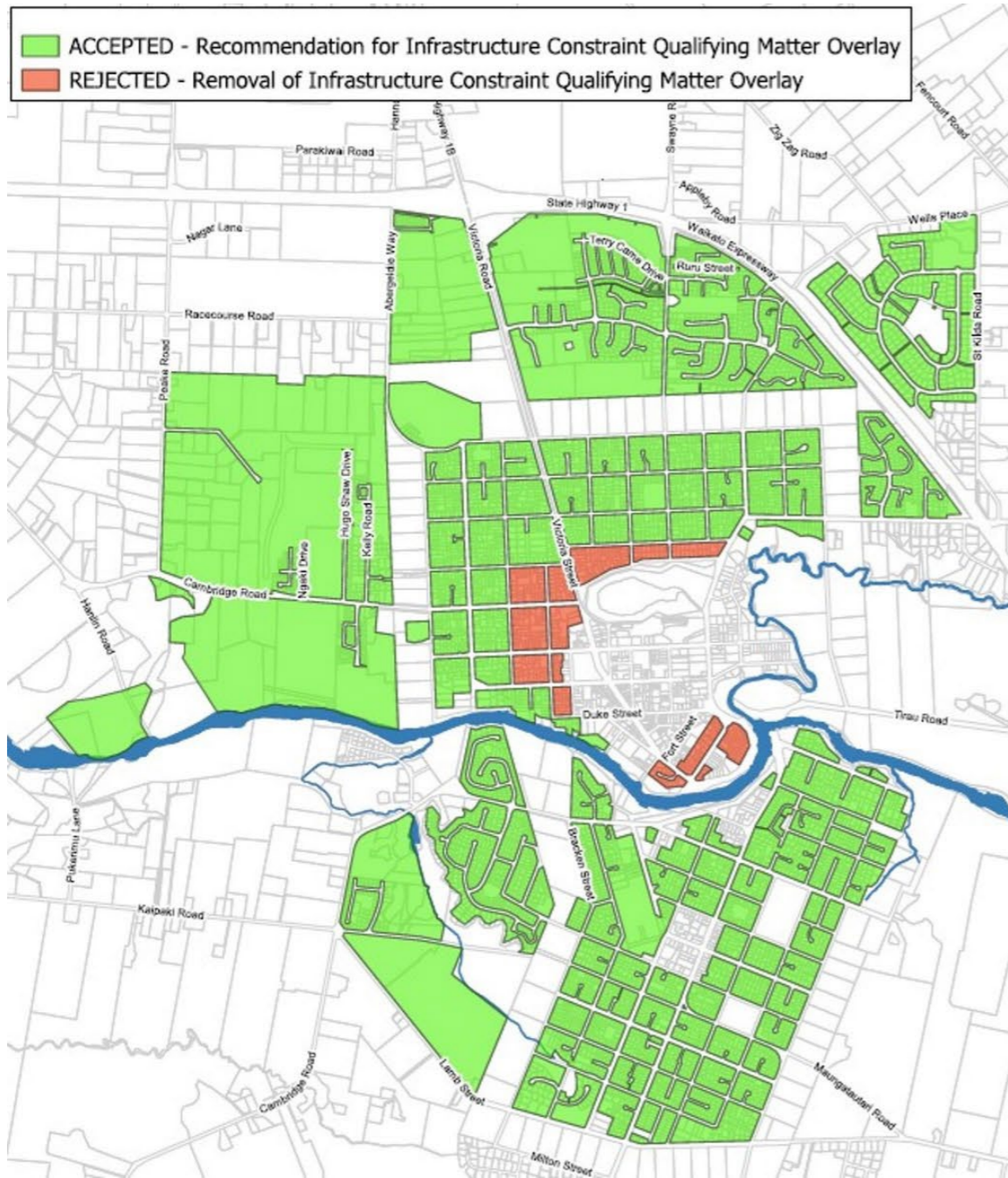


## IHP Recommendations to PC26 – Rejections Recommended

IHP provisions / recommendation rejected by Waipā District Council	Description of recommendation	Reasons why the council does not support this recommendation	Alternative recommendation	Why is the alternative recommendation preferred?
