

Appendix 3 – Assessment of New Qualifying Matters

Section 77I of the Resource Management Act 1991 provides that Council may make modifications to the Medium Density Residential Standards and the relevant building height or density requirements under policy 3 of the National Policy Statement on Urban Development 2022 so that the standards are less enabling of development in relation to an area within a relevant residential zone. The modifications can be made only to the extent necessary to accommodate 1 or more of the qualifying matters that are identified in s77I(a) to (j) of the Act.

Waipā District Council has identified the following new qualifying matters for the application of the Medium Density Residential Standards in the relevant residential zones of Cambridge, Kihikihi and Te Awamutu:

- (a) A matter of national importance under s6(c) of the RMA, being the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna (s77I(a) of the Act);
- (b) A matter of national importance under s6(a) of the RMA, being the preservation of the natural character of lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development (s77I(a) of the Act);
- (c) A matter of national importance under s6(d) of the RMA, being the maintenance and enhancement of public access to and along lakes and rivers (s77I(a) of the Act);
- (d) A matter required to give effect to the National Policy Statement on Freshwater Management 2020 (s77I(b) of the Act);
- (e) A matter required to give effect to Te Ture Whaimana (s77I(c) of the Act);
- (f) Open space provided for public use (s77I(f) of the Act); and
- (g) Any other matter that makes higher density inappropriate in an area, being the character clusters identified in Cambridge, Kihikihi and Te Awamutu (s77I(j) of the Act).

The tables below set out the required assessment of the new qualifying matters in accordance with the requirements of sections 77J and 77L of the of the Resource Management Act 1991. For new qualifying matters in s77I(a) to (i) of the Act, Council is required to:

- (a) Demonstrate why it considers that the area is subject to a qualifying matter and that the qualifying matter is incompatible with the level of development permitted by the MDRS (s77J(3)(a) of the Act);
- (b) Assess the impact that limiting development capacity, building height or density (as relevant) will have on the provision of development capacity (s77J(3)(b), Act); and
- (c) Assess the costs and broader impacts of imposing those limits (s77J(3)(c) of the Act).

For new qualifying matters in s77I(j) of the Resource Management Act 1991 , Council is required to:

- (a) Identify the specific characteristics that makes the level of development provided by the Medium Density Residential Standards inappropriate in the area;
- (b) Justify why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the National Policy Statement on Urban Development 2020; and

- (c) Include a site-specific analysis that-
- (i) Identifies the site to which the matter relates; and
 - (ii) Evaluates the specific characteristics on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter; and
 - (iii) Evaluates an appropriate range of options to achieve the greatest heights and densities permitted by the Medium Density Residential Standards while managing the specific characteristics.

Table 1: New qualifying matter – Te Ture Whaimana and National Policy Statement for Freshwater Management 2022

| Te Ture Whaimana o Te Awa Waikato – the Vision and Strategy for the Waikato River National Policy Statement on Freshwater Management 2020 |
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| These qualifying matters apply to both the Medium Density Residential Standards and Policy 3 of the National Policy Statement on Urban Development 2020. |
| The area the qualifying matters apply to (s77J(3)(a)(i) of the Resource Management Act 1991) |
| <p>The objectives and policies of Te Ture Whaimana are focused on the restoration and protection of the health and wellbeing of the Waikato and Waipā Rivers. This includes through the management of the effects of use and development.</p> <p>The fundamental concept of Te Mana o te Wai as set out in the National Policy Statement for Freshwater Management 2020 is fundamentally linked to Te Ture Whaimana and what it seeks to achieve. Te Mana o te Wai refers to the vital importance of water. Te Mana o te Wai imposes a hierarchy of obligations. This hierarchy means prioritising the health and well-being of water first. The second priority is the health needs of people (such as drinking water) and the third is the ability of people and communities to provide for their social, economic, and cultural well-being.</p> <p>Additional pressures placed on infrastructure through housing intensification could lead to adverse effects on the Waikato and Waipā Rivers and their catchment which conflicts with the Vision, Objectives, and Strategies of Te Ture Whaimana and the concept of Te Mana o Te Wai.</p> <p>The qualifying matter applies over all the relevant residential areas of Cambridge, Kihikihi and Te Awamutu as the Waipā District is located within the Waikato River catchment, to which Te Ture Whaimana applies.</p> <p>The Waikato River catchment is shown on the district planning maps and relevant objectives and policies are contained in the following sections of the district plan:</p> <ul style="list-style-type: none"> ▪ Section 01 – Strategic Policy Framework ▪ Section 02 – Residential Zone <p>The District Plan contains the following objectives and Policies in relation to Te Ture Whaimana and the National Policy Statement for Freshwater Management 2020:</p> <p>Section 1 Strategic Policy Framework</p> <ol style="list-style-type: none"> 1. <i>Objective</i> - Implementation of the Waikato River Vision and Strategy - 1.3.5 - the health and well-being of the Waikato River is restored and protected and Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River) is achieved. 2. <i>Policy</i> - Health and well-being of the Waikato and Waipā Rivers - 1.3.5.1 -to achieve the directions and outcomes of the Waikato River Vision and Strategy within the catchment area identified on the Planning Maps by District Plan provisions relating to building setbacks and earthworks; and activities on the surface of water; and peat lake catchments; and esplanade reserves; and landscapes; and environmental Benefit Lot provisions for significant natural areas and in some circumstances riparian areas; and significant natural areas and indigenous biodiversity generally; and intensive farming |

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activities; and public access; and customary activities; and marae and papakāinga; and cultural sites and cultural landscapes.

There are no objectives or policies for the National Policy Statement for Freshwater. It is discussed in section 1 under the issue of national directions where the concept of Te Mana o te Wai is held to be relevant to all freshwater management. Provisions have been included in the District Plan to manage development and activities that have an adverse effect on the quality of freshwater.

Section 15 Infrastructure, Natural Hazards, Development & Subdivision

1. *Objective* - Giving effect to the Waikato River Vision and Strategy - 15.3.13 - to ensure that the Waikato River Vision and Strategy is given effect to by all development and subdivision.
2. *Policy* - Maintaining the health and well-being of land and water bodies - 15.3.13.1 - to give effect to the directions and outcomes in the Waikato River Vision and Strategy and the Waipā River Accord, by ensuring that all development and subdivision shall include the following elements:
 - (a) Low impact design for stormwater, drainage and earthworks; and
 - (b) Building setbacks from lakes and water bodies; and
 - (c) Access to water bodies where appropriate; and
 - (d) Provision for the Te Awa Cycleway, where relevant; and
 - (e) Minimal indigenous vegetation removal and requirements for restoration and enhancement of indigenous vegetation and natural character; and
 - (f) Restricting locations of earthworks, building and wastewater systems within cultural landscapes.

It is proposed that similar objectives and policies are included in new section 2A - Medium Density Residential Zone.

