

# **Proposed Plan Change 19: Carter's Flat Commercial Zone**

**Incorporating**

## **Section 32 Evaluation Report**

**25 August 2022**

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## Report Information

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<b>Date notified publicly</b>	District wide notification	25 August 2022

## Executive Summary: Carter's Flat Commercial Zone

As part of the ongoing review and assessment of the District Plan, Council has identified that the area known as Carter's Flat needs stronger direction in terms of land use for the current and future aspirations of the area.

The purpose of Proposed Plan Change 19 is to provide certainty as to the future use of the area, to implement the Cambridge Town Concept Plan, to give effect to section 6.1.7 of the District Plan (being triggers for uplifting the deferred zoning), and to draw on concepts from the Draft Carter's Flat Local Area Plan that has been prepared in conjunction with this plan change. Council staff have considered and assessed several options in relation to the provisions that are the subject of this report.

A plan change is the preferred option as a result of Council's Section 32 analysis, and involves the following changes to the District Plan:

### Section 6 – Commercial Zone

- Amend the introductory description of the Commercial Zone, to identify Carter's Flat and to clarify that the area is entirely within the Commercial Zone and its desired use.
- New provisions for Carters Flat; policies and rule.

### Section 7 – Industrial Zone

- Amend the introductory description to exclude Carter's Flat from the Industrial Zone.

### Section 14 – Deferred Zones

- Amend/remove various provisions so that rules for the Deferred Commercial Zone at Carters Flat do not default to the permitted activity rules in the Industrial Zone.

### Section 21 – Assessment Criteria

- Amend the Assessment Criteria in 21.1.1.6 Traffic by adding another matter relating to the location of parking within a site.

### Definitions

- Amend the definition of 'Large format retail' from 300m<sup>2</sup> minimum to 400m<sup>2</sup> minimum.

### Planning Maps

- Amend the planning maps to uplift the Deferred Commercial Zone that includes parts of Carters Flat and replace with the Commercial Zone.



# A

## **Part A – Proposed Plan Change 19 Carter’s Flat Commercial Zone**

## Part A – Proposed Plan Change 19

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### 1 Summary of proposed changes to the Waipā District Plan

#### 1.1 Introduction

The purpose of Proposed Plan Change 19 is to implement the Cambridge Town Concept Plan, to uplift the Deferred Commercial Zone in the Carter’s Flat area of Cambridge as a result of defined triggers in the Operative District Plan having been met (being completion of the “Cambridge Bypass” and alternative locations for industrial development being provided<sup>1</sup>) and to provide specific policies and rules to achieve a higher level of amenity in the area.

Proposed Plan Change 19 makes changes to the following sections of the Waipā District Plan:

- Section 6 – Commercial Zone
- Section 7 – Industrial Zone
- Section 14 – Deferred Zones
- Section 21 – Assessment Criteria
- Part B – Definitions
- Planning Maps

#### 1.2 Section 6 – Commercial Zone

A number of proposed changes to the Commercial Zone are summarised below:

- Amend introductory paragraph 6.1.7 to remove the triggers for rezoning and make it clear that Carter’s Flat is a large format retail area in the Commercial Zone.
- Add new policies for the desired design outcome of activities and buildings in Carter’s Flat.
- Add a new rule for activities and buildings in Carter’s Flat to achieve the desired design outcomes.

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<sup>1</sup> Waipā Operative District Plan, Commercial Zone introduction 6.1.7

### **1.3 Section 7 – Industrial Zone**

A minor amendment is required to the Industrial Zone:

- Delete reference to Carters Flat being in the Industrial Zone in Cambridge in introductory paragraph 7.1.1.

### **1.4 Section 14 – Deferred Zones**

A number of proposed changes to the existing rules in the Deferred Zone are summarised below:

- Delete all references to Carters Flat in Section 14 because the area will no longer be in the Deferred Zone so the rules no longer apply.

### **1.5 Section 21 - Assessment Criteria**

A minor amendment is required to 21.1.1.6:

- Add a new matter to assess under the topic of Traffic, for the location of parking in Carter’s Flat.

### **1.6 Definitions**

- Amend the definition of ‘Large format retail’ from 300m<sup>2</sup> minimum, to 400m<sup>2</sup> minimum.

### **1.7 Planning Maps**

- Amend the planning maps (Maps 28) to uplift the Deferred Commercial Zone from part of Carters Flat and replace it with the Commercial Zone.
- Subsequential amendments to Maps 4, 23, 25, 27 to reflect the uplifted Deferred Zone.



## 2 Recommended Tracked Changes to Waipā District Plan

The following sets out the recommended changes for Proposed Plan Change 19. The proposed changes are shown with new additions underlined, and deletions shown as ~~strikeouts~~. Consequential renumbering may occur throughout amended Sections.

### 2.1 Section 6 - Commercial Zone

6.1.7 ~~The Carter's Flat location is currently zoned Industrial, adjoins the central business district of Cambridge, and has a range of industrial and commercial activities located within it. The area is identified as a Deferred Commercial Zone in the Plan. It is intended that this area be developed for larger scale commercial activities that supports, and does not compete with, the Cambridge Central Business Area. Activities with larger gross floor area tenancies are enabled, avoiding smaller commercial activities that would typically be found in a central business area and avoiding malls, and enabling residential activities above ground floor. A Local Area Plan has been developed to guide future development and investment in Carter's Flat, providing a spatial framework as the area changes. that are vehicle oriented, provided that alternative locations for industrial development are provided within Cambridge and the Cambridge Bypass is constructed. It is intended that Carters Flat will be rezoned to the Commercial Zone once these matters have been addressed.~~

#### Proposed policies

- Insert policy 6.3.1.7 "To enable commercial activities in the Carter's Flat Commercial Zone, where they do not undermine the function of the Cambridge Central Business Area.
- Insert policy 6.3.2.7 "To provide for activities and buildings in Carter's Flat where building design and layout results in an improved public interface with the road frontage and the Karāpiro Stream, and meets the principles of quality urban design (that responds to the form, scale and character of Cambridge).
- Insert policy 6.3.2.8 "Any new activities or buildings in Carter's Flat should, as far as practicable, give effect to the design guidelines in the Carter's Flat Local Area Plan.

For the avoidance of doubt Policy 6.3.2.8 incorporates by reference the Carter's Flat Local Area Plan 2022 (Waipa District Council).

#### Proposed Rules

- Insert "Rules - Carter's Flat Commercial Zone"

6.4.2.41 Any new building and/or tenancy in Carter's Flat shall have a minimum gross floor area of 400m<sup>2</sup>.

6.4.2.42 Any new building, and additions/alterations to the front façade of existing buildings, shall;

- (a) Provide and maintain transparent display windows extending over at least 50% of the area of the ground floor façade, comprising clear glass; and
- (b) Except on rear sites, there shall be no vehicle parking within the site's frontage.

Advice Note: Alterations to existing buildings are not subject to the above rule provided the alterations are not visible from any public space, and shall not result in more than 25m<sup>2</sup> of additional gross floor area to the existing building.

Activities that fail Rule 6.4.2.41 and Rule 6.4.2.42 will require a resource consent for a discretionary activity.

These matters will be considered in accordance with the relevant assessment criteria in Section 21.

## 2.2 Section 7 – Industrial Zone

7.1.1 The Industrial Zone is mainly located within the two towns of Te Awamutu and Cambridge. In Cambridge it is located at Hautapu, ~~Carters Flat~~ and Matos Segedin Drive. In Te Awamutu it is located at Paterangi Road and off Bond Road. In addition zoning for industrial activities is provided on the Airport periphery, appropriate to the Airport activity. These areas have developed over time with a range of manufacturing and process industries. While most industries within these areas serve local needs there are also other industries that serve wider needs.

## 2.3 Section 14 – Deferred Zones

14.1.2 ... In Deferred Zones, it is critical that current land use practices do not conflict with the intended future land use, including its ability to be adequately serviced. In most cases, the provisions of the Rural Zone apply, ~~except for the Deferred Commercial Zone at Carters Flat, where the current land use is industrial.~~

#### 14.4.1 Activity Status Tables

14.4.1.1	<p><b>Permitted activities</b></p> <p>The following activities shall comply with the rules of this zone</p>
(a)	<p>Within a Deferred Residential Zone, Cambridge North Deferred Residential Zone, Deferred Reserves Zone within the Cambridge North Structure Plan Area and the Deferred Commercial Zone for the Cambridge North Neighbourhood Centre, Deferred Large Lot Residential Zone, Deferred Commercial Zone, Deferred Industrial Zone, Deferred Reserves Zone <del>except for the Deferred Commercial Zone at Carters Flat</del>, any activity listed as a permitted activity within the Rural Zone except for woodlots and commercial forestry refer Rule 14.4.1.4(a).</p>
(b)	<p><del>In the Deferred Commercial Zone in Carters Flat, any activity listed as a permitted activity in the Industrial Zone</del></p>
14.4.1.2	<p><b>Controlled activities</b></p> <p>The following activities shall comply with the rules of this zone</p>
(a)	<p>Within a Deferred Residential Zone, Cambridge North Deferred Residential Zone, Deferred Reserves Zone within the Cambridge North Structure Plan Area and the Deferred Commercial Zone for the Cambridge North Neighbourhood Centre, Deferred Large Lot Residential Zone, Deferred Commercial Zone, Deferred Industrial Zone, Deferred Reserves Zone <del>excluding the Deferred Commercial Zone in Carters Flat</del>, any activity listed as a controlled activity within the Rural Zone.</p>
(b)	<p><del>In the Deferred Commercial Zone in Carters Flat, any activity listed as a controlled activity in the Industrial Zone.</del></p>
14.4.1.3	<p><b>Restricted discretionary activities</b></p> <p>The following activities shall comply with the rules of this zone</p>
(a)	<p>Within a Deferred Residential Zone, Cambridge North Deferred Residential Zone, Deferred Reserves Zone within the Cambridge North Structure Plan Area and the Deferred Commercial Zone for the Cambridge North Neighbourhood Centre, Deferred Large Lot Residential Zone, Deferred Commercial Zone, Deferred Industrial Zone, Deferred Reserves Zone <del>excluding the Deferred Commercial Zone at Carters Flat</del> any activity assessed as a restricted discretionary activity in the Rural Zone.</p>
(b)	<p><del>In the Deferred Commercial Zone in Carters Flat any activity assessed as a restricted discretionary activity in the Industrial Zone.</del></p>
14.4.1.4	<p><b>Discretionary activities</b></p> <p>The following activities shall comply with the rules of this zone</p>
(a)	<p>Commercial forestry and woodlots within a Deferred Residential Zone, Cambridge North Deferred Residential Zone, Deferred Reserves Zone within the Cambridge North Structure Plan Area and the Deferred Commercial Zone for the Cambridge North Neighbourhood Centre, Deferred Large Lot Residential Zone, Deferred Commercial Zone, Deferred Industrial Zone, Deferred Reserves Zone <del>excluding the Deferred Commercial Zone at Carters Flat.</del></p>

14.4.1.5	<b>Non-complying activities</b> The following activities shall comply with the rules of this zone
(a)	Within a Deferred Residential Zone, Cambridge North Deferred Residential Zone, Deferred Reserves Zone within the Cambridge North Structure Plan Area and the Deferred Commercial Zone for the Cambridge North Neighbourhood Centre, Deferred Large Lot Residential Zone, Deferred Commercial Zone, Deferred Industrial Zone, Deferred Reserves Zone <del>excluding the Deferred Commercial Zone at Carters Flat</del> , any activity listed as a discretionary activity or non-complying activity within the Rural Zone.
(b)	<del>In the Deferred Commercial Zone in Carters Flat any activity listed as a discretionary activity or non-complying activity in the Industrial Zone.</del>

14.4.1.6	<b>Prohibited activities</b> The following activities shall comply with the rules of this zone
(a)	Within a Deferred Residential Zone, Cambridge North Deferred Residential Zone, Deferred Reserves Zone within the Cambridge North Structure Plan Area and the Deferred Commercial Zone for the Cambridge North Neighbourhood Centre, Deferred Large Lot Residential Zone, Deferred Commercial Zone, Deferred Industrial Zone, Deferred Reserves Zone <del>excluding the Deferred Commercial Zone at Carters Flat</del> , any activity listed as a prohibited activity within the Rural Zone.
(b)	<del>In the Deferred Commercial Zone in Carters Flat, any activity listed as a prohibited activity in the Industrial Zone or Commercial Zone.</del>

**Rule - Development within a Deferred Zone prior to the approval of a plan change and/or a Council resolution under Rules 14.4.1.8 and 14.4.1.9**

14.4.1.7 The relevant performance standards in Section 4 - Rural Zone apply as if the land was zoned rural, ~~except for land located within the Deferred Commercial Zone in Carter's Flat, where the rules of Section 7 Industrial Zone will apply.~~ In addition the relevant rules in Part E District Wide Provisions and Part F District Wide Natural and Cultural Heritage also apply.

