



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:	Tony Rider
Contact name if different from above:	Dave Moule
Contact phone number(s)	022 071 5900
Email address:	dave.moule@boffamiskell.co.nz
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 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 type="radio"/>	I SUPPORT IN PART	
	<input type="radio"/>	I OPPOSE	

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

Refer to attached submission document

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)

Refer to attached submission document

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)	Dave Moule	Dated 30/09/2022
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Note to person making submission

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by [clause 6\(4\)](#) of Part 1 of Schedule 1 of the Resource Management Act 1991.

Please note that your submission (or part of your submission) may be struck out if the consent authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- It is frivolous or vexatious;
- It discloses no reasonable or relevant case;
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
- It contains offensive language;
- It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Personal Information

The information requested on this form, including your contact details, is required by the Resource Management Act 1991. The information will be held by the Council, and you may ask to check and correct any personal information that we hold about you.

Your submission, including your name and contact details, will be made available for inspection at all Council service centres and libraries in accordance with the requirements of the Act. It may also be made available on the Council's website. A document summarising all submissions, including names and contact details of submitters will be posted on the Council's website

If you believe there are compelling reasons why your contact details should be kept confidential please contact the processing planner for this application.

SUBMISSION ON PROPOSED PLAN CHANGE 26 – RESIDENTIAL ZONE INTENSIFICATION**TONY RIDER**Dated 30 September 2022

To: Waipa District Council**Name of Submitter: Tony Rider**

This is a submission on Proposed Plan Change 26 – Residential Intensification (PC26) prepared by Dave Moule, Planner/Associate Partner, Boffa Miskell on behalf of Tony Rider.

Introduction and Overview

1. Tony Rider owns significant landholdings within and adjoining the C5 growth cell on the south-eastern fringe of Leamington in Cambridge. Boffa Miskell have been engaged, in partnership with Cogswell Surveys and a wider team of consultants, to prepare a private plan change application to enable significant residential development capacity. A master plan is currently being prepared for a high-quality mixed density residential development with supporting neighbourhood centre scale commercial activity and open space amenities. Appendix One shows the proposed plan change extent, which totals approximately 90ha.
2. Growth Cell C5 contains approximately 61ha of land, all of which is currently zoned Deferred Residential in the District Plan, meaning residential development is appropriate in this location, however, has been identified as an area for development beyond 2035.
3. PC26 is Waipa District Council's response to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act (the Amendment Act). Of importance is the introduction of qualifying matters which are essentially matters which allow for modifications to the new planning rules required by the Amendment Act. The legislation does not allow for an area to be excluded from the Medium Density Residential Standards (MDRS), but Councils can add qualifying matters to justify a point of difference.
4. The new qualifying matters identified by Council are those relating to Te Ture Whaimana o Te Awa Waikato (Vision & Strategy for the Waikato River), Infrastructure, Stormwater, and historic heritage and character. In essence, Council has taken a position whereby the MDRS should not apply to sites where there may be adverse effects on the Waikato River (and other waterbodies), the carrying capacity of infrastructure, and/or character.
5. PC26 creates a new section 2A 'Medium Density Residential Zone' to the District Plan which sets out the new medium density residential standards along with relevant qualifying matters which enable the modification of the standards to address the issues existing in the qualifying matter areas. The Plan Change applies to all land within the existing Residential Zone, including Deferred Residential Zones.

