



Waipā District Plan Plan Change Submission Form

Form 5

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

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

Phone: 0800 924 723 | Online: www.waipadc.govt.nz/planchanges | Email: districtplan@waipadc.govt.nz

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

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Note: You must fill in **ALL** sections of this form.

Submissions close **5pm Friday, 30 September 2022.**

1. Submitter details

Full name of submitter:	Waipā District Council
Contact name if different from above:	Group Manager District Growth and Regulatory Services
Contact phone number(s)	[REDACTED]
Email address:	[REDACTED]
Address for service: <i>(required if no email address is provided)</i>	

We will serve all formal documents electronically via the email address provided above. Where there is no email address provided the documents will be posted to the above address.

2. This is a submission on the following proposed plan change to the Waipā District Plan

Plan Change 26 – Residential Zone Intensification

3. Trade competition

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

4. Attendance at Council hearing

Select one	<input checked="" type="radio"/> I do	wish to be heard (attend and speak at the Council hearing) in support of my submission
	<input type="radio"/> I do not	
If others make a similar submission, I will consider presenting a joint case with them at the hearing.		<input type="radio"/> Yes <input checked="" type="radio"/> No



Submissions must be received by Waipā District Council
by 5pm on Friday, 30 September 2022

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

Select one	<input type="radio"/>	I SUPPORT	As set out in Attachment 1.
	<input type="radio"/>	I SUPPORT IN PART	
	<input type="radio"/>	I OPPOSE	

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

As set out in Attachment 1.

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

As set out in Attachment 1

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

Signature of submitter: (or person authorised to sign on behalf of submitter)		Dated 21 Sept 2022
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Attachment 1: Submissions by Waipā District Council

No.	Specific Provisions the Submission relates to	Support / Oppose / Amend	Reasons	Decision Sought Additions to PC26 in underlined font; deletions to PC26 in struck-through font
General submission – Incorporation of MDRS				
1	Medium Density Residential Standards (MDRS)	Amend	PC26, and particularly, chapters 2A and 15, seek to incorporate the MDRS set out in Schedule 3A to the Resource Management Act 1991 (“the Act”). Given the recent amendment of the Act, the complexity of the amendments, and the limited timeframe available to Council to prepare PC26, it may be necessary to make further amendments to the provisions to ensure that the requirements of Schedule 3A are incorporated accurately and in a manner which is workable in the context of the Operative Waipā District Plan (“District Plan”).	Such further amendments to PC26 that are necessary to accurately and effectively incorporate the requirements of Schedule 3A of the Act.
General submissions – Qualifying matters				
2	Qualifying Matters	Support	PC26 has modified the MDRS to the extent necessary to accommodate one or more of the qualifying matters that are set out in section 77I of the Act. These qualifying matters and the modifications to the MDRS should be retained as they are necessary in order to achieve the purpose and principles of the Act, to give effect to Te Ture Whaimana o Te Awa o Waikato (“Te Ture Whaimana”) and to recognise and provide for the matters of national importance in s6 of the Act.	Retain the qualifying matters included in PC26.
3	Modifications to accommodate qualifying matters	Amend	PC26 proposes modifications to the MDRS to accommodate qualifying matters. Given the recent amendment of the Act, the complexity of the	Such further amendments to PC26 that are necessary to accurately and effectively accommodate qualifying matters.

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			amendments, and the limited timeframe available to Council to prepare PC26, it may be necessary to make further amendments to the provisions to ensure that the modifications are sufficient to recognise and protect the relevant qualifying matter and are workable in the context of the District Plan.	
Specific submissions – Qualifying matters – Significant Natural Areas				
4	Qualifying matters Introduction 2A.1.9	Amend	As currently worded, the qualifying matter 2A.1.9 (e) explains the circumstances where significant natural areas need to be protected only in relation to ensuring that open green spaces are available for meeting community needs. Significant natural areas are identified in the District Plan to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna, as a matter of national importance pursuant to section 6(c) of the Act. An amendment is necessary to 2A.1 to clarify that the MDRS have been modified where necessary to protect significant natural areas, in order to accommodate a matter of national importance under s 6(c).	(1) Amend 2A.1.9 (e) as follows: <i>(e) Where it is necessary to protect public open spaces and significant natural areas to ensure that there are public and open green spaces available for use by communities to meet their needs;</i> And (2) Insert a new sub-clause in 2A.1.9 as follows: <u>Where it is necessary to protect significant natural areas and public open spaces that provide significant habitats of indigenous fauna and include areas of significant indigenous vegetation.</u>
5	Qualifying matters Introduction 2A.1	Amend	Discussion of the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna within significant natural areas and public open spaces (reserve zones) will assist the	Add to 2A.1 <u>Qualifying Matter – Protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna</u>