## 2.4 Section 21 – Assessment Criteria

### 21.1.1.6 Traffic

Insert: 21.1.1.6 e) For activities in Carter's Flat, the extent to which the site layout has given regard to the activation of the streetscape, in particular the location of parking and use of landscaping, to promote passive surveillance and street engagement.

## 2.5 Definitions

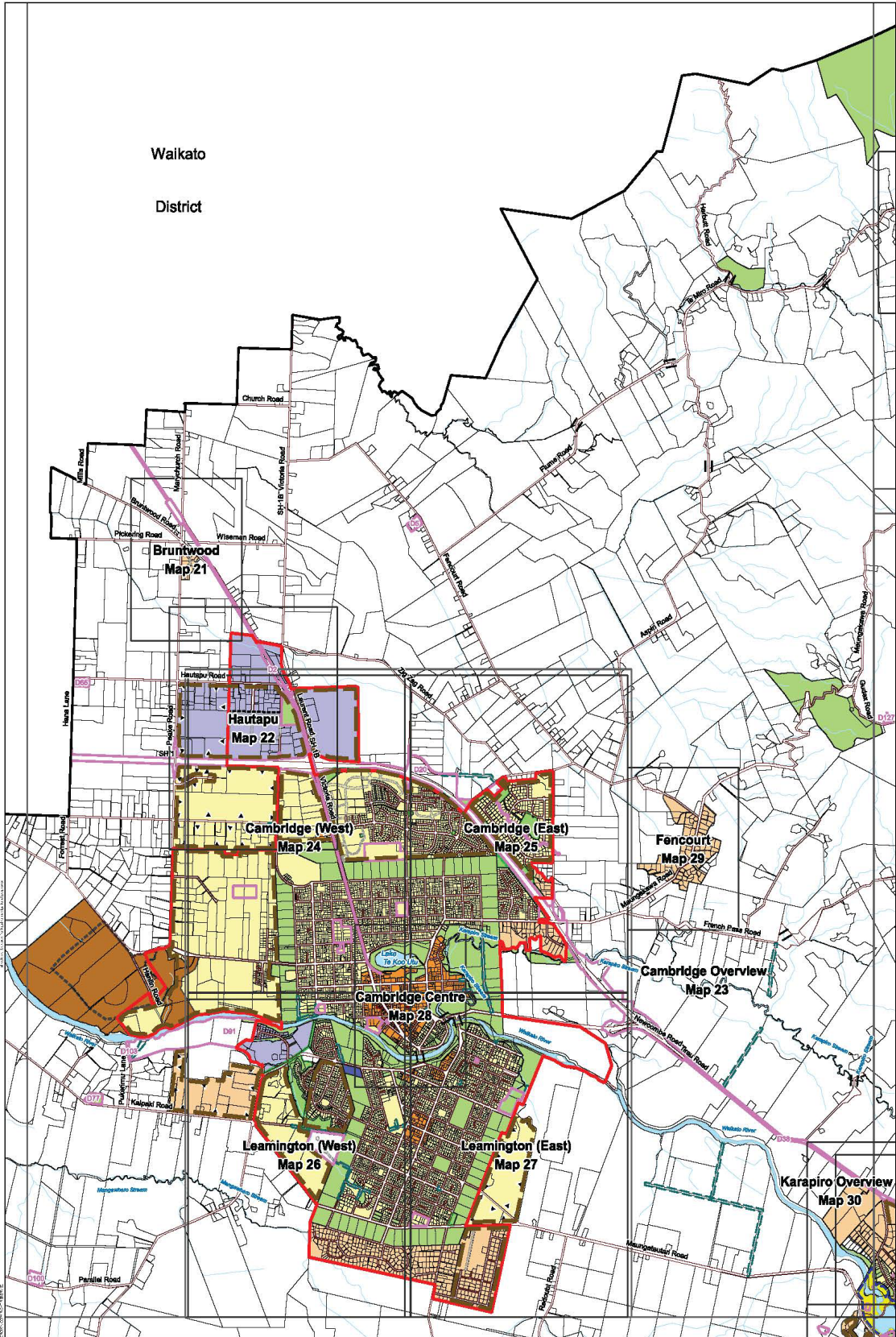
Amend the definition of 'Large format retail' as follows:

'Large format retail' means any retail or wholesale outlet with a GFA greater than 3400m<sup>2</sup>.

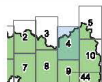
## 2.6 Planning Maps

- Amend the planning maps (Maps 28) to uplift the Deferred Commercial Zone from part of Carters Flat and replace it with the Commercial Zone.
- Subsequential amendments to Maps 4, 23, 25, 27 to reflect the uplifted Deferred Zone.

Amend Planning Maps 4, 23, 25, 27, 28 as follows.