6. Proposed Planning Map 56¹ shows the extent of the qualifying matters for Cambridge and the *infrastructure constraint* has been applied to the entire C5 growth cell and the *stormwater constraint* has been applied to most of the C5 growth cell.
7. The Rural Zone is not affected by PC26, so any land outside of the C5 growth cell boundaries (Deferred Residential Zone) will be subject to the existing District Plan provisions for the Rural Zone.
8. The main impact is therefore that PC26 is proposing that the MDRS will not apply to the C5 growth cell due to the qualifying matters relating to Stormwater and Infrastructure and that modifications to these standards is appropriate.
9. The concept master plan and structure plan to support the private plan change request is still being refined, however the vision is to enable a range of residential densities (general residential, medium density and potentially higher density), supporting neighbour centre scale commercial activity, provision for a school (if required) and supporting open space amenities.
10. The new section 2A 'Medium Density Residential Zone' and modified residential standards proposed in PC26 will align with the proposed master plan in part (i.e. for those parts of the private plan change area where medium density is proposed) however there are other parts where it does not provide for the outcomes sought (i.e. for those parts of the private plan change area where lower or higher density residential density and commercial activity is proposed).
11. This submission is therefore not necessarily opposed to the intent of PC26, and in fact the landowner will look to incorporate the new section 2A 'Medium Density Residential Zone' and modified residential standards where appropriate, however the proposed qualifying matter overlays and rezoning of the entire C5 growth cell to the Medium Density Residential Zone are not supported.
12. The master plan and subsequent private plan change will be seeking a more bespoke approach to rezoning, with provision for a range of densities (lower density (General Residential Zone), medium density (Medium Density Residential Zone), higher density (either a new Residential Intensification Zone or Compact Housing Overlay), and neighbourhood centre scale commercial activity (Commercial Zone). Furthermore, the technical assessments being undertaken in respect of stormwater and infrastructure may justify the removal of the qualifying matter overlays for the C5 growth cell.
13. The submission does not seek relief to have the landowners proposed rezoning approach addressed or specific provisions for the C5 structure plan area incorporated as part of PC26 as the design outcomes have not yet sufficiently advanced through a structure planning process, however it more so seeks to provide Council notice that the landowner intends to request a private plan change that extends beyond the outcomes sought in PC26 with a more bespoke approach to rezoning.
14. Notwithstanding the above, the submission has sought some relief to help create a more flexible planning framework for development in the C5 growth cell within the bounds of PC26 and in parallel with any future private plan change. These matters are outlined in the scope of the submission below.

¹ <https://www.waipadcc.govt.nz/repository/libraries/id:26zgz4o7s1cxbyk7hfo7/hierarchy/our-council/waipadistrictplan/documents/Plan%20Change%2026/Plan%20Change%2026%20Maps/Proposed%20Planning%20Map%2056%20-%20Qualifying%20Matters%20Cambridge>

Scope of the submission

15. The submission covers the following:
- a. Provision for a more permissive framework for non-residential activities that have a functional and compelling need to locate within the Medium Density Residential Zone.
 - b. Provision for higher density residential development (i.e., 3-storey attached and detached dwellings, and low-rise apartments).
 - c. Provisions to protect lower density residential development options where it is important to maintain higher amenity areas and avoid further infill; and
 - d. Necessity for qualifying matter overlays.
16. Mr Rider supports PC26 however seeks the amendments as set out in the submission below.
17. Mr Rider seeks such other consequential amendments to the Plan Change in addition to that above as necessary to give effect to the matters raised and relief sought within this submission.

Non-residential Activities

Specific Provisions and context for relief sought

18. Objective 2A.3.8 seeks to restrict the establishment of non-residential activities in the Medium Density Residential Zone with a number of exceptions including activities that have a functional and compelling need to locate within a Medium Density Residential Zone (MDRZ). A good example of this would be a neighbourhood centre with a scale and rate of development that meets the needs of the catchment they are intended to serve.
19. Policy 2A.3.8.1 seeks to maintain the MDRZ for residential activities by ensuring that commercial activities are “avoided” unless provided for in a structure plan or policy overlay, however it is considered that this policy should also link back to the “functional and compelling need” exception in Objective 2A.3.8. This would provide a broader pathway for appropriate commercial activities to be accommodated.
20. Policy 2A.3.8.4 recognises local shops as identified within structure plan areas that service the needs of the surrounding community. However, some structure plan areas will support significant development capacity and will likely require more than just local shops such as neighbourhood centres. The relief sought is to explicitly refer to neighbourhood centres in the policy.

