

# Submissions to Plan Change 15: Impermeable Surfaces

Submissions 1 – 3

February 2021

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 Enquiries to: Hannah Craven



18 January 2021

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 Private Bag 2402  
 Te Awamutu 3840

Private Bag 3038  
 Waikato Mail Centre  
 Hamilton 3240, NZ

[waikatoregion.govt.nz](http://waikatoregion.govt.nz)  
 0800 800 401

Email: [districtplan@waipadc.govt.nz](mailto:districtplan@waipadc.govt.nz)

Dear Sir/Madam

**Waikato Regional Council Submission to Proposed Plan Changes 15 – Permeable Surfaces and 16 – Technical Improvements to the Waipā District Plan**

Thank you for the opportunity to make a submission on the Proposed Plan Changes 15 – Permeable Surfaces and 16 – Technical Improvements to the Waipā District Plan. Please find attached the Waikato Regional Council's submission regarding this document.

Waikato Regional Council looks forward to being involved in further discussion regarding the development of the plan changes.

Should you have any queries regarding the content of this document please contact Hannah Craven, Student Policy Advisor, Policy Implementation directly on (07) 859 2831 or by email [hannah.craven@waikatoregion.govt.nz](mailto:hannah.craven@waikatoregion.govt.nz).

Regards,

Tracey May

**Director Science and Strategy**

## Introduction

1. Waikato Regional Council (WRC) appreciates the opportunity to make a submission to Proposed Plan Changes 15 – Permeable Surfaces and 16 – Technical Improvements. WRC’s primary interest is in relation to the Waikato Regional Policy Statement (WRPS). District Plans, including Plan Changes such as this one, are required to give effect to the RPS (RMA s75(3)(c)).
2. In this case, the key areas of interest relate to natural hazard risk in the Cambridge North Structure Plan Area and water supply for firefighting purposes - Section 15 – Infrastructure, Hazards, Development and Subdivision.
3. WRC seeks the following decision from Council:
  - a. Proposed Plan Change 15: Retain and amend Rule 2.4.2.17 to include the requirement of a minimum floor level as a performance standard for dwellings or other suitably effective mitigation measures.

## Submitter details

Waikato Regional Council  
Contact person: Hannah Craven (Policy Implementation)



Post: Private Bag 3038  
Waikato Mail Centre  
Hamilton 3240

I could not gain an advantage in trade competition through this submission.

I am not directly affected by an effect of the subject matter of the submission that:

- (a) does not adversely affect the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

### Submission on Proposed Plan Change 15 – Permeable Surfaces

3. WRC supports the changes to the definitions of permeable and impermeable surfaces and site coverage.
4. WRC oppose the deletion of Rule 2.4.2.17 – Cambridge North Structure Plan Area: flood risk for the following reasons:
  - a. The structure plan area is within the Waikato Central Drainage Scheme area in which further guidance to drain ponded stormwater through WRC managed drains and culverts is required. The current level of service for this drainage area is to drain ponded rainfall water from a 10% AEP rainfall event within three days. The current level of service does not take into consideration projected climate change, thus may become overwhelmed by an increase in rainfall intensities and duration, increasing the stormwater ponding and runoff flood risk.
  - b. Development in the area will increase impermeable surfaces and runoff. As a result, the risk of ponding, flooding, and damage to infrastructure and dwellings may increase. This requires mitigation options to be considered – such as setting minimum floor levels that account for climate change. Another option may be to limit the uses of buildings in areas of flood risks.
  - c. The deletion of Rule 2.4.2.17 will result in all guidance being from the Building Act regarding natural hazards risk mitigation in the structure plan area. The Building Act and Code are insufficient to effectively mitigate natural hazards risk, as they provide minimal guidance on accounting for climate change and mitigation measures beyond the requirement for floor levels to be clear of the 50-year flood level..
  - d. WRC supports attempts to mitigate risks to human health and safety. Retaining and amending Rule 2.4.2.17 to suitable performance standards for dwellings in flood risk areas will protect human life and structures relied on for social and economic wellbeing.