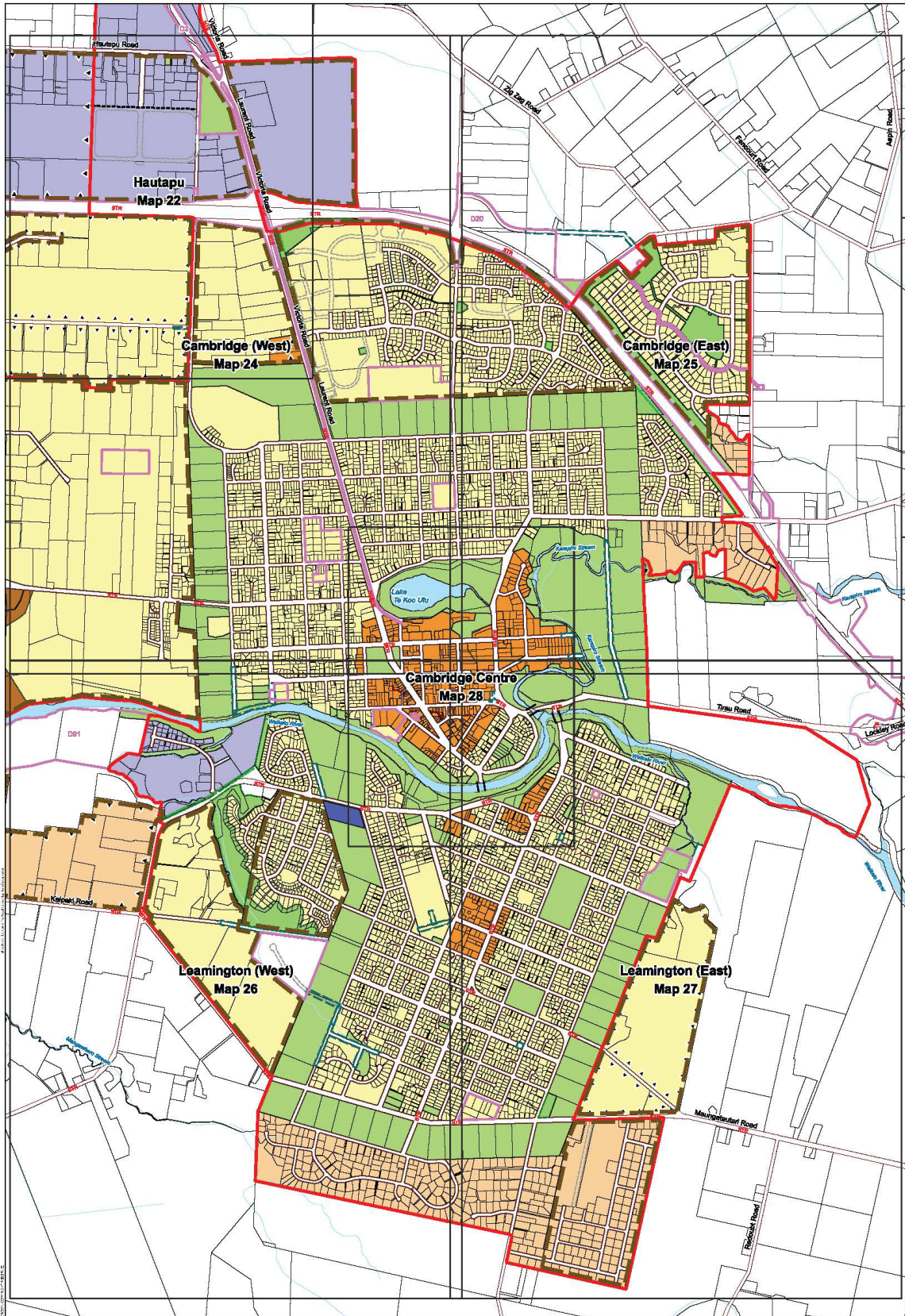
4 Zones



Cambridge Overview  
 Waipa District Plan  
 As proposed by Plan Change 19

Scale: 1:40,000 at A3





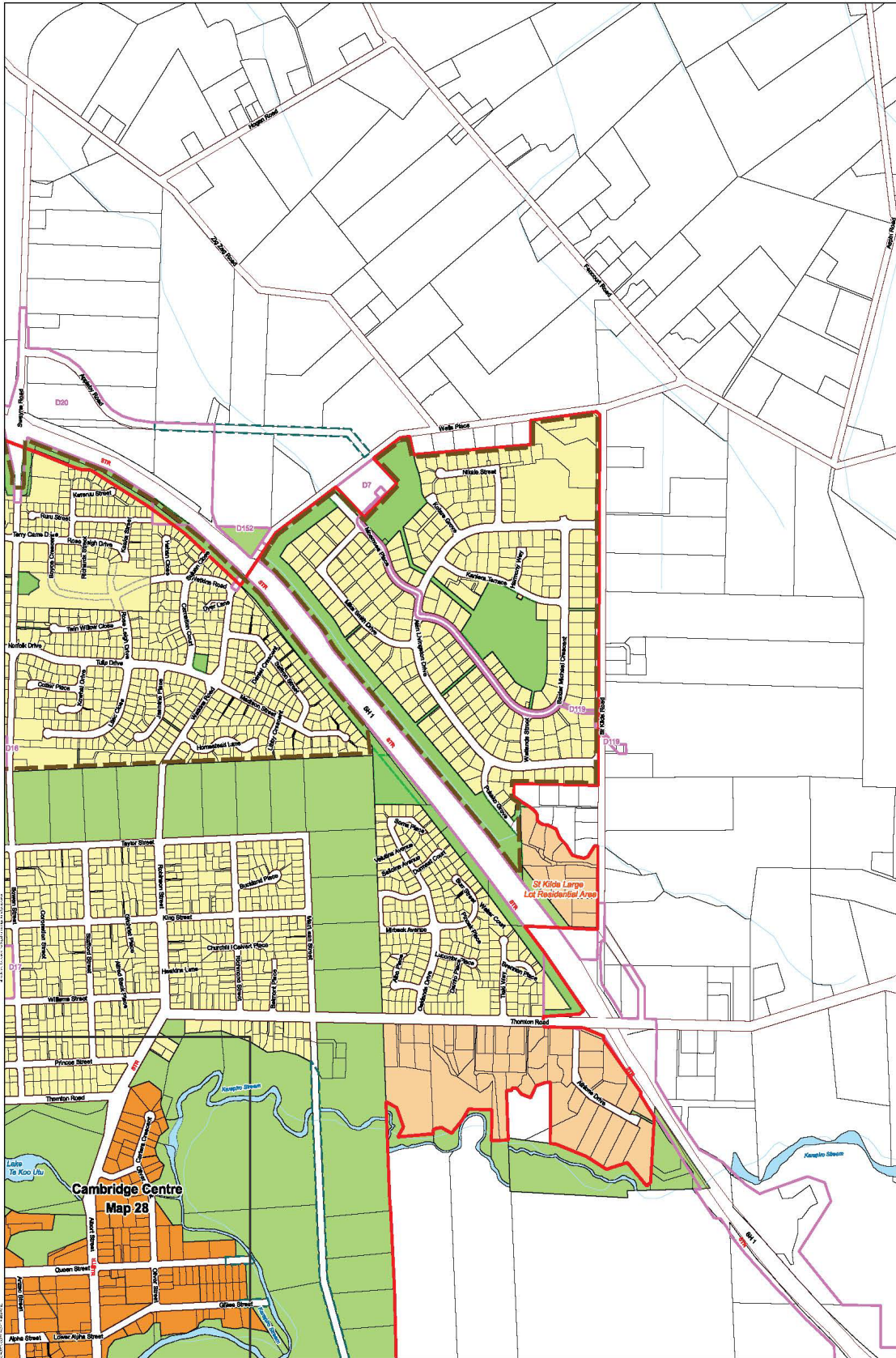
**23** Zones



**Cambridge Overview**  
 Waipa District Plan  
 As proposed by Plan Change 19

Scale: 1 : 20,000 at A3  
 0 0.2 0.4 0.6 0.8 1 km

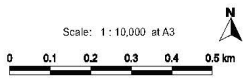




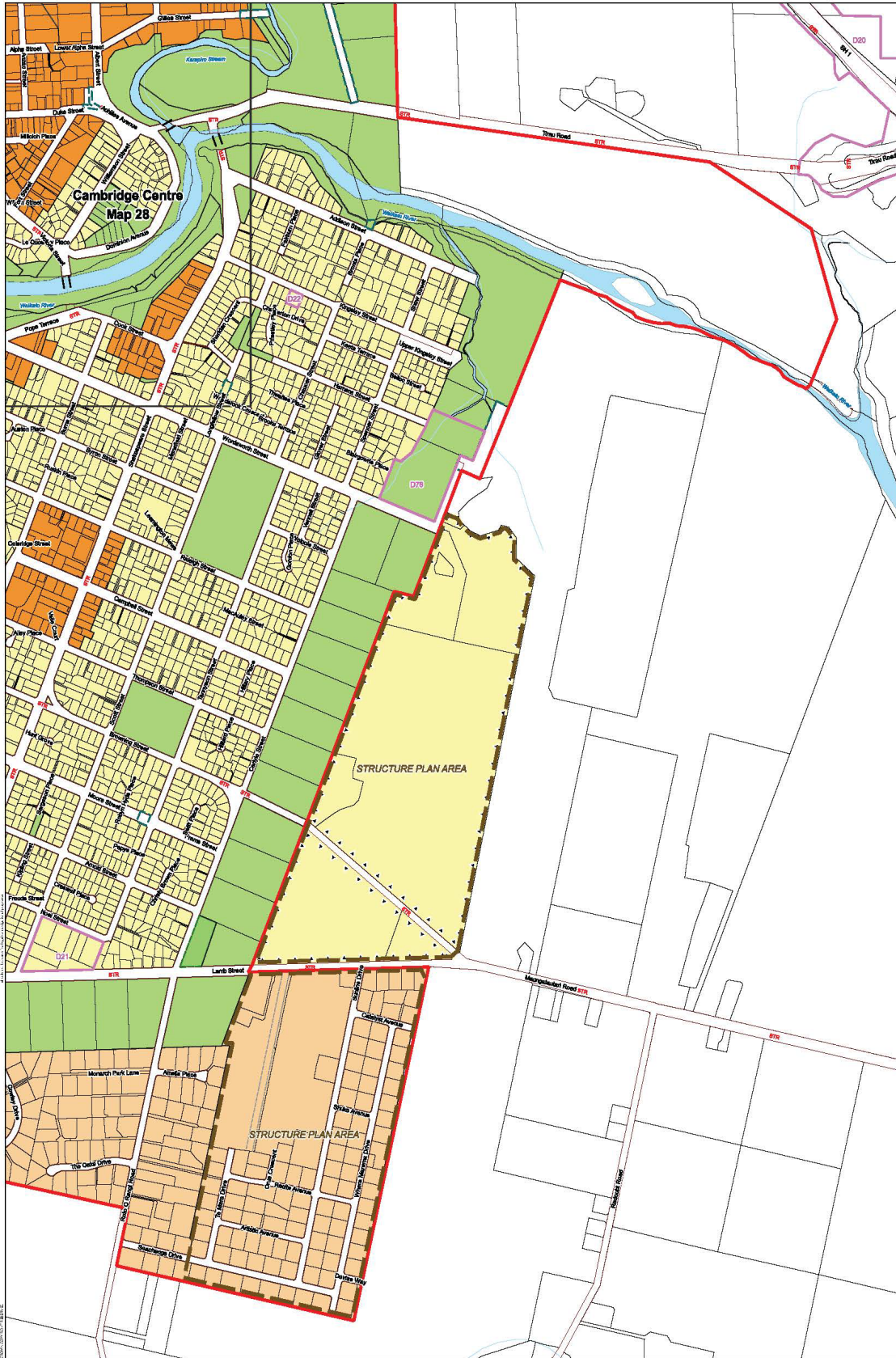
**25 Zones**



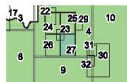
**Cambridge (East)**  
 Waipa District Plan  
 As proposed by Plan Change 19





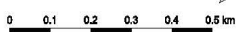


**27** Zones



**Leamington (East)**  
 Waipa District Plan  
 As proposed by Plan Change 19

Scale: 1 : 10,000 at A3







## Part B – Section 32 Evaluation

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### 3 Background and Context

#### 3.1 Introduction

This report presents an evaluation undertaken by the Waipā District Council (Council) in accordance with Section 32 of the Resource Management Act 1991 (RMA) in relation to Proposed Plan Change 19 –Carter’s Flat Commercial Zone to the Waipā District Plan (District Plan). Undertaking a Section 32 evaluation assists in determining why changes to existing plan provisions may be needed and formalises a process for working out how best to deal with resource management issues.

This report is as a result of a review of several provisions in the District Plan. Proposed Plan Change 19 uplifts the Deferred Commercial Zone over part of Carter’s Flat and rezones that area as Commercial Zone. It also implements the Cambridge Town Concept Plan and draws on suggestions from the Carter’s Flat Local Area Plan and translate these into some new provisions in the Commercial Zone specific to Carter’s Flat.

This report examines the extent to which the objectives of Proposed Plan Change 19 are the most appropriate way to achieve the purpose of the RMA and assesses whether the proposed provisions are the most appropriate way of achieving those objectives. In assessing the proposed provisions, Council must consider other reasonably practicable options and assess the efficiency and effectiveness of the provisions in achieving Proposed Plan Change 19 objectives. Assessing effectiveness involves examining how well the provisions will work. Determining efficiency involves an examination of benefits and costs.

This report has been prepared to fulfil the obligations of the Council under Section 32 of the RMA, with respect to undertaking a Plan Change within the District Plan.

#### 3.2 Background

Part of the area known as Carter’s Flat is zoned as “Deferred Commercial” in the ODP (approximately 13.3ha). The area is on the south-eastern side of the Cambridge Town Centre in an area that has a mixture of commercial and industrial land uses. Carter’s Flat, while geographically close to the town centre, is separated by the steep hill of Queen Street, resulting in an area that is not particularly accessible to foot traffic and still experiences high traffic volumes even after the opening of the Cambridge Section of the Waikato Expressway. Parts of the area are also subject to a policy overlay of “Cultural Landscape Area Alert – Te Koo Utu”, bordering the Karāpiro Stream and requiring a 50 metre setback from the stream or waterway.

The predominant land uses include;

- Large format retail
- Garages/car sales
- Manufacturing
- Office spaces
- Warehousing

The area was zoned General in the previous District Plan. The decision to zone it Deferred Commercial as opposed to simply Commercial was in regard to the timing of releasing Industrial zoned land in the north of Cambridge, and the completion of the Cambridge section of the Waikato Expressway (the “Cambridge Bypass”). The deferred status allowed the existing land uses to continue to operate with the intent of uplifting the deferred status, to become Commercial, once industrial land was available elsewhere and the expressway was completed. While the intent of the area was to eventually be amalgamated as commercial with its ‘surrounding’ zoning, the reality is that over time Carter’s Flat has developed all the land in this area and the predominant land use remains of a light industrial nature.

Triggers for changing the zoning of Carter’s Flat (District Plan 6.1.7) is that more land has now been zoned elsewhere within Cambridge and the Waipa district for Industrial purposes, and that the “Cambridge Bypass” is constructed. There is also high community interest to uplift the deferred status to enable commercial developments, with opportunity for medium density residential located above the ground floor. And lastly another driver is that the option of ‘deferred’ status is not in line with National Planning Standards.

Under the Deferred Zone, the following applies to uplifting/re-zoning land.

*Policies - Process for rezoning land and Structure Planning [PC13]*

*14.3.1.6 Deferred Zones ~~(except as identified in Policy 14.3.1.7)~~ will be rezoned for their intended future use by way of a plan change, ~~or by Council resolution.~~ [PC13]*

The main vision and principles of the Local Area Plan and Plan Change is to facilitate Carter’s Flat into becoming an attractive commercial precinct (mixed use with residential) that complements the existing commercial offerings in Cambridge. It is easy to access and takes advantage of its location between Lake Te Koo Utu and the Karāpiro Stream while respecting and recognising the history of the area.

- A vibrant commercial centre that is complimentary to, and does not undermine the role of, the Cambridge Central Business Area
- Connect to and integrate with Lake Te Koo Utu and the Karāpiro Stream.
- Create a high-quality commercial environment that enables medium density residential above the ground floor and that supports economic growth in Cambridge.

- The transportation network supports safe, efficient and multi-modal methods of travel and connects with the existing business areas in Cambridge.
- Recognise and respect the cultural significant and history of Carter’s Flat.

Two consultation workshops were held with business owners and landowners on 11 November 2021 and 14 April 2022 (held online due to COVID-19 restrictions). These workshops were an opportunity for Council to present the vision of Carter’s Flat and the work done to date, as well as an opportunity for stakeholders to provide feedback. The following are the main points of feedback received at both sessions and in subsequent emails and conversations with business owners;

#### Transport

- A number of stakeholders expressed concern about the heavily congested streets. Many strongly advocating for the Cambridge southern (north-bound) onramp to the Waikato Expressway.
- Points raised that upgrading streetscapes in Carter’s Flat needs to happen first to encourage landowners/business owners.
- Heavy vehicles should be discouraged via narrowing of roads and elevated crossings

#### Gross Floor Area

- The Commercial Zone rules currently require a minimum of 1000m<sup>2</sup> gross floor area. Therefore, if Carter’s Flat is rezoned Commercial, then the 1000m<sup>2</sup> gross floor area applies. During feedback sessions concerns were raised that this is too large, and a much smaller gross floor area should be permitted, particularly as the definition of ‘large format retail’ in the Plan is 300m<sup>2</sup>. This has prompted the change of definition in this plan change of ‘large format retail’ to 400m<sup>2</sup>, which achieves consistency with other district plans in the region, with 400m<sup>2</sup> to be the gross floor area minimum in Carter’s Flat. This brings coherence between the Cambridge Town Concept Plan identifying Carter’s Flat as a ‘large format retail’ area, the definition of the term in the Plan, and reflects feedback from landowners and business owners.

#### Design

- Some stakeholders expressed agreement that there should be design guides/efforts made to increase amenity in the area.

#### Infrastructure

- It was expressed that there is flooding/stormwater issues in the area that need to be addressed.

#### Green space

- A number of stakeholders expressed support to create better connections with Karāpiro Stream/gully.

Overall the general response was positive and encouraging of what has been done so far, and people were receptive of the vision of Carter's Flat.

The opportunity for daylighting of an underground outlet from Lake Te Koo Utu to Karāpiro Stream, fronted by a small local service area, was also presented to Council and at the second workshop. This was generally well supported as a concept. However, implementing this would entail land negotiations and acquisition along with significant infrastructure investment in daylighting of the lake outlet. While there is general support for this and the benefits to be gained, this work is not funded in Council's annual plan and long term plan. For this reason, the outlet daylighting and service area are indicated in the companion Local Area Plan, but the associated rezoning is not proposed as part of this plan change. It should be noted that if landowners wanted to advance a small local service area, this can still be progressed through the resource consent process.

### 3.3 Current District Plan Provisions

This part of the report outlines provisions that have been identified by Council staff and others that require improvement in order that they are more easily interpreted or applied. In summary, proposed amendments to the rules require that new policies are introduced to give greater justification for the rules.

#### Commercial Zone Provisions

The following provisions of the Commercial Zone are applicable to the Carter's Flat area.

*Objective - Role and function of commercial centres*

*6.3.1 To maintain the commercial hierarchy of the District while providing for increased levels of self-sufficiency.*

*Policy - Commercial hierarchy: primary commercial centres*

*6.3.1.2 To strengthen the role of the central business districts of Cambridge and Te Awamutu as the primary retail, office and commercial service areas of the District.*

The above objective and policy can be applied to Carter's Flat as a commercial centre, however a new policy is needed to ensure that smaller scale activities and/or activities that attract a lot of foot traffic, are kept within the Cambridge Central Business Area so as not to detract from its effectiveness, but also to allow larger footprint activities in Carter's Flat.

