

RMA HEARINGS PANEL REPORT



To: Independent Hearings Panel

From: Damien McGahan, Principal, Aurecon on behalf of the Waipā District Council

Subject: **Section 42A Hearing Report on Proposed Plan Change 26**

Hearing Date: 26 April to 3 May 2023

EXECUTIVE SUMMARY

This suite of reports is prepared under the provisions of Section 42A of the Resource Management Act 1991 (RMA) and assesses information provided in the submissions on Proposed Plan Change 26 to the Operative Waipā District Plan (WDP), identified as Plan Change 26 (PC26). As a result of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 the Council is required to incorporate new medium density residential standards (MDRS) and to give effect to Policy 3 of the National Policy Statement on Urban Development (NPS-UD).

PC26 seeks to enable more medium density residential development through an Intensification Planning Instrument (IPI) and an Intensification Streamlined Planning Process (ISPP) in the residentially zoned areas of Cambridge, Kihikihi and Te Awamutu. PC26 creates a new section 2A 'Medium Density Residential Zone' to the District Plan which incorporates the MDRS along with new rules which modify the standards to accommodate qualifying matters.

PC26 was publicly notified on 19 August 2022 with a submission period of 30 working days, attracting 79 submissions. The summary of submissions (by submitter and by topic) were notified on 28 November 2022, with a further submission period of 10 working days, 8 further submissions were lodged.

The submissions covered a range of sub-topics which have been arranged for reporting purposes into five higher level topics.

- Topic 1 **National Policy Statement – Urban Development Policy 3(d)**
- Topic 2 **Medium Density Residential Standards (MDRS)**
- Topic 3 **Qualifying Matters**
- Topic 4 **Specific Changes**
- Topic 5 **Rezoning**

Subject to contrary or additional information being presented at the Hearing, it is recommended that PC26 be approved with modifications in accordance with revised provisions set out in **Appendix A** to this report.

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1. INTRODUCTION

- 1.1.1. My full name is Damien Ryan McGahan, and I am a Principal with Aurecon New Zealand Limited ("Aurecon"), a multi-disciplinary consultancy firm which provides engineering, management and specialist technical services for public and private sector clients. I hold a Bachelor of Social Sciences (Geography) (University of Waikato, 1995) and a Masters of Resource and Environmental Planning (Massey University, 1997). I am a full member of the New Zealand Planning Institute.
- 1.1.2. My experience spans statutory, policy and strategic planning, structure/master planning, the management of consultation projects, and consenting for major infrastructure, industrial and recreation developments. I have extensive experience covering 24 years in the area of statutory land use and infrastructure planning, and this has included preparing applications for resource consents, notices of requirements and plan changes on behalf of multiple Councils and government agencies.
- 1.1.3. My role in respect of Proposed Plan Change 26: Residential Zone Intensification (PC26) is to support the Waipā District Council ('Council') in the summary and analysis of submissions received and as lead author in this Section 42A Report and any associated amendments recommended to PC26, in response to submissions received.
- 1.1.4. Melissa Needham, a Senior Planner with Aurecon has co-authored this Section 42A Report. Melissa's experience includes 15 years' working in local government and private consultancies in New Zealand and Australia in both policy and resource consenting.

2. CODE OF CONDUCT

- 2.1.1. I can confirm that I am familiar with the Code of Conduct for Expert Witnesses as set out in the Environment Court Practice Note 2023. I have read and agree to comply with the Code. Except where I state that I am relying upon the specified evidence or advice of another person, my evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
- 2.1.2. I am authorised to prepare and present this Section 42A Report on the Council's behalf to the PC26 Independent Hearings Panel (Hearings Panel).

3. CONFLICT OF INTEREST

- 3.1.1. To the best of my knowledge, I confirm that I have no real or perceived conflict of interest in relation to PC26.

4. PREPARATION OF THIS REPORT

- 4.1.1. This report is prepared in accordance with Section 42A of the Resource Management Act 1991 ('the RMA'). This report considers the merits of PC26 which is an Intensification Planning

Instrument (IPI) under Section 80E of the RMA (notified on 19 August 2022), along with submissions and further submissions ('submissions') received on PC26 by the Council.

- 4.1.2. The data, information, facts, and assumptions I have considered in forming my opinions are set out in this report. Where I have set out my professional opinions, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
- 4.1.3. The report is structured as follows:
- Section 5 outlines the scope of this report.
 - Section 6 provides the background to PC26.
 - Section 7 provides the statutory and policy context for the matters to be considered and determined through the hearing process.
 - Section 8 provides a brief summary of consultation and engagement.
 - Section 9 provides an overview of the analysis of the submissions including recommendations. For ease of reporting, the submissions for this hearing have been grouped into various topics.
 - Appendix A includes proposed amendments that are recommended to PC26 in response to the submissions received.
 - Appendix B contains a detailed summary table of submissions for each topic, with recommendations contained within the table for each submission point.
 - Appendix C contains the Residential Capacity Modelling Medium Density Residential Standards and Qualifying Matters report by Market Economics dated 6 March 2023
 - Appendix D contains the updated Heritage / Character Report by Lifescapes dated 7 March 2023.

5. SCOPE OF REPORT

5.1. MATTERS ADDRESSED BY THIS REPORT

- 5.1.1. PC26 must be prepared in accordance with the Council's functions under Section 31 of the RMA, Part 2 of the RMA, and its obligation to have particular regard to an evaluation report prepared in accordance with Section 32 of the RMA, any further evaluation required by Section 32AA of the RMA, and to be in accordance with matters to be considered by a territorial authority as set out in Section 74 of the RMA.
- 5.1.2. The provisions that are covered by this report include the relevant provisions, objectives, and policies of the following:
- Resource Management Act 1991 (RMA)
 - Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (the Amendment Act)
 - National Policy Statement on Urban Development 2020 (NPS-UD)
 - Te Ture Whaimana O Te Awa O Waikato – The Vision and Strategy for The Waikato River (Te Ture Whaimana)

- National Policy Statement on Electricity Transmission 2008 (NPS-ET)
- National Policy Statement for Freshwater Management 2020 (NPS-FM)
- National Policy Statement on Highly Productive Land 2022 (NPS-HPL)
- National Adaptation Plan 2022
- National Emissions Reduction Plan 2022
- National Planning Standards 2019
- Waikato Regional Plan
- Waikato Regional Policy Statement (WRPS) And Proposed Change 1 To the Waikato Regional Policy Statement (PC1)
- Waipā District Plan
- Iwi Agreements / Documents

5.1.3. The scope of my report relates to providing an analysis of the plan change and supporting evidence provided by the Council as well as submissions and further submissions in relation to PC26 against the considerations outlined above. My assessment has also been guided by the following statutory and non-statutory documents:

- Future Proof Growth Strategy (2022)¹
- Hamilton-Waikato Metropolitan Spatial Plan (MSP)²
- Waipā 2050 Growth Strategy³

5.1.4. For clarification, I was engaged by Waipā District Council after PC26 was notified, and I had no involvement in drafting the plan change or Section 32 Evaluation. I consider this to be an advantage in that I am able to provide an objective and independent analysis of the plan change in light of submissions and evidence. I also wish to acknowledge that the plan change was prepared under some time pressure with limited resources. As noted in Council's own submission, PC26 is imperfect and there was always an expectation of it needing further refinement due to time and resourcing pressures. This refinement along with corrections to occasional errors is encompassed within my assessment.