Support/Oppose/Seeks Amendments

21. The submission **Seeks Amendments** to the provisions set out above.

Relief Sought

22. **Amend** Policy 2A.3.8.1 as follows (with additions identified by underlining)

Policy - Maintain residential function

2A.3.8.1 To maintain the Medium Density Residential Zone for residential activities by ensuring that:

(a) Industrial activities and commercial activities are avoided within the Medium Density Residential Zone except as provided for in a structure plan or policy overlay where it can be demonstrated there is a functional and compelling need to locate within a Medium Density Residential Zone; and

(b) Non-residential activities are not dominant within a residential block.

23. **Amend** Policy 2A.3.8.4 as follows (with additions identified by underlining)

Policy - Non-residential activities in structure plan areas

2A.3.8.4 To recognise the local shops or neighbourhood centres as identified within structure plan areas, that service the needs of the surrounding community. Retail activities or services provided within these locations shall provide for the daily needs of people and be located within a walkable catchment.

Specific Provisions and context for relief sought

24. Rule 2A.4.1.3(g) provides for local centres (including cafes, dining, commercial retail and service activities, commercial offices) within the C2/C3 structure plan areas as a restricted discretionary activity.
25. Rule 2A.4.1.3(h) provides for a neighbourhood centre within the T11 Growth Cell Structure Plan Area, including cafes, dining, commercial retail and service activities, commercial offices as a restricted discretionary activity.
26. Rule 2A.4.1.4(h) provides for the following activities within a listed heritage building contained in Appendix N1 – Heritage Items: medical centres, childcare and pre-school facility, offices, restaurants, cafés and other eating places as a discretionary activity.
27. Rule 2A.4.1.5(a) lists medical centres, offices, restaurants, cafes and other eating places, except where located within a listed heritage building in Appendix N1- Heritage Items.
28. This means that local centres and neighbourhood centres, including activities such as medical centres, offices, restaurants, cafes and other eating places in structure plan areas other than C2/C3 in Cambridge and T11 in Te Awamutu or within a listed heritage building in Appendix N1- Heritage Items are non-complying activities.
29. This seems an overly onerous activity status for local/neighbourhood centres given the policy setting addressed above and the inherent need for commercial activities of this nature to support residential growth. It is acknowledged that the C5 Private Plan Change is anticipated to include a request to rezone the commercial centres as Commercial Zone, there should still be a less onerous pathway for consenting neighbourhood centres that are in general accordance with an approved structure plan.

Support/Oppose/Seeks Amendments

30. The submission **Seeks Amendments** to the provisions set out above.

Relief Sought

31. **Amend** Rule 2A.4.1.3 Restricted Discretionary Activities by adding specific reference to neighbourhood centres in accordance with an approved Structure Plan as follows:

(m) Neighbourhood centres within a growth cell Structure Plan Area, located in general accordance with an approved Structure Plan and limited to the following activities:

- (i) Café, dining and ancillary activities.*
- (ii) Commercial retail and service activities.*
- (iii) Commercial offices or residential activities, limited to above ground floor.*
- (iv) Early childcare education facilities.*

Discretion will be restricted to the following matters:

- *Building location, bulk and design; and*
- *Visual and amenity effects on surrounding properties; and*
- *Location of parking areas and vehicle manoeuvring; and*
- *Impacts on surrounding open space amenity and pedestrian safety; and*
- *Location, colour, size and content of signs; and*
- *Infrastructure effects; and*
- *Alignment with any relevant Urban Design Guidelines approved by Council*

