

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:	Cogswell Surveys Ltd.
Contact name if different from above:	Rebecca Steens tra
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 checked="" type="radio"/> Yes <input type="radio"/> No

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

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


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

See attached.

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)

See attached.

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 30/9/22
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30 September 2022

Waipā District Council

Digitally Delivered: districtplan@waipadc.govt.nz

To whom it may concern,

SUBMISSION FOR PLAN CHANGE 26 – WAIPA DISTRICT COUNCIL

The following document is to be treated as a submission for Plan Change 26, to amend the Operative Waipā District Plan. We wish to be heard in support of our submission.

Cogswell have reviewed the Plan Change and have concerns in relation to the intent of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act, and the notified plan change. The intent of the Act from Central Government was to enable housing supply over and above what currently existed, particularly with Tier one authorities. As Waipā is a Tier one authority, intensification should be enabled over much of the existing residential areas unless a qualifying matter applies. It is disappointing to see that the infrastructure and stormwater qualifying matter overlays have been placed over the entire of the residential areas, as the intensification will not occur overnight. Market demands, private funding limitations and personal preference for larger sections or retaining existing houses will mean that not all sections will be developed as per the new rules. A preference would be for the overall infrastructure capacity to be modelled and for this spare capacity to be able to be utilised while the upgrades are occurring in the areas which require it (no limit on the number of lots or dwellings per underlying title developed). In the meantime, this would also give Council the opportunity to gather the Development Contributions, Financial Contributions and also the rates from those new lots or dwelling to go towards the implementation of the projects. A live model could be run and continually added to, which could allocate capacity when any development in consented (land use consent, subdivision consent or building consent) and would be immediately known when it is not feasible to accommodate within the existing infrastructure. This same technology would also assist Council in understanding the order of urgency in terms of upgrades within the network.

We have also noticed that there is no pathway for high density development. There are areas within the District which are suitable for development above the medium density standards and could be identified on the planning maps. An easy way to do this could be consider all those properties which are within the Compact Housing Overlay to be high density, or those properties bordering a reserve

or commercial centre. Density should be able to exist in places where it is appropriate, as the compact housing standards are now consistent with medium density development. Again, if there was a live infrastructure capacity model available then it would be possible to understand if there are areas which are suitable for high density development.

Please find our specific points subject to our submission below.

Qualifying Matters			
Reference	Support / In Part / Oppose	Submission	Decision Requested
Qualifying Matter – Te Ture Whaimana, NPS Freshwater & Stormwater	Support In Part	<ul style="list-style-type: none"> • While we agree that a qualifying matter relating to Te Ture Whaimana & the NPS Freshwater should be imposed, controlling development within this area in relation to stormwater runoff via a reduced Site Coverage rule is incorrect. • The correct method of controlling stormwater runoff is through limiting Impermeable Surfaces (includes any hard surface onsite and the capture of runoff into an appropriate system, rather than just roofs) – a reduced permitted impermeable surface within this qualifying matter area is a more appropriate method of controlling & assessing stormwater runoff and any potential effects on the Waikato River. • Assessment criteria should relate only to matters relating to impermeable area and mitigation of impermeable area. 	Remove Rule 2A.4.2.8 or amend the rule to refer to Impermeable Surfaces rather than site coverage.
<p><u>Suggested Rule amendment:</u></p> <p>2A.4.2.8 On sites located within the Stormwater Qualifying Matter and the River / Gully Proximity Qualifying Matter Overlays, the maximum building coverage <u>impermeable area</u> must not exceed 50<u>40</u>% of the net site area.</p> <p>Activities that fail to comply with this Rule 2A.4.2.7 to 2A.4.2.8 will require a resource consent for a restricted discretionary activity with the discretion being restricted over:</p> <ul style="list-style-type: none"> • 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 indigenous flora and fauna 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.

These matters will be considered in accordance with the assessment criteria in Section 21.