*Objective - Vibrancy, design and character*

*6.3.2 To achieve vibrant and active centres which have a distinctive character*

*Policy - Pedestrian frontages: social heart*

*6.3.2.1 To maintain the identified pedestrian frontages of the Commercial Zone as vibrant active places that support social and community well-being through building designs and activities that reinforce a pedestrian oriented retail environment. Policy - Activities outside pedestrian frontages*

*6.3.2.2 Outside of the identified pedestrian frontage enable larger scale retail activities, commercial service and vehicular orientated activities, where the activity does not impact on the role and function of the identified pedestrian frontages, including the vibrancy, amenity and social and community function of those areas. Policy - Pedestrian frontages: active street frontages*

*6.3.2.3 To ensure the incorporation of active street frontages in the design or redesign of buildings within the pedestrian frontage area by avoiding car parking and accessways, and through the provision of:*

*(a) Passive surveillance; and*

*(b) Verandahs.*

*Policy - Building design and site layout adjoining lakes and water bodies*

*6.3.2.8 To ensure that developments adjoining the Waikato River, Waipā River, Lake Te Ko Utu and the Mangapiko Stream provide vistas, increase public access, and positively address the adjoining lakes and/or water bodies.*

*Policy - Outside pedestrian frontage areas: landscaping*

*6.3.2.10 Outside of the pedestrian frontage areas, ensure that landscaping contributes to the adjacent streetscape.*

*Policy - Street corners*

*6.3.2.11 To ensure that buildings positively reinforce corner locations through building design, the position of the building on the site, architectural details, and by having prominent building entrances.*

*Rule - Design and layout of development adjoining water bodies and reserves*

*6.4.2.7 Within the Commercial Zone the design and layout of buildings shall ensure that adjoining water bodies and reserves are fronted by a transparent display window comprising clear glass or similar to provide active engagement with the feature.*

*Rule - Identified pedestrian frontages*

*6.4.2.21 Every new building, and additions/alterations to the front façade of existing buildings, which adjoins a pedestrian frontage area indicated on the Planning Maps shall:*

*(a) Provide transparent display windows extending over at least 75% of the area of the ground floor façade, comprising clear glass; and*



- (b) *Not have a vehicle crossing over the front boundary, provided that existing vehicle crossings may be retained; and*
- (c) *Provide a verandah designed in relation to its neighbours that:*
  - (i) *Provides a continuous verandah along the entire length of the property frontage that provides a waterproof connection to the verandah of the adjoining property; and*
  - (ii) *Has a minimum depth of 3m and stops at least 0.5m short of the road kerb, except that where the distance between the building and road kerb is less than 3.5m, the verandah depth must be narrower to enable it to stop 0.5m short of the kerb; and*
  - (iii) *Does not penetrate a height plane 4m parallel to the ground; and*
  - (iv) *Has a minimum ground level stud height of 3m. Except that a verandah will not be required on a historic building listed in Appendix N1 where a verandah was not part of the original design of the building. Provided that, the existing supermarket activity on Lots 1 and 2 DPS 28552 is exempt from this rule.*

These policies address amenity and passive surveillance of commercial areas. The pedestrian frontage rules ensure that some areas will achieve a higher level of amenity, however this will not be applicable to the Carter's Flat area as this policy and rule framework disallow larger format retail. Additional policies and rules are required to address the level of amenity that is sought in Carter's Flat. The generality of amenity policies in the Commercial Zone are considered adequate and are applicable to activities in Carter's Flat.

The proposed rules are well supported by objectives in the Commercial Zone, but not by all policies. The existing objectives focus on the role and function of commercial centres, as well as their effects on amenity. The policies, while many are applicable to Carter's Flat, are not specific enough to manage the effects on amenity and the role and function of Carter's Flat. Additions to the policy framework are necessary to improve the effectiveness of the provisions. Additions to the rules will result in higher amenity outcomes for the area.

The existing Assessment Criteria under Section 21 are considered relevant, particular if an activity fails to comply with any of the new proposed rules it will be assessed as a Discretionary Activity. The addition of one assessment criteria under Traffic has been added to require the applicant to consider the activation of the streetscape, if they require their parking to be at the front of their site due to site constraints.

All other Assessment Criteria are considered relevant under the discretion of the processing planner.

### 3.4 Statutory Considerations

The following statutory documents are considered relevant to Proposed Plan Change 19. A discussion of each of the key statutory considerations is provided below. The documents are as follows:

- Resource Management Act 1991
- Resource Management (Enabling Housing Supply and Other Matters) Amendment Act
- National Policy Statement on Urban Development 2020
- Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River
- Waikato Regional Policy Statement: Te Tauākī Kaupapahere Te-Rohe O Waikato
- Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010
- Ngati Tuwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010 (Upper River Act)
- Nga Wai o Maniapoto (Waipā River) Act 2012
- Joint Management Agreements
- Iwi Environmental Plans

#### 3.4.1 Resource Management Act 1991

Section 5 of the RMA states as its 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 well-being 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 purpose of the RMA is only achieved when the matters in (a) to (c) have also been adequately provided for within a District Plan. The Council has a duty under Section 32 to examine whether a proposed objective and its provisions are the most appropriate way of achieving the purpose of the RMA. In order to achieve the

purpose of the RMA, Council must enable people and communities to provide for their economic, social, and cultural well-being and for their health and safety.

Proposed Plan Change 19 better achieves the purpose of the RMA than the current zoning and provisions relating to Carters Flat through improved recognition of natural and physical environment and thus on social wellbeing from improved urban design.

### 3.4.2 **Resource Management (Enabling Housing Supply and Other Matters) Amendment Act**

The Resource Management (Enabling Housing Supply and Other Matters) Act applies to Waipā District Council (as a tier 1 specified local authority). The Amendment Act is limited in scope to only residential zones, and therefore does not apply to Proposed Plan Change 19. Plan Change 19 enables medium density residential activities as permitted activities within the Carters Flat area, and gives effect to the intent of the Amendment Act to provide more housing supply.

### 3.4.3 **National Policy Statement on Urban Development 2020**

The National Policy Statement on Urban Development 2020 (NPS-UD 2020) was gazetted on 23 July 2020 and has legal effect from 20 August 2020. The NPS-UD 2020 has identified Waipā District as a high-growth urban area and a tier 1 urban environment.

The NPS-UD 2020 recognises the national significance 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.*

While the NPS-UD is a high level central government policy document, the principles in it must be given effect to by Council.

Proposed Plan Change 19 adds approximately 13.3ha to the Commercial Zone (with residential above ground floor as a permitted activity), and meets the Council's obligations under the NPSUD to provide sufficient development capacity for business land. The plan change is considered to give effect to the provisions of the NPS-UD in that the addition of more Commercial Zone land will better promote well-functioning urban environments that enable people and communities to provide for the social, economic and cultural wellbeing and for their health and safety.

### 3.4.4 **Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River**

Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River arises from the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and the Ngati Tuwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010. These acts establish a co-governance regime to protect the health and wellbeing of the Waikato River for future generations. This includes the Karāpiro Stream to its confluence with the Waikato River.

The vision for the Waikato River is “for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come.”

The Vision and Strategy also includes objectives and strategies to achieve the vision. Waipā District Council has a duty to give effect to the Vision and Strategy for the Waikato River, through the District Plan and other planning documents.

Waipā District Council has joint management agreements in place with the iwi that have rohe within the District. During the formulation of Proposed Plan Change 19 Council staff provided information on the draft plan change in general accordance with those joint management agreements. The Vision and Strategy has been fully considered during the formulation of Proposed Plan Change 19. The proposed plan change does not alter the ability of the District Plan to give effect to the Vision and Strategy.

### 3.4.5 **Waikato Regional Policy Statement: Te Tauākī Kaupapahere Te-Rohe O Waikato**

The Waikato Regional Policy Statement (RPS) is the overarching regional policy document and Waipā District Council must give effect to the RPS through its district plan.

There are a number of objectives and policies in the RPS that are relevant to this plan change. For example, Objective 3.12 Built environment states:

*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:*

- j) promoting a viable and vibrant central business district in Hamilton city, with a supporting network of sub-regional and town centres; and*
- k) providing for a range of commercial development to support the social and economic wellbeing of the region.*

Policy 6.16 Commercial development in the Future Proof area supports the above objective, and the parts that are relevant to this plan change include:

*Management of the built environment in the Future Proof area shall provide for varying levels of commercial development to meet the wider community's social and economic needs, primarily through the encouragement and consolidation of such activities in existing commercial centres, and predominantly in those centres identified in Table 6-4 (section 6D). Commercial development is to be managed to:*

- a) *support and sustain the vitality and viability of existing commercial centres identified in Table 6-4 (section 6D);*
- b) *support and sustain existing physical resources, and ensure the continuing ability to make efficient use of, and undertake long-term planning and management for the transport network, and other public and private infrastructure resources including community facilities;*
- c) *....*
- d) *recognise that in addition to retail activity, the Hamilton Central Business District and town centres outside Hamilton are also centres of administration, office and civic activity. These activities will not occur to any significant extent in Hamilton outside the Central Business District in order to maintain and enhance the Hamilton Central Business District as the primary commercial, civic and social centre;*
- e) *...*
- f) *maintain industrially zoned land for industrial activities unless it is ancillary to those industrial activities, while also recognising that specific types of commercial development may be appropriately located in industrially zoned land; and*
- g) *ensure new commercial centres are only developed where they are consistent with a) to f) of this policy. New centres will avoid adverse effects, both individually and cumulatively on:*
  - i) *the distribution, function and infrastructure associated with those centres identified in Table 6-4 (section 6D);*
  - ii) *people and communities who rely on those centres identified in Table 6-4 (section 6D) for their social and economic wellbeing, and require ease of access to such centres by a variety of transport modes;*
  - iii) *the efficiency, safety and function of the transportation network; and*
  - iv) *the extent and character of industrial land and associated physical resources, including through the avoidance of reverse sensitivity effects.*

Proposed Plan Change 19 gives effect to the implementation methods included in the RPS by maintaining the commercial function of Carter’s Flat without compromising the role of the Cambridge Town Centre.

### **3.4.6 Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010**

The Waikato River is subject to the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 which seeks to provide direction for planning documents under the RMA in order to protect the health and well-being of the Waikato River. The legislation addresses a number of issues and creates a single co-governance entity (being the Waikato River Authority) to set the agenda for the health and wellbeing of the Waikato River for future generations.

Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River, is part of the second schedule to the Settlement Act, and is deemed part of the Waikato Regional Policy Statement. Waipā District Council has a duty to give effect to the Vision and Strategy for the Waikato River, through the District Plan and other planning documents.

During the preparation of Proposed Plan Change 19, Council staff have considered the vision for the Waikato River and its significance under this legislation for iwi. The overall objectives for the proposed plan change are considered to be supportive of Te Ture Whaimana o Te Awa o Waikato, namely in that the move from more industrial activities to commercial activities may result in a reduction of trade waste/run off. Furthermore, the Local Area Plan, and proposed policies and rules identify the importance of the Karāpiro Stream in this area, as a direct tributary of the Waikato River, and require new buildings to interact with the stream through building placement, entrances, and glazing.

Additionally, the Local Area Plan and design guidelines place significance on Karāpiro Stream and its connection with Lake Te Koo Utu and has suggested measures for enhancing its relationship with Carter’s Flat as a commercial area.

Overall, the outcomes sought by Proposed Plan Change 19 are not considered to be contrary to the directions sought under this legislation and are considered supportive of the legislation.

### **3.4.7 Ngati Tuwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010 (Upper River Act)**

The Waikato River is also subject to the Ngati Tuwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010 (Upper River Act) which recognises the significance of the river to Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi. The legislation recognises Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River, provides for co-management arrangements and grants functions and powers to the Waikato River Authority.

As outlined above, Waipā District Council has a duty to give effect to the Vision and Strategy for the Waikato River, through the District Plan and other planning documents. During the preparation of Proposed Plan Change 19, Council staff have considered the vision for the Waikato River and its significance under this legislation for Ngāti Tuwharetoa, Raukawa and Te Arawa River Iwi.

The outcomes sought by Proposed Plan Change 19 are not considered to be contrary to the directions sought under this legislation. In particular, the additional policy supports public interface with Karāpiro Stream and reduces industrial development in the area, which potentially reduces contaminated runoff to the stream.

### **3.4.8 Nga Wai o Maniapoto (Waipā River) Act 2012**

In September 2010, the Crown and Maniapoto signed a Deed in Relation to Co-Governance and Co-Management of the Waipā River (the Maniapoto Deed). The Nga Wai o Maniapoto (Waipā River) Act 2012 (the Waipā River Act) was enacted to give effect to the Maniapoto Deed which seeks to “deliver a new era of co-management over the Waipā River with an overarching purpose of restoring and maintaining the quality and integrity of the waters that flow into and form part of the Waipā River for present and future generations and the care and protection of the mana tuku iho o Waiwaia”.

