

Proposed Plan Change 15: Impermeable Surfaces

Incorporating

Section 32 Evaluation Report

December 2020

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Report Information

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Executive Summary: Impermeable Surfaces

As part of the ongoing review and assessment of the District Plan, Council have identified several provisions that are ambiguous, and difficult to interpret and implement, particularly those provisions relating to permeable and impermeable surfaces and site coverage.

The purpose of Proposed Plan Change 15 is to make improvements to those provisions in order that they are more effective and efficient. Council staff have considered and assessed several options in relation to the provisions 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:

Definitions

- Amend the definitions of coverage and site coverage so that there is only one definition.
- Amend the definitions of impermeable surfaces and permeable surfaces so they are better aligned.

Section 2 – Residential Zone

- Amend the rule for site coverage to reduce confusion about how to make the site coverage calculation.
- Amend the rule for impermeable surfaces so its format is consistent with similar rules in other zones. Additionally, make the category of consent where the standards cannot be complied with restricted discretionary instead of discretionary.
- Delete part of the rule referring to stormwater disposal in the C3 growth cell, as it does not relate to the primary purpose of the rule.
- Delete the rule relating to avoiding flood risk as it is not measurable and the Building Code can be relied on instead.

Section 3 – Large Lot Residential Zone

- Amend the site coverage rule so that all size sites are covered.
- Amend the rule for impermeable surfaces so its format is consistent with similar rules in other zones. Additionally, make the category of consent where the standards cannot be complied with restricted discretionary instead of discretionary.
- Amend the rule for impermeable surfaces so that the maximum for larger sites in the zone is increased.

Section 13 – Marae Development Zone

- Amend the rule for impermeable surfaces so its format is consistent with similar rules in other zones. Additionally, make the category of consent where the standards cannot be complied with restricted discretionary instead of discretionary.

Section 21 – Assessment Criteria and Information Requirements

- Consequential amendment to move assessment criteria from discretionary activities to restricted discretionary activities.

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A

Part A – Proposed Plan Change 15

Impermeable Surfaces

Part A – Proposed Plan Change 15

1 Summary of proposed changes to the Waipā District Plan

1.1 Introduction

The purpose of Proposed Plan Change 15 is to amend the provisions relating to permeable and impermeable surfaces in the Residential Zone, Large Lot Residential Zone and the Marae Development Zone.

Proposed Plan Change 15 makes changes to the following sections of the Waipā District Plan:

- Definitions
- Section 2 – Residential Zone
- Section 3 – Large Lot Residential Zone
- Section 13 – Marae Development Zone
- Section 21 – Assessment Criteria and Information Requirements

1.2 Definitions

A number of changes to the definitions of permeable and impermeable surfaces, and site coverage are proposed so they are better aligned. Proposed changes have been made to the following definitions:

- Impermeable surfaces
- Permeable surfaces
- Coverage
- Site coverage

1.3 Section 2 – Residential Zone

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

- Delete Rule 2.4.1.4(a)(v) – because non-compliance with the rule is no longer a discretionary activity.
- Amend Rule 2.4.2.11 – to improve the wording and reduce confusion around the effect of a garage or carport on the calculation of site coverage.
- Amend Rule 2.4.2.12 – so that it measures impermeable surfaces rather than permeable surfaces to improve consistency across similar rules in different zones.

- Amend Rule 2.4.2.12 – so that the category of consent becomes restricted discretionary rather than discretionary if the standard cannot be met and introduce matters over which discretion is restricted.
- Amend Rule 2.4.2.16 – so that the part of the rule referencing the C3 cell is deleted.
- Delete Rule 2.4.2.17 – as it will no longer apply.

1.4 Section 3 – Large Lot Residential Zone

A number of proposed changes to the existing rules in the Large Lot Residential Zone are summarised below:

- Delete 3.4.1.4(a)(vi) – because non-compliance with the rule is no longer a discretionary activity.
- Amend Rule 3.4.2.7 – so that all size sites are covered by the rule.
- Amend Rule 3.4.2.8 – to improve consistency across similar rules in different zones.
- Amend Rule 3.4.2.8 – so that the maximum impermeable surfaces on sites greater than 2500m² increases from 800m² to 1200m²; and the category of consent becomes restricted discretionary rather than discretionary if the standard cannot be met, and introduce matters over which discretion is restricted.

1.5 Section 13 – Marae Development Zone

Minor changes to the rules in the Marae Development Zone are summarised below:

- Delete Rule 13.4.1.4(a)(ii) – because non-compliance with the rule is no longer a discretionary activity.
- Amend Rule 13.4.2.7 – so that it measures impermeable surfaces rather than permeable surfaces to improve consistency across similar rules in different zones.
- Amend Rule 13.4.2.7 – Impermeable surfaces so that the category of consent becomes restricted discretionary rather than discretionary if the standard cannot be met, and introduce matters over which discretion is restricted.

1.6 Section 21 – Assessment Criteria and Information Requirements

Changes to Section 21 are proposed so that the assessment criteria relating to impermeable surfaces is moved from discretionary activity to restricted discretionary activity criteria.

2 Recommended Tracked Changes to Waipā District Plan

The following sets out the recommended changes for Proposed Plan Change 15. The proposed changes are shown with new additions underlined, and deletions shown as ~~strikeouts~~. Consequential renumbering may occur throughout amended Sections.

2.1 Definitions

~~‘Coverage’~~ means ~~that portion of a SITE which is covered by BUILDINGS, and includes parts covered by overhangs or cantilevered structures including covered decks but excluding the eaves of a BUILDING. Fences, terraces, retaining walls or uncovered decks less than 1m above GROUND LEVEL, and swimming pools are not included in the definition of COVERAGE, however may be included within impervious surfaces, see IMPERMEABLE SURFACES.~~

‘Impermeable surfaces’ means a surface ~~which~~ that does not allow natural percolation of water into the ground at a rate that avoids ponding or runoff; and includes roofs, roads, footpaths, paving including proprietary pavers, decking that does not allow water to drain through to a permeable surface, swimming pools, patios gobi blocks, grasscrete, metalled driveways, highly compacted soils, hard surfaced materials, and other similar materials. ~~but excludes wooden decks with spacing between boards of 4mm or more, where water is allowed to drain through to a permeable surface below the deck.~~

‘Permeable surfaces’ means any part of a site that is grassed, planted in trees or shrubs or similar natural landscaping and is capable of being entirely permeated by absorbing rainwater. Permeable surface shall include (but is not limited to) grass, soil, planting or similar such natural landscaping and wooden decks with spacing between boards of 4mm or more, where water is allowed to drain through to a permeable surface below the deck, but shall not include pavers, gobi blocks, grasscrete, gravel, wooden decks or metalled driveways or hard surfaced materials or other similar materials. It does not include impermeable surfaces or any area that:

- Falls within the definition of site coverage; or
- Is covered by decks that do not allow water to drain through to a permeable surface; or
- Is occupied by swimming pools; or
- Is paved, sealed or formed to create a solid surface; or
- Is used for vehicle parking, manoeuvring or access.

‘Site coverage’

~~refer to definition of COVERAGE.~~
means that portion of a SITE which is covered by BUILDINGS, and includes parts covered by overhangs or cantilevered structures including covered decks but excludes the eaves of a BUILDING. Fences, terraces, retaining walls or uncovered decks less than 1m above GROUND LEVEL, and swimming pools are not included in the definition of SITE COVERAGE, however may be included within impervious surfaces, see IMPERMEABLE SURFACES.

2.2 Section 2 – Residential Zone

Rules

2.4.1.4	Discretionary activities
(a)	Any permitted, controlled or restricted discretionary activity that fails to comply with: <ul style="list-style-type: none"> (i) ... (ii) ... (v) Rule 2.4.2.12 – Permeable surfaces

Rule – Maximum site coverage

2.4.2.11 ~~Site coverage shall not exceed 40% of the net area of the site where no garage or carport has been provided the maximum site coverage shall be reduced by 20m²~~

Site coverage must not exceed 40% of the net site area, provided except that this rule does not apply to the St Kilda Structure Plan Area (refer to Rules 2.4.2.13 and 2.4.2.14) and compact housing (refer to 2.4.2.43).