5.1.5. In preparing this report I have relied on the Section 32 Evaluation prepared in support of PC26 and additional expert advice sought from Council specialists on technical matters and where appropriate, evidence provided by Council officials at the Joint Opening Hearing. The plan change has been reviewed by these experts and their input has been provided on this report to help guide and inform the assessment of PC26 and the recommendations on the submissions and further submissions. This includes two additional reports which have been prepared in response to submissions on PC26 and are attached to this Section 42A Report:

- Residential Capacity Modelling Medium Density Residential Standards and Qualifying Matters: Waipā District, Market Economics dated 6 March 2023 (attached as Appendix C)
- Waipā District Council Heritage / Character Report 2023, Lifescapes dated 7 March 2023 (attached as Appendix D)

¹ <https://futureproof.org.nz/the-strategy/>

² [Hamilton-Waikato Metro Spatial Plan – Future Proof](#)

³ <https://www.Waipādc.govt.nz/our-council/strategy-and-planning/districtgrowthstrategy>

6. OVERVIEW OF PROPOSED PLAN CHANGE 26

6.1. PROCESS SUMMARY

6.1.1. PC26 was presented to the committee for approval to notify on 9 August 2022 and was publicly notified on 19 August 2022. Key aspects of the process post notification are set out in the table below:

- PC26 was publicly notified on 19 August 2022 with a submission period of 30 working days.
- The summary of submissions (by submitter and by topic) were notified on 28 November 2022, with a further submission period of 10 working days.
- The Hearing Panel issued Direction #1 on 23 August 2022 setting out the hearing procedures and directions for all of the Waikato IPIs.
- Direction #4 was issued on 9 December 2022 containing procedural matters and timetabling directions for the hearing of PC26.
- A Joint Themes and Issues Report was provided by Waipā District Council, Waikato District Council and Hamilton City Council on 15 December 2022 (Joint Themes and Issues Report).
- On 20 December 2022 the Waipā District Council provided a statement of evidence on behalf of Tony Quickfall, Manager District Plan and Growth for the Joint Opening Hearing.
- On 23 December 2022 Direction #6 was issued by the Hearing Panel for the purpose of accepting late submissions and clarifying the jurisdiction of the Hearing Panel to consider submissions in general support or opposition to the medium density residential standards (MDRS).
- A Joint Opening Hearing was held in Hamilton from 15 to 17 February for the purpose of providing a strategic overview of the Waikato IPIs for the Hearing Panel.
- Following the Joint Opening Hearing, Direction #10 was issued by the Hearing Panel. This Direction provides for all submissions on Section 18: Financial Contributions of PC26 to be heard jointly with submissions on Chapter 24 of Plan Change 12 to the Hamilton City District Plan, at the end of the hearing of Plan Change 12. It also puts in place a timetable for the exchange of legal submissions relating to whether submissions relating to inclusionary zoning/affordable housing are within the scope of PC26. If found to be within scope, these submissions will be heard at a later date.
- On 8 March 2023 the Hearing Panel issued Direction #11 which provided for this s42A report to be provided to the Hearing Coordinator on 17 March 2023.
- On 10 March 2023 the Hearing Panel issued Direction #12 determining that the submissions by Triple 3 Farm Limited (59.1) and CKL NZ Limited (65.31) seeking rezoning of land are outside the scope of PC26.
- The substantive hearing of PC26 is scheduled for 26 April to 3 May 2023 in Cambridge.

6.2. PLAN CHANGE SCOPE

6.2.1. As a result of the Amendment Act the Council is required to amend the Operative Waipā District Plan (District Plan) to incorporate new medium density residential standards (MDRS) and to give

effect to Policy 3 of the NPS-UD. The MDRS will apply to all relevant residential zones within the Waipā District.

6.2.2. To achieve this, PC26 creates a new Section 2A ‘Medium Density Residential Zone’ (MDRZ) to the District Plan which incorporates the MDRS along with new rules which modify the standards to accommodate qualifying matters. PC26 also updates the financial contributions provisions in Section 18 of the District Plan and includes consequential changes to a range of other chapters required in order to give effect to the Amendment Act.

6.2.3. PC26 therefore makes changes to the following sections of the District Plan:

- Definitions
- Section 01 – Strategic Policy Framework
- Section 02 – Residential Zone
- Section 15 – Infrastructure, Hazards, Development & Subdivision
- Section 18 – Financial Contributions
- Section 21 – Assessment Criteria and Information Requirements
- Appendix DG1 – Character Cluster Statements
- Planning maps to show the location of the new MDRZ.

6.2.4. The following new sections are proposed to be included in the District Plan:

- Section 2A – Medium Density Residential Zone (based on the existing Residential Zone, with the MDRS added)
- Planning maps 56 and 57 – Qualifying Matters Policy Areas Overlays
- Planning maps 58, 59 and 60 – Character Clusters Policy Areas Overlays.

The planning maps discussed above are available to view in Appendix A.

6.2.5. For clarification, PC26 does not:

- Rezone any land which was not already zoned residential in the District Plan.
- Enable a greater level of development than provided for under the MDRS.⁴
- Propose any amendments to the papakāinga provisions in the District Plan.

7. STATUTORY AND POLICY CONTEXT

7.1. RESOURCE MANAGEMENT ACT 1991 (RMA)

7.1.1. The purpose of the RMA is set out in Section 5 and is to promote the sustainable management of natural and physical resources. Sustainable management means:

Managing the use, development and protection of natural and physical resources in a way and at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while – T

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

⁴ Section 77H of the Act.

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- (b) *safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (c) *avoiding, remedying or mitigating any adverse effects of activities on the environment.*

- 7.1.2. While the IPI is a mandatory requirement (under Section 80F of the RMA), the Council must establish that the objectives, policies and methods of the proposal are the best way to meet the requirements of the RMA. This evaluation was presented in the Section 32 Evaluation Report (Section 3, Part B).
- 7.1.3. The Section 32 Evaluation produced in support of PC26 also provides an overview and analysis of Section 6 (Matters of National Importance); Section 7 (Other Matters); and Section 8 (Treaty of Waitangi (Te Tiriti o Waitangi) (Sections 3.5.4 – 3.5.13).
- 7.1.4. The applicable framework for district plans is contained within Sections 72-77 of the RMA. An overview of the governing requirements is included in the Section 32 Evaluation (Sections 3.5.15 - 3.5.35). In particular, I note that the purpose of a District Plan (Section 72) is to assist councils to carry out their functions in order to achieve the purpose of the RMA. The functions of district councils are listed in Section 31 of the RMA and include:
- Integrated management of the effects of the use, development and protection of land and associated natural and physical resources of the district.
 - The control of any actual or potential effects of the use, development, or protection of land.
- 7.1.5. The Section 32 Evaluation records that Council has met its obligations under these sections (I note that the Amendment Act covers various matters under Section 77 which I respond to below). While Section 32 still applies to an IPI, the additional analysis required by s77J will apply, and modifications to the Section 32 may be necessary. It is therefore noted that there is no need to assess the effects of the MDRS.
- 7.1.6. I note that a District Plan, and any changes, must give effect to higher order planning documents, including National Policy Statements (and Te Ture Whaimana) and the Waikato Regional Policy Statement (and any proposed changes). As set out in the Section 32 Evaluation, there are a number of higher order planning documents and strategic plans that are relevant, and which have provided direction in the preparation and content of PC26. These are discussed in detail in the Section 32 Evaluation, and I touch on these briefly below, including the approach the Council has taken to giving effect to the NPS-UD, and in particular the application of Policy 3(d).
- 7.1.7. Having reviewed the plan change (including a more detailed analysis of higher order documents (refer to Section 7.1.3 below)), and having considered submissions received and recommended consequential amendments, I consider the purpose and contents of PC26 are consistent with the purpose of a District Plan and therefore meet the purpose and principles of the RMA.

7.2. RESOURCE MANAGEMENT (ENABLING HOUSING SUPPLY AND OTHER MATTERS) AMENDMENT ACT 2021 (THE AMENDMENT ACT)

- 7.2.1. The Amendment Act came into force on 21 December 2021. The Section 32 Evaluation produced in support of PC26 provides a detailed summary of the Amendment Act and its key requirements at paragraphs 3.5.25 to 3.5.40 and I rely on that summary here.