The qualifying matter is incompatible with the level of development permitted by the Medium Density Residential Standards (as specified in Schedule 3A) or as provided for by policy 3 for that area (s77J(3)(a)(ii), Resource Management Act 1991)

Waipā District Council commissioned technical assessment reports for stormwater, water, and wastewater across the residential areas of Cambridge, Kihikihi and Te Awamutu. The technical reports used a traffic light system to show the impact of housing intensification in accordance with the Medium Density Residential Standards across the three towns (see Appendix 6). An area shown in green means that intensification would have minimal impact on infrastructure, an area shown in orange means there would be a high impact and an area shown in red shows there would be a critical impact from intensification. The technical reports show that the ability of infrastructure in these areas to cope with the additional demands of more housing is severely restricted.

Water and wastewater are significant issues across the three towns with all the towns being shown as having either high or critical impact on this infrastructure from housing intensification. Each town shows that there would be critical impacts from intensification from the town centres radiating outwards. For Kihikihi, the entire town is shown in red. In Cambridge, the new growth cells and Leamington are shown as orange with some outlying areas being shown in red. For Te Awamutu, most of the town is shown as red with outlying areas being shown as orange.

The assessment of the stormwater infrastructure (Appendix 9) shows that there is a greater variability across the three towns for the infrastructure to be able to cope with additional demands that will be placed on it through intensification. The conclusion that can be drawn from the results of the infrastructure assessments is that there is a need for infrastructure capacity assessments to be done in areas that are highlighted as high to critical impact so that a solution can be developed to deal with the potential adverse effects from housing intensification.

This qualifying matter is incompatible with the medium density residential standards which would allow residential intensification to occur without the need for a resource consent in the relevant residential zones.

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This would place existing infrastructure under immense pressure to deal with the additional demand that will be placed on it. Housing intensification that is not appropriate (i.e. not within the existing capacity of the infrastructure to deal with) will impact on water abstractions under existing consents which will cause effects on rivers and other water bodies. Housing intensification will increase the level of discharges to water (point source or through stormwater systems) which will negatively impact on the discharge consents held by the Council which specify the volume of discharges that are allowed.

Any reduction in water quality adversely impacts on the ability to give effect to Te Ture Whaimana which is focused on the protection and enhancement of the water quality of the Waikato and Waipā Rivers and their catchments.

The implementation of the Medium Density Residential Standards and policy 3(d) of the National Policy Statement on Urban Development 2020 means that major upgrades to the existing infrastructure network will have to be brought forward to cope with the additional demands that will be placed on the network through housing intensification.

The statutory requirement to give effect to Te Ture Whaimana places significant emphasis on the upgrading of infrastructure before intensification occurs. The Council's ability to fund the upgrading of infrastructure is limited. The Council is legally required to set out its work programme through its Long Term and Annual Plans. This includes funding for the upgrading of infrastructure and when that will occur. It is not a simple matter to bring funding forward, especially when there are no projects set out in the Long-Term or Annual Plans that the funding is to go to. For infill housing in brownfield areas, financial contribution will only cover a portion of the costs towards the upgrading of infrastructure. Council will still need to budget for the remaining funds that will be needed.

Proposed modifications to the Medium Density Residential Standards to accommodate qualifying matters

Current District Plan Rules

The district plan contains current rules which assist in addressing the effects of intensification and are proposed to be retained in the new Medium Density Residential Zone. In particular, rule 2.4.2.13 of the district plan currently requires that 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.

It is proposed to retain this rule in order to address the potential effects of increased stormwater run-off on water quality.

Alternative Controls Proposed

As a result of the infrastructure and stormwater technical assessment reports, it is proposed to introduce new policy area overlays which show where the 3 Waters infrastructure is at or over capacity. These have been called the Stormwater Constraint Qualifying Matter Overlay and the Infrastructure Constraint Qualifying Matter Overlay.

It is proposed under Rule 2A.4.2.10, for sites that are located within the Stormwater Constraint Qualifying Matter Overlay, that the maximum building site coverage must not exceed 40% of the net site area. Activities that do not comply with this rule will require resource consent for a restricted discretionary activity with discretion being restricted over:

- Building location, bulk and design; and
- On-site amenity; and
- Outlook for adjoining neighbours; and
- Effects on existing trees; and

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- Landscaping; and
- Stormwater disposal.

For sites within the Infrastructure Constraint Qualifying Matter Overlay, it is proposed that development of more than two dwellings (currently provided for in the residential zone) will require a restricted discretionary resource consent to enable assessment of the capacity of infrastructure to accommodate the additional intensification. This is achieved by rules 2A.4.1.1(b) and (c) and the proposed assessment criteria.

Assess the impact that limiting development capacity, building height or density (as relevant) will have on the provision of development capacity (s77J(3)(b) of the Resource Management Act 1991)

The modified standards ensure that Te Ture Whaimana is given effect to and that the restoration and protection of the health and wellbeing of the Waikato and Waipā Rivers occurs. It is considered that the modified standards will not have a significant effect on the achievement of housing intensification as mandated by the Medium Density Residential Standards as the district plan already provides sufficient capacity to meet the projected housing demand for the Waipā District.

The new rules do not prevent housing intensification from occurring. Rather, the new rules enable the assessment of infrastructure capacity to occur which informs whether there is capacity to cope with the demands of proposed developments. It is anticipated that the areas currently covered by the Stormwater Constraint and Infrastructure Constraint Qualifying Matters will be reduced over time as new infrastructure becomes available and/or existing infrastructure is upgraded to cope with increased demands.

Assess the costs and broader impacts of imposing those limits (s77J(3)(c) of the Resource Management Act 1991)

The technical reports commissioned for stormwater, water and wastewater have shown that there is limited, and in some places, no capacity for existing infrastructure to accommodate additional demands being placed on the infrastructure networks. It is unknown how infrastructure that is at capacity can deal with additional demand which is likely to result in discharges occurring into the river, with some of those discharges containing contaminants. Where there is insufficient information, the relevant iwi management plans, along with Te Ture Whaimana, recommend that a precautionary approach be adopted.

The alternative controls proposed to accommodate this qualifying matter have been developed in such a way as to give effect to higher level resource management documents by:

- Restoring and protecting the Waikato and Waipā Rivers.
- Meeting the projected demand for housing within the Waipā District.
- Enabling an increase in the supply and typology of housing across Cambridge, Kihikihi and Te Awamutu where the development has demonstrated that it is able to provide the required infrastructure capacity to accommodate an increased demand in water, stormwater, and wastewater.

The alternative approach is to apply the Medium Density Residential Standard as set out in Schedule 3A of the Resource Management Act 1991 without modification in respect of this particular qualifying matter. This approach would not have regard to the potential adverse effects that housing intensification could have on the Waikato and Waipā Rivers and would cause further degradation of the Waikato and Waipā Rivers.

Allowing housing intensification that increases the risk of flooding, stormwater overflows or reduced water pressure is not consistent with the purpose of the Resource Management Act 1991 or the directive given in s6 in respect of matters of national importance (in particular s6(a), s6(b) and s6(e)).