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rule – Permeable Impermeable surfaces

2.4.2.12 ~~Each site shall be grassed, planted in trees and/or shrubs or otherwise landscaped in a manner that retains a minimum of 40% of the gross site area in permeable surfaces, provided that in the Cambridge North Structure Plan Area where 55% of the gross site area shall be retained in permeable surfaces. For the avoidance of doubt Rule 2.4.2.43 shall apply to any compact housing.~~

Impermeable surfaces must not exceed:

- (a) 45% of the net site area in the Cambridge North Structure Plan Area; or
- (b) 60% of the net site area in the remainder of the Zone (except St Kilda Structure Plan Area).

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- On-site stormwater disposal
- The effect of stormwater run-off to adjoining properties.

Rule – Cambridge North and C1 and C2 Structure Plan Area: on site soakage

2.4.2.16 On-site soakage shall be provided for every lot in the C1 and C2 Structure Plan Areas to dispose of all runoff from a two year average recurrence interval (ARI) 24 hour duration rainfall event, except where regional and/or district resource consents for the structure plan stormwater system allow alternative stormwater management provisions and these consents are complied with. ~~For the avoidance of doubt, on site soakage within the C3 cell is not anticipated due to the risk of exacerbating slope stability issues. Alternative methods of stormwater management will need to be demonstrated for the C3 cell.~~

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

~~Rule – Cambridge North Structure Plan Area: flood risk-~~

~~2.4.2.17 Principal and secondary dwellings within the Cambridge North Structure Plan Area shall be sited and constructed to avoid or manage flood risk.~~

~~Advice Note: Technical reports associated with the Cambridge North Structure Plan will provide guidance on minimum floor levels.~~

~~Activities that fail to comply with this rule will require a resource consent for a discretionary activity.~~

2.3 Section 3 – Large Lot Residential Zone

Rules

3.4.1.4	Discretionary activities
(a)	Any building or activity that fails to comply with: (ii) ... (iii) ... (vi) Rule 3.4.2.8 – Impermeable surfaces

Rule – Site coverage

3.4.2.7 ~~The maximum total building coverage on a site shall not exceed the following:~~

Site coverage must not exceed:

- (a) 25% of the net site area on sites less than or equal to 1000m²
- (b) 250m² on sites ~~between~~ greater than 1000m² and 1249m² ~~less than or equal to 1250m²~~ a maximum of
- (c) 20% of the net site area on sites ~~between~~ greater than 1250m² and 2499m² ~~less than or equal to 2500m²~~
- (d) 500m² on sites ~~between~~ greater than 2500m² and 3344m² ~~less than or equal to 3345m²~~ a maximum of
- (e) 15% of the net site area on all other sites

Provided that, in all instances the gross floor area of all accessory buildings on a site shall not exceed 100m².

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rule – Impermeable surfaces

3.4.2.8 ~~Impermeable surface coverage on a site shall not exceed 800m², provided that for sites of 2500m² or less, the maximum impermeable surface coverage shall not exceed 33% of the net site area.~~

Impermeable surfaces must not exceed:

- (a) 33% of the net site area on sites less than or equal to 2500m²; or
- (b) 1200m² of the net site area on sites greater than 2500m².

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- On-site stormwater disposal
- The effect of stormwater run-off to adjoining properties.

2.4 Section 13 – Marae Development Zone

Rules

13.4.1.4	Discretionary activities
(a)	Any building or activity that fails to comply with: <ul style="list-style-type: none"> (i) ... (ii) Rule 13.4.2.7 – Impermeable surfaces

Rule – Impermeable surfaces

13.4.2.7 ~~A minimum of 40% of the net site area shall be grassed, planted in trees and/or shrubs or otherwise landscaped in a manner that retains the permeable nature of the surface.~~

Impermeable surfaces must not exceed 60% of the net site area.

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- On-site stormwater disposal
- The effect of stormwater run-off to adjoining properties.

2.5 Section 21 – Assessment Criteria and Information Requirements

21.1.2 Residential Zone

Residential Zone Assessment Criteria		
Restricted Discretionary Activities		
21.1.2.10A	<u>Impermeable surfaces</u>	<ul style="list-style-type: none"> (a) <u>The degree to which on-site stormwater disposal can be achieved in a range of stormwater events.</u> (b) <u>The extent to which any increase in the level of impermeable surfaces will affect or has the potential to result in stormwater run-off to adjoining properties.</u> (c) <u>Alternative methods of retaining stormwater on site.</u>

Residential Zone Assessment Criteria		
Discretionary Activities		
21.1.2.19	<u>Permeable surfaces</u>	<ul style="list-style-type: none"> (a) The degree to which on-site stormwater disposal can be achieved in a range of stormwater events. (b) The extent to which any increase in the level of impermeable surfaces will effect or has the potential to result in stormwater run-off to adjoining properties. (c) Alternative methods of retaining stormwater on site.

21.1.3 Large Lot Residential Zone

Large Lot Residential Zone Assessment Criteria		
Restricted Discretionary Activities		
21.1.3.10A	<u>Impermeable surfaces</u>	<p>(a) <u>The degree to which on-site stormwater disposal can be achieved in a range of stormwater events.</u></p> <p>(b) <u>The extent to which any increase in the level of impermeable surfaces will affect or has the potential to result in stormwater run-off to adjoining properties.</u></p> <p>(c) <u>Alternative methods of retaining stormwater on site.</u></p>

Large Lot Residential Zone Assessment Criteria		
Discretionary Activities		
21.1.3.14	Impermeable surfaces	<p>(a) The degree to which on-site stormwater disposal can be achieved in a range of stormwater events.</p> <p>(b) The extent to which any increase in the level of impermeable surfaces will effect or has the potential to result in stormwater run-off to adjoining properties.</p> <p>(c) Alternative methods of retaining stormwater on site.</p>



B



Part B – Section 32 Evaluation

Part B – Section 32 Evaluation

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 15 – Impermeable Surfaces 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 15 makes improvements to the permeable surfaces and impermeable surfaces definitions, and rules in the Residential Zone, Large Lot Residential Zone, and the Marae Development Zone. Changes to the Definitions may also have consequential effects on the application of other rules, for example in the Marae Development Zone.

This report examines the extent to which the objectives of Proposed Plan Change 15 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 15 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

The District Plan contains many provisions that aim to promote sustainable management within the District, in accordance with the purpose of the RMA. This plan change is proposed so that improvements can be made to provisions in the District Plan relating to relating to permeable and impermeable surfaces and site coverage. The definitions in particular are ambiguous and difficult to interpret. Some of the rules are also difficult to implement because they overlap with each other or leave some activities with no rule being able to be applied.

The provisions that are the subject of this plan change have been identified by Council staff and others as being ambiguous and difficult to interpret and implement and have been programmed for review for some time.

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, the policy framework is adequate and does not require amendment. However, the definitions and rules in the Residential Zone, Large Lot Residential Zone and Marae Development Zone are affected by Proposed Plan Change 15.

Definitions

The current definition of “impermeable surfaces” is:

means a surface which does not allow natural percolation of water into the ground at a rate that avoids ponding or runoff; and includes roofs, paving, decking, gobi-blocks, grasscrete, metalled DRIVEWAYS, highly compacted soil, hard surfaced materials, and other similar materials but excludes wooden decks with spacing between boards of 4mm or more, where water is allowed to drain through to a PERMEABLE surface below the deck.

The current definition of “permeable” is:

means capable of being entirely permeated by rainwater. Permeable surface shall include (but is not limited to) grass, soil, planting or similar such natural landscaping and wooden decks with spacing between boards of 4mm or more, where water is allowed to drain through to a permeable surface below the deck, but shall not include, pavers, gobi-blocks, grasscrete, gravel, wooden decks or metalled driveways or hard-surfaced materials or other similar materials.