- 7.2.2. The Amendment Act requires “specified territorial authorities” which include all tier 1 territorial authorities to amend their district / regional plans via a mandatory plan change known as an Intensification Planning Instrument (IPI) under Section 80E of the RMA to enable housing intensification to occur. It is required to follow the Intensification Streamlined Planning Process (ISPP) under Clause 95 of Schedule 1 of the RMA.
- 7.2.3. Waipā District Council is defined as a tier 1 territorial authority under the Amendment Act (refer to definitions - Section 2(1)).
- 7.2.4. The IPI is required to incorporate the MDRS set out in Schedule 3A of Schedule 1 of the RMA and give effect to the relevant policies of the NPS-UD, which in the case of tier 1 territorial authorities include policies 3 and 4. I note that the IPI may also include or amend district plan provisions relating to financial contributions, papakāinga housing and any related provisions that support or a consequential on the MDRS or relevant policies of the NPS-UD, on a discretionary basis.
- 7.2.5. In accordance with the changes introduced by the Amendment Act, PC26 was prepared and notified on 19 August 2022. As outlined (Sections 7.2.12 – 7.2.17), PC26 introduces the MDRS into the Waipā District Plan. PC26 applies to all relevant residential zones within Waipā District, which I discuss further below.

Incorporation of the MDRS

- 7.2.6. As noted above, the Amendment Act requires all tier 1 territorial authorities to incorporate the MDRS into every relevant residential zone in their district plan (Section 77G(1)).
- 7.2.7. The MDRS contains two parts. Schedule 3A, Part 1 includes mandatory requirements regarding the activity status of residential units and subdivision of land, preclusion of certain notification requirements, and objectives and policies. Schedule 3A, Part 2 contains density standards for:
- Number of residential units per site
 - Building height
 - Height in relation to boundary
 - Setbacks
 - Building coverage
 - Outdoor living space (per unit)
 - Outlook space (per unit)
 - Windows to street
 - Landscaped area
- 7.2.8. The Amendment Act also provides at Sections 77G and 77H that Council may create new residential zones or amend existing residential zones; include objectives and policies to support the MDRS and to reflect any more lenient density standards; make the requirements of Schedule 3A less enabling of development than provided for in Schedule 3A, if authorised to do so under Section 77I (which relates to the application of qualifying matters); and to enable a greater level of development than provided for under the MDRS.

7.2.9. I note that PC26 creates a new zone (MDRZ) and includes the application of a range of qualifying matters to make MDRS less enabling to the extent necessary to accommodate qualifying matters. PC26 does not incorporate provisions that are more lenient than the MDRS.

Relevant Residential Zone

7.2.10. Relevant residential zone is defined at Section 2 of the RMA as:

relevant residential zone—

(a) means all residential zones; but

(b) does not include—

- (i) large lot residential zone.*
- (ii) an area predominantly urban in character that the 2018 census recorded as having a resident population of less than 5,000, unless a local authority intends the area to become part of an urban environment.*
- (iii) an offshore island:*
- (iv) to avoid doubt, a settlement zone.*

7.2.11. “Residential zone” is defined to mean:

... all residential zones listed and described in standard 8 (zone framework standard) of the national planning standards or an equivalent zone.

7.2.12. The Waipā District Plan has not yet been modified to reflect the National Planning Standard (and the associated zone names and descriptions). However, the MDRS has been applied to the residential zones which are the equivalent of the residential zones listed in the above standard (with the exception of the large lot residential zone which is expressly excluded). This is further described below.

7.2.13. The District Plan includes the following residential zones:

- The “Residential Zone” which applies to land within Cambridge, Te Awamutu, Kihikihi and Karapiro;
- The “Large Lot Residential Zone” which applies to land in Pirongia and Ohaupo, as well as land on the outskirts of Cambridge, Te Awamutu, Kihikihi and Karapiro;
- The “Deferred Residential Zone” and the “Deferred Large Lot Residential Zone,” which apply to growth cells on the outskirts of Cambridge, Te Awamutu and Kihikihi and in various rural settlements which have been identified as suitable for residential or large lot residential development post 2035, and which will require a plan change process to create a live zone.

7.2.14. In terms of what constitutes a “relevant residential zone,” only the current “Residential Zone” falls within the definition. The “Large Lot Residential Zone” is expressly excluded while the deferred zones, which will need to undergo a plan change to uplift the deferred zoning are also excluded (i.e., they are not a ‘live zone’ for consideration).

- 7.2.15. PC26 specifically focuses on the towns of Cambridge, Te Awamutu and Kihikihi and as these towns contain a relevant residential zone. The populations of Cambridge and Te Awamutu in the 2018 Census were 18,654 and 12,198 respectively. Both are expected to grow significantly in population over the next 20 years. While Kihikihi does not have a population of 5,000 (its population is 2,900 at the 2018 Census) it has been included in PC26 as it is urban in character and forms part of the Te Awamutu urban environment. Kihikihi is also located within the urban limits⁵ for Te Awamutu as shown on the Policy Area Maps (e.g., Map 41). In my view this inclusion of Kihikihi is appropriate and represents integrated resource management and has not been contested through submissions.
- 7.2.16. I note that the Section 32 Evaluation records at Section 4.1.6 (Table 2) that a number of settlements are excluded from PC26 because they are zoned Large Lot Residential or have populations of less than 5,000 (at the 2018 census). In particular, the residential zoned land at Karapiro Village is excluded as it had a population of 311 in the 2018 census.
- 7.2.17. To summarise, PC26 has been applied to Cambridge, Te Awamutu and Kihikihi through the introduction of a new zone at Section 2A: Medium Density Residential Zone and which has been applied to all of the residential zoned land in these towns. I consider PC26 has correctly applied the MDRS to its relevant residential zones.

7.3. NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT 2020 (NPS-UD)

- 7.3.1. The Section 32 Evaluation provides an overview of the NPS-UD at paragraphs 3.5.80 – 3.5.86 and Section 4.4 in relation to its application in the development of PC26. I have considered this summary and the associated analysis and generally align with it.
- 7.3.2. The NPS-UD directs councils to plan for growth and ensure a well-functioning urban environment for all people, communities, and future generations. This includes:
- Ensuring urban development occurs in a way that takes into account the principles of the Treaty of Waitangi (te Tiriti o Waitangi).
 - Ensuring that district/city plans make room for growth both ‘up’ and ‘out’, and that rules are not unnecessarily constraining growth.
 - Developing, monitoring and maintaining an evidence base about demand, supply and prices for housing and land to inform planning decisions.
 - Aligning and coordinating planning across urban areas.
- 7.3.3. The NPS-UD aims to address planning constraints by removing overly restrictive barriers to development to allow growth in locations that have good access to existing services, public transport networks and infrastructure. In particular, I note that the NPS-UD seeks to enable more people to live in, and more businesses and community services to be located in, centre zones and areas well serviced by existing or planned public transport, alongside areas where there is high demand.

⁵ The Definitions section of the District Plan defines Waipās ‘urban areas’ as all SITES located within the urban limits as shown on the Planning Maps.

7.3.4. Councils must give effect to the objectives and policies of the NPS-UD in their resource management decisions. Waipā District Council is considered a 'tier 1' local authority, and as such all policies of the NPS-UD 2020 are relevant.

7.3.5. The NPS-UD 2020 contains objectives that provide for:

- Having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future (Objective 1)
- Planning decisions improve housing affordability by supporting competitive land and development markets (Objective 2);
- District plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:
 - the area is in or near a centre zone or other area with many employment opportunities;
 - the area is well-serviced by existing or planned public transport;
 - there is high demand for housing or for business land in the area, relative to other areas within the urban environment providing sufficient development capacity to meet the different needs of people and communities (Objective 3).
- New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations (Objective 4).
- Take into account the account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) (Objective 5)
- Decisions on urban development that affect urban environments are integrated with infrastructure planning and funding decisions; strategic in the medium and long-term; and responsive (Objective 6)
- Urban environments that support reductions in greenhouse gas emissions and are resilient to the current and future effects of climate change (Objective 8).

7.3.6. The objectives are supported by a range of policies, and which direct what local authorities will do to implement the NPS-UD.

7.3.7. While I agree that consideration of all relevant policies is necessary, I note that Section 80E of the RMA specifically direct that a tier 1 territorial authority must give effect to policies 3 and 4 in its IPI.

Policy 3 and 4 of the NPS-UD

7.3.8. Turning specifically to policy 3, Section 77G of the RMA requires that every residential zone in an urban environment in a tier 1 local authority must give effect to policy 3 in that zone. In addition, Section 77N requires that, in giving effect to policy 3, the local authority must ensure that the provisions in its district plan for each urban non-residential zone within an urban environment gives effect to the changes required by policy 3. I discuss the Waipā districts urban environments below at paragraphs 7.3.10 to 7.3.15.