Qualifying Matter – Preservation of Rivers & Margins	Support In Part	See above	See above
Suggested rule amendment as above.			
Qualifying Matter – Infrastructure	Oppose	<p>While we acknowledge that certain areas within Waipa have constraints on reticulated infrastructure, it is noted that three or more dwellings within the Infrastructure Constraint Qualifying Matter Overlay is a Restricted Discretionary with the matters of discretion being:</p> <ul style="list-style-type: none"> • <i>Building location, bulk and design; and</i> • <i>Development density; and</i> • <i>Landscaping; and</i> • <i>Location of parking areas and vehicle manoeuvring; and</i> • <i>Crime Prevention Through Environmental Design; and</i> • <i>Traffic generation and connectivity; and</i> • <i>Privacy within and between adjoining sites; and</i> • <i>Noise; and</i> • <i>The outcomes of an infrastructure capacity assessment; and</i> • <i>Stormwater disposal; and</i> • <i>Alignment with any relevant Urban Design Guidelines adopted by Council</i> <p>The qualifying matter relates to <u>Infrastructure Constraints</u> – the only matters of discretion identified above that have any relevance to infrastructure is the outcomes of an infrastructure capacity assessment & stormwater disposal. In our opinion, any effects on infrastructure capacity from an increase in dwelling density would be</p>	Amend the matters of Discretion for the Infrastructure Constraint Qualifying matter to only refer to the outcomes of an infrastructure capacity assessment; and Stormwater disposal

		<p>sufficiently captured by the results of the infrastructure capacity assessment.</p> <p>Building location, bulk and design, landscaping, parking, CPTED etc do not have any relevance to infrastructure capacity and therefore should be removed from the matters of discretion within the rule.</p>	
<p><u>Suggested Rule amendment:</u> 2A.4.1.3(c)</p> <p><i>Three or more dwellings per site within the Infrastructure Constraint Qualifying Matter Overlay.</i></p> <p><i>Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with discretion being restricted over:</i></p> <ul style="list-style-type: none"> • Building location, bulk and design; and • Development density; and • Landscaping; and • Location of parking areas and vehicle manoeuvring; and • Crime Prevention Through Environmental Design; and • Traffic generation and connectivity; and • Privacy within and between adjoining sites; and • Noise; and • The outcomes of an infrastructure capacity assessment; and • Stormwater disposal; and • Alignment with any relevant Urban Design Guidelines adopted by Council 			
Qualifying Matter – Public Open Space & Significant Indigenous Vegetation	Oppose	<ul style="list-style-type: none"> • A key component of the current Waipa compact housing rules included Crime Prevention through Environmental Design (CPTED) which are design principles to reduce crime within our communities through how neighbourhoods interact with public spaces to provide passive surveillance or ‘eyes on’ of public spaces. • A 4m boundary setback from a reserve pushes the dwelling further back from public space, therefore reducing the effectiveness of any passive surveillance and creating a reduced interface to the reserve • Why is an increased setback from public space proposed where residential density is proposed to increase? – This is conflicting with CPTED which is a key component of good urban design. 	<p>Reduce the 4m reserve setback to be consistent with internal boundary setbacks.</p> <p>Retain the 10m SNA setback for residential areas.</p>