<b>MATTER A: REMOVAL OF THE INFRASTRUCTURE CONSTRAINT QUALIFYING MATTER OVERLAY FROM LAND SURROUNDING THE COMMERCIAL ZONE IN CAMBRIDGE</b>				
<p>Removal of the Infrastructure Constraint Qualifying Matter Overlay from land surrounding the commercial zone in Cambridge</p>	<p>The IHP report recommended removal of Infrastructure Constraint Qualifying Matter Overlay in that part of Medium Density Residential Zone surrounding the Commercial Zone in Cambridge and identified in the map on the following page (paragraphs 285 – 307, particularly paragraph 304, of the IHP report).</p>	<p><b>Primary Reasons</b></p> <p>There is insufficient evidence to justify the removal of the Infrastructure Capacity Qualifying Matter Overlay (ICO) from the identified part of Cambridge.</p> <p><b>Supplementary Reasons</b></p> <p>The IHP accepted the expert engineering and planning evidence provided on behalf of the Council that it is necessary to implement the ICO to avoid adverse effects associated with future urban development enabled by the MDRS and to give effect to Te Ture Whaimana (pages 66 to 72, particularly paragraph 304, of the IHP report).</p> <p><u>Section 32AA RMA</u></p> <p>Having accepted the Council’s evidence the IHP has not completed a further evaluation under Section 32AA of the Resource Management Act 1991 to confirm that removal of the ICO is the most appropriate way to achieve the objectives of PC26.</p> <p>The discussion in the IHP report recommending removal of the ICO (paragraph 304, pg 71) does not record in sufficient detail or demonstrate that further evaluation was undertaken in accordance with the requirements of Section 32AA.</p> <p><u>Evidence</u></p> <p>The reduction of the extent of the notified ICO was proposed in rebuttal evidence by Mr Quickfall on behalf of Council (Rebuttal evidence dated 19 April 2023 at para 5.1). This evidence supported the reduction on strategic planning grounds, but did not provide specific justification for this proposal or consider the potential adverse effects of removal of the ICO.</p> <p>The rebuttal evidence of Mr Coutts on behalf of Council did not support the removal of the ICO as development to the extent enabled by MDRS in this part of Cambridge would have the same potential adverse effects on infrastructure servicing and Te Ture Whaimana as elsewhere in Cambridge (Rebuttal evidence dated 20 April 2023).</p> <p><u>Implication</u></p> <p>The removal of the ICO from this part of Cambridge results in:</p> <ul style="list-style-type: none"> <li>▪ Each site excluded from the ICO being able to have up to three dwellings as a permitted activity in accordance with MDRS; and</li> <li>▪ Proposals for four or more dwellings not being required to provide an infrastructure capacity assessment under Rule 15.4.2.19A.</li> </ul> <p>The removal of the ICO implies that there are no infrastructure concerns with this part of Cambridge, when this is not the case.</p> <p>There is a need for all development exceeding two dwellings per site to prepare an infrastructure capacity assessment to ensure that there is sufficient capacity in the infrastructure network to deal with additional demand without resulting in adverse effects on the environment, particularly the Waikato River. Removal of sites from the infrastructure constraint overlay signals to developers that there are no constraints.</p>	<p>That the Infrastructure Constraint Qualifying Matter Overlay be mapped to cover the full extent of the Medium Density Residential Zone as originally publicly notified by PC26. The effect of this is:</p> <ol style="list-style-type: none"> <li>1. All sites within the Medium Density Residential Zone are also contained within the Infrastructure Constraint Qualifying Matter Overlay</li> <li>2. All of the properties recommended by the IHP to be removed from the Infrastructure Constraint Qualifying Matter Overlay and coloured orange on the map overpage are retained within the Infrastructure Constraint Qualifying Matter Overlay.</li> </ol> <p>That Rule 2A.4.1.1(b) be deleted:</p> <p><del>(b) Up to three dwellings per site outside of the:</del></p> <ul style="list-style-type: none"> <li><del>(i) Infrastructure Constraint Qualifying Matter Overlay;</del></li> <li><del>(ii) Regionally Significant Industry Qualifying Matter Overlay;</del></li> <li><del>(iii) Character Clusters and Character Cluster Qualifying matter Overlay</del></li> </ul> <p>That reference to Rule 2A.4.1.1(b) be deleted from Rule 2A.4.1A(a)</p> <p>2A.4.1A The following rules apply to the matter of notification of resource consent applications required under this section of the district plan:</p> <ol style="list-style-type: none"> <li>(a) An application for resource consent under Rule 2A.4.1.1(<del>b</del>), or (c) or (d)) that does not comply with one or more of the performance standards in Rule 2A.4.2 will be considered without public notification unless the Council determines that special circumstances exist under the Resource Management Act 1991.