During the preparation of Proposed Plan Change 19, Council staff have considered the vision for the Waipā River and its significance under this legislation for Maniapoto. The outcomes sought by Proposed Plan Change 19 are not considered to be contrary to the directions sought under this legislation. In particular, the additional policy supports public interface with Karāpiro Stream and reduces industrial development in the area, which potentially reduces contaminated runoff to the stream.

### **3.4.9 Joint Management Agreements (“JMA”)**

#### **3.4.9.1 Waikato Raupatu River Trust**

The Waikato Raupatu Claims Settlement Act 1995 gave effect to certain provisions of the deed of settlement between the Crown and Waikato dated 22 May 1995. It settled certain Raupatu claims made to the Waitangi Tribunal by Robert Te Kotahi Mahuta, the Tainui Māori Trust Board, and Ngāa Marae Toopu (Wai 30). Renegotiations in 2009 led to the agreement of a new deed of settlement which included provisions related to joint management agreements. The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 was enacted to give effect to that deed of settlement and subsequently a Joint Management Agreement with Waipā District Council was made.

This agreement includes giving appropriate weight to relevant matters provided for in the Settlement Act 2010, respecting the mana whakahaere rights and responsibilities of Waikato-Tainui, recognising the statutory functions, powers and

duties of both parties, and recognising the Trust's rights to participate in processes where circumstances may be appropriate.

Schedule B of the agreement outlines the anticipated process with regards to Schedule 1 of the RMA, in accordance with section 46(1) and 46(2). Council staff corresponded with Waikato-Tainui commencing on 16 November 2021, 27 April 2022 and again on 8 June 2022 as part of the pre-notification consultation.

The changes in Proposed Plan Change 19 will not affect the ability of the District Plan to implement the requirements of the Waikato Raupatu Claims Settlement Act 1995.

#### **3.4.9.2 *Raukawa Settlement Trust***

The Ngati Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 was enacted to give effect to the Co-Management Deed signed between Raukawa and the Crown in December 2009. The Joint Management Agreement was consequently established pursuant to Section 43 of the Ngati Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010.

This agreement covers matters relating to co-management, agreement to embrace new and holistic ways of working together, and the continuation of building a functional and effective long-term partnership. The agreement includes matters relating to the preparation, reviewing, change or variation to RMA documents, pursuant to Section 48 of the Ngati Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010.

Section 7 of the agreement outlines the expectations with regard to planning documents. The process for preparing Proposed Plan Change 19 resulted in early and on-going engagement with Raukawa, which is a relevant consideration under the JMA. Council staff corresponded with the Raukawa Settlement Trust commencing on 16 November 2021, 27 April 2022 and again on 8 June 2022 prior to the public notification of Proposed Plan Change 19 in accordance with the agreement.

#### **3.4.9.3 *Maniapoto Māori Trust Board***

As outlined above, the Nga Wai o Maniapoto (Waipā River) Act 2012 (the Waipā River Act) was enacted to give effect to the Maniapoto Deed, and a deliverable of this settlement was the establishment of a joint management agreement between the local authorities and the Maniapoto Māori Trust Board. The agreement covers matters relating to the Waipā River, activities within its catchment, matters relating to the exercise of functions, duties and powers in relation to monitoring and enforcement, RMA planning documents and applications, and other duties as agreed between the relevant parties.

Section 6 of the agreement outlines the expectations with regard to planning documents. Early engagement and the consideration of a Joint Working Party are the relevant considerations with regard to Proposed Plan Change 19. Council staff corresponded with the Maniapoto Māori Trust Board commencing on 16 November



2021, 27 April 2022 and again on 8 June 2022 prior to the public notification of Proposed Plan Change 19 in accordance with the agreement, to date no response has been received.

### **3.4.10 Iwi Environmental Plans**

#### ***3.4.10.1 Tai Tumu, Tai Pari, Tai Ao – Waikato Tainui Iwi Environmental Management Plan***

The purpose of Tai Tumu, Tai Pari, Tai Ao is to enhance collaborative participation between Waikato Tainui and agencies in resource and environmental management. It provides high level guidance on Waikato Tainui values, principles, knowledge and perspectives on, relationship with, and objectives for natural resources and the environment. The plan highlights the need for enhancement and protection of freshwater from allocation to discharges.

Although many of the freshwater objectives and policies relate to regional council obligations, Proposed Plan Change 19 has taken into account Tai Tumu, Tai Pari, Tai Ao because the outcomes sought can be translated into district plan provisions, in this case transitioning the land from industrial use to commercial use, and potentially reducing trade waste and run off.

#### ***3.4.10.2 Te Rautaki Taiao a Raukawa – Raukawa Environmental Management Plan***

Te Rautaki Taiao a Raukawa, the Raukawa Environmental Management Plan provides a statement of values, experiences and aspirations pertaining to the management of, and relationship with the environment. It assists in engagement in policy and planning processes and resource management decisions. The Management Plan offers broad objectives in relation to this matter. It makes many suggestions about improving the quality of water, and requests that local authorities restore and protect the mana and mauri of water bodies, and ensure the health and wellbeing of water bodies so they are safe to take food from and swim in all year round.

Proposed Plan Change 19 has taken Te Rautaki Taiao a Raukawa into account by recognising the importance of connection and interface with Lake Te Koo Utu and Karāpiro Stream through the introduction of a new policy and rule.

#### ***3.4.10.3 Ko Tā Maniapoto Mahere Taiao – Maniapoto Environmental Management Plan***

Ko Tā Maniapoto Mahere Taiao is a high level direction setting document and describes issues, objectives, policies and actions to protect, restore and enhance the relationship of Maniapoto with the environment including their economic, social, cultural and spiritual relationships. The Plan is also a tool to support the leadership of Maniapoto at the forefront of exercising kaitiakitanga and rangatiratanga within the Maniapoto rohe.

Proposed Plan Change 19 has taken into account Ko Tā Maniapoto Mahere Taiao by recognising the importance of connection and interface with Lake Te Koo Utu and Karāpiro Stream through the introduction of a new policy and rule.

#### **3.4.10.4 Te Rautaki Tāmata Ao Turoa o Hauā — Ngāti Hauā Environmental Management Plan**

Te Rautaki Tāmata Ao Turoa o Hauā explains the importance of communication between local authorities and Ngāti Hauā in terms of keeping the Iwi Trust informed about projects, providing a feedback loop and opportunity for relationship building. One of the main issues identified in relation to water is the impact of activities on the quality of water within rivers, streams and aquifers. The plan clearly outlines that engagement is expected and that the Iwi seek opportunities to participate in consent and site monitoring and restoration projects. Initial and on-going communication has occurred thus taking into account Te Rautaki Tāmata Ao Turoa o Hauā.

#### **3.4.11 Ngāti Koroki Kahukura**

The ancestral tribal rohe of Ngāti Koroki Kahukura spans from Southern Hamilton City, following the Waikato River to the northern end of Lake Arapuni, inland to western Te Awamutu and through again to southern Hamilton City encompassing Mount Maungatautari and many kāinga settlements. Although Council does not have a Joint Management Agreement in place with Ngāti Koroki Kahukura, they are part of the local tangata whenua and for this reason Council have consulted with Ngāti Koroki Kahukura regarding Proposed Plan Change 19 through communication sent 16 November 2021 , 27 April 2022 and again on 8 June 2022. During the review of the formulation of Proposed Plan Change 19, Council staff have corresponded with and provided information on the draft Plan Change 19 to Ngāti Koroki Kahukura and no comments were received.

### **3.5 Other Considerations**

#### **3.5.1 Regional Infrastructure Technical Specification**

The Regional Infrastructure Technical Specification (RITS) sets out the standards for design and construction of public infrastructure for several councils within the Waikato Region. It contains a section on stormwater, noting that:

*“stormwater systems have the potential to convey pollutants and increase the flow rate and volume of water to a receiving environment such as streams (natural and modified), rivers lakes and groundwater. Discharges will impact on these environments and the environmental, cultural and social values which they support.”*

It contains specifications for the construction of stormwater pipe networks, and detention ponds and wetlands. The primary objective of the stormwater system is to manage stormwater runoff to minimise flood damage and adverse effects on the environment. The design of the stormwater system is intended to ensure an acceptable stormwater service for each property by providing a treatment, control and disposal system.

The RITS is relevant to Proposed Plan Change 19 because it requires that a stormwater system ensures an acceptable stormwater service for each property by providing a treatment, control and disposal system. Within more developed areas of the district e.g. the Commercial Zone, it is important that the stormwater systems work effectively. Council's Infrastructure Team has confirmed that there are no known issues with stormwater management in this area, however, through consultation with landowners and business owners stormwater flooding issues in high rainfall events have been raised. This issue has been passed onto the responsible team in Council to assess.

### 3.5.2 **New Zealand Urban Design Protocol**

Waipā District Council is a signatory to the New Zealand Urban Design Protocol, a document that provides a platform to make New Zealand towns and cities more successful through quality urban design. The Protocol identifies key urban design qualities and has an expectation that signatories will be committed to quality urban design and will implement it through the work of each organisation.

The New Zealand Urban Design Protocol is directly relevant to Proposed Plan Change 19 and has been taken into account in preparing the Local Area Plan, which has informed Proposed Plan Change 19, in particular the proposed new rules.

### 3.5.3 **Future Proof, Three Waters Strategy and Waipā 2050 (Growth Strategy)**

The Future Proof Strategy is a 30 year growth management and implementation plan for the Hamilton, Waipā and Waikato sub-region. It is a high level policy document with several principles and outcomes sought that are relevant to this proposed plan change. Some of the relevant transformational moves include supporting a lively metro core and lively metropolitan centres, a strong metropolitan corridor, and most importantly the policy for compact urban form and meeting the NPS-UD requirements.

The Three Waters Strategy sets out how water, wastewater and stormwater will be managed over a 50 year period. While this document is not directly relevant to the Proposed Plan Change, it provides context for the considerations that must be given to developments in the Commercial Zone and ultimately the indirect impact on important water bodies such as the Waikato River by removing industrial activities on the banks of the Karāpiro Stream.

The Waipā 2050 Growth Strategy is Waipā District Council's strategic growth document and identifies the location of growth cells in the district beyond 2035. This document is directly relevant to this Proposed Plan Change 19 as the proposed additional provisions in the Commercial Zone will further support the aspiration to recognise, protect and enhance the features of Waipā that make the district a special place by enabling activation of commercial areas with existing green spaces. The document also outlines future growth areas, which will be further supported by additional commercial space in close proximity to the Cambridge Town Centre.

### 3.5.4 Cambridge Town Concept Plan 2010

The Cambridge Town Concept Plan 2010 identifies that there is a shortage of large format retail supply in Cambridge. Under section 5.1.4 of the concept plan, Key Strategy 2 suggested providing for a change of land use to large format low foot traffic commercial uses such as suppliers of bulky items, or light industrial commercial mixes, but excluding supermarkets and other heavy foot traffic uses and compatible activities. The area was identified to be located within a high amenity park landscape, with strong connections to Lake Te Koo Utu and the Karāpiro Stream. Open green routes between Lake Te Koo Utu and the Karāpiro Stream should be provided.

The Town Concept Plan Refresh 2019 is a supporting document of the Town Concept Plan 2010 to take into account the changes experienced in Cambridge and pinpoint the needs of the wider community over the next 30 years. Community Priority Area 14 identifies Carter’s Flat as a future commercial area focused on large format retail that supports the town centre.

These key principles are reflected in the Carter’s Flat Local Area Plan which has been developed in conjunction with this Plan Change and is reflected in the uplifting of the deferred Commercial Zone and the additional provisions in the Commercial Zone relating to amenity. It has also led to the change in the definition of ‘large format retail’, increasing the minimum gross floor area from 300 to 400m<sup>2</sup>. This is more in line with other district councils definition of large format retail.

## 3.6 Development of Proposed Plan Change 19

The development of Proposed Plan Change 19 has been carried out over several months during 2021 and 2022. The basis of the proposed plan change came from recognising that the triggers for uplifting the Deferred Commercial Zone is the availability of alternative locations for industrial activity in Cambridge and the completion of the Waikato Expressway Cambridge section. The Waikato Expressway Cambridge section is now complete, and the Future Proof Industrial Land Supply study (March 2020) has indicated that Waipā and Cambridge have a good supply of industrial land capacity. In addition to these two triggers, there is growing feedback from the Cambridge Community Board and Cambridge Chamber of Commerce to allow for more commercial development in Carter’s Flat.