Higher density residential development

Specific Provisions and context for relief sought

32. Objective 2A.3.2.1 seeks to enable a variety of housing typologies with a mix of densities within the MDRZ, including 3- storey attached and detached dwellings, and low-rise apartments. Objective 2A.3.2.2 outlines “minimum” density targets of 25-35 dwellings per hectare (net). However, there does not appear to be an obvious pathway for higher density residential development in the MDRZ.
33. Objective 2A.3.7.1 refers to compact housing and the need for comprehensive design and a new Rule 2A.4.2.54 has been included as a performance standard for compact housing made up of seven or more dwellings within the compact housing area overlay. Interestingly, compact housing is not identified in 2A.4.1.1 Activity Status table as a specific listed activity nor is it listed in the ‘catch-all’ Discretionary Activity Rule 2A.4.1.4. While there is a footnote for Rule 2A.4.2.54 stating that activities that fail to comply with this rule will require resource consent for a discretionary activity, it would be helpful if this was also included in the activity status table.
34. It is considered the compact housing performance standards as currently drafted are more aligned with the medium density residential standards (MDRS) than high density outcomes. The compact housing overlay should provide for higher density outcomes than currently provided for. For example: a higher site coverage (up to 70%) and up to 4 or 5 stories etc, so that larger-scale apartment buildings can be constructed. Compact housing areas are typically located near commercial areas or zones and also around reserves. Provided robust urban design criteria can be met then this policy overlay should enable high density outcomes.
35. The master plan for C5 intends to provide for high density outcomes by utilising the compact housing overlay but it is likely that the subsequent private plan change will be seeking modifications to the performance standards.

Support/Oppose/Seeks Amendments

36. The submission **Seeks Amendments** to the provisions set out above.

Relief Sought

37. **Amend** Rule 2A.4.2.54 Compact Housing performance standards to enable:
- Add increased height limit of 15 metres to enable 4-5 storey apartment buildings within compact housing overlay areas;
 - Add increased building coverage of up to 70% of the net site area;
 - Remove 2,000m² minimum area threshold; and
 - Any other modifications to accommodate higher density outcomes following a comprehensively designed master planning process and urban design input. It is intended that we will provide further evidence on this as part of the hearing.

Specific Provisions and context for relief sought

38. Rule 2A.4.1.1(c) provides for up to two dwellings per site within the Infrastructure Constraint Qualifying Matter Overlay as a permitted activity, however this baseline may not actually be appropriate in all circumstances. In the context of the C5 growth cell there will be parts of the development where a lower density will need to be afforded some form of protection to maintain amenity and avoid further infill and densification as and when land is on sold.
39. In order to preserve the design outcomes and amenity levels for any such lower density areas there are traditional mechanisms to register covenants or consent notices on property titles, however it is considered that may be potential for PC26 to incorporate additional controls where certain criteria applies to help protect land identified for lower density residential development in a comprehensively designed Structure Plan.

Support/Oppose/Seeks Amendments

40. The submission **Supports** the provisions set out above, however encourages Council to consider how PC26 might further support landowners / developers that wish to preserve a lower density than provided for in the MDRZ, where these areas are identified through a comprehensively planner structure plan process.

Relief Sought

41. No specific relief sought, other than to acknowledge that the master plan and subsequent private plan change for C5 may look to seek a new policy overlay for lower density / higher amenity parts of the development to strengthen the design outcomes through means other than traditional covenants/consent notices.

Necessity for qualifying matter overlays

Specific Provisions and context for relief sought

42. As outlined earlier in this submission, the technical assessments being undertaken in respect of stormwater and infrastructure to inform the master plan and subsequent private plan change for C5 may justify the removal of the qualifying matter overlays. It is anticipated that technical solutions will be available to ensure that the development of the growth cell does not unduly compromise the carrying capacity of existing public infrastructure or necessitate public funding to facilitate upgrades to reticulated services. Furthermore, proposed development within C5 will not affect the feasibility, affordability and deliverability of planned growth in the pre-2035 growth cells.
43. The necessity for the stormwater and infrastructure qualifying matter overlays in the C5 growth cell is uncertain. As the technical assessments are finalised and the private plan change is advanced it is anticipated that the need for these qualifying matters will be closely investigated.

Relief Sought

44. No specific relief sought as part of PC26, however it is acknowledged that the master plan and subsequent private plan change for C5 may look to remove these overlays provided there is technical solutions to justify this.

Request to be heard

45. We wish to be heard in support of this submission.

APPENDIX 1

Proposed Private Plan Change extent (yellow hatched area is Deferred Residential zoned land within C5 growth cell, and non-hatched area is the Rural zoned land outside the growth cell)