</li> </ol>	<p>Including the land surrounding Cambridge Commercial Zone within the Infrastructure Capacity Qualifying Matter Overlay will ensure that:</p> <ol style="list-style-type: none"> <li>1. All land within the Medium Density Zone is treated consistently with respect to infrastructure capacity issues</li> <li>2. All developments of three or more dwellings are required to provide an infrastructure capacity assessment.</li> <li>3. People do not make investment decisions on an incorrect assumption that land is not subject to infrastructure constraints when this may not be the case.</li> </ol> <p>If the full extent of the infrastructure constraint overlay is reinstated by the Minister Rule 2A.4.1.1(b) becomes redundant and should be deleted.</p> <p>Deletion of Rule 2A.4.1.1(b) necessitates that reference to it in other rules also be deleted</p>

IHP provisions / recommendation rejected by Waipā District Council	Description of recommendation	Reasons why the council does not support this recommendation	Alternative recommendation	Why is the alternative recommendation preferred?
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<b>MATTER B: EXEMPTION FROM RULE 2A.4.2.8 – SITE COVERAGE WITHIN THE STORMWATER CONSTRAINT QUALIFYING MATTER OVERLAY</b>				
Exemption from Rule 2A.4.2.8 – site coverage stormwater qualifying matter overlay	The IHP report recommended providing an exemption to the 40% site coverage standard for sites within the Stormwater Constraint Qualifying Matter Overlay (pages 58 – 66, particularly paragraphs 269 to 272 and 277, of the IHP report).	<p><b>Primary Reason</b></p> <p>There is insufficient evidence to support an exemption from the rule requiring 40% site coverage for sites within the Stormwater Constraint Qualifying Matter Overlay.</p> <p><b>Supplementary Reasons</b></p> <p>The IHP accepted the expert engineering and stormwater evidence on behalf of Council that an increase in allowable building coverage could potentially cause adverse effects to water quality and scour of downstream receiving environments, and that the proposed Stormwater Constraint Overlay could reduce such stormwater effects, thus contributing to giving effect to Te Ture Whaimana (paragraphs 273 and 274 of the IHP report).</p> <p><u>Section 32AA RMA</u></p> <p>Having accepted the Council’s evidence the IHP has not completed a further evaluation under Section 32AA of the Resource Management Act 1991 to confirm that provision of an exemption to the site coverage performance standard is the most appropriate way to achieve the objectives of PC26.</p> <p>The discussion in the IHP report recommending an exemption (paragraph 277, pg 65) does not record in sufficient detail or demonstrate that further evaluation was undertaken in accordance with the requirements of Section 32AA.</p> <p><u>Council’s Submissions</u></p> <p>The submissions in reply on behalf of Council are recorded in paragraph 270, page 63 and conclude “...that while an exemption in the limited circumstances described by Mr Coutts is supported in principle, it may be difficult to accurately provide for such an exemption, and it would be more efficient and effective to require a restricted discretionary activity application as currently proposed. This is because:</p> <p>a) The WRC network discharge permit may be obtained many years in advance of the development of individual sites within the growth cell, meaning any rule will not apply to ‘greenfields’ subdivision but will apply to any site within the MDRZ.</p> <p>b) While the WRC discharge permit may be designed to accommodate 50% building coverage (rather than 40%), this factor may not be recorded on the relevant titles in a way that is meaningful when the site is developed, potentially many years later. In particular, the use of consent notices is a tool only available in respect of a subdivision consent.</p> <p>c) Given the potential for a long delay between the WRC network discharge permit and the development of a site, it may be necessary to include a ‘longstop’ on the proposed rule, to ensure that Council is not required to consider discharge permits that were obtained many years, or even decades, previously. In these circumstances the stormwater effects, or the current approach to the management of stormwater, may have changed.”</p> <p><u>Implications</u></p> <p>The exemption as recommended by the IHP was intended to apply to greenfield sites, but by application the rule applies to all sites.</p> <p>The exemptions will be difficult to monitor and enforce as development could occur well after subdivision has taken place and with stormwater management designed and implemented by different people.</p> <p>The amended rule is ambiguous and difficult to interpret and implement.