7.3.9. Policy 3 of the NPS-UD (as amended by the Amendment Act) provides as follows:

Policy 3: In relation to tier 1 urban environments, regional policy statements and district plans enable:

- (a) in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and
- (b) in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and
- (c) building heights of at least 6 storeys within at least a walkable catchment of the following:
 - (i) existing and planned rapid transit stops
 - (ii) the edge of city centre zones
 - (iii) the edge of metropolitan centre zones; and
- (d) within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and densities of urban form commensurate with the level of commercial activity and community services.

7.3.10. The four clauses in Policy 3 provide for a hierarchy of heights and densities surrounding city centre zones, metropolitan centre zones, rapid transit stops, and the walkable catchments of these, down to neighbourhood centre zones, local centre zones and town centre zones.

7.3.11. With reference to the National Planning Standards guidance⁶ and Ministry for the Environment guidance,⁷ I note that Waipā does not contain any city centre or metropolitan zones nor any planned rapid transit stops. As such, clauses a), b) and c) are not applicable. Clause d) relates to land within and adjacent to neighbourhood centres, local centres, and town centres with a height and density commensurate with the level of commercial activity and community services.

7.3.12. I consider that Clause d) is relevant to Waipā District on the basis that the District Plan contains a single Commercial Zone covering town centres and neighbourhood shops.⁸ I consider that the town centres of Cambridge, and Te Awamutu best align with the definition of ‘Town Centre Zone,’ the description of which provides “*for a range of commercial, community, recreational and residential activities.*” In addition, there are smaller pockets of commercially zoned land within the district which best align with the definition of ‘Neighbourhood Centre Zone’ which is identified in the guidance as “*an area predominantly for small-scale commercial and community activities that service the needs of the immediate residential neighbourhood.*” I consider that Kihikihi readily falls into this ‘Neighbourhood Centre Zone’ category.

7.3.13. I also refer to the updated Future Proof Strategy (2022) which identifies the hierarchy of major commercial centres within the sub-region in terms of role, function and long-term future function (refer Table 1, Chapter 8). I further note that in the hierarchy of centres, town centres sit below the urban areas of regional and city centres (e.g., Hamilton central); Primary sub-regional centre (e.g., Te Rapa north) and Secondary sub-regional centre (e.g., Chartwell) – all of which clearly play a much larger role when considering the approach to growth direction of the NPS-UD and many

⁶ [national-planning-standards-november-2019-updated-2022.pdf](#)

⁷ [Understanding and implementing intensification provisions for the NPS on urban development \(environment.govt.nz\)](#)

⁸ [Understanding and implementing intensification provisions for the NPS on urban development \(environment.govt.nz\)](#)

of its key objectives, including the requirements of policy 3(a), (b) and (c) which in the context of the sub-region apply to Hamilton City only.

- 7.3.14. Council’s Section 32 Evaluation undertaken in support of PC26 confirms that Policy 3(d) is the relevant NPS-UD policy and has been applied in the development of PC26 and I agree that this is the applicable limb of policy 3 to apply.
- 7.3.15. Policy 4 provides for the modification of relevant building height or density requirements to the extent necessary to accommodate a qualifying matter. I deal with this matter later in this report.

Urban environment

- 7.3.16. The RMA defines ‘urban environment’ as follows:

***urban environment** means any area of land (regardless of size, and irrespective of territorial authority or statistical boundaries) that—*

- a) is, or is intended by the specified territorial authority to be, predominantly urban in character; and*
- b) is, or is intended by the specified territorial authority to be, part of a housing and labour market of at least 10,000 people.*

- 7.3.17. I note that the above definition requires both limbs to be met for an area to be classified as an urban environment.

- 7.3.18. PC26 identifies the townships of Cambridge, Te Awamutu and Kihikihi as the relevant urban environments within the district (the latter two have been considered together due to their proximity and Kihikihi being located within the urban limits of Te Awamutu. I concur with the identification of these centres as the urban environments on the basis that:

- These towns are predominantly urban in character due to all having a well-established town centre (Commercial Zone), including an associated variety of services and commercial activities, surrounded by extensive residential activity (Residential Zone), a small number of neighbourhood centres (Commercial Zone) and industrial provision (Industrial Zone).
- I consider these towns to follow a typical urban development pattern, that is, characterised by a variety of zones and associated land uses, a wide variety of commercial, industrial and service activities, supported by some public transport and with good access to the roading network.
- I note that the Future Proof Strategy offers the following definition of what constitutes ‘urban’ which I consider helpful in this analysis – “*a concentration of residential, commercial and/or industrial activities, having the nature of a city, town, suburb or a village which is predominantly non-agricultural or non-rural in nature.*”
- The towns are denoted as urban areas in the District Plan with an ‘Urban Limits’ boundary.
- The townships of Cambridge and Te Awamutu / Kihikihi are part of a housing and labour market of at least 10,000 people, when viewed individually or in the context of the sub-region.

7.3.19. I agree with the identification of these townships as urban environments to be considered as part of PC26. However, I note that one submitter⁹ has questioned the Council’s interpretation on what constitutes an urban environment under the NPS-UD. I discuss this later in the report under the relevant topic area (Topic 1.1, paragraph 9.3.2).

7.4. TE TURE WHAIMANA O TE AWA O WAIKATO – THE VISION AND STRATEGY FOR THE WAIKATO RIVER

7.4.1. Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River (Te Ture Whaimana) was developed by the Waikato River Guardians Establishment Committee, iwi and communities of the Waikato River catchment. The Waikato River co-management legislation (Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and the Ngāti Tūwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010 (Upper River Act) establishes the Vision and Strategy in law. The Vision and Strategy is the primary direction setting document for the Waikato River including its catchment which includes most of the Waipā District.

7.4.2. I understand Te Ture Whaimana has significant statutory weight, including status as a National Policy Statement. Furthermore, Te Ture Whaimana prevails where there is any inconsistency with any other national policy statement or national planning standard.

7.4.3. In his evidence at the Joint Opening Hearing, Mr Quickfall provided a detailed overview of Te Ture Whaimana. Te Ture Whaimana sets a Vision which is supported by a number of specific objectives and strategies. Mr Quickfall outlines these 13 objectives at paragraph 62 of his evidence, and I do not repeat these here, other than to note that the intent of Te Ture Whaimana is a central focus on *restoring and protecting* the Waikato River and its contributing catchment along with the *enhancement* of sites, fisheries, flora and fauna. There are specific directives regarding the *restoration and protection* of the health and wellbeing of the river, the relationship of Iwi with the river, the restoration of water quality and the adoption of a precautionary approach towards decisions that may result in significant adverse effects on the Waikato River.

7.4.4. Waipā District Council has a duty to give effect to Te Ture Whaimana through the District Plan and other planning documents. The significance of Te Ture Whaimana to the Waipā District is already recognised in the District Plan (as set out at Appendix 3 of the Section 32 Evaluation). Mr Quickfall has confirmed that the Council applies it in all its decisions where it is a relevant consideration.

7.4.5. Given the status of Te Ture Whaimana, the assessment carried out for PC26 has been done with the protection and restoration of the Waikato and Waipā Rivers in mind, including specifically providing for a matter or matters required to give effect to Te Ture Whaimana as a qualifying matter (Section 77I(c) of the RMA).

7.4.6. In order to give effect to Te Ture Whaimana, PC26 proposes to introduce two infrastructure overlays which modify the MDRS for sites within the overlays. These are:

- The Infrastructure Constraint Qualifying Matter Overlay, which has been applied where intensification to the extent enabled by the MDRS would have high or critical impacts on wastewater and water infrastructure, which has the potential to result in adverse effects on the Waikato River.

⁹ Submitter 13 (Marshall, Josh)

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- The Stormwater Constraint Qualifying Matter Overlay, which has been applied where intensification to the extent enabled by the MDRS would have high or critical impacts on stormwater infrastructure, which has the potential to result in adverse effects on the Waikato River.