Alongside staff consultation was an engagement process with Iwi Authorities that is ongoing.

A full copy of the Proposed Plan Change 19 document and accompanying draft Section 32 Report was provided to Waikato-Tainui, Raukawa, Ngāti Hauā, and Ngāti Koroki Kahukura on 8 June 2022 for comment. This was both to fulfil Council’s obligations under Clause 4A of the First Schedule of the RMA and under the various Joint Management Agreements that Council has with Tangata Whenua in the District.

Council staff identified key stakeholders, including adjoining territorial authorities, Waikato Regional Council and Ministry for the Environment. These key stakeholders were consulted with prior to public notification of Proposed Plan Change 19 and had the opportunity to provide feedback on the proposed options.

No formal feedback was received from key stakeholders and iwi.

Due to COVID-19 alert level settings, two online workshops were held with stakeholders, being mainly business owners in Carter's Flat and the wider Cambridge area. These online workshops provided participants with an opportunity to provide feedback on what constraints they see in Carter's Flat and what opportunities they would like to maximise on. Some issues that were raised included;

- heavy traffic along Albert Street,
- a desire to improve intersections and streetscapes,
- stormwater issues during high rainfall events, and
- a desire to create more greenspace and interaction with the stream and the lake.

The proposed Plan Change was also workshopped with Council's Strategic Planning and Policy Committee (SP&P). Workshops were held with the SP&P Committee on several occasions to keep them informed of the issues and options, and progress being made on a potential plan change.

## **4 Issues**

### **4.1 Issue 1 – Zoning**

The two triggers for originally zoning Carter's Flat as 'Deferred' have now been met, being the opening of the Waikato Expressway Cambridge bypass and the opening of more industrial zoned land (including Hautapu). The 'deferred' status can now be uplifted.

Currently the issue is that the Deferred Commercial Zone at Carter's Flat defaults to Industrial Zone rules. A change to Commercial Zone will allow more commercial activities, which corresponds with the Cambridge Town Concept Plan 2010 and future intent of the area.

### **4.2 Issue 2 – Amenity**

The District Plan Commercial Zone contains provisions relating to facades, neighbourhood amenity and safety, and glazing. They are part of a suite of rules to encourage higher amenity streetscape and CPTED (Crime Prevention through Environmental Design).

The issue is that a higher level of amenity is desired for Carter’s Flat, to avoid solid walls adjoining the entirety of the streets as can happen often with larger format retail. The current provisions, while adequate for the generality of the Commercial Zone, requires more public interface provisions to promote amenity and safety.

The Carter’s Flat Local Area Plan has identified matters to address amenity in the area. Acknowledging that this is more difficult to achieve in a brown field site. Therefore, additional rules are required for glazing and design of the building façade. Additional glazing and public interface rules specifically for Carter’s Flat will avoid the need for consent planners to adopt their own interpretation of design guidelines in order to provide a practical outcome to resource consent applicants. Provisions were chosen as opposed to design guidelines due to the already highly developed nature of the area and the desire to provide certainty to achieve key amenity issues.

### **4.3 Issue 3 – Competition with Cambridge Town Centre**

Re-zoning the area to Commercial Zone creates the risk of smaller scale retail/commercial activities in Carter’s Flat, directly competing with the Cambridge Town Centre. This has the potential for adverse effects on the purpose and functioning of the Cambridge Town Centre and is to be avoided.

There are no relevant rules or policies to address this issue. Therefore, a new policy will be proposed.

Additionally, the definition of large format retail in the District Plan is for gross floor areas larger than 300m<sup>2</sup>. This is smaller than any other definition of large format retail in other New Zealand district plans, which range from 400 to 450m<sup>2</sup>. Based on the desire to refrain from smaller format retail in Carter’s Flat, and that it is geared towards larger format retail in the Town Concept Plan, it is also recommended to update the definition of large format retail in the Plan to better reflect what is desired in commercial areas in the district. 400m<sup>2</sup> has been decided as this is the same as Hamilton District Plan’s definition, which is under the same Regional Policy Statement as Waipā District Council, which is appropriate.

### **4.4 Consequential Benefit– Delivering Housing Supply**

Central Government’s housing programme has provided clear national direction to local government to increase housing supply. While housing supply is not a driver for Proposed Plan Change 19, a consequential benefit of the plan change is to enable additional housing supply. This occurs through residential activities above ground floor, being a permitted activity in all Commercial Zones. It is envisaged that Proposed Plan Change 19 will result in the delivery of residential activities above ground floor in Carters Flat.

## 5 Objectives

The objectives of Proposed Plan Change 19 are to:

- 1) Review the zoning in question to assess its efficiency and effectiveness, and whether it remains the most appropriate method of addressing the resource management issues; and
- 2) Amend the provisions as needed to remedy any issues around efficiency, effectiveness, costs or benefits, to ensure the health, safety and wellbeing of residents of the district is provided for through an appropriate policy and rule framework.

The planning outcome sought by Objective 2 is to provide for the health, safety and wellbeing of the residents of the district through improving commercial amenity outcomes and so it is more easily implemented by all plan users, as well enabling practical outcomes “on the ground” through the introduction of new rules for Carter’s Flat.

### 5.1 Relevance of existing objectives

Proposed Plan Change 19 retains the existing planning framework of the District Plan with the exception of two new policies and two new rules to address the urban design outcomes of Carter’s Flat and the Local Area Plan.

#### 5.1.1 Section 6 – Commercial Zone

Section 6 of the District Plan includes issues, objectives, policies and rules for the Commercial Zone. Many of them relate to amenity outcomes anticipated for the Zone, such as controls on building size and location.

A variety of activities are promoted within the Commercial Zone. Pedestrian frontages have been identified within the primary commercial centres and village commercial centres to reinforce the pedestrian focus and vibrancy of these areas. Larger scale commercial activities including those that are vehicle orientated are encouraged within the Commercial Zone outside of the pedestrian frontage areas. Permitted activities include a range of commercial and retail activities, residential above ground level, supermarkets, as well as trade suppliers, yard based facilities and building improvement centres. Minimum gross floor areas in the Commercial Zone outside of Pedestrian Frontage Areas is 1000m<sup>2</sup>.

As an example, Objective 6.3.2

*To achieve vibrant and active centres which have a distinctive character.*

This Objective has a number of policies that relate to amenity, which clearly support the objectives in a multitude of ways. It is considered effective and no changes are proposed to this objective.

## 5.2 Appropriateness of Proposed Plan Change 19 Objectives

Assessment of appropriateness of Plan Change Objective	Objective 1: Review the zoning in question to assess its efficiency and effectiveness, and whether it remains the most appropriate method of addressing the resource management issues	Objective 2: Amend the provisions as needed to remedy any issues around efficiency, effectiveness, costs or benefits, to ensure the health, safety and wellbeing of residents of the district is provided for through an appropriate policy and rule framework.
Relevance	<ul style="list-style-type: none"> <li>Assists Council to carry out statutory functions through more appropriate zoning.</li> </ul>	<ul style="list-style-type: none"> <li>Meets the purpose of the RMA.</li> <li>Implements other documents that Council is a signatory to.</li> </ul>
Usefulness	<ul style="list-style-type: none"> <li>Provides certainty for decision making and future direction of the area.</li> <li>Provides practical and useful outcomes by reducing the need for resource consent in some situations.</li> </ul>	<ul style="list-style-type: none"> <li>Provides certainty for decision making and resource consent applicants.</li> <li>Improves amenity in the area.</li> </ul>
Achievability	<ul style="list-style-type: none"> <li>Achievable through Council's functions in regard to its District Plan.</li> </ul>	<ul style="list-style-type: none"> <li>Achievable through Council's functions in regard to its District Plan.</li> </ul>
Reasonable	<ul style="list-style-type: none"> <li>Fewer costs because fewer resource consents required for some activities.</li> <li>Implements the zone that was intended for the site.</li> </ul>	<ul style="list-style-type: none"> <li>The additional policies and rules are considered reasonable and not overtly onerous on land users.</li> </ul>

The above assessment has considered relevance, usefulness, achievability and reasonableness in order to determine if the objective of Proposed Plan Change 19 is appropriate for achieving the purpose of the RMA.

It is not considered necessary to include a new objective that would specifically address amenity issues. The existing objectives appropriately address amenity issues, the policies are adequate but do require additional measures to provide support for the additional rules.

Improving the efficiency and effectiveness of provisions relating to amenity in Carter's Flat addresses current problems amenity issues with large format retail areas.

For these reasons, the objective of Proposed Plan Change 19 is considered an appropriate way to achieve the purpose of the RMA in accordance with section 32(1)(a).

## 5.3 Options to deliver Proposed Plan Change 19 Objectives

Section 32(1)(b)(i) of the RMA requires this report to identify "*other reasonably practicable options*" to promote sustainable management, including retaining the status quo, non-regulatory methods and plan changes. This part of the report outlines the processes undertaken and examines other reasonably practicable options considered to achieve the objectives of Proposed Plan Change 19.



In considering reasonably practicable options, a number of matters were examined before the alternative options were identified. Options were identified through feedback from internal and external stakeholders, consultation and examination of policy options by other territorial authorities.

The alternatives evaluated for the objectives of Proposed Plan Change 19 are discussed below.

### 5.3.1 **Option 1 – Status Quo**

The option to “do nothing” or retain the existing provisions as they are in the District Plan would leave Carter’s Flat essentially operating as an industrial zone and would not provide high levels of amenity in such an important location in terms of its proximity to the town centre, Lake Te Koo Utu and Karāpiro Stream.

This option is not appropriate because it is clear that the triggers for uplifting the Deferred Zone have clearly been met. And the effects of leaving its Deferred Status means it will not be in line with National Planning Standards and will result in further industrial related activities to develop.

### 5.3.2 **Option 2 – Plan Change to uplift the deferment on the Deferred Commercial Zone**

A plan change would create more certainty to the plan user and landowners of the direction and anticipated outcomes of this area. It would create a clear link to, and be consistent with, the Cambridge Town Concept Plan 2010 and the Town Concept Plan Refresh 2019.

In relation to amenity, this option would also add two policies to make it clear that new buildings must be consistent with the desired amenity outcomes and that activities should be of a scale that is not in direct competition with the town centre.

Inserting Rule 6.4.2.41 makes it clear that any new buildings or alterations to buildings within the Carter’s Flat Commercial Zone should be of a scale that is appropriate, meeting the urban design aspirations highlighted in Carter’s Flat Local Area Plan.

Inserting Rule 6.4.2.42 provides certainty to the plan user that new buildings and activities that adjoin any road or public space, including the Karāpiro Stream, in the Carter’s Flat area should achieve a high level of amenity and safety through achieving a minimum of 50% glazing.

Changing the definition of ‘large format retail’ further supports the new policy to discourage smaller format retail, and brings the definition in line with surrounding district councils.

The option of uplifting the deferred status for the site to become Commercial without any specific provisions would result in a large format retail area with a minimum gross floor area of 1000m<sup>2</sup>. This is quite high and would potentially result in many resource consent applications. Furthermore, it would also result in less

public interface as there are no glazing rules for the commercial zone outside of pedestrian frontage areas, which this is.

For these reasons, Option 2 is the preferred option in order to achieve the objectives.

### 5.3.3 **Option 3 – Change to Mixed Use Zone**

Changing the zoning for all of Carters Flat from Commercial to Mixed Use was considered early in the programme, for alignment with the National Planning Standards. While a Mixed Use Zone would be entirely consistent with the objectives and outcomes for Carters Flat, this option was discounted for several reasons. Firstly, the proposed plan changes retain consistency with the existing Commercial Zoning of the Operative Waipa District Plan. Secondly, introducing an entirely new zone into the District Plan would have expanded the scope of Plan Change 19 from a straightforward local zoning “update” to a substantially more comprehensive review of the entire District Plan. Finally, Council is cognisant of the RMA reform that will introduce an overarching National Planning Framework and new legislation replacement to the RMA.

Council does have a medium-term programme of work to implement the National Planning Standards.

For these reasons, a Mixed Use Zone was discounted as not being the most appropriate method to achieve the objectives.

### 5.3.4 **Option 4 – Other reasonably practicable options**

This option would rely on other methods, for example non-regulatory methods, other legislation or policies to achieve the purpose of the RMA.

Council could rely on the Urban Design Protocol, to which it is a signatory, to encourage good urban design. The Protocol, published by the Ministry for the Environment, is a “big picture” document and seeks to promote good design on a larger and broader scale. It is intended that the Protocol is used by Councils to develop their urban policies and rules in order to achieve the outcomes sought in the Protocol. In many cases, this can be achieved by applying rules to individual sites so that cumulatively, there are positive outcomes in urban areas. It is considered that rules in the District Plan are anticipated and suitable methods to achieve good urban design.

