growth will enable people and communities to provide for their social, economic and cultural well-being and for environmental well-being. It will help achieve the Vision for Waikato River.¹⁶
40. Significant urban growth is predicted for the Waikato District, Hamilton City and Waipa District - see **Attachment D**. Over the 30 years between 2016 and 2046, a further 61,000 dwellings are predicted to be needed in this sub-region. This

¹⁴ Physical resources include three waters infrastructure (potable water, stormwater and wastewater) which involve discharge of contaminants to land or water and come within the scope of PPC1.

¹⁵ Paragraph 10 above

¹⁶ See clauses (1) and (2) of the Vision and Strategy for Waikato River.

represents an increase of about 60%. In addition, an extra 1,090 hectares of business land is also predicted to be needed.

41. This urban growth will need to be supported by appropriate infrastructure.
42. Mr McCallum-Clark's suggested amendment to Policy 10 puts at risk.
 - (1) The ability to consent or re-consent discharges from existing, upgraded, extended, or new, regionally significant infrastructure and regionally significant industry; and
 - (2) Predicted urban growth in the Waikato and Waipaa catchments;

S.32/s.32AA evaluation

43. Mr McCallum-Clark has provided no evaluation of the proposed wording of Policy 10, which is required under s.32 and 32AA of the RMA, to demonstrate that it is the most appropriate way to achieve the purpose of the RMA.
44. His suggested wording of Policy 10¹⁷ is not the most appropriate way to achieve the purpose of the RMA because:
 - (1) It creates uncertainty regarding whether discharges from existing, regionally significant infrastructure and regionally significant industry would be re-consented. This uncertainty may discourage investment in the infrastructure and industry that is necessary to achieve the Vision and Strategy for Waikato River and promote sustainable management of natural and physical resources.
 - (2) It does not provide for consenting discharges from new, upgraded or developed, regionally significant infrastructure and industry.
 - (3) It does not give effect to provisions in the RPS, so is unlikely to be acceptable to the wider community.
 - (4) It does not provide flexibility by providing certainty for discharges from new, upgraded or developed infrastructure and industry.
 - (5) Environmental, social and economic outcomes would not be optimised. With no certainty that there could be new, upgraded or developed infrastructure or industry, there is no certainty that the environmental, social and economic benefits that would otherwise accrue for this development and growth would be realised.
 - (6) It would not be as effective and efficient at achieving PPC1's Objectives 1, 2, 3 and 4.

Conclusion

45. The Officer's suggested amendment to Policy 10:
 - (1) Creates uncertainty whether:
 - (c) Discharges from existing, upgraded, extended, or new, regionally significant infrastructure and regionally significant industry could be consented or re-consented; and
 - (d) Predicted urban growth in the Waikato and Waipaa catchments could occur;
 - (2) Would not give effect to the RPS; and
 - (3) Is not the most appropriate way to achieve the purpose of the RMA.

¹⁷ Paragraph 10 above

46. If Policy 10 were to require provision for regionally significant infrastructure and regionally significant industry, the Regional Council could manage the effects of contaminant discharge by imposing appropriate consent conditions or decline to grant discharge permits where the circumstances justify this¹⁸.

Relief sought

47. I seek for the amendments to Policy 10 the Officer suggests¹⁹ to be rejected.
48. I seek for Policy 10 to be amended as set out in my Block 2 Primary Evidence.²⁰

Paul S Ryan

HCC reference: D-3027408

Attachments

- Attachment A: Abbreviations and Glossary
- Attachment B: Sections of the RMA referenced in this evidence
- Attachment C: Relevant Provisions in the RPS
- Attachment D: Predicted growth of housing and business land in the Future Proof sub-region
- Attachment E: Relief Sought
- Attachment F: References

¹⁸ See Paragraph 22 below.

¹⁹ See Paragraph 10 above.

²⁰ See Paragraph 12 above.