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			reader of the District Plan to understand the reasons why the MDRS have been modified to accommodate these qualifying matters.	<p><u>Section 24 of the District Plan includes objectives, policies and methods for the protection of indigenous vegetation and significant habitats of indigenous fauna, and such protection is a matter of national importance under s 6(c) of the Act. The objective to maintain and enhance the existing level of biodiversity within the District is given effect to by methods that include the identification of significant natural areas (SNA). Reserves Zones are also used, in some cases, for the purpose of protecting and preserving indigenous flora and fauna, the intrinsic worth, and for scientific study and ecological associations.</u></p> <p><u>The MDRS have been modified to the extent necessary to accommodate the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.</u></p>
6	2A.3 Objectives and Policies	Amend	An objective and policy relating to the environmental outcomes sought by Rule 2A.4.2.6(f), which requires a setback from a SNA, will clarify the intent of this new provision.	<p>Add a new objective and policy relating to the outcomes to be achieved by setbacks from the boundary of significant natural areas and reserve zones as follows, or alternative wording to achieve the same or similar meaning:</p> <p><u>Objective – Significant Natural Areas</u></p>

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				<p><u>To ensure that buildings and activities at the interface of residential zones with significant natural areas do not adversely affect the ecological values of those areas.</u></p> <p><u>Policy</u></p> <p><u>Adverse effects of adjoining development on significant natural areas will be managed through requiring the setback of buildings from the boundary.</u></p>
7	Rule 2A.4.2.6	Amend	For activities that fail to meet the setback standards in Rules 2A.4.2.4-6, discretion is reserved over a list of matters in Rule 2A.4.2.6. The addition of matters for discretion relating to effects on significant natural areas will assist in achieving the outcomes sought for those areas.	<p>(1) Add additional matters for discretion to Rule 2A.4.2.6 to address the effects of buildings within 20m of a significant natural area, by adding the following wording or alternative wording to achieve the same or similar meaning:</p> <p>Activities that fail to comply with Rules 2A.4.2.4 to 2A.4.2.6 will require a resource consent for a restricted discretionary activity with the discretion being restricted over:</p> <p>...</p> <ul style="list-style-type: none"> ▪ <u>Effects on ecological values, vegetation, biodiversity, soil, stormwater runoff and groundwater levels within a significant natural area, where applicable; and</u>

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				<ul style="list-style-type: none"> ▪ <u>Effects of artificial lighting on native species within a significant natural area, where applicable; and</u> ▪ <u>Effects on the existing health and function of a significant natural area's vegetation and biodiversity.</u> <p>And</p> <p>(2) Make consequential amendments to the related assessment criteria in Section 21.</p>
Specific submission – Qualifying matters – River / Gully Proximity Qualifying Matter Overlay				
8	<p>Rule 2A.4.2.23</p> <p>“A residential dwelling at ground floor level must have a landscaped area of a minimum of 20% of a developed site with grass or plants, and can include the canopy of trees regardless of the ground treatment below them.”</p>	Amend	<p>Rule 2A.4.2.23 is required by the Density Standards of Part 2 of Schedule 3A, which is a part of the MDRS that must be incorporated in relevant residential zones. The MDRS may be modified to the extent necessary to accommodate a qualifying matter. The River / Gully Proximity Qualifying Matter Overlay recognises and protects the natural character of rivers and their margins and gives effect to Te Ture Whaimana.</p> <p>The greatest extent of remaining significant natural areas within the urban environments of Waipā are within these areas. An increase in the landscaping requirement within the River / Gully Proximity Qualifying Matter Overlay (from 20% to 30%), along with policy direction that this landscaping should be native species that support the ecological integrity and</p>	<p>(1) Insert an additional rule under the heading “Rules – Landscaped area” as a new Rule 2A.4.2.25 (with consequential renumbering of rules that follow) for sites within the River / Gully Proximity Qualifying Matter Overlay to require an increased provision of landscaped area, together with a requirement for that landscaping to be native species, as follows:</p> <p><u>“Within the River / Gully Proximity Qualifying Matter Overlay, a residential dwelling at ground floor level must have a landscaped area of a</u></p>