7.4.7. Based upon my review of PC26, I note that PC26 strengthens the emphasis and importance of Te Ture Whaimana within the Strategic Policy Framework of the District Plan. Having considered this and the evidence of Mr Quickfall, and Mr Williams (in his evidence for Hamilton City Council), I consider that PC26 will strongly contribute to giving effect to Te Ture Whaimana.

7.5. NATIONAL POLICY STATEMENT ON ELECTRICITY TRANSMISSION 2008

7.5.1. The NPS-ET provides a high-level framework that gives guidance across New Zealand for the management and future planning of the national grid. Local authorities should take the NPS-ET into account when drafting plans and have regard to it when making decisions about resource consents.

7.5.2. I consider that PC26 has taken into account the NPS-ET. Submission points from Transpower to refine the provisions relating to the national grid to better reflect the NPS-ET are detailed later in this report, and are recommended to be accepted.

7.6. NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT 2020 (NPS-FM)

7.6.1. The NPS-FM provides local authorities with direction on how they should manage freshwater under the RMA. The requirements of the NPS-FM relevant to PC26 include managing freshwater in a way that gives effect to Te Mana o te Wai and an obligation to improve degraded water bodies and maintain or improve all others using bottom lines defined in the NPS-FM.

7.6.2. The fundamental concept of Te Mana o te Wai as set out in the NPS-FM 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.

7.6.3. The Section 32 Evaluation records that Te Mana o te Wai underpins Te Ture Whaimana and the objectives and strategies set out in this document. I note that a Qualifying Matter has been included in PC26 which aims to give effect to Te Ture Whaimana. On this basis, I consider that PC26 is consistent with the NPS-FM.

7.7. NATIONAL POLICY STATEMENT ON HIGHLY PRODUCTIVE LAND 2022 (NPS-HPL)

7.7.1. The NPS-HPL aims to ensure the availability of New Zealand's most favourable soils for food and fibre production. The NPS-HPL gives Council's guidance on how to map and zone highly productive land and manage the subdivision, use and development of this resource.

7.7.2. PC26 must give effect to the NPS-HPL, which was released in September 2022 and came into effect on 17 October 2022 – after the notification of PC26. I note that the NPS-HPL aims to direct new housing development away from areas of highly productive land, such as farmland, to protect it for food and fibre production.

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- 7.7.3. Councils can still allow urban growth on highly productive land if no suitable land is available, and intensification is not viable. Land that has already been identified for future development will not be mapped as highly productive.
- 7.7.4. The objectives, policies, and implementation clauses had immediate legal effect, and councils must consider them when assessing resource consent applications and plan changes. Regional Councils must identify highly productive land within three years and district plans must be updated in the following two years.
- 7.7.5. I consider PC26 aligns with the purpose of the NPS-HPL as the plan change only applies to existing urban areas and relevant residential zones of the district.

7.8. NATIONAL ADAPTATION PLAN 2022

- 7.8.1. The National Adaption Plan 2022 (NAP), which came into force after PC26 was notified, sets out government led strategies, policies and proposals to help New Zealand adapt to the changing climate and its effects and will be updated every 6 years. The goals of the NAP are to:
- Reduce vulnerability to the impacts of climate change.
 - Enhance adaptive capacity and consider climate change in decisions at all levels.
 - Strengthen resilience to climate change.
- 7.8.2. PC26 is consistent with the NAP by taking into account the risks of climate change and concentrating growth in established urban areas and applying appropriate qualifying matters to areas of increased risk of natural hazards. The concerns raised by the Waikato Regional Council on climate change in their submission on PC26 will also be taken into account in this report.

7.9. NATIONAL EMISSIONS REDUCTION PLAN 2022

- 7.9.1. The National Emissions Reduction Plan 2022 (ERP) sets the direction for climate action and a transition towards a low-emissions economy for the next 15 years. The ERP sets emission reduction targets, budgets, plans and strategies including a long-term target to contribute to global efforts to limit temperature rise to 1.5°C above pre-industrial levels.
- 7.9.2. I consider that the ERP, as part of its focus, is encouraging more housing close to urban centres and rapid active transport routes to contribute to a reduction in the reliance on vehicle use. The careful application of the MDRS is therefore important here in terms of enabling growth relative to current or planned active and rapid transport routes and when considered in the sub-regional context (i.e., close to Hamilton).

7.10. NATIONAL PLANNING STANDARDS 2019

- 7.10.1. The purpose of the National Planning Standards (the planning standards) is to improve the efficiency and effectiveness of the planning system by providing nationally consistent, structure, format, definitions, noise and vibration metrics, electronic functionality and accessibility for regional policy statements, regional plans, district plans and combined plans under the RMA. As PC26 changes only a small part of the district plan and was prepared in a short time frame, it was not considered appropriate to modify the format of the District Plan as part of this plan change.

7.11. WAIKATO REGIONAL POLICY STATEMENT (WRPS)

- 7.11.1. Section 75 of the RMA requires district plans to give effect to any relevant Regional Policy Statement. Regional Policy Statements are required to achieve the purpose of the RMA by providing an overview of the resource management issues of the region, and policies and methods to achieve integrated management of the natural and physical resources.
- 7.11.2. The WRPS provides an overview of the resource management issues in the region, and the ways to achieve the integrated management of the region's natural and physical resources.

Proposed Change 1 to the Waikato Regional Policy Statement (PC1)

- 7.11.3. PC1 was notified on 18 October 2022 to change the WRPS to incorporate the requirements of the NPS-UD and to reflect the updated Future Proof Strategy. Specifically, the amendments to the WRPS include:

- A revised urban form and development chapter to ensure that the WRPS is giving effect to the NPS-UD.
- Deleting the specific provisions relating to growth strategies prepared by territorial authorities outside of the Future Proof subregion (Policies UFD-P7 and UFD-P8). These have been replaced with generic provisions to guide preparation of, and give weight to, growth strategies.
- Updating the provisions in the WRPS that relate to the Future Proof subregion to reflect the updated Future Proof Strategy. This includes the outcomes of the Hamilton to Auckland Corridor Plan, the Hamilton-Waikato Metro Spatial Plan (MSP), the MSP Transport Programme Business Case, and the Three Waters Sub-Regional Study.

- 7.11.4. Of note is the inclusion of minimum net target densities (dwellings per hectare) from the Future Proof Strategy for the urban enablement areas of:

- Te Awamutu/Kihikihi (*25-35 in defined intensification areas, 20-35 in greenfield locations*)
- Pirongia (*20-35 in greenfield locations*)
- Cambridge/Hautapu (*25-35 in defined intensification areas, 20-25 in greenfield locations*)

- 7.11.5. Also, net target densities (dwellings per hectare) for the village enablement areas of:

- Rukuhia, Ōhaupō, Ngāhinapōuri and Karapiro (12-15 where reticulated services exist).

- 7.11.6. Map 43 of the WRPS (Future Proof Maps) has also been updated to reflect new urban enablement areas for Cambridge, Te Awamutu/Kihikihi and Pirongia and Village enablement areas for Rukuhia, Ōhaupō, Ngāhinapōuri and Karapiro. The WRPS provides direction regarding the use, development and protection of natural resources, the document gives effect to the WRPS under direct functions of the RMA.

- 7.11.7. The objectives (and associated policies) of the RPS I consider relevant to PC26 are:

- IM-01 – Integrated management
- IM-02 – Resource use and development
- IM-04 – Health and wellbeing of the Waikato River

- IM-05 – Climate change
- IM-07 – Relationship of tangata whenua with the environment
- IM-09 – Amenity
- LF-01 – Mauri and values of fresh water bodies
- LF-03 – Riparian areas and wetlands
- ECO-01 – Ecological integrity and indigenous biodiversity
- UFD-01 – Built environment
- HAZ-01 – Natural hazards
- HCV-01 – Historic and cultural heritage
- NATC-01 – Natural character
- UFD-01 – Built environment
- UFD-P2 – Co-ordinating growth and infrastructure
- UFD-P11 – Adopting Future Proof land use pattern
- UFD-P12 – Density targets for Future Proof area

7.11.8. Having considered submissions relating to the relevant topics and proposed amendments, I consider PC26 gives effect to the WRPS (and proposed Change 1). This includes through the modification of the MDRS to accommodate Qualifying Matters, including the Infrastructure Constraint Overlay; Stormwater Constraint Overlay; a River/Gully Proximity Overlay; revised setbacks to protect significant indigenous vegetation and public open space; and protection of historic heritage through the identification of Character Clusters. I also consider that PC26 seeks to enable growth in a way that ensures appropriate infrastructure provision. Proposed Change 1 (PC1) to the WRPS is especially relevant to PC26 as its purpose is also to give effect to the NPS-UD.