It is acknowledged that people who apply for resource consents to build within these Qualifying Matter Overlays will need to pay the costs associated with applying for resource consent as well as the required infrastructure capacity assessment.

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A description of how the modifications to the Medium Residential Standards as applied to the relevant residential zones are only limited to those modifications necessary to accommodate qualifying matters

Proposed new maps 56 ‘Qualifying Matters – Cambridge’ and 57 ‘Qualifying Matters – Te Awamutu / Kihikihi show the location of the Stormwater Constraint Qualifying Matter Overlay and the Infrastructure Constraint Qualifying Matter Overlay for each of the towns. The location of the overlays is based on information contained in the following technical reports:

1. Plan Change 26 Water and Wastewater Infrastructure Assessment – WSP.¹
2. Stormwater Infrastructure Assessment – Te Miro Water.²
3. Summary Synthesis Report: Infrastructure Report Plan Change 26 – Beca.³

Table 2: Preservation of the natural character of rivers and their margins, open space for public use, maintenance and enhancement of public access to and along rivers

**Preservation of the natural character of rivers and their margins
Open space for public use
Maintenance and enhancement of public access to and along rivers**

These qualifying matters apply to both the Medium Density Residential Standards and Policy 3 of the National Policy Statement on Urban Development 2020.

The area the qualifying matters apply to (s77J(3)(a)(i) of the Resource Management Act 1991)

The Waikato River and the Karapiro Stream are identified in the district plan as important biodiversity corridors as well as cultural landscape areas – alert. The Mangapiko Stream is identified as a cultural landscape area – alert in the district plan.

The Waikato River runs through Cambridge and is considered to be an essential part of the town’s landscape. Karapiro Stream is located in an area of Cambridge known as Carters’ Flat and holds significance for mana whenua.

The Mangapiko Stream is mainly a low-lying peat stream that runs through the heart of the Waipā District. The stream runs through Te Awamutu and meets with its main tributary, the Mangaohoe Stream.

The following objectives and policies are in the District Plan which refer to the waterbodies mentioned above.

Section 2 – Residential Zone

1. *Objective* - Key elements of residential character – 2.3.1 - To maintain and enhance the existing elements of the Residential Zone that give each town its own character.
2. *Policy* – Cambridge - 2.3.1.1 To maintain and enhance Cambridge’s character by: (d) maintaining and enhancing public views to the Waikato River and Karāpiro Stream Valley with development actively facing and providing access to the River and the Stream.
3. *Policy* - Te Awamutu - 2.3.1.2 To maintain and enhance Te Awamutu’s character by: (d) providing linkages to the Mangapiko Stream with development actively facing and providing access to the stream.

¹ Refer to Appendix 6 for the report.

² See Appendix 9.

³ Refer to Appendix 8.

Preservation of the natural character of rivers and their margins

Open space for public use

Maintenance and enhancement of public access to and along rivers

Section 15 – Infrastructure, Natural Hazards, Development and Subdivision

1. *Objective* - Integrated development: environmental enhancement - 15.3.7 Maintain and enhance the District's natural environment, including the natural functioning of the environment, natural features and landscapes, and significant natural areas.
2. *Policy* - Minimise impacts on the natural environment: low impact design methods 15.3.7.1 To maintain and enhance the natural environment, the existing land forms, vegetation, and water bodies, through the use of low impact design methods at the time of development and subdivision.
3. *Policy* - Achieving the permanent protection of the natural environment - 15.3.7.4 - To achieve the permanent protection of identified significant natural areas, Maungatautari Ecological Island, ecological features, lakes and water bodies, the Te Awa Cycleway route and any Incentivised Cycleway, through the incentive of an environmental benefit lot.
4. *Policy* - Managing the future effects of development and subdivision on lakes and water bodies - 15.3.7.6 - To ensure that the layout and design of subdivision and subsequent development and any development on a site acknowledges and avoids adverse effects on the sensitive environment of the water bodies.
5. *Policy* - Additional subdivision opportunities in limited circumstances to permanently protect important areas of biodiversity value - 15.3.7.8 - Consider additional subdivision opportunities where significant biodiversity gains can be achieved in the following priority areas or locations: (a) Peat lakes and rivers: by permanently providing significant buffer areas around peat lakes and rivers; or (b) Wetlands, kahikatea stands, riparian margins and bush stands on the low lands, by providing permanent protection; or ... (f) Biodiversity corridors: by permanently protecting significant riparian or wetland areas within the identified biodiversity (river or stream) corridors.
6. *Objective* - Maintaining cultural landscapes - 15.3.8 - To maintain the District's cultural landscapes, identified in this Plan.
7. *Policy* - Manage adverse effects on the values of the cultural landscape - 15.3.8.1 - To maintain the values of the cultural landscapes identified in this Plan, the layout and design of development and subdivision should not result in buildings, earthworks and wastewater systems adversely affecting the cultural values of the landscape.
8. *Objective* - Provision of esplanade reserves - 15.3.12 - To ensure that subdivision of properties adjoining lakes and rivers provide for public access, and associated riparian benefits, where required.
9. *Policy* - Esplanade reserves, esplanade strips, and access strips - 15.3.12.1 - To ensure esplanade reserves, esplanade strips, and access strips are provided at the time of subdivision, where relevant, along the margins of lakes and rivers.
10. *Policy* - Enhanced public access to the District's lakes and rivers - 15.3.12.2 - Enhancing public access to the District's lakes and rivers by requiring esplanade reserves, strips, or access strips.
11. *Policy* - Contribute to natural functioning adjoining lakes and rivers - 15.3.12.3 - Contribute to the maintenance and enhancement of natural functioning, water quality and habitats adjoining lakes and rivers by requiring esplanade reserves, esplanade strips or access strips.
11. *Objective* - Giving effect to the Waikato River Vision and Strategy - 15.3.13 - To ensure that the Waikato River Vision and Strategy is given effect to by all development and subdivision.
12. *Policy* - Maintaining the health and well-being of land and water bodies - 15.3.13.1 - To give effect to the directions and outcomes in the Waikato River Vision and Strategy and the Waipā River Accord, by ensuring that all development and subdivision shall include the following elements:
 - (a) Low impact design for stormwater, drainage and earthworks; and
 - (b) Building setbacks from lakes and water bodies; and

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Maintenance and enhancement of public access to and along rivers

- (c) Access to water bodies where appropriate; and
- (d) Provision for the Te Awa Cycleway, where relevant; and
- (e) Minimal indigenous vegetation removal and requirements for restoration and enhancement of indigenous vegetation and natural character; and
- (f) Restricting locations of earthworks, building and wastewater systems within cultural landscapes.