		<ul style="list-style-type: none"> A 20m setback from a Significant Natural Area seems excessive – The majority of SNAs within residential areas are along the banks of the Waikato River where 23m setback applies – In this case, the 23m waterbody setback will still provide appropriate separation. Retaining a 10m setback would be consistent with the Rural Zone and would avoid confusion. 	
<p><u>Suggested Rule amendment:</u></p> <p>2A.4.2.6 The minimum building setback depth listed above is modified in the following locations:</p> <p>(a) Along boundaries adjoining a state highway, a setback of 7.5 <u>4</u> metres is required;</p> <p>(b) On sites adjoining a road where the Character Street policy overlay area applies, a front yard setback of 6 <u>4</u> metres is required;</p> <p>(c) On sites adjoining a reserve, a setback of 4 <u>1.5</u> metres is required along the boundary adjoining the reserve;</p> <p>(d) On sites adjoining the Te Awa Cycleway, a setback of 5 metres is required along the boundary of the site adjoining the cycleway;</p> <p>(e) On sites adjoining arterial roads, a setback of 4 metres is required along the boundary adjoining the arterial road; and</p> <p>(f) On sites adjoining a Significant Natural Area (SNA), setback of 20 <u>10</u> metres is required along the boundary of the SNA.</p>			
Qualifying Matter – Historic / Special Character	Support in Part	<ul style="list-style-type: none"> In our opinion, street character comes from the appearance of the streetscape - provision of mature street trees, wide berms and footpaths, rather than development within private property. We support the idea of ‘character streets’, however there must be a clear sense of character within the streetscape and development within private property should not dictate the ‘character’ of a street. Hall Street is an excellent example of streetscape providing the character of the street, where the wide road reserve creates spacious grassed berms and mature trees line the street. Hall Street has a mix of dwelling types and Lot sizes and also has varying road boundary setbacks within private property – this demonstrates that it is the streetscape of Hall Street that provides character, not development within private property. 	<p>Remove the 6m road boundary setback requirement and reduce this to 4m.</p> <p>Remove Bryce Street from the List of identified character streets.</p>

		<ul style="list-style-type: none"> • As such, a 6m road boundary setback along an identified character street is excessive and does not create a sense of either historic & special character. • This is demonstrated by Hall Street having a specific character, despite the mix of dwelling styles and road boundary setback distances. • A number of identified character streets no longer contain 'character' within private property. This is demonstrated on streets like Bryce Street. While Bryce Street is identified as a 'character street', there is a large mix of housing densities, typologies and road boundary setbacks – the road berms within Bryce Street are not as wide as other identified character streets and street planting is dispersed along the street. • Sites with archaeological, cultural or historic notations already have existing protection via requiring a Resource Consent to undertake development within the site, therefore an expansion of 'Character Clusters' to protect 'character' is unnecessary. 	
<p><u>Suggested rule amendment:</u></p> <p>As per rule 2A.4.2.6 above.</p> <p>Remove Bryce Street from the maps as a Character street.</p>			
Qualifying Matter – Natural Hazards	Oppose	<ul style="list-style-type: none"> • Geotechnical suitability can be investigated and mitigate any adverse effects from Natural Hazards. • Natural Hazards are also required to be addressed under s106 of the RMA, therefore it is considered that there is sufficient provision for investigating natural hazard risks without introducing an additional qualifying matter. 	Remove Natural Hazards from the list of qualifying matters.
Qualifying Matter – Nationally Significant Infrastructure	Oppose	<ul style="list-style-type: none"> • Development next to a railway should not be considered a qualifying matter, as it can already be controlled through acoustic insulation under the Building Act, which is to a very high standard. • If it is to remain a qualifying matter, is Kiwi Rail Written approval required or can the requirements for building next to a railway be explicitly outlined in 	Development next to a railway should not be a qualifying matter.