Attachment A

Abbreviations and Glossary

HCC	Hamilton City Council
PPC1	<i>Proposed Waikato Regional Plan Change 1 – Waikato and Waipā River Catchments</i>
RMA	<i>Resource Management Act 1991</i>
RPS	<i>Waikato Regional Policy Statement</i>

Sections of the RMA referenced in this evidence

Decisions

104 Consideration of applications

- (1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to [Part 2](#), have regard to—*
- (a) *any actual and potential effects on the environment of allowing the activity; and*
 - (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
 - (b) *any relevant provisions of—*
 - (i) *a national environmental standard;*
 - (ii) *other regulations;*
 - (iii) *a national policy statement;*
 - (iv) *a New Zealand coastal policy statement;*
 - (v) *a regional policy statement or proposed regional policy statement;*
 - (vi) *a plan or proposed plan; and*
 - (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

105 Matters relevant to certain applications

- (1) *If an application is for a discharge permit or coastal permit to do something that would contravene section 15 or section 15B, the consent authority must, in addition to the matters in section 104(1), have regard to—*
- (a) *the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and*
 - (b) *the applicant's reasons for the proposed choice; and*
 - (c) *any possible alternative methods of discharge, including discharge into any other receiving environment.*

107 Restriction on grant of certain discharge permits

- (1) *Except as provided in subsection (2), a consent authority shall not grant a discharge permit or a coastal permit to do something that would otherwise contravene section 15 or section 15A allowing—*
- (a) *the discharge of a contaminant or water into water; or*
 - (b) *a discharge of a contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water; or*
 - (ba) *the dumping in the coastal marine area from any ship, aircraft, or offshore installation of any waste or other matter that is a contaminant, —*
if, after reasonable mixing, the contaminant or water discharged (either by itself or in combination with the same, similar, or other contaminants or water), is likely to give rise to all or any of the following effects in the receiving waters:
 - (c) *the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials:*

- (d) *any conspicuous change in the colour or visual clarity:*
 - (e) *any emission of objectionable odour:*
 - (f) *the rendering of fresh water unsuitable for consumption by farm animals:*
 - (g) *any significant adverse effects on aquatic life.*
- (2) *A consent authority may grant a discharge permit or a coastal permit to do something that would otherwise contravene section 15 or section 15A that may allow any of the effects described in subsection (1) if it is satisfied—*
- (a) *that exceptional circumstances justify the granting of the permit; or*
 - (b) *that the discharge is of a temporary nature; or*
 - (c) *that the discharge is associated with necessary maintenance work—*
and that it is consistent with the purpose of this Act to do so.
- (3) *In addition to any other conditions imposed under this Act, a discharge permit or coastal permit may include conditions requiring the holder of the permit to undertake such works in such stages throughout the term of the permit as will ensure that upon the expiry of the permit the holder can meet the requirements of subsection (1) and of any relevant regional rules.*

108 Conditions of resource consents

- (1) *Except as expressly provided in this section and subject to section 108AA and any regulations, a resource consent may be granted on any condition that the consent authority considers appropriate, including any condition of a kind referred to in subsection (2).*
- (2) *A resource consent may include any 1 or more of the following conditions:*
- (a) *subject to subsection (10), a condition requiring that a financial contribution be made:*
 - (b) *a condition requiring provision of a bond (and describing the terms of that bond) in accordance with section 108A:*
 - (c) *a condition requiring that services or works, including (but without limitation) the protection, planting, or replanting of any tree or other vegetation or the protection, restoration, or enhancement of any natural or physical resource, be provided:*
 - (d) *in respect of any resource consent (other than a subdivision consent), a condition requiring that a covenant be entered into, in favour of the consent authority, in respect of the performance of any condition of the resource consent (being a condition which relates to the use of land to which the consent relates):*
 - (e) *subject to subsection (8), in respect of a discharge permit or a coastal permit to do something that would otherwise contravene section 15 (relating to the discharge of contaminants) or section 15B, a condition requiring the holder to adopt the best practicable option to prevent or minimise any actual or likely adverse effect on the environment of the discharge and other discharges (if any) made by the person from the same site or source:*

....

- (3) *A consent authority may include as a condition of a resource consent a requirement that the holder of a resource consent supply to the consent authority information relating to the exercise of the resource consent.*
- (4) *Without limiting subsection (3), a condition made under that subsection may require the holder of the resource consent to do 1 or more of the following:*
- (a) to make and record measurements:*
 - (b) to take and supply samples:*
 - (c) to carry out analyses, surveys, investigations, inspections, or other specified tests:*
 - (d) to carry out measurements, samples, analyses, surveys, investigations, inspections, or other specified tests in a specified manner:*
 - (e) to provide information to the consent authority at a specified time or times:*
 - (f) to provide information to the consent authority in a specified manner:*
 - (g) to comply with the condition at the holder of the resource consent's expense.*
-
- (8) *Before deciding to grant a discharge permit or a coastal permit to do something that would otherwise contravene section 15 (relating to the discharge of contaminants) or 15B subject to a condition described in subsection (2)(e), the consent authority shall be satisfied that, in the particular circumstances and having regard to—*
- (a) the nature of the discharge and the receiving environment; and*
 - (b) other alternatives, including any condition requiring the observance of minimum standards of quality of the receiving environment—*
- the inclusion of that condition is the most efficient and effective means of preventing or minimising any actual or likely adverse effect on the environment.*