Section 26 – Lakes and Water Bodies

1. *Objective* - Protecting the natural character of lakes and water bodies and their margins, from inappropriate use, and development - 26.3.1 - Ensure that activities that occur on and adjacent to lakes and water bodies are managed to avoid, and where possible enhance, natural character and water quality.
2. *Policy* - Ensuring activities are setback from lakes and water bodies - 26.3.1.1 - to ensure that adverse effects on public access to lakes and water bodies, and on the natural character and quality of the water in lakes and water bodies are avoided, through establishing setbacks for a range of activities that may cause adverse effects, except within the Karāpiro and Arapuni Hydro Power Zone.
3. *Policy* - Managing effects – 26.3.1.2 - Buildings, paved areas and wastewater treatment systems shall be located to avoid, remedy or mitigate adverse effects on remnant areas of indigenous flora and fauna, including, significant natural areas, peat lakes, and wetlands.
4. *Policy* - Managing ecological effects – 26.3.1.4 - to ensure that users undertaking activities on the surface of lakes and water bodies and within their margins do not adversely affect water quality, or significant natural areas, other indigenous vegetation, or habitats of significant indigenous fauna.
5. *Policy* - Recreational activities – 26.3.1.5 - to enable recreation activities adjoining lakes and water bodies, and ensure that they do not have adverse effects on the health and well-being of lakes and water bodies.
6. *Policy* - Enhancing natural character - 26.3.1.6 - promote the restoration and enhancement of the natural character of lakes, water bodies and their margins.
7. *Policy* - Good practice: lakes, water bodies and wetlands - 26.3.1.7 - to promote good land use practice adjoining lakes, water bodies and wetlands; including promoting the value of wetlands for both their biodiversity importance and the ecological services they provide (e.g. controlling sediment and nutrients runoff from intensively managed land).

The qualifying matter is incompatible with the level of development permitted by the Medium Density Residential Standards (as specified in Schedule 3A) or as provided for by policy 3 for that area (s77J(3)(a)(ii) of the Resource Management Act 1991)

The Medium Density Residential Standards and Policy 3 require a level of housing intensification that is not compatible with the preservation of the natural character of rivers and their margin, open space for public use and the maintenance and enhancement of public access to and along rivers.

In a technical report⁴ undertaken for this plan change, it was recommended that the existing provisions in the Waipā District Plan be amended to address the Medium Density Residential Standards.

The technical report concluded that it was necessary to have a buffer zone between development and significant natural areas to ensure that the degradation of these areas and the biodiversity corridors through vegetation removal does not adversely affect the areas and corridors. It also concluded that water quality will be adversely affected by earthworks and the cumulative effects of increased impervious surfaces within catchments and increased contaminants entering waterways. The implementation of the Medium Density Residential Standards adjoining current riparian margins had the potential to cause significant adverse

⁴ Refer to XYST report in Appendix 7.

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effects on the ability to restore and protect existing biodiversity corridors and the endangered and at risk species located within these corridors and to improve the water quality of rivers and streams as well as the instream habitat.

Proposed modifications to the Medium Density Residential Standards to accommodate qualifying matters

Current District Plan Rules

The district plan contains current rules which are proposed to be retained. In particular, rules 26.4.2.1 and 26.4.2.2 provide for a 23m setback along the edge of lakes and waterbodies within the Waipā District. Rule 26.4.2.1 states that no building, wastewater treatment system, earthworks or vegetation clearance shall be erected or undertaken within 23m of the edge of any lake or water body (excluding a natural wetland) as measured at its maximum annual water level, provided that this rule shall not apply to:

- (a) the Karāpiro and Arapuni Hydro Power Zone.
- (b) maimai not exceeding 6m² in floor area; or
- (c) earthworks and vegetation removal associated with conservation planting of river banks and lakes; or
- (d) the St Kilda Residential Structure Plan Area; or
- (e) the clearance of vegetation undertaken in accordance with Rule 26.4.1.1(e) or (f); or
- (f) the harvesting of forestry over 5m from a water body.

Activities that fail to comply with Rule 26.4.2.1 will require a resource consent for a restricted discretionary activity with the discretion being restricted over natural character and amenity of the water body or lake; public access; and recreational opportunities; cultural values; riparian values; ecological values; impact on natural hazards; natural and cultural features; and impact on other land.

Rule 26.4.2.2 requires that no building shall be erected within 23m of the edge of the Waipā, Waikato, Pūniu, Kaniwhaniwha, Mangapiko, Mangaohoi, Karāpiro and Owairaka rivers/streams as measured at their maximum annual water level, as shown on the Planning Maps, except within the Karāpiro and Arapuni Hydro Power Zone. Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

It is proposed to retain these rules to protect the natural character of the river and its margins, and to maintain and enhance public access to these areas. Assessment of these rules as existing qualifying matters is contained in Appendix 2.

Alternative controls proposed

For the protection of the Waikato River, Karapiro Stream, Mangapiko Stream and Mangaohoi Stream. and their environs, a new River / Gully Proximity Qualifying Matter Overlay is proposed. This means that for sites that are located within the River / Gully Proximity Qualifying Matter Overlay, the maximum building site coverage must not exceed 40% of the net site area.

Activities that do not comply with this rule will require resource consent for a restricted discretionary activity with discretion being restricted over building location, bulk and design; and on-site amenity; and outlook for adjoining neighbours; and effects on existing trees; and landscaping; and the impact on rivers and waterbodies and whether any potential adverse effects from a development can be avoided or mitigated; and the impact of the development on the indigenous flora and fauna located in gully systems and the ability to avoid, remedy or mitigate any adverse effects on these; and an assessment of stormwater disposal and whether this can be accommodated on-site.

Assess the impact that limiting development capacity, building height or density (as relevant) will have on the provision of development capacity (s77J(3)(b) of the Resource Management Act 1991)

The modification of the medium density residential standards to accommodate this qualifying matter may reduce development capacity and/or density for some sites. Development is not prohibited but landowners

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| <p>Preservation of the natural character of rivers and their margins</p> <p>Open space for public use</p> <p>Maintenance and enhancement of public access to and along rivers</p> |
| <p>will require a resource consent for a restricted discretionary application that will allow for the assessment of potential effects on matters of national importance such as the natural character of the river and its margins, and public access to these areas.</p> |
| <p>Assess the costs and broader impacts of imposing those limits (s77J(3)(c) of the Resource Management Act 1991)</p> |
| <p>Developments exceeding site coverage of 40% in the River / Gully Proximity Qualifying Matter Overlay will require a resource consent for a restricted discretionary activity. Additional costs may be incurred to meet the assessment criteria e.g. assessment of stormwater disposal.</p> <p>The broader impacts of the proposed overlay will be positive in that it will provide for the restoration and protection of river and stream corridors as well as biodiversity corridors. The overlay will help maintain and enhance public access to rivers and water bodies.</p> <p>Another positive effect from the use of the overlay is the retention of open spaces within Cambridge, Kihikihi and Te Awamutu which contributes to people’s social well-being. The overlay will also assist in the protection of cultural sites and cultural landscapes.</p> <p>It is acknowledged that people who do not meet the requirements of the proposed rule will have to bear the costs of applying for a resource consent and any assessment that is required by the assessment criteria for restricted discretionary activities.</p> |
| <p>A description of how the modifications to the Medium Residential Standards as applied to the relevant residential zones are only limited to those modifications necessary to accommodate qualifying matters</p> |
| <p>Proposed new maps 56 ‘Qualifying Matters – Cambridge’ and 57 ‘Qualifying Matters – Te Awamutu / Kihikihi’ show the location of the River / Gully Proximity Qualifying Matter Overlay for each of the towns.</p> <p>The overlay is based on information received from the technical assessment report of Waipā District’s green infrastructure and public open space network (refer to Appendix 7). The overlay has only been applied to the identified areas and to a 120m setback necessary to ensure the preservation of the natural character of the Waikato River, Karapiro Stream, Mangapiko Stream and Mangaohoi Stream and their environs as well for the maintenance and enhancement of public access to and along rivers. The overlay also ensures that open space for public use will not be adversely affected through the intensification of housing across Cambridge, Kihikihi and Te Awamutu.</p> |