</p>	<p>That Rule 2A.4.2.8 be amended to read:</p> <p>On sites located within the Stormwater Qualifying Matter Overlay, the maximum site coverage must not exceed 40% of the net site area. <del>except for sites that meet the following criteria:</del></p> <p><del>a. Where a subdivision consent has been approved by Council that includes stormwater management designed for 50% site coverage over the entire site or on specified lots on the site; and</del></p> <p><del>b. Any regional discharge consents that are required have been approved and consent notices are in place, where applicable;</del></p> <p><del>c. Sites that meet the criteria outlined in 2A.4.2.8(a) and (b) will have maximum site coverage as specified under Rule 2A.4.2.7 which will apply either over the entire site or on specified lots on the site;</del></p> <p>Activities that fail to comply with this Rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:</p> <ol style="list-style-type: none"> <li>i. The flood effects due to displacement of floodwater arising from the proposed building development; and</li> <li>ii. The impact on rivers and waterbodies and whether any potential adverse effects from a development are required by relevant consent or guidelines to be avoided or mitigated; and</li> <li>iii. An assessment of stormwater disposal and whether this can be accommodated on-site.</li> </ol> <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>	The rule, as amended, is easier to interpret and administer and will enable the effects of development exceeding permitted site coverage to be considered and assessed on a case-by-case basis specific to individual sites and stormwater design / management solutions.

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		<p>The ability to increase building site coverage should be proposed and assessed as part of an application for a restricted discretionary activity resource consent and based on site / development specific matters.</p>		
<b>MATTER C: DELATION OF PROVISIONS RELATING TO RELOCATED BUILDINGS</b>				
<p>Relocated Buildings – Medium Density Residential Zone.</p>	<p>The IHP report (Appendix 5) recommended the deletion of provisions forming part of PC26 that are specific to relocated buildings in the Medium Density Zone, including:</p> <ul style="list-style-type: none"> <li>▪ Resource Management Issue,</li> <li>▪ Policies,</li> <li>▪ Performance Standards and</li> <li>▪ Assessment Criteria</li> </ul>	<p><b>Primary Reason</b></p> <p>There is insufficient evidence to support the removal of relocated building provisions from the Medium Density Residential Zone.</p> <p><b>Supplementary Reasons</b></p> <p><u>Section 32AA</u></p> <p>The IHP has not provided any reasons or completed a further evaluation under Section 32AA of the Resource Management Act 1991 to confirm that removal of provisions in PC26 relating to relocated buildings in the Medium Density Residential Zone is the most appropriate way to achieve the objectives of PC26.</p> <p><u>Hearing &amp; Evidence</u></p> <p>PC26 was publicly notified with provisions (resource management issue, policies, permitted activity, performance standards, and restriction of discretion) specific to relocated buildings. These provisions apply in the Operative Waipā District Plan and were not proposed to be changed by PC26.</p> <p>While a submission by Kainga Ora sought deletion of the provisions, limited evidence was presented in relation to the removal of these provisions at the hearing.</p> <p>The main reason promoted for deletion of the relocated building provisions by Kainga Ora was that they are unnecessary because they duplicate requirements of the Building Act. The author of the s42A report was in agreement with this.</p> <p>No specific analysis of the deleted provisions was provided and no line of enquiry was entered into by the IHP.</p> <p><u>Implications</u></p> <p>The provisions as recommended by the IHP make relocated buildings a permitted activity. Subject to compliance with density standards there are no controls which restrict buildings being relocated onto sites and left indefinitely in a state of disrepair.</p> <p>Building Consent requirement for relocated buildings are limited to foundation and plumbing matters and they cannot be relied on to ensure the achievement of amenity or exterior maintenance outcomes.</p> <p>The Waipā District Plan in other zones contain the same / similar provisions. It is considered that the relocated building provisions as notified in PC26 should be retained to ensure consistency across all zones.</p>	<p>That the relocated building provisions as contained in the notified version of PC26 be retained (and renumbered as necessary). These provisions are re-created below:</p> <p><b>Resource Management Issue</b></p> <p><i>2A.2.6 – relocated buildings can adversely affect the existing amenity of the neighbourhood.</i></p> <p><b>Policy 2A.3.4.7</b></p> <p><i>Relocated buildings shall not detract from the amenity of the neighbourhood they are located within, by ensuring that exterior maintenance and painting is undertaken.