3.3.1 Site coverage

Section 2 - Residential Zone

Rule - Maximum site coverage

2.4.2.11 *Site coverage shall not exceed 40% of the net site area of the site where no garage or carport has been provided the maximum site coverage shall be reduced by 20m², provided that this rule does not apply to the St Kilda Structure Plan Area (refer to rules 2.4.2.13 and 2.4.2.14) and compact housing (refer to Rule 2.4.2.43).*

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Section 3 - Large Lot Residential Zone

Rule - Site coverage

3.4.2.7 *The maximum total building coverage on a site shall not exceed the following:*

- (a) *On sites less than or equal to 1000m² 25% of the net site area*
- (b) *On sites between 1000m² and 1249m² a maximum of 250m²*
- (c) *On sites between 1250m² and 2499m² 20% of the net site area*
- (d) *On sites between 2500m² and 3344m² a maximum of 500m²*
- (e) *On all other sites 15% of the net site area*

Provided that, in all instances the gross floor area of all accessory buildings on a site shall not exceed 100m².

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

3.3.2 Permeable surfaces

Section 2 - Residential Zone

Rule - Permeable surfaces

2.4.2.12 *Each site shall be grassed, planted in trees and/or shrubs or otherwise landscaped in a manner that retains a minimum of 40% of the gross site area in permeable surfaces, provided that in the Cambridge North Structure Plan Area where 55% of the gross site area shall be retained in permeable surfaces.*

For the avoidance of doubt Rule 2.4.2.43 shall apply to any compact housing.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rules - Maximum site coverage and permeable surfaces: St Kilda Structure Plan Area

2.4.2.13 *Site coverage and impermeable surfaces of residential lots shall not exceed 700m².*

2.4.2.14 *The balance of the net area of each lot, once site coverage and impermeable surfaces have been taken into account, shall be grassed, planted in trees and or shrubs or otherwise landscaped in a manner that retains the permeable nature of the surface.*

Section 3 - Large Lot Residential Zone

Rule - Impermeable surfaces

3.4.2.8 *Impermeable surface coverage on a site shall not exceed 800m², provided that for sites of 2500m² or less, the maximum impermeable surface coverage shall not exceed 33% of the net site area.*

Section 13 - Marae Development Zone

Rule - Impermeable surfaces

13.4.2.7 *A minimum of 40% of the net site area shall be grassed, planted in trees and/or shrubs or otherwise landscaped in a manner that retains the permeable nature of the surface.*

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

3.4 Statutory Considerations

The following statutory documents are considered relevant to Proposed Plan Change 15. A discussion of each of the key statutory considerations is provided below. The documents are as follows:

- Resource Management Act 1991
- National Policy Statement on Urban Development 2020
- Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010
- Ngati Tuwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010 (Upper River Act)
- Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River
- Nga Wai o Maniapoto (Waipā River) Act 2012
- Waikato Regional Policy Statement: Te Tauākī Kaupapahere Te-Rohe O Waikato
- 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 15 better achieves the purpose of the RMA than the current plan definitions and rules relating to permeable surfaces.

3.4.2 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 within it must be given effect to by Council. Although Proposed Plan Change 15 contains detailed improvements, it is considered to give effect to the provisions of the NPS-UD in that the amendments to the rules 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.

3.4.3 Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010

The Waikato River was 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 created a single co-governance entity to set the agenda for the health and wellbeing of the Waikato River for future generations being the Waikato River Authority.

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 15, 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 relate to rules that already exist in the District Plan.

Overall, the outcomes sought by Proposed Plan Change 15 are not considered to be contrary to the directions sought under this legislation.

3.4.4 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 15, Council staff have considered the vision for the Waikato River and its significance under this legislation for Ngati Tuwharetoa, Raukawa and Te Arawa River Iwi. The outcomes sought by Proposed Plan Change 15 are not considered to be contrary to the directions sought under this legislation.

3.4.5 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

15, 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 15 are not considered to be contrary to the directions sought under this legislation.

3.4.6 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 lower Waipā River to its confluence with the Puniu 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 15 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 15. The proposed plan change does not alter the ability of the District Plan to give effect to the Vision and Strategy.

3.4.7 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. Part 6 of the RPS includes policies related to the built environment, some of which are relevant to the District Plan. They are very broad policies associated with long term strategic urban development.

Part 6A of the RPS also identifies some general development principles such as:

- m) avoid as far as practicable adverse effects on natural hydrological characteristics and processes (including aquifer recharge and flooding patterns), soil stability, water quality and aquatic ecosystems including through methods such as low impact urban design and development (LIUDD);*
- n) adopt sustainable design technologies, such as the incorporation of energy efficient (including passive solar) design, low-energy street lighting, rain*

gardens, renewable energy technologies, rainwater harvesting and grey water recycling techniques where appropriate;

Policy 8.3 seeks to maintain or enhance the identified values of fresh water bodies. Proposed Plan Change 15 gives effect to the implementation methods included in the RPS by managing the effects of subdivision, use and development by considering various matters relating to stormwater and best practice stormwater management.

For this reason, the RPS is considered highly relevant to Proposed Plan Change 15.

3.4.8 Joint Management Agreements (“JMA”)

3.4.8.1 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 Maaori Trust Board, and Ngaa 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 8 October 2020 as part of the pre-notification consultation.

The changes in Proposed Plan Change 15 will not affect the ability of the District Plan to implement the requirements of the Waikato Raupatu Claims Settlement Act 1995.

3.4.8.2 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 15 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 8 October 2020 prior to the public notification of Proposed Plan Change 15 in accordance with the agreement.

3.4.8.3 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 15. Council staff corresponded with the Maniapoto Māori Trust Board commencing on 8 October 2020 prior to the public notification of Proposed Plan Change 15 in accordance with the agreement.

3.4.9 Iwi Environmental Plans

3.4.9.1 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 15 has taken into account Tai Tumu, Tai Pari, Tai Ao because the outcomes sought can be translated into district plan provisions, such as on-site stormwater management.

3.4.9.2 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. Although the issues identified relate to water quality and allocation, and not specifically to urban stormwater management, Proposed Plan Change 15 has taken Ko Tā Maniapoto Mahere Taiao into account by recognising that the consequential effect of good stormwater management is that overall water quality is maintained.

3.4.9.3 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 15 has taken Te Rautaki Taiao a Raukawa into account by recognising that non-point source discharges such as those from on-site stormwater management systems ultimately directly affect water quality.

3.4.9.4 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 and consultation has occurred, thus taking into account Te Rautaki Tāmata Ao Turoa o Hauā.

3.4.10 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 15. During the review of the formulation of Proposed Plan Change 15, Council staff have corresponded with and provided information on the draft Plan Change 15 to Ngāti Koroki Kahukura.

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 directly relevant to Proposed Plan Change 15 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 Residential Zone, it is very important to manage the amount of land covered by buildings and other structures, and impermeable surfaces in order that the stormwater systems work effectively.

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. Although urban design is mostly seen “above ground” it is important that public infrastructure performs in a way that does not result in poor environmental and amenity outcomes. An example of good urban design outcomes in Waipā District is the creation of stormwater ponds and wetlands in new subdivisions that increase recreation opportunities, add to the amenity of an area, as well as perform the

desired function of stormwater management. The New Zealand Urban Design Protocol is directly relevant to Proposed Plan Change 15 and has been taken into account in preparing Proposed Plan Change 15.

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. For example, in relation to “*Three Waters*”, one of the applicable principles is to ensure that the settlement pattern “*avoids as far as practicable adverse effects on natural hydrological characteristics and processes, soil stability, water quality and aquatic ecosystems ...*”.

As part of the Future Proof Strategy, the Three Waters Strategy recognises there is a need to manage water supply, wastewater and stormwater networks in a sustainable and integrated way between Future Proof Councils.

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.

Proposed Plan Change 15 implements the three strategic documents by restricting impermeable surfaces and requiring on-site stormwater management systems in residential areas. These directly impact subsequent effects on major stormwater infrastructure, and ultimately important water bodies such as the Waikato River.