Table 3: Open Spaces and Significant Indigenous Vegetation

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| <p>Open Space for public use</p> <p>Significant indigenous vegetation and significant habitats of indigenous fauna</p> |
| <p>These qualifying matters apply to both the Medium Density Residential Standards and Policy 3 of the National Policy Statement on Urban Development 2020.</p> |
| <p>The area the qualifying matters apply to (s77J(3)(a)(i) of the Resource Management Act 1991)</p> |
| <p>Reserves</p> <p>This qualifying matter applies across the Waipā District including the relevant residential zones of Cambridge, Kihikihi and Te Awamutu. Cambridge has around 419 hectares of reserves including proposed reserves that are part of identified growth cells. Te Awamutu has 77 hectares of reserves including proposed reserves that are part of identified growth cells. Kihikihi has 37 hectares of reserves including proposed reserves. Cambridge’s open space network encompasses the boundary of ‘old’ Cambridge and is made up of a mix grazed, neighbourhood and conservation reserves.</p> |

Open Space for public use

Significant indigenous vegetation and significant habitats of indigenous fauna

The location of Waipā's reserves are shown on the planning zone maps with the relevant maps being 4, 24, 25, 26, 27, 28 (Cambridge), 8, 38, 39 (Te Awamutu) and 41 (Kihikihi).

The District Plan contains the following key objectives and policies that relate to reserves:

Section 1 Strategic Policy Framework

1. *Objective* - Environmental and heritage protection and recreation values - 1.3.4 - to ensure that development and subdivision activities maintain and where possible enhance the environmental, heritage and recreational values of the District.
2. *Policy* - Enhancing existing recreation and conservation values - 1.3.4.5 - to enhance the recreation and ecological values of the District, by improving the function and access to existing reserves whilst ensuring areas of historic and ecological importance are protected and the development or subdivision results in net environmental gains.

Section 5 Reserves Zone

1. *Objective* - Management of Council Reserves - 5.3.1 - Reserve Management Plans, Reserve Concept Plans and the District Plan are aligned to permit a range of recreation and social uses, (including associated buildings) that:
 - (a) Are compatible with the values, purpose, amenities and heritage of the individual reserve; and
 - (b) Meet the immediate and foreseeable future needs of the community; and
 - (c) Maintain or enhance amenity values in and around reserves; and
 - (d) Avoid adverse effects on the environment; and
 - (e) Do not detract from the value of heritage items.
2. *Policy* - Buildings and activities on reserves – 5.3.1.2 - buildings and activities on reserves are developed and managed in a manner which retains the reserve's environmental, heritage and/or cultural values, and supports the purpose of the reserve.
3. *Objective* - Public access to lakes and water bodies - 5.3.5 - Reserves adjoining lakes and water bodies should facilitate public access.
4. *Policy* - Public access – 5.3.5.1 - Activities providing improved public access to esplanade areas and reserves are enabled.
5. *Policy* - Esplanade Reserves – 5.3.5.2 - to enable passive recreation use and conservation uses on Esplanade Reserves

Section 15 Infrastructure, Natural Hazards, Development & Subdivision

1. *Objective* - Provision of reserves - 15.3.11 - to ensure the ongoing provision of reserves through the subdivision process, including opportunities to add land to existing reserves or land owned by Council, to enhance or provide for public recreation, conservation and amenity needs. Local purpose reserves may also need to be provided at the time of subdivision.
2. *Policy* - Ensuring each greenfield subdivision provides reserve areas - 15.3.11.1 - to ensure that subdivision processes to create new lots, contribute to the provision of reserves within the District.
3. *Policies* - Reserve location and design - 15.3.11.2 - all urban neighbourhood and sports reserves shall be designed and located to ensure that they are of shape, size, and contour to provide for the anticipated recreational demands of the community and District, and can be accessed by both pedestrians and vehicles; and 15.3.11.3 - all conservation reserves shall recognise an existing natural feature, or contribute to the protection or access to the natural feature; and 15.3.11.4 - in the instances where a reserve serves a dual function, for example a local purpose reserve, this shall be recognised within the layout and design of the subdivision.
4. *Policy* - Securing land adjoining or adjacent to existing reserves - 15.3.11.5 - subdivisions in an area that either adjoin or are adjacent to an identified significant recreation or conservation reserve as identified in Appendix O5, shall contribute to the improved functioning and use of that reserve,

including access to the reserve, ecological enhancement within the reserve, or improved passive surveillance through the addition of residential activity adjoining the reserve.

Significant natural areas

The significant natural areas that are visible from or located in Cambridge, Kihikihi and Te Awamutu are shown on the following policy areas maps:

1. Cambridge – policy areas map 4 and 25 (significant natural areas visible from Cambridge) and 26 and 28 (significant natural areas located in Cambridge).
2. Kihikihi and Te Awamutu – policy areas map 40 (significant natural areas visible from Kihikihi and Te Awamutu).

The following key objectives and policies are in the district plan in respect of significant natural areas.

Section 1 Strategic Policy Framework

1. *Objective* - Environmental and heritage protection and recreation values - 1.3.4 -to ensure that development and subdivision activities maintain and where possible enhance the environmental, heritage and recreational values of the District.
2. *Policy* - Management of adverse effects - 1.3.4.1 - to ensure that development and subdivision is undertaken in a manner that:
 - (a) Does not result in a net loss of indigenous biodiversity; and
 - (b) Protects areas of outstanding landscape; and
 - (c) Maintains cultural landscapes and other identified landscape areas and features of high amenity; and
 - (d) Protects listed heritage items; and
 - (e) Retains and where possible enhances recreation values.
3. *Policy* – Environmental, recreational and heritage protection – 1.3.4.2 – to consider additional development and subdivision opportunities in circumstances where:
 - (a) Significant natural areas, located within the indigenous forest corridors, are permanently protected; ...
4. *Policy* - Nature tourism - 1.3.4.3 - Nature tourism activities that are directly reliant on and either within, or immediately adjoining outstanding natural features and landscapes, high amenity landscapes, significant landscape features at a District level, and significant natural areas that are nationally significant will be encouraged where the scale and nature of the adverse effects from the activity, including on the landscape or feature itself and connections with the transport network can be appropriately mitigated.
5. *Objective* - Implementation of the Waikato River Vision and Strategy - 1.3.5 - the health and well-being of the Waikato River is restored and protected and Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River) is achieved.
6. *Policy* - Health and well-being of the Waikato and Waipā Rivers - 1.3.5.1 - to achieve the directions and outcomes of the Waikato River Vision and Strategy within the catchment area identified on the Planning Maps by District Plan provisions relating to:

...