Relevant provisions in the RPS

Emphasis has been added by shading:

- The grey shading identifies relevant general wording.
- The yellow shading identifies key verbs such as "recognise", "provide", "protect", "enhance", "have regard to", "ensure", "allow".
- The turquoise shading highlights references to "infrastructure".

Provisions relating to Regionally Significant Infrastructure

Objective 3.12 Built environment

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

- integrating land use and water planning, including to ensure that sufficient water is available to support future planned growth;
- recognising and protecting** the value and long-term benefits of **regionally significant infrastructure**;

Policy 6.1 Planned and co-ordinated subdivision, use and development

Subdivision, use and development of the **built environment**, including transport, occurs in a planned and co-ordinated manner which:

- has regard to the principles in section 6A;
- recognises and addresses potential cumulative effects of subdivision, use and development;
- is based on sufficient information to allow assessment of the potential long-term effects of subdivision, use and development; and
- has regard to the existing built environment.

Implementation methods

6.1.1 Regional plans, district plans and development planning mechanisms

Local authorities shall have regard to the principles in section 6A when preparing, reviewing or changing regional plans, district plans and development planning mechanisms such as structure plans, town plans and growth strategies.

Glossary

Local authority* – means a regional council or territorial authority.

Implementation methods

6.1.8 Information to support new urban development and subdivision

District plan zoning for new urban development (and redevelopment where applicable), and subdivision and consent decisions for urban development, shall be supported by information which identifies, as appropriate to the scale and potential effects of development, the following:

- the type and location of land uses (including residential, industrial, commercial and recreational land uses, and community facilities where these can be anticipated) that will be permitted or provided for, and the density, staging and trigger requirements;
- the location, type, scale, funding and staging of **infrastructure** required to service the area;
- multi-modal transport links and connectivity, both within the area of new urban development, and to neighbouring areas and existing transport infrastructure; and how the safe and efficient functioning of existing and planned transport and other **regionally significant infrastructure** will be **protected and enhanced**;

Explanation

....

Section 6A includes a set of principles to guide future development of the built environment within the Waikato region.

Policy 6.3 Co-ordinating growth and infrastructure

Management of the built environment ensures:

a) the nature, timing and sequencing of new development is co-ordinated with the development, funding, implementation and operation of transport and other infrastructure, in order to:

i) optimise the efficient and affordable provision of both the development and the infrastructure;

ii) maintain or enhance the operational effectiveness, viability and safety of existing and planned infrastructure;

iii) protect investment in existing infrastructure; and

iv) ensure new development does not occur until provision for appropriate infrastructure necessary to service the development is in place;

Policy 6.6 Significant infrastructure and energy resources

Management of the built environment ensures particular regard is given to:

a) that the effectiveness and efficiency of existing and planned regionally significant infrastructure is protected;

b) the benefits that can be gained from the development and use of regionally significant infrastructure and energy resources, recognising and providing for the particular benefits of renewable electricity generation, electricity transmission, and municipal water supply; and

....

Implementation methods

6.6.1 Plan provisions

Regional and district plans shall include provisions that give effect to Policy 6.6, and in particular, that management of the built environment:

f) provides for infrastructure in a manner that:

i) recognises that infrastructure development can adversely affect people and communities; and

iii) does not result in land uses that adversely affect the effective and efficient operation of existing and planned regionally significant infrastructure.

6.6.6 Resilience of regionally significant infrastructure

Infrastructure providers should develop ways to maintain and improve the resilience of regionally significant infrastructure, such as through back-up systems and protection from the risk of natural hazards.

Explanation

Regionally significant infrastructure and energy resources support the wellbeing of the regional community.