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			function of the river environment, is necessary to give effect to Te Ture Whaimana. This supports the overall Te Ture Whaimana principle of water quality <i>betterment</i> (expressed as restoration) rather than simply avoidance or mitigation.	<u>minimum of 30% of a developed site with native plants, and can include the canopy of trees regardless of the ground treatment below them.”</u> And (2) Include an objective, policies and a rule that directs planting in the River / Gully Proximity Qualifying Matter Overlay area to largely incorporate native species that support the ecological integrity and function in these environments.
Specific submissions – Qualifying matters – Character Clusters				
9	2A.4.1.1 Permitted activities 2A.4.1.3 Restricted Discretionary activities	Amend	The activity status of new and additional dwellings within Character Cluster Policy Area Overlays identified in the Planning Maps needs to be clarified. Rule 2A.4.1.3(d) makes any new buildings on a site within a Character Cluster within the Medium Density Residential Zone a Restricted Discretionary Activity. However, Rule 2A.4.1.1 Permitted Activities does not specifically exempt the Character Cluster Policy Area Overlays from the permitted activity status of up to three dwellings per site. Similarly, Rule 2A.4.1.3 does not specifically exempt sites within the Character Clusters from four or more dwellings per site being a restricted discretionary activity.	Amend rules 2A.4.1.1 and 2A.4.1.3 to clarify that a restricted discretionary activity consent will be required for new dwellings within a Character Cluster Policy Area Overlay.

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10	Appendix DG1 Rule 2A.4.1.3(d) Section 21 – Assessment Criteria and Information Requirements – 21.1.2A.4	Amend	<p>New Character Cluster Policy Overlays have been introduced by PC26 and new statements have been included in Appendix DG1 Character Clusters. A description of the anticipated form of new development needs to be included as a guide to be used in the assessment required by criteria of Section 21 of the District Plan.</p> <p>Inclusion of the matters addressed in Policy 2A.3.3.4 in the matters for discretion for development within the Character Cluster Policy Overlays, and the associated assessment criteria (in Section 21) will assist in achieving the objective and policy for the Character Clusters.</p>	<p>(1) Amend Appendix DG1 Character Cluster Statements to include a description of the anticipated form of new development in the Te Awamutu: Alexandra Street Cluster and Te Awamutu: Bridgemen Road Cluster.</p> <p>And</p> <p>(2) Amend the matters for discretion and assessment criteria for development within the Character Cluster Policy Overlays to include matters addressed in Policy 2A.3.3.4.</p>
Specific submission – Qualifying matters – St Kilda Structure Plan Area				
11	Rule 2A.4.2.9	Amend	<p>The rule relating to impermeable surfaces in the current Residential Zone has been retained in the new Medium Density Residential Zone, including the specific exceptions relating to the Cambridge North Structure Plan Area and the St Kilda Structure Plan Area. However, the alternative standard applying to the St Kilda Structure Plan Area was omitted from the notified plan change.</p> <p>The District Plan limits impermeable surfaces within residential sites in the St Kilda Structure Plan area to 700m², with a minimum lot size of 1000m². As PC26 provides for an exemption from the minimum site area in certain circumstances, it would be more appropriate for the rule to be expressed as a percentage rather than</p>	<p>Either:</p> <p>(1) Reinstate Rule 2.4.1.14 and 2.4.1.15 as Rules 2A.4.2.10 and 2A.4.2.11 (and consequential renumbering) as follows:</p> <p><u>Rules – Maximum site coverage and permeable surfaces: St Kilda Structure Plan Area</u></p> <p><u>Site coverage and impermeable surfaces of residential lots shall not exceed 700m².</u></p> <p><u>The balance of the net area of each lot, once site coverage and</u></p>