7.12. WAIKATO REGIONAL PLAN

7.12.1. Section 75 of the RMA requires that district plans must not be inconsistent with a regional plan for any matter specified in Section 30(1) of the RMA. Regional plans help to achieve integrated management of the natural and physical resources of the region by implementing the RPS. The plan applies across the whole of the Waikato region, although some objectives, policies and rules apply only in specific parts of the region.

7.12.2. There are no proposed plan changes to the WRP as a result of the NPS-UD or the Amendment Act, however I note that WRP Proposed Plan Change 1 proposes to bring in rules related to water quality in the Waikato and Waipā rivers to manage both point source discharges (such as sewage from towns) and non-point source discharges and this may result in higher standards being imposed on territorial authorities for any discharges to the rivers. This plan change is relevant as it seeks to give effect to Te Ture Whaimana, a matter which PC26 must give effect to.

7.13. WAIPĀ DISTRICT PLAN

7.13.1. The District Plan became operative in 2016. I have described above at Section 6.2 the plan change scope. In undertaking the analysis of submissions and proposed amendments to PC26, I have

been mindful to ensure these amendments integrate with these other parts of the plan. I am satisfied that no other consequential amendments are required at this time.

7.14. IWI AGREEMENTS / DOCUMENTS

Joint Management Agreements

- 7.14.1. I note that Council has Joint Management Agreements in place with three iwi that have rohe within the district. These Agreements, which are summarised in the Section 32 Evaluation (Sections 3.5.107 to 3.5.121), are specific to the treaty settlements relating to the Waikato River and underpin how Council will work together and account for matters of cultural importance in respect of planning matters relating to the Waikato and Waipā rives and their catchments.
- 7.14.2. Waikato-Tainui (Submitter 49) highlighted in its submission matters which relate back to their Joint Management Agreement, specifically giving effect to Te Ture Whaimana in PC26. I note that ‘without prejudice’ engagement with Waikato-Tainui started on 26 January 2023 and further engagement is anticipated (as agreed).

Iwi Environmental Plans

- 7.14.3. I note that the Section 32 Evaluation assessed PC26 against the relevant Iwi Environmental Plans (Section 3.5.122 to Section 3.5.140). I rely on that summary here which confirms that PC26 has taken account of / given effect to, amongst other things Te Ture Whaimana.

7.15. FUTURE PROOF STRATEGY

- 7.15.1. The Future Proof Partnership and Strategy is a 30-year growth management and implementation plan specific to the Hamilton, Waipā and Waikato sub-region within the context of the broader Hamilton-Auckland Corridor and Hamilton-Waikato Metropolitan areas. The strategy provides a framework to manage growth in a collaborative way for the benefit of the Future Proof sub-region both from a community and a physical perspective.
- 7.15.2. The Future Proof Strategy satisfies in part the requirement of the NPS-UD for a Future Development Strategy that shows there will be sufficient, feasible development capacity to support projected growth needs over the short, medium and long term. An update of the Future Proof Strategy will be undertaken prior to 2024 to incorporate all requirements for an FDS.
- 7.15.3. The Section 32 Evaluation highlights that an updated Strategy was released in October 2021 and decisions on submissions to the updated Strategy occurred in June 2022. The updated Strategy factors in key national documents and initiatives such as the NPS-UD and the Government’s Urban Growth Agenda.
- 7.15.4. The Strategy contains a settlement pattern that has been updated to reflect the latest development demand and supply information (from the Housing and Business Assessment reports) to ensure there is sufficient urban land to meet demand, plus a margin above demand to ensure there are competitive land markets in the sub-region. The Strategy continues to support a shift towards a more compact urban land use pattern / form.

7.16. HAMILTON-WAIKATO METROPOLITAN SPATIAL PLAN

- 7.16.1. The Hamilton-Waikato Metropolitan Spatial Plan (MSP)¹⁰ is a vision and framework for how Hamilton City and the neighbouring communities within Waipā and Waikato districts will grow and develop over the next 100 + years
- 7.16.2. The MSP is created through a series of layers influenced by six transformational moves for change which include:
- The Waikato River
 - A radical transport shift
 - A vibrant metro core and lively metropolitan centres
 - A strong and productive economic corridor
 - Iwi aspirations
 - Thriving communities and neighbourhoods.
- 7.16.3. Over the next 50-100 years, the population of the metro area is expected to nearly double. MSP identifies that most people will live in Hamilton, but significant growth will also happen in Ngaaruawaahia, Cambridge and Te Awamutu. The latter two are identified as potential future metropolitan centres due to them containing established centres with retail, commercial and office spaces forming the hub of these communities.

Hamilton-Waikato Metropolitan Spatial Plan Transport Programme Business Case 2022 (MSP Transport PBC)

- 7.16.4. The MSP Transport PBC¹¹ was completed in late 2022 and provides potential network transport interventions to promote the compact urban form aspirations set in the Hamilton-Waikato Metro Spatial Plan.
- 7.16.5. The programme business case recommends a series of multimodal interventions that will deliver on the aspirations of the Access Hamilton Strategy and other strategic objectives including:
- Rapid transit and frequent public transport network that will support a compact land use, encourage mode shift, and increase accessibility.
 - City-shaping intensification in brownfield and greenfield sites to achieve compact urban form and incentivise best use of land for climate change response and mode shift.
 - An integrated city-wide and regional walking, cycling and micro-mobility network with seamless first and last mile connections to public transport.
 - Increased freight efficiency and capacity through additional freight hubs, bus and freight lanes and a shift from road to freight rail.
 - Supporting interventions such as park and ride, demand management and optimisation, regional and rural access, route protection.
- 7.16.6. The business case defines the staging and sequencing of these interventions to enable a rapid roll out and accelerated delivery of radical transport change – from immediate (next one to three

¹⁰ [Hamilton-Waikato-Metropolitan-Spatial-Plan-Final-Low-Res.pdf \(futureproof.org.nz\)](#)

¹¹ [Future Proof Administration - PBC Main Report 512002-0001-REP-JJ-0001\[D\] INC APPENDICES-2022-09-09.pdf \(sharepoint.com\)](#)

years for improved bus services within Hamilton), through to longer term interventions across the sub-region (+20 to 50 years).

- 7.16.7. I note that the focus of the transport initiatives is on Hamilton City, as the regional centre, however Cambridge and Te Awamutu are included in the study area and noted as centres with frequent public transport network links (bus) to Hamilton City. The timeframes associated with this programme are over the long-term with enhanced Frequent Bus Services connecting these centres implemented within 10-20 years, Bus Rapid Transit connecting Te Awamutu in the 10-15 year period and Bus Rapid Transit (dedicated) in the 50 -100 year timeframe.
- 7.16.8. The MSP Transport PBC shows the foresight of the Future Proof Partnership in responding to accessibility needs for the region and the importance of Cambridge and Te Awamutu as growth nodes in the region, with planned accessibility being frequent to these towns, but secondary to Hamilton City.
- 7.16.9. Based on the land use scenario adopted for the PBC - ‘city shaping intensification,’ the focus was very much on allowing Hamilton City to pursue greater opportunities for intensification, and affordable housing provision, around the transport corridors identified and help support the creation of healthier and safer networks that positively respond to climate change. The study noted that similar opportunities for greater levels of intensification would be expected in the regional towns (Te Awamutu, Cambridge, Huntly, Ngāruawāhia and Morrinsville) and all opportunities will be linked to early investment in walking and cycling and the ability to deliver a rapid transit future for the MSP area in the longer-term.
- 7.16.10. I consider PC26 is broadly aligned to the MSP and what it is seeking to achieve. The long-term view of the study however and timing for interventions, including rapid transit is notable however in that early investment and implementation planning is primarily focussed on Hamilton City, with other sub-region centres following much later. I consider this relevant in the context of Policy 3 of the NPS-UD which places some emphasis around accessibility to existing or planned public transport (including frequent and rapid transit).