The National Guidelines for Crime Prevention through Environmental Design, suggests both regulatory and non-regulatory methods to improve safety in urban areas. Within district plans, Councils can take a limited or comprehensive statutory approach. Waipā District Council already has objectives, policies and rules in the

District Plan. This plan change seeks to amend the rules slightly so that a higher level of amenity is achieved for Carter’s flat, to take advantage of its proximity to the

Cambridge town centre and its connection with Te Koo Utu Lake and Karāpiro Stream.

This option is not recommended because on their own, these external documents, cannot be relied upon to provide the desired outcomes. They do in turn, rely on district plans to implement the guidance within them, and when used in tandem do result in better outcomes.

## **5.4 Evaluation of Options**

The above section outlines the reasonably practicable options considered. In order to determine whether the other options are reasonably practicable, a comparative analysis has been undertaken. Council is not legally obliged to detail the evaluation process for other reasonably practicable options that were not identified as the preferred option. However, it is considered fair and transparent to demonstrate how the preferred option was decided upon following an assessment against other reasonably practicable options. The following is an assessment of the efficiency and effectiveness of the proposed provisions in achieving the plan change objectives.

	Option 1: Status Quo	Option 2: Uplift the deferment on the Deferred Commercial Zone	Option 3: Change to Mixed Use Zone	Option 4: Other reasonably practicable option
Costs	<p><u>Environmental:</u></p> <ul style="list-style-type: none"> <li>Environmental outcomes associated with the continued operation of industrial activities in close proximity to the Lake Te Koo Utu and Karāpiro Stream.</li> </ul> <p><u>Economic Cost:</u></p> <ul style="list-style-type: none"> <li>Cost of discretionary and non-complying resource consent for commercial activities.</li> </ul> <p><u>Social Cost:</u></p> <ul style="list-style-type: none"> <li>The cumulative effects of industrial activities in close proximity to the Town Centre and Lake Te Koo Utu and Karāpiro Stream, in particular visual, noise and vibration effects and eroding amenity for users of these spaces.</li> </ul> <p><u>Cultural effect:</u></p> <ul style="list-style-type: none"> <li>None identified</li> </ul>	<p><u>Environmental:</u></p> <ul style="list-style-type: none"> <li>None identified</li> </ul> <p><u>Economic Cost:</u></p> <ul style="list-style-type: none"> <li>Cost associated with the Plan Change process.</li> </ul> <p><u>Social Cost:</u></p> <ul style="list-style-type: none"> <li>None identified</li> </ul> <p><u>Cultural effect:</u></p> <ul style="list-style-type: none"> <li>None identified</li> </ul>	<p><u>Environmental:</u></p> <ul style="list-style-type: none"> <li>None identified</li> </ul> <p><u>Economic Cost:</u></p> <ul style="list-style-type: none"> <li>Cost associated with the Plan Change process, in particular adding a new zone into the District Plan as this zone is not currently in the Plan or anywhere else in the District.</li> </ul> <p><u>Social Cost:</u></p> <ul style="list-style-type: none"> <li>None identified</li> </ul> <p><u>Cultural effect:</u></p> <ul style="list-style-type: none"> <li>None identified</li> </ul>	<p><u>Environmental:</u></p> <ul style="list-style-type: none"> <li>Other methods are not mandatory and cannot be relied on to improve environmental outcomes</li> </ul> <p><u>Economic Cost:</u></p> <ul style="list-style-type: none"> <li>Inconsistency with the development controls and anticipated outcomes in the area.</li> <li>Costs associated with resource consents for commercial activities.</li> </ul> <p><u>Social Cost:</u></p> <ul style="list-style-type: none"> <li>None identified</li> </ul> <p><u>Cultural effect:</u></p> <ul style="list-style-type: none"> <li>None identified</li> </ul>
Benefits	<p><u>Environmental:</u></p> <ul style="list-style-type: none"> <li>None identified</li> </ul> <p><u>Economic benefits:</u></p> <ul style="list-style-type: none"> <li>None identified</li> </ul> <p><u>Social benefits:</u></p> <ul style="list-style-type: none"> <li>None identified</li> </ul> <p><u>Cultural effect:</u></p>	<p><u>Environmental:</u></p> <ul style="list-style-type: none"> <li>Improved surveillance and access to green areas, being Lake Te Koo Utu and Karāpiro Stream.</li> <li>Potentially less risk of polluted stormwater runoff due to commercial nature of</li> </ul>	<p><u>Environmental:</u></p> <ul style="list-style-type: none"> <li>None identified</li> </ul> <p><u>Economic benefits:</u></p> <ul style="list-style-type: none"> <li>Potential economic benefits from diversity of land use that would be permitted.</li> </ul> <p><u>Social benefits:</u></p>	<p><u>Environmental:</u></p> <ul style="list-style-type: none"> <li>Options for alternative solutions</li> </ul> <p><u>Economic benefits:</u></p> <ul style="list-style-type: none"> <li>None identified</li> </ul> <p><u>Social benefits:</u></p> <ul style="list-style-type: none"> <li>None identified</li> </ul>

	Option 1: Status Quo	Option 2: Uplift the deferment on the Deferred Commercial Zone	Option 3: Change to Mixed Use Zone	Option 4: Other reasonably practicable option
	<ul style="list-style-type: none"> <li>None identified</li> </ul>	<p>activities rather than industrial.</p> <p><u>Economic benefits:</u></p> <ul style="list-style-type: none"> <li>Reduced number of resource consents required for commercial activities</li> <li>Increased employment opportunities</li> </ul> <p><u>Social benefits:</u></p> <ul style="list-style-type: none"> <li>Improved amenity and safety outcomes for commercial landowners, business owners and customers</li> </ul> <p><u>Cultural effect:</u></p> <ul style="list-style-type: none"> <li>Local Area Plan identifies site of significance in the area.</li> </ul>	<ul style="list-style-type: none"> <li>None identified</li> </ul> <p><u>Cultural effect:</u></p> <ul style="list-style-type: none"> <li>None identified</li> </ul>	<p><u>Cultural effect:</u></p> <ul style="list-style-type: none"> <li>None identified</li> </ul>
Opportunities for economic growth and employment to be provided or reduced	<p><u>Economic growth:</u></p> <ul style="list-style-type: none"> <li>None identified</li> </ul> <p><u>Employment:</u></p> <ul style="list-style-type: none"> <li>None identified</li> </ul>	<p><u>Economic growth:</u></p> <ul style="list-style-type: none"> <li>The diversity of commercial activities, particularly large format retail will bring opportunities for economic growth.</li> </ul> <p><u>Employment:</u></p> <ul style="list-style-type: none"> <li>Opportunities for larger format retail can increase employment opportunities.</li> </ul>	<p><u>Economic growth:</u></p> <ul style="list-style-type: none"> <li>Potential for economic growth from the diversity of land uses permitted.</li> </ul> <p><u>Employment:</u></p> <ul style="list-style-type: none"> <li>None identified</li> </ul>	<p><u>Economic growth:</u></p> <ul style="list-style-type: none"> <li>None identified</li> </ul> <p><u>Employment:</u></p> <ul style="list-style-type: none"> <li>None identified</li> </ul>
Efficiency and Effectiveness of	The provisions would continue to be inefficient and ineffective in achieving the objectives.	Improved efficiency and effectiveness of the provisions because of increased amenity,	It is not considered to be efficient and effective as completely new zone and chapter and rules would	Relying on other methods may have some merit, but these need to be carried out in conjunction

	Option 1: Status Quo	Option 2: Uplift the deferment on the Deferred Commercial Zone	Option 3: Change to Mixed Use Zone	Option 4: Other reasonably practicable option
achieving objectives		and reduced ambiguity as to the future of the area.	have to be adopted, that would then have impacts across the district.	with regulatory methods in order to achieve the objectives. As a stand-alone option they are ineffective.
Risk of acting or not acting if there is insufficient or uncertain information about the subject matter of the provisions	N/A	N/A	N/A	N/A
Overall appropriateness for achieving objectives	This option does not meet the current objectives of the District Plan and is demonstrated to be inefficient and ineffective, so is not considered to be appropriate.	Overall, this option is considered to be the most appropriate because it meets the current objectives of the District Plan and best meets the assessment of costs, benefits, efficiency and effectiveness.	This option does not meet the current objectives of the District Plan and is demonstrated to be inefficient and ineffective, so is not considered to be appropriate.	This option relies on other methods that are not mandatory and would result in ineffective outcomes. For these reasons it is not considered to be appropriate.

## 6 Evaluation of Provisions

### 6.1 Proposed Provision Assessment

This part of the Section 32 analysis assesses if the proposed provisions are the most appropriate to support the Proposed Plan Change 19 objective. The purpose of this evaluation is to ensure that the amended provisions are the most appropriate way to promote the sustainable management of natural and physical resources.

The preferred options identified in this report are considered to be aligned to the existing objective direction of the District Plan. In order to implement the preferred options, amendments to Section 6 – Commercial Zone, Section 7 – Industrial Zone, Section 14 – Deferred Zones, Section 21 – Assessment Criteria and Part B - Definitions are proposed.

Council is required to assess the efficiency and effectiveness of the Proposed Plan Change 19 provisions. “Effectiveness” is the measure of contribution that the proposed provisions make towards resolving the issue, while “efficiency” refers to benefits and costs to all members of society.

This part of the report assesses the Proposed Plan Change 19 provisions in achieving the objectives outlined in this report. It identifies and assesses the benefits and costs of the environmental, social, cultural and economic effects anticipated from the implementation of the Proposed Plan Change 19 provisions.

#### 6.1.1 Amendments relating to change of zone

Amendments to Section 6 – Commercial Zone is to include Carter’s Flat in the preamble, explaining the vision for the area.

Removing all mention of Carter’s Flat from the provisions in Section 7 – Industrial Zone and Section 14 – Deferred Zones.

Therefore, make amendments as follows:

#### Section 6 – Commercial Zone

6.1.7 ~~The Carter’s Flat location is currently zoned Industrial, adjoins the central business district of Cambridge, and has a range of industrial and commercial activities located within it. The area is identified as a Deferred Commercial Zone in the Plan.~~ It is intended that this area be developed for larger scale commercial activities that supports, and does not compete with, the Cambridge Central Business Area. Activities with larger gross floor area tenancies are enabled, avoiding smaller commercial activities that would typically be found in a central business area and avoiding malls, and enabling residential activities above ground floor. A Local Area Plan has been developed to guide future development

~~and investment in Carter’s Flat, providing a spatial framework as the area changes. that are vehicle oriented, provided that alternative locations for industrial development are provided within Cambridge and the Cambridge Bypass is constructed. It is intended that Carters Flat will be rezoned to the Commercial Zone once these matters have been addressed.~~

## Section 7 – Industrial Zone

7.1.1 The Industrial Zone is mainly located within the two towns of Te Awamutu and Cambridge. In Cambridge it is located at Hautapu, ~~Carters Flat~~ and Matos Segedin Drive. In Te Awamutu it is located at Paterangi Road and off Bond Road. These areas have developed over time with a range of manufacturing and process industries. While most industries within these areas serve local needs there are also other industries that serve wider needs.

## Section 14 – Deferred Zones

14.1.2 ... In Deferred Zones, it is critical that current land use practices do not conflict with the intended future land use, including its ability to be adequately serviced. In most cases, the provisions of the Rural Zone apply, ~~except for the Deferred Commercial Zone at Carters Flat, where the current land use is industrial.~~

### 14.4.1 Activity Status Tables

14.4.1.1	Permitted activities The following activities shall comply with the rules of this zone
(a)	Within a Deferred Residential Zone, Cambridge North Deferred Residential Zone, Deferred Reserves Zone within the Cambridge North Structure Plan Area and the Deferred Commercial Zone for the Cambridge North Neighbourhood Centre, Deferred Large Lot Residential Zone, Deferred Commercial Zone, Deferred Industrial Zone, Deferred Reserves Zone <del>except for the Deferred Commercial Zone at Carters Flat</del> , any activity listed as a permitted activity within the Rural Zone except for woodlots and commercial forestry refer Rule 14.4.1.4(a).
(b)	<del>In the Deferred Commercial Zone in Carters Flat, any activity listed as a permitted activity in the Industrial Zone</del>

14.4.1.2	Controlled activities The following activities shall comply with the rules of this zone
(a)	Within a Deferred Residential Zone, Cambridge North Deferred Residential Zone, Deferred Reserves Zone within the Cambridge North Structure Plan Area and the Deferred Commercial Zone for the Cambridge North Neighbourhood Centre, Deferred Large Lot Residential Zone, Deferred Commercial Zone, Deferred Industrial Zone, Deferred Reserves Zone <del>excluding the Deferred Commercial Zone in Carters Flat</del> , any activity listed as a controlled activity within the Rural Zone.