 - (d) Esplanade reserves; and
 - (e) Landscapes; and
 - (f) Environmental Benefit Lot provisions for significant natural areas and in some circumstances riparian areas; and
 - (g) Significant natural areas and indigenous biodiversity generally;...

Section 15 Infrastructure, Natural Hazards, Development & Subdivision

1. *Objective* - Integrated development: environmental enhancement - 15.3.7 - Maintain and enhance the District's natural environment, including the natural functioning of the environment, natural features and landscapes, and significant natural areas.
2. *Policy* - Minimising adverse effects on the landscapes, protected trees, and natural areas identified in this Plan, at time of development and subdivision - 15.3.7.2 - To maintain and enhance the landscape values stated in this Plan, for the identified landscapes on the Planning Maps, by avoiding development and subdivision patterns that would lead to the inappropriate siting of buildings, associated infrastructure, or driveways in identified landscape areas, viewshafts, significant natural areas, or other areas of biodiversity or ecological value.
3. *Policy* - Achieving the permanent protection of the natural environment - 15.3.7.4 - to achieve the permanent protection of identified significant natural areas, Maungatautari Ecological Island, ecological features, lakes and water bodies, the Te Awa Cycleway route and any Incentivised Cycleway, through the incentive of an environmental benefit lot.
4. *Policy* - Additional subdivision opportunities in limited circumstances to permanently protect important areas of biodiversity value - 15.3.7.8 - consider additional subdivision opportunities where significant biodiversity gains can be achieved in the following priority areas or locations:
...
 - (c) Significant natural areas on the forested lower slopes of the western hills of Pirongia, the Kapamahunga Range, Maungatautari, Kakepuku, Maungakawa, Te Miro, and Te Tapui being permanently protected; or
 - (d) Significant natural areas being aggregated to form one large more ecologically sustainable area and being permanently protected; or
 - (e) Biodiversity corridors: by the permanent protection of significant areas of indigenous forest within biodiversity (indigenous forest) corridors; or
 - (f) Biodiversity corridors: by permanently protecting significant riparian or wetland areas within the identified biodiversity (river or stream) corridors.

The qualifying matter is incompatible with the level of development permitted by the Medium Density Residential Standards (as specified in Schedule 3A) or as provided for by policy 3 for that area (s77J(3)(a)(ii) of the Resource Management Act 1991)

Increased housing intensification may result in the removal of vegetation as well as reducing the ability for the Council to require landscaping in developments to create buffers to retain the significant natural areas and the ability to view those significant natural areas.

There is also the risk of intensification requiring the removal of vegetation which could lead to adverse effects on the pekapeka-tou-roa (long tailed bat) and potentially other threatened and at risk species which require specific and mature habitats to survive and flourish.⁵

Housing intensification has the potential to cause a loss of natural character as well as a loss of the viewshafts to and from the Waikato River and Karapiro Stream.

An increase in impervious surfaces through increased building coverage and impermeable surfaces will lead to a reduction in water clarity in the run-off that occurs which, in turn, will impact on the water quality of the Waikato River and waterbodies within the district.⁶

⁵ Refer to report by Xyst in Appendix 7.

⁶ Ibid.

Open Space for public use

Significant indigenous vegetation and significant habitats of indigenous fauna

Proposed modifications to the Medium Density Residential Standards to accommodate qualifying matters

Current District Plan Rules

The district plan contains current rules which are proposed to be retained as existing qualifying matters and are assessed in Appendix 2. For example, Rule 2.4.2.6 provides for a setback of 5m along the boundary adjoining the Te Awa Cycleway. This rule is proposed to be retained to avoid adverse effects on open space, and to maintain and enhance public access along the river.

Alternative controls proposed

To mitigate effects on reserves and significant natural areas, it is proposed that Rule 2A.4.2.7 contain the following setbacks:

- On sites adjoining a reserve, a setback of 4 metres is required along the boundary of the site adjoining the reserve; On sites adjoining a Significant Natural Area (SNA), a setback of 20 metres is required along the boundary of the site adjoining the SNA.

Assess the impact that limiting development capacity, building height or density (as relevant) will have on the provision of development capacity (s77J(3)(b) of the Resource Management Act 1991)

The modification of the medium density residential standards to accommodate this qualifying matter may reduce development capacity and/or density for some sites. Applications for resource consent for a restricted discretionary activity will be required where the setback rule cannot be complied with. Discretion has been restricted over the following matters:

- Building location, bulk and design; and
- Visual and aural privacy; and
- Reverse sensitivity effects; and
- Outlook for adjoining neighbours; and
- Effects on existing trees; and
- Landscaping; and
- Vehicle access to the rear of the site; and
- Effects on the safe and efficient operation of the state highway network, where applicable; and
- Consistency of front yard building setback and effects on established character along the identified Character Street, where applicable; and
- Effects on the function and associated amenity values of the adjacent reserve, where applicable; and
- Effects on the amenity values of the Te Awa Cycleway, where applicable.

Rule 2A.4.2.9 proposes to limit building coverage to 40% of the net site area if the site is located within the River / Gully Proximity Qualifying Matter Overlay. This overlay contains significant natural areas as well as cultural landscapes. If a development is unable to meet the building coverage requirement, a resource consent for a restricted discretionary activity will be required. Discretion has been restricted over the following matters:

- Building location, bulk and design; and
- On-site amenity; and
- Outlook for adjoining neighbours; and
- Effects on existing trees; and
- Landscaping; and

| |
|---|
| Open Space for public use |
| Significant indigenous vegetation and significant habitats of indigenous fauna |
| <ul style="list-style-type: none"> ▪ The impact on rivers and waterbodies and whether any potential adverse effects from a development can be avoided or mitigated; and ▪ The impact of the development on the indigenous flora and fauna located in gully systems and the ability to avoid, remedy or mitigate any adverse effects on these; and ▪ An assessment of stormwater disposal and whether this can be accommodated on-site. |
| Assess the costs and broader impacts of imposing those limits (s77J(3)(c) of the Resource Management Act 1991) |
| <p>Requiring a larger setback from boundaries adjoining reserves and significant natural areas than what is provided in the medium density residential standards will ensure that people have access to open spaces and the green infrastructure network. It will also ensure that people are able to access and / or view the significant natural areas that make the Waipā District a desirable place to live and work.</p> <p>Access to reserves and public open spaces will become increasingly important as housing intensification occurs and more people occupy spaces that were not previously intended to have more than two dwellings located on them.</p> <p>It is acknowledged that people who do not meet the requirements of the proposed rule will have to bear the costs of applying for a resource consent and any assessment that is required by the assessment criteria for restricted discretionary activities.</p> |
| A description of how the modifications to the Medium Residential Standards as applied to the relevant residential zones are only limited to those modifications necessary to accommodate qualifying matters |
| <p>The reserves and Significant Natural Areas are identified on the planning maps. The qualifying matter has been applied based on existing information in the District Plan which clearly shows where reserves/open spaces and significant natural areas are located.</p> <p>The proposed rules for section 2A concerning reserves and Significant Natural Areas have been based on the technical assessment report of Waipā District’s green infrastructure and public open space network (see Appendix 7).</p> |