7.17. WAIPĀ 2050 GROWTH STRATEGY

- 7.17.1. The purpose of the Waipā 2050 Growth Strategy is to provide direction as to where population increase over time will be accommodated within the district, whilst ensuring that the special features of the Waipā District are retained.
- 7.17.2. The Strategy was reviewed in 2017, and embedded into the Waipā District Plan through Plan Change 5. The review was in response to the National Policy Statement on Urban Development Capacity 2016 and the Future Proof Growth Strategy. The 2017 growth strategy had a timeline to 2050, with the objective being to *“identify the land area needed to provide for the additional housing based on these population growth projections, based on some housing density assumptions”*. Waipā 2050 is implemented through the District Plan growth cells, with growth cells being deferred residential zoned and categorised as either short/medium term or longer term (post 2035) and this remains relevant. PC26 is contained to the urban environs of the district and thus is generally aligned with where growth is to be accommodated, however the careful application of the MDRS is needed to ensure alignment in terms of densities is consistent.

Ahu Ake

7.17.3. I note the Council has recently embarked on an update to its Waipā 2050 Growth Strategy with its strategic growth planning document “Ahu Ake” (a community spatial plan) which is intended to provide “a blueprint for a district that provides the foundation for all future planning and investment by Council.” I understand that this document is in draft and is informed by the updated Future Proof Strategy, with the intention of being finalised before the end of 2023. It intends to set out a 30-year spatial plan for growth within the district. The outcome of PC26 has potential implications for this work.

8. CONSULTATION

8.1.1. To date preliminary pre-hearing meetings have occurred with the following parties:

- Kāinga Ora¹²
- Waikato-Tainui¹³

8.1.2. The initial discussions in late January 2023 focussed on the submissions made by these parties. Further engagement and consultation over their submissions and requests made is planned.

9. ANALYSIS OF SUBMISSIONS

9.1. INTRODUCTION

9.1.1. A total of 79 submissions and 8 further submissions were received on PC26. The submissions and further submissions have been grouped into topic areas in the summary of submissions and this report will adopt this same topic area format.

9.1.2. The key strategic issues for PC26 were outlined in the Joint Themes and Issues Report and included:

- Application of NPS-UD Policy 3(d)
- Incorporation of MDRS
- Qualifying Matters – Nationally Significant Infrastructure
- Qualifying Matters – Infrastructure Constraints Overlay
- Qualifying Matters – Stormwater Constraints Overlay
- Qualifying Matters – Historic Heritage / Character Clusters
- Qualifying Matters – River / Gully Proximity Overlay
- Qualifying Matters – SNAs / Reserves
- Financial Contributions (to be addressed separately at a later date)
- Financial Contributions – Te Ture Whaimana Management / Distribution (to be addressed separately at a later date)

¹² Submitter 79 (Kāinga Ora)

¹³ Submitter 49 (Waikato Tainui)

9.1.3. Sections 9.2 to 9.34.7 of this report provide discussion and recommendations under these topic headings. **Appendix B, Table 2** outlines the topics and sub-topics raised by submitters for PC26 and which submitters lodged a submission point on the various topics.

9.1.4. Only submitter numbers are used in **Appendix B, Table 2** for simplicity, however, submitter and further submitter names with corresponding numbers are outlined in **Appendix B, Table 1**.

9.2. OVERVIEW

9.2.1. Due to the number of submissions received for PC26 and the total amount of submission points raised (including changes requested), discussion on submissions has been grouped into topics. In addition, given the number and extensive nature of comments and changes requested each submission point has been addressed individually in their topic and attached at **Appendix B**.

9.2.2. Six topics are discussed in the following sections, with further subtopics outlined within some of these topics as outlined in **Appendix B, Table 2**. A summary of substantive submission points is provided below as considered appropriate.

9.3. TOPIC 1 NPS-UD POLICY 3(D)

9.3.1. PC26 is required to give effect to Policy 3(d) of the NPS-UD. The assessment of PC26 against Policy 3(d) of the NPS-UD has been raised in four general topics of submissions. These are requests for other settlements to be included within PC26 on the basis they are urban environments, the application of a High-Density Residential Zone, requests for changes to the Commercial Zone and requests to use Councils current compact housing overlay for higher density development.

Topic 1.1 Urban Environments within Waipā District

9.3.2. Policy 3(d) is required to be given effect within residential and non-residential zones within urban environments. I have previously outlined the definition of ‘urban environment’ (refer to paragraph 7.3.16). I have reviewed the Section 32 Evaluation, the submission and other key documents, including the Future Proof Strategy and the WRPS (including Change 1).

Submission

9.3.3. One submitter¹⁴ questions whether Ōhaupō, Pirongia and Karapiro Village should be considered as urban environments under the NPS-UD definition, and therefore be subject to Policy 3(d) under this IPI.

Assessment

9.3.4. In terms of Ōhaupō I make the following comments:

- Ōhaupō is a small settlement with a population of 743 (at the 2018 Census), and which is best described as rural in nature.
- It has a small cluster of Commercial zoned land, with a limited range of commercial or service-based activity within it. It is surrounded exclusively by Large Lot Residential, the zone which the District Plan describes as *“reflecting the predominantly residential nature of the zone, which has a lower density and a more rural feel than in the Residential Zone.”*

¹⁴ Submitter 13 (Marshall, Josh)

- It is not included within an ‘Urban Limits’ boundary in the Operative District Plan, while Council has no plans to change the zoning provisions in the short to medium term (refer to paragraph 4.1.6 of the Section 32 Evaluation).
- Ōhaupō is identified as a village enablement area within the Future Proof Strategy, which is defined as “*areas of existing zoned land in village locations and planned village growth areas...*” (refer to Map 6, Future Proof Strategy), and which is characterised in the subregional context as being located in the rural hinterland (refer Figure 13, Future Proof Strategy) and where limited growth is expected to occur.
- WRPS (Proposed Plan Change 1), identifies Ōhaupō as a village enablement area and proposes a density target of 12-15 dwellings per hectare (net) (where reticulated services exist).
- Ōhaupō is not currently proposed by the Council to be predominantly urban in character (through greater extent or higher density of residential, commercial and / or industrial land use).

9.3.5. In terms of Pirongia I make the following comments:

- Pirongia is a small settlement with a population of 1,250 (at the 2018 Census), and which is best described as rural in nature.
- It has some small clusters of Commercial zoned land, with a limited range of commercial or service-based activity within it. Other than the Commercial areas, Pirngia is zoned Large Lot Residential, the zone which the District Plan describes as “*reflecting the predominantly residential nature of the zone, which has a lower density and a more rural feel than in the Residential Zone.*”
- It is not included within an ‘Urban Limits’ boundary in the Operative District Plan, while Council has no plans to change the zoning provisions in the short to medium term (refer to paragraph 4.1.6 of the Section 32 Evaluation).
- Pirongia is identified as an urban enablement area within the Future Proof Strategy, which is defined as “*areas of existing zoned land in urban areas **and planned future urban areas...***” (refer to Map 6, Future Proof Strategy). The Strategy goes on to note that there are no current plans to extend reticulated services to Pirongia and there are no plans to see it developed as an urban settlement or for the current settlement to be expanded. This is due to the presence of undeveloped land blocks in the settlement, and the available capacity for a level of large lot residential development infill.
- With reference to the above point, WRPS (Plan Change 1), proposes a greenfield density target of 20-35 dwellings per hectare (net) for Pirongia, which would necessitate a *future* rezoning (to MDRS) to give effect to this, which is outside the scope of PC26.