## Submission on Proposed Plan Change 16 – Technical Improvements

1. WRC supports the attempt to protect life and preserve human safety and acknowledges the difficulty in meeting that objective with the ambiguous nature and application of the existing rule.
2. We commend Plan Change 16 for having regard to the National Disaster Resilience Strategy in particular, Section 5 “Managing Risks.”  
<https://www.civildefence.govt.nz/assets/Uploads/publications/National-Disaster-Resilience-Strategy/National-Disaster-Resilience-Strategy-10-April-2019.pdf>. We draw attention to the holistic approach of this document to managing risk and not relying on just a single mechanism.
3. We support the inclusion of Issue 15.2.1A, Objective 15.3.5A, and Policy 15.3.5A.1 to strengthen and increase policy support for the existing rule for when infrastructure services are not provided by Council.
4. We trust the Fire and Emergency Services New Zealand have provided advice to the Council on appropriate standards for mitigating fire risk.

**Further information and hearings**

WRC **wishes to be heard** at the hearings for Proposed Plan Changes 15 – Permeable Surfaces and 16 – Technical Improvements in support of this submission and is prepared to consider a joint submission with others making a similar submission.

WRC **could not** gain an advantage in trade competition through this submission.

2



# Plan Change on Waipā District Plan Submission Form

Form 5

Clause 6 of the First Schedule to the Resource Management Act 1991

Send to: Waipā District Council, Private Bag 2402, Te Awamutu 3840

Phone: 0800 924 723 | Fax: 07 872 0033 | Web: [www.waipadc.govt.nz](http://www.waipadc.govt.nz) | Email: [districtplan@waipadc.govt.nz](mailto:districtplan@waipadc.govt.nz)

Please attach additional sheets if there is not enough space for your submissions. If you do not wish to use this form, please ensure that the same information required by this form is covered in your submission.

COUNCIL USE ONLY	
Date received	
Document ref:	

**Note:** You must fill in **ALL** sections of this form.  
Submissions close **5pm Friday, 29 January 2021**

1 Submitter details	
Full name of submitter: <i>(required)</i>	Gareth Moran on behalf of the applicant; Classic Builders, A1 Homes, ZB Homes, Jennian Homes and Generation Homes
Contact name if different from above:	
Contact phone number(s) <i>(mobile optional):</i>	
Postal address: <i>(required)</i>	PO Box 9342, Waikato Mail Centre, Hamilton 3240
Email <i>(optional):</i>	
How would you like us to contact you?	
By post <input type="radio"/>	
By email <input checked="" type="checkbox"/>	

**Privacy Act Information** - It is a requirement of the legislation for submissions **to be made available to the public.**

Your contact details are collected:

- To arrange a hearing date and time for you to speak (if you choose to).
- So the Council can write and inform you of the decision(s) on your submission(s).

**Your name and address will be publicly available.**

Your personal contact details (e.g. mobile and email address) will only be used for the above purposes and otherwise kept confidential. You have the right to correct any errors in personal details contained in your submission.

2 This is a submission on the following proposed plan change to the Waipā District Plan	
Plan Change Number and Name: <i>(e.g. #1 – Rezoning of 3847 Cambridge Road)</i>	#15 - Permeable Surfaces

3 Trade competition		
Select one	<input type="radio"/> I could <input checked="" type="radio"/> I could not	gain an advantage in trade competition through this submission.
Select one	<input checked="" type="radio"/> I am <input type="radio"/> I am not	directly affected by an effect of the subject matter that – (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition

Please complete the reverse side of this form



**4 Attendance at Council hearing**

Select one	<input checked="" type="radio"/> I do	wish to be heard (attend and speak at the Council hearing) in support of my submission
	<input type="radio"/> I do not	

If others make a similar submission, I will consider presenting a joint case with them at the hearing.