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			as a specified area of land. As the stormwater management and wetland design for the St Kilda Structure Plan is based on an average impermeable surface area of 45%, with a maximum of 285 lots (Rule 15.4.2.1), it would be appropriate for Rule 2A.4.2.9 to be amended to provide that impermeable surfaces must not exceed 45% of the net site area in the St Kilda Structure Plan Area.	<p><u>impermeable surfaces have been taken into account, shall be grassed, planted in trees and or shrubs or otherwise landscaped in a manner that retains the permeable nature of the surface.</u></p> <p><u>Activities that fail to comply with Rules 2A.4.2.10 and 2A.4.2.11 will require a resource consent for a discretionary activity.</u></p> <p>Or:</p> <p>(2) Amend Rule 2A.4.2.9 as follows: 2A.4.2.9 Impermeable surfaces must not exceed:</p> <p>(a) 45% of the net site area in the Cambridge North Structure Plan Area <u>and the St Kilda Structure Plan Area</u>; or</p> <p>(b) 60% of the net site area in the remainder of the Zone (except St Kilda Structure Plan Area</p>
General submissions – financial contributions				
12	Section 18 – Financial Contributions	Support	PC26 proposes amendments to the financial contribution provisions as enabled by s77E of the Act for the purposes of avoiding, remedying, mitigating or compensating for adverse effects of development on the environment and to ensure positive effects on the	Retain financial contributions provisions in Section 18 as amended by PC26 to ensure that adverse effects on the environment from development are avoided, remedied, mitigated or compensated for and positive

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			environment to offset adverse effects of development on the environment. To give effect to Te Ture Whaimana, financial contributions to provide positive effects on the environment to offset adverse effects on the River may be required. It is therefore important that the financial contribution provisions introduced by PC26 are retained.	effects on the environment offset adverse effects of development.
13	Section 18 – Financial Contributions	Amend	The amendments to Section 18 – Financial Contributions introduce sums and formulae for the calculation of financial contributions in the circumstances identified. Given the recent amendment of the Act, the complexity of the provisions, and the limited timeframe available to Council, it may be necessary to make further amendments to the provisions to ensure that the sums and formulae are accurate and workable in the context of the District Plan.	Such further amendments to PC26 that are necessary to accurately and effectively calculate the quantity of financial contributions.
General submission – Rule numbering, cross-referencing and consistency				
14	Rule numbering, cross-referencing and consistency	Amend	Given the recent amendment of the Act, the complexity of the provisions, and the limited timeframe available to Council, it may be necessary to make further amendments to PC26 to ensure that the rule numbering and internal cross-referencing is correct, and to ensure that the wording and format of new provisions is consistent with the District Plan.	Such further amendments to PC26 that are necessary to ensure accurate and workable numbering and cross referencing and to retain consistency with existing provisions.

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Specific submissions – Rule numbering, cross-referencing and consistency				
15	2A.4.1.3(b)	Amend	Rule 2A.4.1.3(b) needs clarifying so both the activity and the matters for discretion are clear, and to ensure consistency with subsequent rules.	<p>Amend Rule 2A.4.1.3(b) as follows:</p> <p>Four or more dwellings per site outside of the Infrastructure Constraint Qualifying Matter Overlay.</p> <p>Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with discretion being restricted over:</p> <p><u>Discretion will be restricted to the following matters:</u></p> <p>...</p>
16	2A.4.1.3(c)	Amend	Rule 2A.4.1.3(c) needs clarifying so both the activity and the matters for discretion are clear, and to ensure consistency with subsequent rules.	<p>Amend Rule 2A.4.1.3(c) as follows:</p> <p>Three or more dwellings per site within the Infrastructure Constraint Qualifying Matter Overlay.</p> <p>Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with discretion being restricted over:</p> <p><u>Discretion will be restricted to the following matters:</u></p> <p>...</p>

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17	Rule 2A.4.2.5	Amend	Rule 2A.4.2.5 refers to a standard without stating the applicable rule number. Citing the applicable rule number will assist in clear and certain interpretation of the rules.	Amend Rule 2A.4.2.5 as follows: This standard <u>Rule 2A.4.2.4</u> does not apply...
18	Rule 2A.4.2.6	Amend	A cross-reference to the rule number referred to in Rule 2A.4.2.6 will assist in clear and certain interpretation of the rules.	Amend Rule 2A.4.2.6 as follows: The minimum building setback depth listed above <u>stated in Rule 2A.4.2.4</u> is modified in the following locations: ...
19	18.5.1.1	Amend	Subparagraphs (e) and (f) of Rule 18.5.1.1 should be renumbered to be subparagraphs of Rule 18.5.1.1(d).	Renumber 18.5.1.1(e) to 18.5.1.1(d)(i) and renumber 18.5.1.1(f) to 18.5.1.1(d)(ii)
20	18.5.2.10, 18.5.2.16	Amend	PC26 deleted some words from Rule 18.5.2.10 and 18.5.2.16 but retained wording that makes the Rule unclear. Deleting the word 'that' from the first sentence of these Rules will clarify the intent.	Amend Rule 18.5.2.10 and Rule 18.5.2.16 as follows: The maximum amount of Financial Contribution that taken for connection to...