3.6 Development of Proposed Plan Change 15

The development of Proposed Plan Change 15 has been carried out over a number of months during 2020. The basis of the proposed plan change came from the identification that the definitions of permeable and impermeable surfaces and some of the related rules in the District Plan were ambiguous and difficult to interpret. Additionally, the rule for permeable surfaces in the Cambridge North area constantly triggered resource consent applications, which in almost all cases were granted.

Consultation was undertaken with staff and the Strategic Planning and Policy (SP&P) Committee once the topics had been assessed for priority. 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.

Alongside staff consultation was an engagement process with Iwi Authorities that is ongoing. Council staff attended Waipā Iwi Consultative Committee meetings and Ngā Iwi Tōpū O Waipā meetings throughout 2020 providing presentations of the issue and options being considered, and regular updates regarding the progressing of Proposed Plan Change 15.

A full copy of the Proposed Plan Change 15 document and accompanying draft Section 32 Report was provided to Waikato-Tainui, Maniapoto, Raukawa, Ngati Hauā, and Ngāti Koroki Kahukura in October 2020 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, Ministry for the Environment, surveyors, planners, real estate agents and building companies. These key stakeholders were consulted with prior to public notification of Proposed Plan Change 15 and had the opportunity to provide feedback on the proposed options.

This feedback from key stakeholders and iwi was considered by Council staff and incorporated into Proposed Plan Change 15 prior to public notification. Feedback received from stakeholders is shown in **Appendix 1**.

4 Issues

4.1 Issue 1 – Definitions

The definitions of permeable and impermeable surfaces are difficult to interpret. Some of the surfaces are included in one definition and excluded from the other but there are exceptions and cross-overs. These cause the most difficulty with applying the definitions, i.e. deciding what is impermeable and what is not. For example, the definition of impermeable surfaces includes “roofs”, but the definition of permeable surfaces does not exclude “roofs”. So in some cases “roofs” are counted, and in others they are not.

It is considered that the similar nature and wording of the definitions in the District Plan (even though supposed to mean the opposite of each other) is confusing.

Additionally, the definition name of permeable is just that – permeable. It is not listed as permeable surfaces. This may also cause difficulty because the word “permeable” is used in other rules in a completely different context¹.

4.2 Issue 2 – Rules for site coverage

Another issue with the provisions are the rules. Rule 2.4.2.11 in the Residential Zone is poorly worded. It would benefit from being reworded. The rules raise issues in the physical sense and for resource consent applicants.

The rule in the Large Lot Residential Zone is also difficult to use. Some properties do not fit into the size categories and therefore are not covered by the rule. For

¹ “visually permeable” relates to fences in the Residential Zone, although is defined separately.

example, those sites larger than 1249m² but smaller than 1250m² e.g. 1249.5m² are not covered by the rule, leaving the question of which part of the rule applies open to interpretation.

4.3 Issue 3 – Rules for impermeable surfaces

These rules are not consistent in their formatting. Generally, the same or similar rules in different zones are formatted in a consistent way throughout the District Plan. This makes the rules easier to use as they are a similar format and use the same language and terminology. The rules within the Residential Zone and the Large Lot Residential Zone use different terminology and measures, and generally seem “untidy”.

The Residential Zone requires that 40% of the gross site area, and 55% if in the Cambridge North Structure Plan Area, is retained in permeable surfaces. However, in the St Kilda Structure Plan Area, the same rule requires a combined site coverage and impermeable surfaces total of 700m².

Further, the Large Lot Residential Zone rule requires either a maximum area or percentage of impermeable surfaces according to the size of the site. The Marae Development Zone also contains a rule on impermeable surfaces.

5 Objectives

The objective of Proposed Plan Change 15 is to:

- 1) Improve provisions in the District Plan relating to permeable and impermeable surfaces, and site coverage, in order that they are more effective and efficient.

The planning outcome sought by the objective is that the provisions subject of the proposed plan change are less ambiguous and more easily interpreted and implemented by all plan users.

5.1 Relevance of existing objectives

Proposed Plan Change 15 retains the existing planning framework of the District Plan which is generally to maintain and enhance amenity values of the Residential Zone and Large Lot Residential Zone. The Marae Development Zone seeks to promote tāngata whenua values, as well as high standard of amenity.

5.1.1 Section 2 – Residential Zone

Section 2 of the District Plan includes issues, objectives, policies and rules for the Residential Zone. Many of them relate to amenity outcomes anticipated for the Zone, such as controls on building size and location.

As an example, Objective 2.3.2 is to “Maintain amenity values and enhance safety in the Residential Zone”. This objective has a number of associated policies that identify how the objective will be achieved, including (of relevance to this plan change):

2.3.2.6 *To ensure that all sites have sufficient open space to provide for landscaping, outdoor activities, storage, on-site stormwater disposal, parking, and vehicle manoeuvring by maintaining a maximum site coverage requirement for buildings in the Residential Zone.*

2.3.2.7 *Maintain a proportion of each site in permeable surfaces such as lawn and gardens, in order to ensure there is sufficient capacity to enable the on-site disposal of stormwater. In the Cambridge North Structure Plan Area, increased standards apply because of the difficulty of disposing of stormwater in this location. In the C1 and C2/C3 Structure Plan areas on-site disposal of stormwater may not be required where regional and/or district consents for the overall structure plan stormwater system provide for alternative means of stormwater management and disposal. Furthermore, on-site soakage within the C3 cell is not anticipated due to the risk of exacerbating slope stability issues. Alternative methods of stormwater management will need to be demonstrated for the C3 cell.*

5.1.2 Section 3 – Large Lot Residential Zone

Section 3 of the District Plan includes issues, objectives, policies and rules for the Large Lot Residential Zone. Like the Residential Zone, many of them relate to amenity outcomes anticipated for the Zone, such as controls on building size and location. Again, the objective of relevance to this plan change is “To maintain and enhance amenity values in the Large Lot Residential Zone”.

Associated policies include:

3.3.5.2 *Development and all impermeable surfaces should not exceed a maximum site coverage in the Large Lot Residential Zone, in order to ensure that all sites:*

- a) *Maintain the open character and spaciousness of the zone; and*
- b) *Maintain sufficient open space to provide for landscaping, and on-site wastewater and stormwater disposal.*

5.1.3 Section 13 – Marae Development Zone

Section 13 notes the following issue:

13.2.3 *On-site servicing of rural marae for water, wastewater, stormwater and appropriate transport infrastructure currently restricts the ability of most marae to develop beyond providing core functional purposes.*

Objectives and policies in the Marae Development Zone seek to recognise and provide for environmental values and protection principles of the Waikato River Vision and Strategy, and the Waipā River Agreement (Maniapoto Deed).

5.2 Appropriateness of Proposed Plan Change 15 Objective

Assessment of appropriateness of Plan Change Objective	Objective 1: Improve provisions in the District Plan relating to permeable and impermeable surfaces, and site coverage, in order that they are more effective and efficient
Relevance	<ul style="list-style-type: none"> ▪ Assists Council to carry out statutory functions through improved interpretation and implementation of rules. ▪ Implements other documents that Council is a signatory to.
Usefulness	<ul style="list-style-type: none"> ▪ Provides certainty for decision making and resource consent applicants. ▪ Provides practical and useful outcomes by reducing the need for resource consent in some situations.
Achievability	<ul style="list-style-type: none"> ▪ Achievable through Council’s functions in regard to its District Plan.
Reasonable	<ul style="list-style-type: none"> ▪ Fewer costs because fewer resource consents required for some activities.

The above assessment has considered relevance, usefulness, achievability and reasonableness in order to determine if the objective of Proposed Plan Change 15 is appropriate for achieving the purpose of the RMA.

It is not considered necessary to include a new objective that would specifically address permeability issues. While the existing objectives do not completely or specifically address permeability issues, the policies are adequate to provide support for the rules. In addition, the objectives and policies focus on on-site amenity, with rules that control the extent of building work on a site. This acts as a default method to restrict impermeable surfaces.