Yes  
 No

**5 The specific provisions of the plan change my submission relates to are: (give details)**

Select one	<input type="radio"/> I SUPPORT	Please see attachment
	<input checked="" type="radio"/> I SUPPORT IN PART	
	<input type="radio"/> I OPPOSE	


**6 My submission is: (please include the reasons for your view)**

Please see attachment

**7 I seek the following decision/s from Council: (give precise details – e.g. what you would like the wording of a specific provision (or map) to be changed to)**

Please see attachment

**8 Signature of submitter (note: a signature is not required if you make your submission by electronic means, however please type your name below)**

Signature of submitter: (or person authorised to sign on behalf of submitter)	 Gareth Moran on behalf of the applicant	Dated 28/01/2021
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B&A Urban & Environmental • Kerikeri Whangarei Warkworth Auckland <b>Hamilton</b> Napier Christchurch	298 Victoria Street Hamilton Central 3204 • PO Box 9342 Waikato Mail Centre Hamilton 3240
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**Submission on Plan Change 15 – Permeable Surfaces**

**Full name:** Classic Builders, A1 Homes, ZB Homes, Jennian Homes and Generation Homes  
Attn: Gareth Moran

**Mobile:** 

**Email:** 

**Submission Information:**

Please find attached a submission on behalf Classic Builders, A1 Homes, ZB Homes, Jennian Homes and Generation Homes.

On behalf of the above referenced companies, we would like to acknowledge the proactive approach taken by Waipa District Council in order to simplify the interoperation and administration of the District Plan. The intent of our below submission is to create further efficiencies and reduction in the amount of unnecessary resource consents required.

None of the above referenced companies will gain an advantage in trade competition through this submission.

Our clients wish to be heard in support of this submission.

If others make a similar submission, we will consider presenting a joint case with them at a Hearing.



**Gareth Moran - Associate Planner**  
Barker and Associates

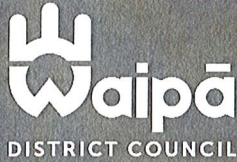
**Submission on Plan Change 15**

Submission Point	Submission Topic	Support/Oppose/Seek Amendment	Comments/Reasons	Relief Sought
1	Definition – Impermeable Surface	Support	We are in agreement with the revised definition as it makes it clearer and easier to interpret.	Retain the revised definition as notified.
2	Rule 2.4.2.12	Support, inclusion of 'Net Site Area' and exclusion of swimming pools from the provision.	<p>Under the current rule framework, rear sites are required to take into account right of ways/access legs as part of the total impermeable surface calculation attributed to the 'site'. As a result, it is almost impossible for rear sites to comply with the maximum permitted impermeable surface requirements, thus triggering the need for resource consents.</p> <p>The inclusion of 'Net Site Area' into the rule will reduce the number of resource consents that are triggered for rear lots established as part of the subdivision process.</p> <p>We seek that swimming pools are specifically excluded from the requirements of Rule 2.4.2.12. In our opinion swimming pools do not contribute to any additional stormwater effects on the districts reticulated system, as all the water is retained within the pool. However, given the size of many swimming pools, they often get caught out needing impermeable surface resource consents, which places an extra burden on home owners.</p>	Retain 'Net Site Area' as part of the provision, and specifically exclude swimming pools.