6A Development principles

General development principles

New development should:

d) not compromise the safe, efficient and effective operation and use of existing and planned infrastructure, including transport infrastructure, and should allow for future infrastructure needs, including maintenance and upgrading, where these can be anticipated;

11.1.4 Recognition of activities having minor adverse effects on indigenous biodiversity

Regional and district plans should include permitted activities where they will have minor adverse effects in relation to the maintenance or protection of indigenous biodiversity. They may include:

a) the maintenance, operation and upgrading of lawfully established **infrastructure**, regionally significant **infrastructure** and lawfully established activities using **natural and physical resources** of regional or national importance;

Glossary

Regionally significant infrastructure – includes:

h) **lifeline utilities**, as defined in the Civil Defence and Emergency Management Act 2002, and their associated essential **infrastructure** and services;

i) municipal wastewater treatment plants, water supply treatment plants and bulk water supply, wastewater conveyance and storage systems, municipal supply dams (including Mangatangi and Mangatawhiri water supply dams) and ancillary **infrastructure**;

j) flood and drainage **infrastructure** managed by Waikato Regional Council;

Provisions relating to Regionally Significant Industry

Issue 1.4 Managing the built environment

Development of the **built environment** including **infrastructure** has the potential to positively or negatively impact on our ability to sustainably manage natural and physical resources and provide for our wellbeing.

While addressing this issue generally, specific focus should be directed to the following matters: ...

j) the contribution of **regionally significant industry** and primary production to economic, social and cultural wellbeing, and the need for those industries to access natural and physical resources, having regard to catchment specific situations;

Explanation

Regionally significant industry and primary production play an important role in providing for the economic, social and cultural wellbeing of people and communities. The sustainable management of natural and physical resources needs to consider the ability and need for regionally significant industry and primary production to have appropriate access to resources in order for them to continue to successfully operate and develop, having regard to catchment specific situations.

Objective 3.2 Resource use and development

Recognise and provide for the role of sustainable resource use and development and its benefits in enabling people and communities to provide for their economic, social and cultural wellbeing, including by **maintaining** and where appropriate **enhancing**:

a) access to natural and physical resources to provide for **regionally significant industry** and **primary production** activities that support such industry;

Policy 4.4 Regionally significant industry and primary production

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

a) recognising the value and long term benefits of regionally significant industry to economic, social and cultural wellbeing;

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

Implementation methods

4.4.1 Plan provisions

District and regional plans should **provide for** regionally significant industry and primary production by:

- a) identifying appropriate provisions, including zones, **to enable** the operation and development of regionally significant industry, which for new development is consistent with Policy 6.14 and Table 6-2;
- b) maintaining the life supporting capacity of soil to support primary production;
- c) maintaining and where appropriate enhancing access to natural and physical resources for regionally significant industry and primary production, while balancing the competing demand for these resources;
- d) recognising the potential for regionally significant industry and primary production activities to have adverse effects beyond its boundaries and the need to avoid or minimise the potential for **reverse sensitivity** effects;
- e) recognising the need to ensure regionally significant industry is supported by **infrastructure** networks of appropriate capacity;
- f) recognising the benefits of enabling the co-location of regionally significant industry to support efficient use of **infrastructure**, and minimise transportation requirements;
- g) recognising and balancing the competing demands for resources between regionally significant industry, primary production and other activities;
- h) ensuring the adverse effects of regionally significant industry and primary production are avoided, remedied or mitigated;
- i) promoting positive environmental outcomes.

Explanation

Method 4.4.1 sets out the matters that regional and district plans should **have regard to** in order to **provide for** regionally significant industry and primary production activities, while recognising there are competing demands on those resources that need to be balanced. Method 4.4.2 helps ensure that there is a co-ordinated approach to the provision of **infrastructure** and services for regionally significant industry.

15.4 Environmental results anticipated

15.4.3 Built environment

- j) New development does not impact on the efficiency and effectiveness of existing infrastructure.
- (zc) Regionally significant industry is retained and **provided for**.

Glossary

Regionally significant industry - means an economic activity based on the use of **natural and physical resources** in the region and is identified in regional or district plans, which has been shown to have benefits that are significant at a regional or national scale. These may include social, economic or cultural benefits.