Improving the efficiency and effectiveness of provisions relating to permeable and impermeable surfaces, including the definitions of each addresses current problems in interpretation and implementation of the rules.

For these reasons, the objective of Proposed Plan Change 15 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 15 Objective

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 15.

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 15 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 not amend the rules for permeable and impermeable surfaces. This option is not appropriate because it is clear that the definitions in particular, but also the rules are not working in the way they were intended to.

In relation to the definitions of permeable and impermeable surfaces, they are considered to be confusing and ambiguous because although they should be “mirror images” of each other they are not, leading to some activities not being considered impermeable when they should.

The rules for permeable and impermeable surfaces are not consistent across the zones in which they apply. In the Residential Zone, data shows that almost all resource consents are granted, because appropriate on-site stormwater systems will be put into place, thus meeting requirements. However, this is a cost to applicants that may not be as high if the provisions were more clear.

5.3.2 Option 2 – Plan Change to amend the provisions

A plan change would improve the definitions of permeable and impermeable surfaces, as well as amend some of the rules in the Residential Zone, Large Lot Residential Zone, and the Marae Development Zone.

For example, the current definitions of permeable and impermeable surfaces do not align and cause confusion for plan users. The plan change would reduce confusion and make it clear which activities are included in either definition, as well as improving consistency across rules in different zones.

Additionally, it would “tidy” some rules that currently do not capture some land uses because the rule does not cover the size category they fall into. The plan change would also remove some rules that are not well drafted and serve no purpose in the District Plan.

5.3.3 Option 3 – 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.

The most likely document to be relied upon would be the RITS. The RITS is governed by the requirements of the Local Government Act 2002, and its administration is undertaken by the Local Authority Shared Services (LASS). It contains all the design and construction specifications for stormwater management and disposal.

The RITS sits outside the District Plan, and if there are conflicts between the standards in the District Plan and the RITS, then the District Plan prevails. The RITS is a means of compliance with the District Plan and therefore provides valuable guidance to developers but is not a regulation in itself, like a rule in a District Plan.

Any of the iwi Environmental Management Plans could be considered a reasonably practicable option, given their focus on good environmental outcomes. However, because iwi authorities are not the regulatory authority i.e. able to issue subdivision, resource and building consents, they would be unable to require particular design and construction methods that would adequately manage or control on-site stormwater.

The Building Act can be relied upon in terms of the rule relating to flood risk in the Cambridge North Structure Plan Area. The rule as it is worded currently in the District Plan does not contain any measurable standards and is therefore difficult to implement. The Building Act adequately covers dwellings and their floor levels so in this case it is appropriate to delete the rule.

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.

Objective: Improve provisions in the District Plan relating to permeable and impermeable surfaces, and site coverage, in order that they are more effective and efficient			
	Option 1: Status Quo	Option 2: Plan Change	Option 3: Other reasonably practicable option
Costs	<p><u>Environmental:</u></p> <ul style="list-style-type: none"> None identified <p><u>Economic Cost:</u></p> <ul style="list-style-type: none"> Cost of discretionary resource consent (\$2500 deposit) <p><u>Social Cost:</u></p> <ul style="list-style-type: none"> None identified <p><u>Cultural effect:</u></p> <ul style="list-style-type: none"> None identified 	<p><u>Environmental:</u></p> <ul style="list-style-type: none"> None identified <p><u>Economic Cost:</u></p> <ul style="list-style-type: none"> None identified <p><u>Social Cost:</u></p> <ul style="list-style-type: none"> None identified <p><u>Cultural effect:</u></p> <ul style="list-style-type: none"> None identified 	<p><u>Environmental:</u></p> <ul style="list-style-type: none"> Other methods are not mandatory and cannot be relied on to improve environmental outcomes Stormwater not managed in a cohesive and integrated manner <p><u>Economic Cost:</u></p> <ul style="list-style-type: none"> None identified <p><u>Social Cost:</u></p> <ul style="list-style-type: none"> Potentially poor stormwater management i.e. not managed in a cohesive and integrated manner. <p><u>Cultural effect:</u></p> <ul style="list-style-type: none"> None identified
Benefits	<p><u>Environmental:</u></p> <ul style="list-style-type: none"> None identified <p><u>Economic benefits:</u></p> <ul style="list-style-type: none"> None identified <p><u>Social benefits:</u></p> <ul style="list-style-type: none"> Anticipated resource consent process in place <p><u>Cultural effect:</u></p> <ul style="list-style-type: none"> No additional benefits identified because rules already exist 	<p><u>Environmental:</u></p> <ul style="list-style-type: none"> No additional benefits identified <p><u>Economic benefits:</u></p> <ul style="list-style-type: none"> Reduced number of resource consents required Reduced cost for land use consent (\$1200 deposit) <p><u>Social benefits:</u></p> <ul style="list-style-type: none"> Improved outcomes for residential customers <p><u>Cultural effect:</u></p> <ul style="list-style-type: none"> None identified 	<p><u>Environmental:</u></p> <ul style="list-style-type: none"> Options for alternative solutions <p><u>Economic benefits:</u></p> <ul style="list-style-type: none"> None identified <p><u>Social benefits:</u></p> <ul style="list-style-type: none"> None identified <p><u>Cultural effect:</u></p> <ul style="list-style-type: none"> More input from iwi about on-site stormwater management issues

Objective: Improve provisions in the District Plan relating to permeable and impermeable surfaces, and site coverage, in order that they are more effective and efficient			
	Option 1: Status Quo	Option 2: Plan Change	Option 3: Other reasonably practicable option
Opportunities for economic growth and employment to be provided or reduced	<u>Economic growth:</u> <ul style="list-style-type: none"> None identified <u>Employment:</u> <ul style="list-style-type: none"> None identified 	<u>Economic growth:</u> <ul style="list-style-type: none"> None identified <u>Employment:</u> <ul style="list-style-type: none"> None identified 	<u>Economic growth:</u> <ul style="list-style-type: none"> None identified <u>Employment:</u> <ul style="list-style-type: none"> None identified
Efficiency and Effectiveness of achieving objectives	The provisions would continue to be inefficient and ineffective in achieving the objectives.	Improved efficiency and effectiveness of the provisions because of increased clarity, and reduced ambiguity and difficulty in interpretation.	Relying on other methods may have some merit, but these need to be carried out in conjunction 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
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 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 15 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 policy direction of the District Plan. In order to implement the preferred options, amendments to Definitions, Section 2 – Residential Zone, Section 3 – Large Lot Residential Zone, Section 13 – Marae Development Zone and Section 21 – Assessment Criteria and Information Requirements are proposed.

Council is required to assess the efficiency and effectiveness of the Proposed Plan Change 15 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 15 provisions in achieving the objectives outlined later 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 15 provisions.

6.1.1 Amendments relating to permeable and impermeable surfaces

The Definitions section would be changed by amending the definitions of permeable and impermeable surfaces, and site coverage.

Provisions in Section 2 – Residential Zone, Section 3 – Large Lot Residential Zone and Section 13 – Marae Development Zone are amended by reducing the category of consent for impermeable surfaces to restricted discretionary, and improving the consistency of provisions across the zones.

Amendments to Section 21 – Assessment Criteria and Information Requirements are consequential amendments as a result of changes to other parts of the plan.

Therefore, make amendments to Definitions, Section 2 – Residential Zone, Section 3 – Large Lot Residential Zone, Section 13 – Marae Development Zone, and Section 21 – Assessment Criteria and Information Requirements as follows:

Definitions

Amend Definitions as follows:

'Coverage' ~~means that portion of a SITE which is covered by BUILDINGS, and includes parts covered by overhangs or cantilevered structures including covered decks but excluding the eaves of a BUILDING. Fences, terraces, retaining walls or uncovered decks less than 1m above GROUND LEVEL, and swimming pools are not included in the definition of COVERAGE, however may be included within impervious surfaces, see IMPERMEABLE SURFACES.~~

'Impermeable surfaces' means a surface ~~which~~ that does not allow natural percolation of water into the ground at a rate that avoids ponding or runoff; and includes roofs, roads, footpaths, paving including proprietary pavers, decking that does not allow water to drain through to a permeable surface, swimming pools, patios gobi blocks, grasserete, metalled driveways, highly compacted soils, hard surfaced materials, and other similar materials. but excludes wooden decks with spacing between boards of 4mm or more, where water is allowed to drain through to a permeable surface below the deck.