Table 4: Expanding character cluster areas

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| Expanding character cluster areas |
| <p>This qualifying matter applies to both the Medium Density Residential Standards and Policy 3 of the National Policy Statement on Urban Development 2020.</p> |
| The area the qualifying matter applies to (s77I(3)(a) and s77L(c)(i) of the Resource Management Act 1991) |
| <p>Cambridge, Kihikihi and Te Awamutu all have a unique character which represents the history and growth of the towns. The communities of these towns are proud of this character and take pride in the history it tells.</p> <p>Cambridge is a town that receives distinct recognition at a local and national level in terms of its character and urban townscape. Its mature trees form a vital feature of the town and are a well-established aspect of many Cambridge parks, streetscapes and private properties. Cambridge has a good number of well-designed and iconic Victorian and Edwardian commercial, ecclesiastical and civic buildings that landmark the town.</p> <p>The town also has numerous houses and areas of architectural and heritage merit that greatly enhance the fabric and character of the district. These houses are an integral part of the town’s identity and character.</p> |

Expanding character cluster areas

Kihikihi is located south of Te Awamutu township and includes several heritage sites of note along its main street. It has a range of commercial enterprises in both the main retail street (Lyons Street), and industrial and commercial businesses one street back on Leslie Street. The main street of Kihikihi has a number of public heritage sites that are in excellent condition. Kihikihi also features several substantial park reserves, a public domain, and good public amenities.

Te Awamutu is a town that has seen rapid growth over recent years, with a bustling new commercial hub along Cambridge Road and several key public amenity upgrades including the aquatic centre. In terms of residential properties, Te Awamutu has an eclectic mix of design styles with only one identified heritage cluster and the majority of additional heritage buildings located within the main shopping precinct.

The qualifying matter applies over the relevant residential zones of Cambridge, Kihikihi and Te Awamutu. The district plan currently identifies the following in respect of character:

- Character clusters.
- Character Streets.
- Character precinct.
- Character precinct Cambridge A.
- Character precinct Cambridge B.
- Cambridge Residential Character Area.
- Rangiaowhia Ridge Building Setback Area.

To preserve this character, given its importance to the communities of the Waipā District, the following objectives and policies are contained in the District Plan.

Section 2 – Residential Zone

1. *Objective* - Key elements of residential character - 2.3.1 - To maintain and enhance the existing elements of the Residential Zone that give each town, village or settlement its own character.
2. *Policy* - Character clusters - 2.3.1.4 - To maintain and enhance the identified character of each character cluster by:
 - (a) Avoiding new buildings and relocated buildings between the dwelling and the front boundary of a site; and
 - (b) For new buildings or relocated buildings maintaining a similar style, form, building materials and colour to other dwellings within the cluster; and
 - (c) For relocated buildings ensuring that any maintenance and/or reinstatement work is undertaken; and
 - (d) Ensuring that signs do not detract from the character of the building or the cluster.
3. *Objective* - Neighbourhood amenity and safety – 2.3.2 - To maintain amenity values and enhance safety in the Residential Zone.
4. *Policy* - Building setback: character street - 2.3.2.2 - To maintain the existing character of character streets by having a consistent building setback.

Section 15 – Infrastructure, Natural Hazards, Development and Subdivision

1. *Objective* - Integrated development: site design and layout - 15.3.1 - To achieve integrated development within the District, that contributes to creating sustainable communities and enhances key elements of character and amenity.
2. *Objective* - Urban consolidation - 15.3.4 - To ensure urban consolidation will be achieved within the District, while also contributing to character and amenity outcomes.
3. *Policy* - Achieving density, design and character - 15.3.4.1 - The minimum and maximum lot size and dimension of lots have been established so that they achieve the character and density outcomes of each zone.

| Expanding character cluster areas |
|---|
| <p>As part of the development of Plan Change 26, Council engaged Paua Architects Limited to carry out a site-specific analysis of character buildings within the residential zones of Cambridge, Te Awamutu and Kihikihi (Appendix 4). This technical report has informed the assessment and proposed alternative controls described below.</p> |
| <p>The qualifying matter is incompatible with the level of development permitted by the Medium Density Residential Standards (as specified in Schedule 3A) or as provided for by policy 3 for that area (s77J(3)(a)(ii), s77L(a) and (b) of the Resource Management Act 1991)</p> |
| <p>Residential development within Waipā District has resulted in areas that are distinctive in character and provide an important contribution to the overall make-up of the townships. For example there are groups of dwellings within the Medium Density Residential Zone that have special character and this Plan seeks to maintain this character through provisions relating to character clusters in this section, and in Section 22 - Heritage and Archaeology.</p> <p>Intensification at the level provided by the Medium Density Residential Standards is not compatible with the Council’s intention and the Waipā communities’ desire to retain its character clusters and character streets. These are important as they are a physical representation of a period in the development of a town and they create a unique character and represent an era of history to the area where they are located.</p> <p>The International Council on Monuments and Sites New Zealand 2010 contains a definition for ‘cultural heritage value’. It means possessing aesthetic, archaeological, architectural, commemorative, functional, historical, landscape, monumental, scientific, social, spiritual, symbolic, technological, traditional, or other tangible or intangible values associated with human activity.</p> <p>Waipā District Council believes it is essential to preserve the cultural heritage values present in Cambridge, Kihikihi and Te Awamutu.</p> |
| <p>Proposed modifications to the MDRS to accommodate the qualifying matters</p> |
| <p>Current District Plan Rules</p> <p>The district plan contains current rules which are proposed to be retained as existing qualifying matters and are assessed in Appendix 2.</p> <p>The current regime in the district plan is that the construction of new buildings, relocated buildings and alterations/additions to existing buildings require resource consent for a restricted discretionary activity. These provisions have been retained in Section 2A and include:</p> <ul style="list-style-type: none"> ▪ Objective 2A.3.3 – Key elements of residential character ▪ Policy 2A.3.3.4 - Policy Character Clusters ▪ Policy 2A.3.4.2 – Policy – Building setback: character street ▪ Activity Status Table – 2A.4.1.3(b) Restricted Discretionary Activity – Character Clusters ▪ Rule 2A.4.2.8(b) Building setback – Character Clusters ▪ Assessment criteria – 21.1.3.4 – Character clusters, construction of new buildings, relocated buildings, and demolition of or alterations or additions to existing buildings ▪ Appendix DG1 Character Cluster Statements <p>Alternative Controls Proposed</p> <p>Amendments have been made to Appendix DG1 Character Cluster Statements. The amendments have been made to show the importance of the character clusters to Waipā’s unique identity as well as providing updated statements for some of the clusters (e.g. College Street Cluster in Te Awamutu).</p> <p>A new rule has been introduced into Rule 2A.4.1.3 which addresses the removal or demolition of buildings within the identified character clusters. Rule 2A.4.1.3(d) requires a restricted discretionary activity consent to be obtained for the construction of new buildings, relocated buildings and demolition</p> |