Attachment D

Predicted growth of housing and business land in the Future Proof sub-region

49. The Future Proof Partnership²¹ commissioned preparation of the following reports to summarise the results of the detailed analysis undertaken of the demand, supply and sufficiency of development capacity for housing and business growth across the Future Proof sub-region, as at June 2017. This sub-region comprises Waikato District, Hamilton City and Waipa District. This analysis was conducted to meet the requirements of the National Policy Statement on Urban Development Capacity.

- (1) [Business Development Capacity Assessment 2017: Future Proof Area - Waikato District, Hamilton City and Waipa District \(Market Economics Ltd, 16 July 2018\)](#); and
- (2) [Housing Development Capacity Assessment 2017: Future Proof Area - Waikato District, Hamilton City and Waipa District \(Market Economics Ltd, 17 July 2018\)](#).

50. Tables 1 and 2 below have been compiled using data presented in these reports.

Table 1: Predicted growth in the number of dwellings between 2017 and 2046²²

Local authority area	Number of dwellings existing as at 2017	Expected number of dwellings to be added between 2017 and 2046	Percentage increase in dwellings between 2017 and 2046
Hamilton City	57,000	32,000	56
Waikato District	25,400	16,900	66
Waipa District	20,000	12,100	61
Total sub-regional	102,400	61,000	60

Table 2: Predicted growth in urban business land between 2017 and 2047²³

Local authority area	Expected area of business land to be added between 2017 and 2047 (ha)
Hamilton City	647
Waikato District	254
Waipa District	188
Total sub-regional	1,090

²¹ This comprises Hamilton City Council, Waikato Regional Council, Waipa, Waikato and Matamata-Piako District Councils, Tangata Whenua and the NZ Transport Agency. Refer to the Future Proof website for further information: <http://www.futureproof.org.nz/page/5-Home>

²² Market Economics Ltd, 17 July 2018, p.3

²³ Market Economics Ltd, 16 July 2018, p.52

Attachment E

Relief Sought

51. I seek for the amendments to Policy 10 the Officer suggests²⁴ to be rejected.
52. I seek for Policy 10 to be amended as set out in my Block 2 Primary Evidence.²⁵

²⁴ See Paragraph 10 above.

²⁵ See Paragraph 12 above.

Attachment F

References

- Hamilton City Council. (2 March 2017). Submission by Hamilton City Council on Proposed Waikato Regional Plan Change 1 – Waikato and Waipā Catchments.²⁶
- Market Economics Ltd. (16 July 2018). *Business Development Capacity Assessment 2017: Future Proof Area - Waikato District, Hamilton City and Waipa District*. Accessible at: http://www.futureproof.org.nz/file/market-economics-business-development-capacity-assessment-2017_16-july-2017-final.pdf
- Market Economics Ltd. (17 July 2018). *Housing Development Capacity Assessment 2017: Future Proof Area - Waikato District, Hamilton City and Waipa District*. Accessible at: http://www.futureproof.org.nz/file/market-economics-housing-development-capacity-assessment-2017_17-july-2018-final.pdf
- Ryan, Paul Stanley. (26 February 2019). Rebuttal Evidence on PPC1 - Part B – Outcomes: Objectives.²⁷
- Ryan, Paul Stanley. (30 April 2019). Primary Evidence on PPC1 - Block 2.²⁸
- Waikato Regional Council. (May 2016). *Waikato Regional Policy Statement*. Document # 3647993.
- Waikato Regional Council. (2016). *Proposed Waikato Regional Plan Change 1 – Waikato and Waipā River Catchments*.
- Waikato Regional Council. (Released 5 April 2019). *Section 42A Report: Proposed Waikato Regional Plan Change 1 - Waikato and Waipā River Catchments: Block 2: Parts C1-C6: Policies, Rules and Schedules (most)*. Prepared for Waikato Regional Council by Matthew McCallum-Clark, Adele Dawson, Felicity Durand, and Liz White (Incite) and Urlwyn Trebilco, Naomi Crawford, Alana Mako and Ruth Lourey (Waikato Regional Council). Document # 13915005.²⁹
- Waikato Regional Council. (5 July 2019). Memo from Matthew McCallum-Clark, Section 42A lead author to Hearings Panel - Proposed Plan Change 1: Waikato and Waipa River Catchments re: Response to Hearings Panel questions. Document # 14485008³⁰.

²⁶ HCC reference: D-2361677

²⁷ HCC reference: D-2901599

²⁸ HCC reference: D-2948309

²⁹ HCC reference: D-2934127

³⁰ HCC reference: D-3022790