'Permeable surfaces' means any part of a site that is grassed, planted in trees or shrubs or similar natural landscaping and is capable of being entirely permeated by absorbing rainwater. Permeable surface shall include (but is not limited to) grass, soil, planting or similar such natural landscaping and wooden decks with spacing between boards of 4mm or more, where water is allowed to drain through to a permeable surface below the deck, but shall not include pavers, gobi blocks, grasserete, gravel, wooden decks or metalled driveways or hard surfaced materials or other similar materials. It does not include impermeable surfaces or any area that:

- Falls within the definition of site coverage; or
- Is covered by decks that do not allow water to drain through to a permeable surface; or
- Is occupied by swimming pools; or

- Is paved, sealed or formed to create a solid surface; or
- Is used for vehicle parking, manoeuvring or access.

‘Site coverage’

~~refer to definition of COVERAGE.~~
means that portion of a SITE which is covered by BUILDINGS, and includes parts covered by overhangs or cantilevered structures including covered decks but excludes the eaves of a BUILDING. Fences, terraces, retaining walls or uncovered decks less than 1m above GROUND LEVEL, and swimming pools are not included in the definition of SITE COVERAGE, however may be included within impervious surfaces, see IMPERMEABLE SURFACES.

Section 2 – Residential Zone

2.4.1.4	Discretionary activities
(a)	Any permitted, controlled or restricted discretionary activity that fails to comply with: (iii) ... (iv) ... (vii) Rule 2.4.2.12 – Permeable surfaces

Rule – Maximum site coverage

2.4.2.11 ~~Site coverage shall not exceed 40% of the net area of the site where no garage or carport has been provided the maximum site coverage shall be reduced by 20m²,~~

Site coverage must not exceed 40% of the net site area, provided except that this rule does not apply to the St Kilda Structure Plan Area (refer to Rules 2.4.2.13 and 2.4.2.14) and compact housing (refer to 2.4.2.43).

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rule – Permeable Impermeable surfaces

2.4.2.12 ~~Each site shall be grassed, planted in trees and/or shrubs or otherwise landscaped in a manner that retains a minimum of 40% of the gross site area in permeable surfaces, provided that in the Cambridge North Structure Plan Area where 55% of the gross site area shall be retained~~

~~in permeable surfaces. For the avoidance of doubt Rule 2.4.2.43 shall apply to any compact housing.~~

Impermeable surfaces must not exceed:

- (a) 45% of the net site area in the Cambridge North Structure Plan Area; or
- (b) 60% of the net site area in the remainder of the Zone (except St Kilda Structure Plan Area).

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- On-site stormwater disposal; and
- The effect of stormwater run-off to adjoining properties.

Rules – Cambridge North and C1 and C2 Structure Plan Area: on site soakage

2.4.2.15

2.4.2.16 On-site soakage shall be provided for every lot in the C1 and C2 Structure Plan Areas to dispose of all runoff from a two year average recurrence interval (ARI) 24 hour duration rainfall event, except where regional and/or district resource consents for the structure plan stormwater system allow alternative stormwater management provisions and these consents are complied with. ~~For the avoidance of doubt, on-site soakage within the C3 cell is not anticipated due to the risk of exacerbating slope stability issues. Alternative methods of stormwater management will need to be demonstrated for the C3 cell.~~

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

~~Rule – Cambridge North Structure Plan Area: flood risk~~

~~2.4.2.17 Principal and secondary dwellings within the Cambridge North Structure Plan Area shall be sited and constructed to avoid or manage flood risk.~~

~~Advice Note: Technical reports associated with the Cambridge North Structure Plan will provide guidance on minimum floor levels.~~

~~Activities that fail to comply with this rule will require a resource consent for a discretionary activity.~~

Section 3 – Large Lot Residential Zone

3.4.1.4	Discretionary activities
(a)	Any building or activity that fails to comply with: (iv) ... (v) ... (viii) Rule 3.4.2.8 – Impermeable surfaces

Rule – Site coverage

3.4.2.7 ~~The maximum total building coverage on a site shall not exceed the following:~~

Site coverage must not exceed:

- (a) 25% of the net site area on sites less than or equal to 1000m²
- (b) 250m² on sites ~~between~~ greater than 1000m² and 1249m² less than or equal to 1250m² ~~a maximum of~~
- (c) 20% of the net site area on sites ~~between~~ greater than 1250m² and 2499m² less than or equal to 2500m²
- (d) 500m² on sites ~~between~~ greater than 2500m² and 3344m² less than or equal to 3345m² ~~a maximum of~~
- (e) 15% of the net site area on all other sites

Provided that, in all instances the gross floor area of all accessory buildings on a site shall not exceed 100m².

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rule – Impermeable surfaces

3.4.2.8 ~~Impermeable surface coverage on a site shall not exceed 800m²; provided that for sites of 2500m² or less, the maximum impermeable surface coverage shall not exceed 33% of the net site area.~~

Impermeable surfaces must not exceed:

- (a) 33% of the net site area on sites less than or equal to 2500m²; or
- (b) 1200m² of the net site area on sites greater than 2500m².

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- On-site stormwater disposal; and
- The effect of stormwater run-off to adjoining properties.

Marae Development Zone

13.4.1.4	Discretionary activities
(a)	Any building or activity that fails to comply with: (ii) ... (iii) Rule 13.4.2.7 – Impermeable surfaces

Rule – Impermeable surfaces

13.4.2.7 ~~A minimum of 40% of the net site area shall be grassed, planted in trees and/or shrubs or otherwise landscaped in a manner that retains the permeable nature of the surface.~~

Impermeable surfaces must not exceed 60% of the net site area.

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- On-site stormwater disposal
- The effect of stormwater run-off to adjoining properties.

Section 21 – Assessment Criteria and Information Requirements

21.1.2 Residential Zone

Residential Zone Assessment Criteria		
Restricted Discretionary Activities		
21.1.2.10A	<u>Impermeable surfaces</u>	(a) <u>The degree to which on-site stormwater disposal can be achieved in a range of stormwater events.</u> (b) <u>The extent to which any increase in the level of impermeable surfaces will affect or has the potential to result in stormwater run-off to adjoining properties.</u> (c) <u>Alternative methods of retaining stormwater on site.</u>

Residential Zone Assessment Criteria		
Discretionary Activities		
21.1.2.19	<u>Permeable surfaces</u>	(a) The degree to which on-site stormwater disposal can be achieved in a range of stormwater events. (b) The extent to which any increase in the level of impermeable surfaces will effect or has the potential to result in stormwater run-off to adjoining properties. (c) Alternative methods of retaining stormwater on site.

21.1.3 Large Lot Residential Zone

Large Lot Residential Zone Assessment Criteria		
Restricted Discretionary Activities		
21.1.3.10A	<u>Impermeable surfaces</u>	<p>(a) <u>The degree to which on-site stormwater disposal can be achieved in a range of stormwater events.</u></p> <p>(b) <u>The extent to which any increase in the level of impermeable surfaces will affect or has the potential to result in stormwater run-off to adjoining properties.</u></p> <p>(c) <u>Alternative methods of retaining stormwater on site.</u></p>

Large Lot Residential Zone Assessment Criteria		
Discretionary Activities		
21.1.3.14	Impermeable surfaces	<p>(a) The degree to which on-site stormwater disposal can be achieved in a range of stormwater events.</p> <p>(b) The extent to which any increase in the level of impermeable surfaces will effect or has the potential to result in stormwater run-off to adjoining properties.</p> <p>(c) Alternative methods of retaining stormwater on site.</p>

6.1.2 Assessment of amendments relating to permeable and impermeable surfaces

Proposed Plan Change 15 would make several amendments to the District Plan, including to Definitions, Section 2 – Residential Zone, Section 3 – Large Lot Residential Zone, Section 13 – Marae Development Zone, and Section 21 – Assessment Criteria and Information Requirements. The table below assesses the effectiveness, efficiency, benefits and costs of the amendments.