</i></p> <p><b>Rule 2A.4.2.62</b></p> <p><i>A relocated building over 40m<sup>2</sup> GFA shall meet the following requirements:</i></p> <p><i>a. A Building Relocation Inspection Report shall accompany an application for a building consent. The Building Relocation Inspection Report shall be prepared by one of the following suitably qualified and experienced people:</i></p> <ol style="list-style-type: none"> <li><i>i. A Waipā District Council Building Compliance Officer (or equivalent); or</i></li> <li><i>ii. A member of the New Zealand Institute of Building Surveyors; or</i></li> <li><i>iii. A licensed building practitioner (carpenter or design category); or</i></li> <li><i>iv. A building inspector from the local authority where the building is being relocated from; and</i></li> </ol>	<p>If the provisions are not reinstated, then within the Medium Density Zone relocated buildings will be able to be located on any site for any duration as a permitted activity subject to compliance with density standards.</p> <p>In this respect, relocated buildings could be sited / stored on land without building consent. Reinstatement of the provisions would ensure that Council, neighbours and owners are aware of reinstatement works required and the time within which they will be completed.</p> <p>Owners, through the building relocation reports also have additional knowledge of issues associated with the buildings, and the costs of reinstatement works.</p> <p>A resource consent process would also be able to be initiated in the event that an inspection report is not provided or reinstatement works are not completed.</p>

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			<p>b. <i>If the Building Relocation Inspection Report has been prepared by a person other than a Waipā District Council Building Compliance Officer (or equivalent position), the accuracy and completeness of the Building Relocation Inspection Report must be confirmed by a Waipā District Council Building Compliance Officer (or equivalent position). This shall be done by undertaking an on-site inspection of the relocated building once it has been relocated. If the Waipā District Council Building Compliance Officer determine that the relocated building requires external repair works in addition to that identified in the submitted Building Relocation Inspection Report in order to achieve a tidy and workmanlike external appearance, then:</i></p> <p>i. <i>The owner of site to which the building is to be relocated will be contacted and must agree in writing to the additional works within 2 weeks of notification of the requirement for additional works. The additional works then become part of the Building Relocation Inspection Report.</i></p> <p>c. <i>All required repairs and maintenance identified in the Building Relocation Inspection Report to reinstate the exterior of the relocated building, including painting, if required, shall be completed within 6 months of the relocated building being delivered to the site; and</i></p> <p>d. <i>The owner of site to which the building is to be relocated must supply a signed declaration to Council that the reinstatement work required by the Building Relocation Inspection Report will be completed within 6 months of the relocated building being delivered to the site.</i></p> <p><i>This rule does not apply to new buildings which are designed for or intended to be used on a site which are erected off the site either in whole or in parts and transported to the site.</i></p> <p><i>Advice Notes:</i></p> <ol style="list-style-type: none"> <li><i>1. Relocated buildings less than 40m<sup>2</sup> are not required to comply with this rule but are required to comply with the relevant rules in 2A.4.2.</i></li> <li><i>2. Information requirements for a Building Relocation Inspection Report are detailed in Section 21.2.27.</i></li> <li><i>3. The onsite inspection by a Waipā District Council Building Compliance Officer (or equivalent position) shall occur at the time of foundation inspection for the Building</i></li> </ol>	

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			<p>Consent process, and will not incur additional costs.</p> <p>Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity, with the discretion being restricted over:</p> <ul style="list-style-type: none"> <li>▪ Condition of the exterior of the building; and</li> <li>▪ Repairs and works identified for action in Council approved or certified Building Relocation Inspection Report; and</li> <li>▪ Reinstatement works; and</li> <li>▪ Timing for completing any required works.</li> </ul> <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p> <p><b>Assessment Criteria – 21.1.2A.2</b></p> <p><b>Relocated Buildings</b></p> <p>(a) The overall condition of the exterior of the building, and the extent to which proposed works will avoid, remedy or mitigate any effects.</p> <p>(b) The extent to which the repairs and works identified for action in Council approved or certified Building Relocation Inspection Report will be carried out.</p> <p>(c) The timing, nature and extent of reinstatement works that are required to the exterior of the building after it has been moved to the new site.</p> <p>(d) The timeliness of the works taking into account the extent and nature of the proposed works.</p>	