		the rule. An acoustic report offers little value.	
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District Plan Requirements			
Reference	Support / In Part / Oppose	Submission	Decision Requested
Compact Housing Rules – Rule 2A.4.2.54	Oppose	<ul style="list-style-type: none"> The current compact housing rules require a minimum lot area of 2000m² and a minimum of 7 dwellings. This is now consistent with medium density development. Compact housing should allow 70% site coverage. Need to be amended in favour of rules that support a higher density, such as providing for apartment buildings. Council need to consider the areas where a higher density is appropriate and a higher percentage of site coverage and up to 4 stories should be encouraged in areas close to the town centres or reserve areas. Compact housing is missing from the activity status table. Rubbish trucks will generally not access private developments unless the road is vested. Rule 2A.4.2.54(j) does not have value unless the road is vested in Council. 	The current compact housing areas become High Density Zones that permit a higher level of site coverage.
<p>Suggested rule amendment:</p> <p>Rule - Compact housing</p> <p>2A.4.2.54 Compact housing made up of seven or more dwellings within the compact housing area overlay shall have a minimum area of 2,000m² and shall meet the following requirements:</p> <p>(a) The maximum length of unbroken building line parallel to all site boundaries including internal site boundaries shall be 20m. Building lines in excess of this standard shall be broken or stepped to a minimum depth of 2.4m and a minimum length of 3m at least once every 20m in length. This rule shall apply to each level of a multi-level building inclusive of the roof; and</p> <p>(b) Where there is more than one building on a site, it shall be separated from other buildings on the site by at least 3.5m; and</p> <p>(c) Where any dwelling is to be sited within 10m of another dwelling on the same site or parent title prior to subdivision by way of unit title, cross lease or strata title, there shall be no direct line of sight from the main living areas of the dwelling into the main living areas of another dwelling. If a direct line of sight between main living areas cannot be avoided, visual screening shall be constructed or planted to prevent a direct line of sight; and</p> <p>(d) Dwellings shall have a dual aspect with windows being placed so that outlook is obtained</p>			

to the front and rear of the dwelling, with window sills no more than 1m from floor level;
and

(e) The following minimum gross floor areas and outdoor living areas shall apply:

[table]

(f) Landscaping and permeable surfaces: At least 20 percent of the net site area of any site or unit site area shall be grassed, planted in trees and/or shrubs or otherwise landscaped in a manner that retains the permeable nature of the surface.

(g) A communal outdoor service area or storage court shall be provided that does not exceed 10m² of site area and it shall be screened so that it is not visible from the front boundary of the site.

(h) Outdoor living areas shall:

(i) Be located and/or screened so that at least 50 percent of the outdoor living area has complete visual privacy from the living rooms and outdoor living areas of other dwellings on the same site and shall be screened from adjoining sites; and

(ii) Be oriented to the north, east or west of the dwelling, but not the south of east or west measured from the southernmost part of the dwelling; and

(i) An area for letterboxes at the front of the property; and

~~(j) A place for refuse and recycling material that is accessible to a two-axled truck shall be provided; and~~

(k) Dwellings that are parallel to, or adjoin the road boundary of the site shall have a front door that faces the road.

(l) That a minimum 30 degree roof pitch is provided;

(m) A maximum of four stories, and 16m in height.

Setback References – Rule 2A.4.2.4	Oppose	The PC 26 document prepared by Waipa DC refers to Front, Side & Rear Yards rather than Road and Internal setbacks as referred to in the rest of the District Plan. It would be good to change these references to be consistent across the board.	Amend the Yard references in Rule 2A.4.2.4 to refer to Road and internal boundary setbacks.
Rule 2A.4.2.9 – Impermeable Surfaces	Support in Part	<ul style="list-style-type: none"> • Why does Cambridge North have a maximum impermeable surface that is less than elsewhere within the district? • A minimum 45% impermeable surface with 50% site coverage means after the 50% coverage is reached, on 5% remains for driveway areas etc, meaning almost every Lot would require Resource Consent if building to the maximum site coverage permitted by the plan. • What solution has been put forward for Cambridge North in regard to stormwater? 	Further clarification on how stormwater will be managed within Cambridge North.
Vehicle Access Width Rules		<ul style="list-style-type: none"> • How are the rules around vehicle access widths going to be addressed? 	Clarification around how reduced access

		<ul style="list-style-type: none">• Many Rear sites in Waipa will not comply with the minimum width standards when subdivided.• Eg: When more than 3 Lots are being created and the access is 4m or less how will development be addressed.	widths for rear sites will be assessed.
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Kind Regards,

Rebecca Steenstra
Planning Manager
Cogswell Surveys