Proposed Amendments	
Effectiveness/Efficiency	Benefit/Cost
<p>Effectiveness: The addition of improved definitions and consistent format of rules in different zones improves the effectiveness of the plan.</p>	<p>Benefits:</p> <p><u>Environmental:</u> No additional benefits as rules already exist.</p> <p><u>Economic:</u> Reduced cost to customers seeking resource consents.</p> <p><u>Social:</u> Improved customer relations through less ambiguous provisions.</p> <p><u>Cultural:</u> None identified.</p>
<p>Efficiency: Changing the category of resource consent for impermeable surfaces reduces the cost of resource consent applications, thus increasing the cost efficiency of the provisions.</p>	<p>Costs:</p> <p><u>Environmental:</u> None identified.</p> <p><u>Economic:</u> None identified as already requirement to obtain resource consent.</p> <p><u>Social:</u> None identified.</p> <p><u>Cultural:</u> None identified.</p>

Proposed Amendments	
Effectiveness/Efficiency	Benefit/Cost
Opportunities for economic growth and employment to be provided or reduced: Minor reduction in employment opportunities for house building companies because fewer resource consents may be required or lower category of consent required.	
Sufficiency of information and risk of not acting: 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 continues interpretation difficulties.	

7 Scale and Significance

7.1 Implementation of Proposed Plan Change 15

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 15. '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 15. An ordinal scale has been used for this assessment.

Criteria	Assessment High/Medium/Low/NA
Number of people who will be affected	Medium
Magnitude and nature of effects	Low
Immediacy of effects	Medium
Geographic extent	High
Degree of risk or uncertainty	Low
Stakeholder interest	Medium
Māori interest	Medium/High
Information and data is easily available	Medium
Information and data is 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 15 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 15 regarding amendments to the permeable and impermeable surfaces 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 15 and concludes that these are considered to be low to medium.

As such, it is considered appropriate to revise the Waipā District Plan to amend the provisions within Definitions, Section 2 – Residential Zone, Section 3 – Large Lot Residential Zone, Section 13 – Marae Development Zone and Section 21 – Assessment Criteria relating to permeable and impermeable surfaces definitions, site coverage rules, impermeable surfaces rules, and assessment criteria.

Appendix 1 – Feedback received from Stakeholders

Report: Summary of Submissions by Submitter Number/Name

Submitter Number:	1	Submitter:	Garry Thomas
Trade Competition- Gain Advantage :	NO	Trade Competition- Directly Affected:	NO
Point Number	1.1	Category	Permeable Surfaces - Option 2a
Comments:	<p>Amend the definitions to include permeable pavers as part of permeable surfaces. Permeable pavers that are laid as per manufacturers specifications have more permeability than most soil types within the residential zones of Cambridge and these are accepted by most other councils within the Waikato Building Consent Group.</p> <p>Also nearly all other councils do not require turning bays for onsite vehicle manoeuvring to be paved in non permeable product, as you can use grassed areas just as easy to manoeuvre vehicles and this allows for greater permeability of sites.</p>		
Point Number	1.2	Category	Permeable Surfaces - Option 2b
Comments:	<p>It has been proved that once sub soil structure is put in place for roading in problem areas to meet compaction tests for roading requirements, it does allow for adjacent surface water to seep into this base work and dry out surrounding areas. So a reduction of the 55% threshold should be implemented.</p>		
Point Number	1.3	Category	Permeable Surfaces - Option 2c
Comments:	<p>If you changed the rules to align through similar to the above comments and perhaps a lot of resource consent activity would be alleviated and time frames for owners and builders would be greatly reduced. It is a lot quicker to get engineers to design systems to put into place for that particular site than go through the resource consent process. The Cambridge North area was put under a blanket assessment when it has been proved several times that individual sites are totally different from others and do not need the requirement / guidelines set down in the district plan.</p>		
Point Number	1.4	Category	Permeable Surfaces - Other comments
Comments:	<p>All has been said in the above comments</p>		

Submitter Number: **2** **Submitter:** **Waikato Pools Ltd (Kerry Cramond)**

Trade Competition- Gain Advantage : NO **Trade Competition-Directly Affected:** NO

Point Number 2.1 **Category** Permeable Surfaces

Comments: Agreed - not a viable option

Point Number 2.2 **Category** Permeable Surfaces - Option 2a

Comments: The wording is also hard to understand - "each site shall be grassed, planted in trees and or shrubs or otherwise landscaped in a manner that provides 40% of the gross site are in permeable surfaces, provided that in Cambridge North Structure Plan Area where 55% of the gross site shall be retained in permeable surfaces". Does that mean that the homeowner can have landscaped gardens with weed control such as stones or bark - these are pervious surfaces but would they count in the 40% trees and shrubs or would they count towards the 55% of permeable surfaces?

I think it is also worth noting that in-ground swimming pools - although an impervious surface, collect rainwater (around 6 inches of rainwater) and do not add to the stormwater demands. An in-ground fibreglass or concrete pool is nearly never drained as the risk of it popping out of the ground is too high.

We build in-ground fibreglass pools and renovate existing fibreglass pools - in general an in-ground fibreglass pool will only need to be drained after 20 years, when the colour will have faded after 20 years of sun & water exposure and the surface will need re-coating. Even during this one in a 20 year event, the draining water flows through one 40mm or 50mm PVC Pipe - so it is a controlled slow drain - not a sudden gush of water. Swimming pool building consents contain a drainage plan so the pool is drained into the sewer system. I do not believe in-ground swimming pools pose any threat to a stormwater management plan, and that they should not be treated the same as other impervious surfaces - they do not treat rainwater anywhere the same as a roof or a concrete driveway or other existing impervious surface. Rather they contain the rainwater. To replace the water lost by evaporation, or to be disposed of in a controlled manner at a later date, usually when it is not raining when the homeowner does their pool maintenance and the stormwater system is not under pressure.

Point Number 2.3 **Category** Permeable Surfaces - Option 2b

Comments: Resource consents are an expensive extra cost for homeowners. When they have already budgeted for home improvements - to then add \$2,100 in resource consent fees, and usually

an additional \$3,000 in special fees - that is a huge extra expense and can result in the homeowner not being able to complete their home improvements.

As most resource consents concerning permeable surfaces are granted - this seems to be just a money making scheme for council - at the expense of its home owning ratepayers and local small businesses.

The Cambridge North area has seen stormwater infrastructure development and further analysis needs to be done to see if the 55% threshold can be reduced.

This is my preferred option.

Point Number	2.4	Category	Permeable Surfaces - Option 2c
Comments:	But it will still be an additional cost to the homeowner. Which is not the optimal solution.		
	Each site needs to be reviewed on a case by case basis, dependant on the amount and type of extra impermeable surface and the effect that the build will have on the stormwater system. Perhaps this is where the exception for in-ground swimming pools could be added, as they don't have an effect on the stormwater system - whereas a garage or driveway will cause more water to flow into the stormwater system while the system is under pressure - ie while it is raining.		