14.4.1.2	Controlled activities The following activities shall comply with the rules of this zone
(b)	<del>In the Deferred Commercial Zone in Carters Flat, any activity listed as a controlled activity in the Industrial Zone.</del>
14.4.1.3	Restricted discretionary activities The following activities shall comply with the rules of this zone
(a)	Within a Deferred Residential Zone, Cambridge North Deferred Residential Zone, Deferred Reserves Zone within the Cambridge North Structure Plan Area and the Deferred Commercial Zone for the Cambridge North Neighbourhood Centre, Deferred Large Lot Residential Zone, Deferred Commercial Zone, Deferred Industrial Zone, Deferred Reserves Zone <del>excluding the Deferred Commercial Zone at Carters Flat</del> any activity assessed as a restricted discretionary activity in the Rural Zone.
(b)	<del>In the Deferred Commercial Zone in Carters Flat any activity assessed as a restricted discretionary activity in the Industrial Zone.</del>
14.4.1.4	Discretionary activities The following activities shall comply with the rules of this zone
(a)	Commercial forestry and woodlots within a Deferred Residential Zone, Cambridge North Deferred Residential Zone, Deferred Reserves Zone within the Cambridge North Structure Plan Area and the Deferred Commercial Zone for the Cambridge North Neighbourhood Centre, Deferred Large Lot Residential Zone, Deferred Commercial Zone, Deferred Industrial Zone, Deferred Reserves Zone <del>excluding the Deferred Commercial Zone at Carters Flat.</del>
14.4.1.5	Non-complying activities The following activities shall comply with the rules of this zone
(a)	Within a Deferred Residential Zone, Cambridge North Deferred Residential Zone, Deferred Reserves Zone within the Cambridge North Structure Plan Area and the Deferred Commercial Zone for the Cambridge North Neighbourhood Centre, Deferred Large Lot Residential Zone, Deferred Commercial Zone, Deferred Industrial Zone, Deferred Reserves Zone <del>excluding the Deferred Commercial Zone at Carters Flat</del> , any activity listed as a discretionary activity or non-complying activity within the Rural Zone.
(b)	<del>In the Deferred Commercial Zone in Carters Flat any activity listed as a discretionary activity or non-complying activity in the Industrial Zone.</del>
14.4.1.6	Prohibited activities The following activities shall comply with the rules of this zone
(a)	Within a Deferred Residential Zone, Cambridge North Deferred Residential Zone, Deferred Reserves Zone within the Cambridge North Structure Plan Area and the Deferred Commercial Zone for the Cambridge North Neighbourhood Centre, Deferred Large Lot Residential Zone, Deferred Commercial Zone, Deferred Industrial Zone, Deferred Reserves Zone <del>excluding the Deferred Commercial Zone at Carters Flat</del> , any activity listed as a prohibited activity within the Rural Zone.
(b)	<del>In the Deferred Commercial Zone in Carters Flat, any activity listed as a prohibited activity in the Industrial Zone or Commercial Zone.</del>

**Rule - Development within a Deferred Zone prior to the approval of a plan change and/or a Council resolution under Rules 14.4.1.8 and 14.4.1.9**

14.4.1.7 The relevant performance standards in Section 4 - Rural Zone apply as if the land was zoned rural, ~~except for land located within the Deferred Commercial Zone in Carter's Flat, where the rules of Section 7 - Industrial Zone will apply.~~ In addition the relevant rules in Part E District Wide Provisions and Part F District Wide Natural and Cultural Heritage also apply.

Planning Maps

- Amend the planning maps (Maps 28) to uplift the Deferred Commercial Zone from part of Carters Flat and replace it with the Commercial Zone.
- Subsequential amendments to Maps 4, 23, 25, 27 to reflect the uplifted Deferred Zone.
- Amend Planning Maps 4, 23, 25, 27, 28.

6.1.2 **Assessment of amendments relating to change of zone**

Proposed Plan Change 19 would make several amendments to the District Plan, including to Section 6 – Commercial Zone, Section 7 – Industrial Zone, Section 12 – Deferred Zone, and Planning Maps. The table below assesses the effectiveness, efficiency, benefits and costs of the amendments as a whole.

Proposed Amendments	
Effectiveness/Efficiency	Benefit/Cost
<p><b>Effectiveness:</b> The removal of Carter's Flat from the Industrial and Deferred Zones, and making it a Commercial Zone, improves the effectiveness of the plan as the triggers for uplifting the deferred status has been met. It also meets Council's long term vision of Carter's Flat operating as Commercial.</p>	<p><b>Benefits:</b></p> <p><u>Environmental:</u> No additional benefits as it is a brown field site.</p> <p><u>Economic:</u> Reduced cost to customers seeking resource consents for commercial activities.</p> <p><u>Social:</u> Improved amenity by enabling mixed use rather than industrial.</p> <p><u>Cultural:</u> None identified.</p>
<p><b>Efficiency:</b> Changing the zone allowing for commercial activities as permitted activities reduces the cost of resource consent applications, thus increasing the cost efficiency of the provisions.</p>	<p><b>Costs:</b></p> <p><u>Environmental:</u> None identified.</p> <p><u>Economic:</u> Potentially resulting in the displacement of industrial activities that choose to relocate outside the district.</p> <p><u>Social:</u> Potentially resulting in residential dwellings above ground located in close proximity to operating industrial sites under existing use rights. Could result in complaints received by Council.</p> <p><u>Cultural:</u> None identified.</p>

Proposed Amendments	
Effectiveness/Efficiency	Benefit/Cost
<p><b>Opportunities for economic growth and employment to be provided or reduced:</b> Minor increase in economic growth offered by the change to Commercial Zone and mixed use as it will be a unique area in the district that will complement the city centre and in close proximity to green spaces.</p>	
<p><b>Sufficiency of information and risk of not acting:</b> Sufficient information has been provided and consultation undertaken with internal and external stakeholders to assess adequacy of existing and new provisions. The risk of leaving the zone as it is continues the industrial nature of the area and does not meet the vision of the Cambridge Town Concept Plan.</p>	

### 6.1.3 Amendments relating to amenity

In regard to facades, glazing and public interface, Proposed Plan Change 19 would make amendments to the District Plan Section 6 – Commercial Zone, Section 21 – Assessment Criteria and Part B – Definitions.

#### Proposed policies

- Insert policy 6.3.1.7 “To enable commercial activities in the Carter’s Flat Commercial Zone, where they do not undermine the function of the Cambridge Central Business Area.
- Insert policy 6.3.2.7 “To provide for activities and buildings in Carter’s Flat where building design and layout results in an improved public interface with the road frontage and the Karāpiro Stream, and meets the principles of quality urban design (that responds to the form, scale and heritage of Cambridge).
- Insert policy 6.3.2.8 “Any new activities or buildings in Carter’s Flat should, as far as practicable, give effect to the design guidelines in the Carter’s Flat Local Area Plan.

For the avoidance of doubt Policy 6.3.2.8 incorporates by reference the Carter’s Flat Local Area Plan 2022 (Waipa District Council).

#### Proposed Rules

- Insert “Rules - Carter’s Flat Commercial Zone”

##### Rule 6.4.2.41

Any new building and/or tenancy in Carter’s Flat shall have a minimum gross floor area of 400m<sup>2</sup>.

##### Rule 6.4.2.42

Any new building, and additions/alterations to the front façade of existing buildings, shall;

- (a) Provide and maintain transparent display windows extending over at least 50% of the area of the ground floor façade, comprising clear glass;  
and

- (b) Except on rear sites, there shall be no vehicle parking within the site's frontage.

Advice Note: Alterations to existing buildings are not subject to the above rule provided the alterations are not visible from any public space, and shall not result in more than 25m<sup>2</sup> of additional gross floor area to the existing building.

Activities that fail Rule 6.4.2.41 and Rule 6.4.2.42 will require a resource consent for a discretionary activity.

These matters will be considered in accordance with the relevant assessment criteria in Section 21.

### Section 21 – Assessment Criteria

#### 21.1.1.6 Traffic

Insert: 21.1.1.6 e) For activities in Carter's Flat, the extent to which the site layout has given regard to the activation of the streetscape, in particular the location of parking and use of landscaping, to promote passive surveillance and street engagement.

#### Proposed change to definition

- Amend the definition of 'Large format retail' as follows:

'Large format retail' means any retail or wholesale outlet with a GFA greater than 3400m<sup>2</sup>.

### 6.1.4 Assessments of amendments relating to amenity

Proposed Plan Change 19 would make several amendments to the District Plan, including to Section 6 – Commercial Zone. The table below assesses the effectiveness, efficiency, benefits and costs of the amendments as a whole.

Proposed Amendments	
Effectiveness/Efficiency	Benefit/Cost
<p><b>Effectiveness:</b> The addition of policies that address the vision of Carter's Flat, and avoid unwanted effects on the town centre, and specific rules for Carter's Flat that provide for enhanced amenity is considered the most effect method as it removes any ambiguity or misinterpretation of provisions, thus improving the effectiveness of the plan. Additionally, the change to the definition of large format retail results in a more accurate definition of the term, in particular because it is used to describe Carter's Flat in the Cambridge Town Concept Plan.</p>	<p><b>Benefits:</b></p> <p><u>Environmental:</u> Improved aesthetic amenity and connection with existing green spaces.</p> <p><u>Economic:</u> Reduced cost to customers seeking resource consents for commercial activities.</p> <p><u>Social:</u> Improved amenity and collective vision for Carter's Flat.</p> <p><u>Cultural:</u> None identified.</p>

Proposed Amendments	
Effectiveness/Efficiency	Benefit/Cost
<p><b>Efficiency:</b> Clear provisions relating to Carter’s Flat will make it easier for plan users to determine the policies and rules specific to the area. It would not require checking other sections of the plan to determine which design guides are applicable and results in an efficient plan use experience.</p>	<p><b>Costs:</b>  <u>Environmental:</u> None identified.  <u>Economic:</u> None identified.  <u>Social:</u> None identified.  <u>Cultural:</u> None identified.</p>
<p><b>Opportunities for economic growth and employment to be provided or reduced:</b> This plan change seeks to improve the amenity of the Carter’s Flat area which may lead to economic growth, however, it can not be sufficiently determined for the purposes of this report. It is not anticipated that there will be an increase in employment as a result.</p>	
<p><b>Sufficiency of information and risk of not acting:</b> Sufficient information has been provided and consultation undertaken with internal and external stakeholders to assess adequacy of existing and new provisions. The risk of leaving the rules as they are may result in commercial areas with lower amenity values and less public interface.</p>	

## 7 Scale and Significance

### 7.1 Implementation of Proposed Plan Change 19

This report must contain a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects anticipated from the implementation of Proposed Plan Change 19. ‘Scale’ refers to the magnitude of effects, and ‘significance’ refers to the importance that the wider community places on those effects. The following table outlines the criteria considered to determine the scale and significance of the effects that are anticipated from implementation of Proposed Plan Change 19. An ordinal scale has been used for this assessment.

Criteria	Assessment High/Medium/Low/NA
Number of people who will be affected	Low
Magnitude and nature of effects	Low
Immediacy of effects	Medium
Geographic extent	Low
Degree of risk or uncertainty	Low
Stakeholder interest	Medium
Māori interest	Low/Medium
Information and data are easily available	Medium
Information and data are easily quantified for assessment	Medium
Extent of change from status quo	Medium

In this instance, the scale and significance of the effects that are anticipated from the implementation of Proposed Plan Change 19 are considered to be medium.

## 8 Conclusion

This report presents an evaluation undertaken by Council in accordance with Section 32 of the Act for Proposed Plan Change 19 regarding amendments to the zoning of Carter's Flat and its provisions. This report outlines the process that was taken to identify the issue and options, and then broadly evaluates the options. The report then evaluates the preferred option in detail. The report concludes with an assessment of the scale and significance of the effects anticipated from Proposed Plan Change 19 and concludes that these are considered to be medium.

As such, it is considered appropriate to revise the Waipā District Plan to amend the provisions within Section 6 – Commercial Zone, Section 7 – Industrial Zone, Section 14 – Deferred Zones, Section 21 – Assessment Criteria, Definitions and Planning Maps relating to the zoning of Carter's Flat and its amenity.