Expanding character cluster areas

or removal or alterations or additions to existing buildings in character clusters. Discretion has been reserved by the Council over the following matters:

- Building bulk and design, building materials, and layout; and
- Effects on the existing character identified in the cluster as set out in Appendix DG1; and
- The extent to which the demolition or removal of the character building detracts from the integrity of the streetscape; and
- The visibility of the new building and/or alterations or additions from public places; and
- Solar access; and
- Effects on parking and vehicle manoeuvring; and
- Signs; and
- Landscaping.

Additionally for relocated buildings:

- Condition of the exterior of the building; and
- Repairs and works identified for action in Council approved or certified Building Relocation Inspection Report; and
- Reinstatement works; and
- Timing for completing any required works.

No changes are proposed to the Character Precinct areas or the Rangiaowhia Ridge Building Setback Area. It is proposed to remove an existing character overlay (the Cambridge Residential Character Area) as it is considered that its application is too broad and it does not allow for development to occur in appropriate areas.

Amendments are proposed to character clusters as well as identified character houses. Most of the existing character cluster areas are in Cambridge which is where most of the new character houses to be included in a character cluster are located.

The proposed additions to the character clusters are based on a Character Area Review undertaken by Paua Architects Limited.⁷ The report recommended that a number of additional houses be added to existing character clusters. The recommendations are based on a site specific analysis of the properties. The additions will include additional housing being included in existing character clusters and new character clusters being created.

The new character cluster houses have been shown by site on new planning maps 58 'Character Clusters-Cambridge' and 59 'Character Clusters – Te Awamutu'.

The new properties to be added are:

- 27, 28 and 29 Alpha Street, Cambridge
- 5, 7, and 59 Bowen Street, Cambridge
- 63 Bryce Street, Cambridge
- 42, 43, 44, 46, 47, 49 and 61 Grey Street, Cambridge
- 6 Grosvenor Street, Cambridge
- 17, 27, 40, 41A, 42, 45, 51, and 92 Hall Street, Cambridge
- 13 and 21 Hamilton Road, Cambridge
- 43 and 60 King Street, Cambridge
- 4 and 7 Princes Street, Cambridge
- 175 Victoria Street, Cambridge
- 44, 48, 50, 52, 54, 56, 58, 60 and 62 Thornton Road, Cambridge

⁷ Refer to Appendix 4.

Expanding character cluster areas

- 53, 56, 57, 59 and 106 Williams Street, Cambridge
- 26 Wordsworth Street, Leamington, Cambridge
- 682, 710 and 795 Alexandra Street, Te Awamutu
- 939, 959, 1010, 2/1010, 1090 and 1130 Bank Street, Te Awamutu
- 2 and 66 Bridgman Road, Te Awamutu
- 70, 96, 271, 402 and 436 College Street, Te Awamutu
- 2 and 20 Downes Street, Te Awamutu
- 1 Moule Street, Kihikihi, Te Awamutu
- 682 Rewi Street, Kihikihi, Te Awamutu
- 30 Rolleston Street, Te Awamutu
- 254 Teasdale Street, Te Awamutu
- 147 and 337 Wallace Terrace, Te Awamutu

No other modifications to the medium density residential standards are proposed.

Range of options

Section 77L(c)(iii) of the Resource Management Act 1991 requires the consideration of a range of options to achieve the greatest heights and densities permitted by the Medium Density Residential Standards or as provided for by Policy 3 while managing the specific characteristics.

Council has considered the application of the Medium Density Residential Standards without modifications through qualifying matters. It was decided that due to the high level of importance that character has in the fabric of the District, it was not appropriate to enable higher density development without assessment of the potential adverse effects on the special character values that have been identified.

The heights and densities promoted by the Medium Density Residential Standards or Policy 3 of the National Policy Statement on Urban Development 2020 are inconsistent with the character values that exist on the existing character buildings in Cambridge, Kihikihi and Te Awamutu. The towns' character residential buildings are typically located on large sections and are stand-alone buildings that contain unique features such as large windows and front porches.

The intensification requirements under the Medium Density Residential Standards or as provided for by Policy 3 do not provide for the retention of character such as this and it was determined by the Council that it was essential to retain and protect these character values. For this reason, it has been concluded that the current approach in the District Plan along with the proposed approach in Plan Change 26 is the most appropriate way of retaining the character values in the three towns which are so highly valued by the communities in Waipā.

Assess the impact that limiting development capacity, building height or density (as relevant) will have on the provision of development capacity (s77J(3)(b) of the Resource Management Act 1991)

It is not expected that there will be a significant impact on the provision of development capacity through the retention of the existing character cluster policy framework. The current framework in the district plan is designed to achieve the projected demand for housing in the Waipā District.

If a development is not able to meet the required setback for a character street policy overlay a resource consent application for a restricted discretionary activity will be required.

While the Medium Density Residential Standards will apply to the residential properties in the existing and expanded cluster areas and the existing character streets, there is a requirement for a restricted discretionary resource consent to be obtained so that an assessment of the potential effects on existing character buildings and the integrity of the streetscape can be done and a decision can be made on whether any adverse effects can be avoided, remedied or mitigated.

Expanding character cluster areas

Assess the costs and broader impacts of imposing those limits (s77J(3)(c) of the Resource Management Act 1991).

It is acknowledged that landowners who do not meet the requirements of the proposed rule will have to bear the costs of applying for a resource consent and any assessment that is required by the assessment criteria for restricted discretionary activities.

The broader impact of the modifications to the Medium Density Residential Standards could potentially be a lower density and lower buildings heights are achieved in order for the character values of the buildings to be retained and protected. A positive impact could be that any additions or additional buildings would need to be done in a manner sympathetic to the existing character values which would help retain the existing level of character values.

A description of how the modifications to the Medium Residential Standards as applied to the relevant residential zones are only limited to those modifications necessary to accommodate qualifying matters.

The new character cluster houses have been shown on a site by site basis on new planning maps 58 'Character Clusters- Cambridge' and 59 'Character Clusters – Te Awamutu'.⁸ Any modifications required as a result of the character cluster / streets qualifying matters is only applicable to properties located within these areas which are clearly defined in the District Plan planning maps.

It is also proposed to remove an existing character overlay (the Cambridge Residential Character Area).

⁸ Based on the information in the Character Area Review Report in Appendix 4.