Submitter Number:	3	Submitter:	Waikato Regional Council (Sultana Shah)
Trade Competition-Gain Advantage :	NO	Trade Competition-Directly Affected:	NO

Point Number	3.1	Category	Permeable Surfaces - Other comments
Comments:	Thank you for the opportunity to provide feedback on the proposed Plan Changes 15. Waikato Regional Council (WRC) staff have done a preliminary review and staff have specific comments on Plan Change 15 Issue 12: Rule 2.4.2.17.		
	We agree that Rule 2.4.2.17 as outlined in Plan Change 15, issue 12 is both unclear and ambiguous. The suggested course of action outlined in the option paper is to either delete the rule or determine a minimal floor level to be included as a performance standard. We support a minimum floor level being included as a performance standard and note it would be important to include the impact of climate change in the minimum floor level determination. We also note that although the current rule is unclear and ambiguous, if it is deleted, there is no rule to replace Rule 2.4.2.17. We suggest providing clarity on flood management hazard in		

Point Number	4.3	Category	Permeable Surfaces - Option 2b
Comments:	<p>We see no reason why Cambridge North can't revert back to 40% permeable now that stormwater solutions for extreme / secondary flows are in place. Council reporting will show this.</p> <p>We suggest that either one of the following options is undertaken: -</p> <p>Cambridge North must have a minimum of 40% permeable area, as per all other Residential Zones;</p> <p>If the above option is not acceptable in Council's opinion, then we suggest: -</p> <p>b) That it is a Permitted Activity provided that more than 40% permeable area is achieved and less than 55%, <u>and</u> a stormwater report is submitted by someone appropriately qualified with a building consent, if it is a new build.</p> <p>c) If it is not a new build, then a Controlled Activity consent with a SW report should be submitted for approval with a set fee (provided there are no other non-compliances).</p> <p>OR</p> <p>d) Alternatively, consent them as Marginal and Temporary Activities under s87BB RMA. A set fee could be charged for Development Engineering to check them only with a very brief planning assessment.</p> <p>The intention is to mitigate stormwater effects and these suggestions would give Council an opportunity to do that in a cost-effective way for the customer.</p>		

Point Number	4.4	Category	Permeable Surfaces - Option 2c
Comments:	This will still not fix the issue of cost, time delays and complexity for rate payers.		

Point Number	4.5	Category	Permeable Surfaces - Other comments
Comments:	<p>We also don't see any reason for Rule 2.4.2.17 and it should be deleted – you can't put a minimum FFL in the rules as the flood levels will vary (minimum FFL's only need to meet Building Code requirements ie 300mm above 100 year flood levels and these should be determined by Consultants at the subdivision consent stage).</p> <p>Large Lot Residential Zone – Rule 3.4.2.8 doesn't correlate with 3.4.2.7 ie on an 8000m² site you are allowed 15% site coverage (1200m²) but a maximum of 800m² impervious area. Rule 3.4.2.8 needs amending to refer to a percentage i.e 25% for sites over 3345m². Individual stormwater management plans are the key here.</p>		

18 September 2020

Waipa District Council

Attention: Ms Julie Hansen

Plan Change 15 and 16

I write to you on behalf of Classic Builders, A1 Homes, ZB Homes, Jennian Homes and Generation Homes in relation to the forthcoming Waipa District Council (Council) Plan Changes.

Firstly, on behalf of the above referenced housing companies, we would like to acknowledge the proactive approach taken by Council in order to address a number of these key issues.

Having now reviewed Plan Change 15 and 16 we are able to comment as follows.

Permeable Surfaces

- We are in agreement with tidying up the definition – specifically in relation to what is and isn't excluded. This is particularly relevant to the area of a dwelling directly under the eaves.
- Our preferred option is to amend the permeability rule as follows (or an example thereof):

'Permeable surfacing that equates to an area less than 40% or 55% in Cambridge North shall be a Permitted Activity provided a 'drainage plan' is submitted by a suitably qualified person that demonstrates that the proposed development will not generate any additional demand on the reticulated infrastructure'.

The upshot of the above standard would ensure permeability less than 40% or 55% no longer triggers a consenting requirement.

- If the above option is not deemed appropriate, then we would like the activity status for non-complying permeability to be reduced from Discretionary to Controlled. In the discussion document, it was suggested that the reduced timeframes (10 working days) will not allow enough time for planning and engineering staff to assess the application. We disagree with this assertion on the basis that if a full and complete resource consent application is lodged, then processing the consent should be a simple procedure. If an application is not complete, then Council staff are able to return the application under Section 88, noting that Section 37 can also be used to extend the timeframes. Given there are very few 'controlled' activities represented in the Waipa District Plan, this change should not represent a significant change for Council staff.

- Permeable surfaces provisions need to relate to Net Lot Area, otherwise it's impossible for rear lots to comply post subdivision.
- We suggest excluding swimming pools from the permeable surface provision. In our opinion swimming pools do not contribute to any additional stormwater affects, as all the water is retained within the pool; however, they often get caught out needing permeable surface resource consents, which places an extra burden on home owners.

Site Coverage

Although site coverage has not been *officially* recognised in the discussion document, we feel as though it is prudent to promote the following scenario (as site coverage is intrinsically linked to permeable surfaces)

- Our preferred option would be for site coverage to increase from 40% to 50% on sites smaller than 500m². As the demand for housing sizes is increasing, it is becoming increasingly difficult for housing companies to comply with the required site coverage calculations.

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 to the permitted baseline. 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 boundary or neighboring 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 and represent a pragmatic approach to future development.

Garaging on Front Facade

- As our clients do not generally build stand along garaging, we have chosen not to comment on the variables associated with the 'stand-alone' garaging component of this provision.
- In terms of *attached* garaging and the corresponding front façade percentage, we believe that this provision *could* theoretically be removed. It is our understanding that this provision was introduced primarily for CPTED (Crime Protection Through Environmental Design) reasons. As such, provided a dwelling complies with the required glazing requirements, then suitable passive surveillance is accomplished, satisfying the intent of the provision. On this

basis the percentage of the façade taken up by garaging actually becomes irrelevant in our opinion. Furthermore, it is very difficult for long narrow sites to narrow with this provision.

Glazing

- In our opinion, garaging and non-habitable rooms should be removed from the glazing requirements, as it doesn't make sense requiring windows in rooms which will not generate any benefits in terms of passive surveillance on the street frontages. Furthermore, placing windows on the southern side of dwellings is also in direct conflict with Objective 2.3.5.1 which seeks to maximize passive solar gains.
- Subject to garaging and non-habitable rooms being excluded from the glazing requirements, in our opinion the glazing requirement on the remaining façade should be reduced to 10%. Should this approach not be deemed appropriate by Council then reducing the glazing to 10% (excluding garaging and non-habitable rooms) on the southern façade only, could be a suitable compromise. This approach would prevent unnecessary/token windows being placed in garages and other non-habitable rooms with the only benefit/purpose being to avoid a consenting process.
- Subject to the outcome of the topics raised in the above bullet points we suggest reducing the activity status from Restricted Discretionary to Controlled in order to expediate the consent process and avoid unnecessary costs.

Outdoor Living

- In our opinion reducing the outdoor living area to 40m² with a minimum dimension of 3.5m would be the preferred approach. Based on the information provided to me by our clients, an area of 40m² is considered to be large enough in order to retain onsite amenity values. Note, this is a similar stance that Hamilton City Council have taken with Plan Change 6, where outdoor living areas are now assessed on a 'per bedroom' basis.
- We would like some *flexibility* in terms of the location of the outdoor living areas. For example, someone might prefer to have their outdoor living area to the south facing their favorite vista as opposed to a busy street. We don't believe making someone go through a full resource consent process is a good use of time and resources to account for such an outcome. In addition, we also believe there should be some flexibility in relation to where and how you access the outdoor living area. Just because an outdoor living area is not *directly* accessible off a habitable room should not generate a consenting process. For example, an outdoor living area could be created in an alternative location in order to maximize shade or views.

- Subject to the outcome of the topics raised in the above bullet points we suggest reducing the activity status from Restricted Discretionary to Controlled in order to expediate the consent process and avoid unnecessary costs.

Firefighting

- We agree with Council's '*Option 1*', in that we believe that the firefighting provision should be removed from the District Plan and advisory notes placed on subdivision consent approvals. Based on my experience referencing non-RMA documents within District Plans is not good practice, furthermore imposing them directly as consent conditions is likely to be ultra-varies.

Thank you for considering our above referenced discussion points and we look forward to hearing from you in due course. If you have any further questions, feel free to contact me directly on 021745979 (Garethm@barker.co.nz).

Yours faithfully,



Gareth Moran

Associate

Barker & Associates Ltd