3	Rule 2.4.2.12 – Activity Status	Oppose the revised Restricted Discretionary Activity Status	<p>A vast number of resource consents are triggered in the Waipa District due to non-complying impermeable surface calculations. Although we don't have the exact stats, almost every single one of these resource consents is approved provided the applicant provides a stormwater management plan. At present resource consent is required for a Discretionary Activity, meaning a full and complete application assessing the full spectrum of environmental effects needs to be submitted. This comes at cost (in terms of monetary and time delays for projects) for applicants.</p> <p>Plan Change 15 has proposed to reduce the activity status for non-complying impermeable surfaces from Discretionary to Restricted Discretionary (RD). Whilst this is an improvement, in that the full range of environmental effects no longer need to be considered, RD consents are still subject to a 20-working day timeframe, which creates a significant delay to housing and development projects.</p>	<p>Given the intent of these consents is to give Council the discretion relating to stormwater effects (amenity is covered as part of the site coverage provision) we propose that impermeable surfaces in excess of 45% in Cambridge North and 60% in the remaining Residential Zone (except St Kilda Structure Plan Area) are <b>Permitted Activities</b>, provided all stormwater can be disposed <b>on site</b>, or directed to the reticulated system at <b>post</b> development levels. This will need to be enforced by Council at building consent stage. On the rare occasion that a building consent is not required, the applicant will need to obtain a separate approval from Council's Building/Development Engineering Department. A set fee to cover this additional work stream could be added to Council's Fees and charges.</p> <p>A proposed variation of the rule is as follows:</p> <p><i>'Impermeable surface must not exceed</i></p> <p><i>(a) 45% of the net site area in Cambridge North Structure Plan;</i></p> <p><i>or</i></p> <p><i>(b) 60% of the net site area in the remainder of the Zone (except St Kilda Structure Plan Area)</i></p>
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4	Rule 2.4.2.11 – Site Coverage	Oppose	<p>We consider that the maximum permitted site coverage percentage should increase from 40% to 50% on sites smaller than 500m<sup>2</sup>. As the demand for housing sizes is increasing, it is becoming increasingly difficult for housing companies to comply with the required site coverage calculations.</p> <p>The 'site coverage' restrictions have been imposed in District Plans to protect amenity values. However, in our opinion, provided a dwelling is able to comply with the other various amenity related provisions, such as boundary setbacks and glazing, an additional 10% building coverage will not generate any noticeable change in anticipated adverse effects. For example, from a visual perspective, it is often virtually impossible to determine if a development fails to comply with the maximum permitted site coverage percentages on the basis that a site can only be viewed from one vantage point at any given time. As such the actual extent of the depth of buildings simply cannot be determined when viewed from a single vantage point located on the road</p>	<p><u>Unless</u> evidence is supplied to Council that demonstrates all stormwater can be disposed of on site and/or directed to the reticulated infrastructure at post development levels. Where evidence is supplied and accepted by Council, no resource consent is required.</p> <p>Activities that fail to comply with this activity require a resource consent for a Restricted Discretionary Activity</p>
				<p>Increase the maximum permitted site coverage from 40% to 50%.</p>

			<p>boundary or neighbouring site. Only when an aerial photograph or site plan is produced can the true nature of the non-compliance be digested. However, in reality, this is not how a development is perceived by adjoining landowners. As such, we believe that providing further flexibility by slightly increasing the percentage will not generate any additional effects on the environment, represents a pragmatic approach to future development and will avoid unnecessary consenting costs (monetary and time delays) to council's customers.</p>	
5	Consequential changes	Neutral	<p>This submission point is included to ensure that there is scope to make any other necessary changes to provisions or wording in order to give effect to the submission points raised above.</p>	<p>And any other consequential changes(s) or amendment(s) necessary to give effect to the relief sought in the above submission points.</p>



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Date received	
Document ref:	

**Note:** You must fill in ALL sections of this form. Submissions close 5pm Friday, 29 January 2021

1 Submitter details	
Full name of submitter: <i>(required)</i>	Carla Mounsey
Contact name if different from above:	
Contact phone number(s) <i>(mobile optional):</i>	[REDACTED]
Postal address: <i>(required)</i>	C/- LAD Architecture PO Box 1120 Cambridge
Email <i>(optional):</i>	[REDACTED]
How would you like us to contact you?	
By post	<input type="radio"/>
By email	<input checked="" type="radio"/>

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Plan Change Number and Name: <i>(e.g. #1 – Rezoning of 3847 Cambridge Road)</i>	change 15 Impermeable surfaces.

3 Trade competition		
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Select one	<input type="radio"/> I am <input checked="" type="radio"/> I am not	directly affected by an effect of the subject matter that – (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition



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	<input checked="" type="radio"/> I do not	

If others make a similar submission, I will consider presenting a joint case with them at the hearing.

Yes  No

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Select one	<input checked="" type="radio"/> I SUPPORT	
	<input type="radio"/> I SUPPORT IN PART	
	<input type="radio"/> I OPPOSE	


**6 My submission is: (please include the reasons for your view)**

I support the changes as they will make the rules more consistent across the zones, and make the design process easier

**7 I seek the following decision/s from Council: (give precise details – e.g. what you would like the wording of a specific provision (or map) to be changed to)**

N/A

**8 Signature of submitter (note: a signature is not required if you make your submission by electronic means, however please type your name below)**

Signature of submitter: (or person authorised to sign on behalf of submitter)		Dated 29/1/21
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