<b>MATTER D: AMENDMENTS TO SECTION 18: FINANCIAL CONTRIBUTIONS</b>				
Section 18 – Financial Contributions	PC26 proposed amendments to Section 18: Financial Contributions including two new new financial contributions (for the purpose of mitigating effects on residential amenity and the Waikato River arising from density outcomes associated with PC26) for all new dwellings in the Medium Density Residential Zone and Commercial Zone; and the extension of financial contributions to permitted activities.	<p><b>Primary Reason</b></p> <p>The Council, as part of Plan Change 26, proposed the introduction of new financial contributions for all new dwellings as an optional part of the Intensification Planning Instrument under Section 80E(1)(b)(i) of the Resource Management Act 1991.</p> <p>The Council has now decided not to require additional financial contributions, but has no authority to withdraw this part of the Intensification Planning Instrument pursuant to Section 80G(1)(c) of the Resource Management Act 1991.</p> <p>Therefore the only option available to Council is to reject the recommendation.</p> <p><b>Secondary Reasons</b></p> <p>The reasons for Council deciding not to progress with the Financial Contributions proposed by Plan Change 26 include:</p> <ul style="list-style-type: none"> <li>▪ The effect of the levying of additional financial contributions in combination with existing development contributions on housing affordability, particularly given the changed economic climate since PC26 was notified in August 2022.</li> </ul>	<ol style="list-style-type: none"> <li>1. To reject the Financial Contributions provisions in Plan Change 26 in whole.</li> <li>2. To retain / reinstate Section 18 – Financial Contributions of the Operative Waipā District Plan as was in place prior to notification of Plan Change 26.</li> <li>3. To delete the last paragraph of Rule 2A.4: <del>Also refer to the Financial Contributions Section: Activities that result in adverse effects on infrastructure (including permitted activities) may be required to pay financial contributions of money, land, or a combination, prior to commencing the activity.</del></li> </ol>	<p>The proposed changes to the financial contributions section requires all new dwellings in the Medium Density Zone to pay a financial contribution of \$3725.00 (including GST).</p> <p>The contributions are based on mitigation of adverse effects on residential amenity values and Te Ture Whaimana and are payable for permitted activities and developments requiring resource consent.</p> <p>There are a number of issues associated with the rule framework which are problematic and which Council would like more time to work on to create acceptable provisions through future plan changes. These include:</p>

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		<ul style="list-style-type: none"> <li>▪ The administrative costs and burdens associated with implementing a new financial contributions process have now been fleshed out in more detail than when initially proposed.</li> <li>▪ The uncertainties created by extending financial contributions to permitted activities (while this was enabled by section 77E(1) of the Resource Management Act 1991, no mechanism was provided for collecting financial contributions for permitted activities).</li> </ul>		<ol style="list-style-type: none"> <li>1. The financial contributions represent an additional cost for houses which ultimately make the act of building a dwelling in Waipā less affordable.</li> <li>2. It is difficult to identify and quantify what specific adverse effects are generated by permitted development to the extent that financial contributions are necessary to mitigate these effects.</li> <li>3. It is difficult to identify and quantify what and when discount factors for these financial contributions will be applied by Council.</li> <li>4. The formulae for calculating the contributions do not identify if or when credits are applied to existing dwellings which may be removed from land prior to development.</li> <li>5. The only avenue to propose non-payment of or to object to a financial contribution is through the resource consent process (unless agreement can be reached as to discount factors to be applied).</li> <li>6. Non-payment of a financial contribution prior to building consent being lodged will trigger application of Section 36 of the Building Act and requirement for resource consent. No building can commence until such time as payment is received and section 36 certificates are released</li> </ol>