9.3.6. In terms of Karapiro Village I make the following comments:

- Karapiro Village is a very small settlement with a population of 311 (at the 2018 Census), and which is best described as rural in nature.
- While it is zoned residential at its core, there are no other ‘urban’ zones within it. It is surrounded exclusively by Large Lot Residential, the zone name which the District Plan describes as “*reflecting the predominantly residential nature of the zone, which has a lower density and a more rural feel than in the Residential Zone.*”

- It is not included within an ‘Urban Limits’ boundary in the Operative District Plan, while Council has no plans to change the zoning provisions in the short to medium term (refer to paragraph 4.1.6 of the Section 32 Evaluation).
- Karapiro Village is identified as a village enablement area within the Future Proof Strategy, which is defined as “*areas of existing zoned land in village locations and planned village growth areas...*” (refer to Map 6, Future Proof Strategy), and which is characterised in the subregional context as being located in the rural hinterland (refer Figure 13, Future Proof Strategy) and where limited growth is expected to occur.
- WRPS (Proposed Change 1), identifies Karapiro Village as a village enablement area and proposes a density target of 12-15 dwellings per hectare (net) (where reticulated services exist).

9.3.7. On the basis of the preceding analysis, I conclude that the three settlements do not meet the definition of urban environment due to their classification within the District Plan, Change 1 to the WRPS and partner strategies (i.e., Future Proof and including future intentions in the 30 year horizon), current zoning make up (including limited pockets of Commercial and the predominance of Large Lot Residential), low density and the lack of / low concentration of local services and / or commercial activities, infrastructure servicing constraints and ease of access (other than by private vehicle). While I acknowledge the role these settlements likely play when it comes to the sub-regional housing and labour market, I have found nothing through my analysis to suggest that these settlements are, or are intended to be, predominantly urban in character.

Recommendation

9.3.8. No changes to PC26 are recommended.

9.4. TOPIC 1.2 HIGH DENSITY RESIDENTIAL ZONE

Submissions

- 9.4.1. Three submissions¹⁵ requested that higher density development, above that allowed in the MDRZ, be considered for Cambridge and Te Awamutu. Two further submissions¹⁶ were received in relation to the primary submissions.
- 9.4.2. PC26 did not propose a High-Density Residential Zone around the Cambridge or Te Awamutu town centres (Commercial Zone) or any amendments to the Commercial Zone that applies throughout the Waipā District.
- 9.4.3. In summary the submissions requested:
- Include properties which are within the Compact Housing Overlay to be high density, or those properties bordering a reserve or commercial centre.
 - Further assessment is required, supported by an accessibility study of walkable catchments surrounding town centre zones.

¹⁵ Submitter 53 (Cogswell Surveys Limited); Submitter 63 (Waka Kotahi); Submitter 79 (Kāinga Ora)

¹⁶ Further Submission 5 (Retirement Villages Association of NZ Incorp); Further Submission 6 (Ryman Healthcare Ltd)

WAIPĀ DISTRICT PLAN: PROPOSED PLAN CHANGE 26 – RESIDENTIAL ZONE INTENSIFICATION

- A High-Density Residential Zone (“HDRZ”) that will enable up to 6 storeys should be incorporated into the District Plan (via PC26) and applied within a 400m (also 400m-800m) walkable catchment of both the Cambridge and Te Awamutu town centres.
- Two further submissions support this request.
- Apply a height variation control over the Te Awamutu and Cambridge town centres to enable a proportionate height of buildings to that sought within a High-Density Residential Zone (Business Height Variation Overlay of 24.50m).

Assessment

- 9.4.4. I have previously discussed the requirements of Policy 3(d) at paragraph 7.3.9 and its applicability in the Waipā context at paragraphs 7.3.10 – 7.3.12 of this report. This includes identifying Cambridge and Te Awamutu with their commercial zoning as the relevant centre zones to which policy 3(d) would apply (town centres). In addition, this involves considering heights and densities that are commensurate with the level of commercial activity and community services within these centres.
- 9.4.5. In determining the level of commercial activity, I note that the MfE guidance explains that a “range” of services should be thought of as a variety of commercial and community services that serve the needs of the catchment (e.g., retail shops, restaurants/cafes, supermarkets, medical centres, library, schooling and parks).
- 9.4.6. Based on a desktop assessment (using Hamilton City Council’s approach to identifying a centres suitability for intensification, Appendix 3.6 Centres Assessment Report, Plan Change 12) and personal knowledge of Cambridge and Te Awamutu, I have undertaken the following tabulated assessment.

Centres Suitability

Centre (including footprint of commercial area)	Criteria	Comment
Cambridge Cambridge (incl. Leamington and Carters Flat) – 69.3 ha	Supermarket	2 supermarkets in town centre, plus one supermarket within a suburban commercial centre in Leamington, and one new out of centre supermarket anticipated to be developed in Cambridge North
	Healthcare provider	Various within town centre (and a major out of centre healthcare hub under development in Cambridge North)
	Community facility	Cambridge Pool, Cambridge Library, Cambridge Museum, Town Hall, I-Site
	Adjacent residential zone	Yes

WAIPĀ DISTRICT PLAN: PROPOSED PLAN CHANGE 26 – RESIDENTIAL ZONE INTENSIFICATION

	Degree of amenity	Good – Lake Te Ko Utu, Victoria Park and Te Awa Cycleway, 3 primary and 1 middle school in / close to town centre; movie theatre and a wide range of restaurant and café options; regular bus route to Hamilton
	Other relevant factors	Location close to Cambridge Greenbelt (incl. number of sports clubs), Avanti Velodrome, Lake Karapiro. Integration with and proximate to Carters Flat commercial zone (planned for larger format retail and residential)
Te Awamutu - 44.8 ha	Supermarket	2 supermarkets in town centre
	Healthcare provider	Various within/close to town centre including TA Medical Centre
	Community facility	TA Aquatic Centre / Indoor Events Centre, Te Awamutu Library; Te Awamutu Museum
	Adjacent residential zone	Yes
	Degree of amenity	Good – Rose Gardens, Victoria Park, 2 primary schools and 1 high school in / close to centre; movie theatre and restaurant and café options; regular bus route to Hamilton

- 9.4.7. On the basis of the above, I consider that both town centres provide a wide variety of commercial and community service offerings that serve the immediate needs of the townships themselves and surrounding rural hinterland. Both centres are supported by a regular bus service to Hamilton. It is important to note that these bus services are not defined as rapid or frequent transit. The assessment indicates that the centres are suitable for some form of intensification, however this needs to be balanced against the relative capacity for a higher intensity form of development available within those centres currently, and against the long-term market demand, both of which I discuss below at Topic 1.3.
- 9.4.8. As previously outlined, PC26 applies a new MDRZ and qualifying matters (where relevant) into the District Plan over the residential areas of Cambridge, Te Awamutu and Kihikihi to respond to the requirements of Section 77G(1) of the RMA. This includes the residential zoning adjacent to the town centres of Cambridge and Te Awamutu. The Section 32 Evaluation concludes that PC26, through its application of the MDRS, enables heights and densities to occur that are commensurate to the level of commercial activities and community services existing in Cambridge, Te Awamutu and Kihikihi (paragraph 4.4.4). Updated reporting by Market Economics¹⁷ confirms that PC26 would enable a greater level of capacity and development across the urban residential areas of Waipā District than the existing baseline provisions. More specifically PC26 increases plan-enabled capacity by 183% over and above the District Plan and which would amount to a net increase of an additional 24,000 dwellings to those enabled under the baseline District Plan provisions. I note that the Housing and Business Capacity Assessment (2021) and the updated Market Economics reporting confirms that at a total level, the Waipā District has sufficient plan-enabled and commercially feasible capacity, with headroom to meet

¹⁷ Residential Capacity Modelling MDRS and Qualifying Matters: Waipā District (March 2023)

demand in the short, medium and longer-terms. Therefore, PC26 has not sought to further increase the total capacity from that enabled under the notified provisions.

9.4.9. Given the above and in respect of the specific matters raised in submissions, I note the following:

- A High-Density Residential Zone ('HDRZ') requested by Kāinga Ora (Submitter 79) adjacent to the town centres of Cambridge and Te Awamutu is not appropriate on the basis it represents a building height which would not be commensurate with the level of commercial activity and community services that exist in these centres. I also consider that the demand for this typology is currently very limited within the district as a smaller urban economy. The updated Market Economics report indicates that there is limited demand for this higher density typology within the context of the local market and the proposed provisions are likely to be too extensive relative to the market size. It would also be completely incongruent with the heights in existence within those centres (and enabled through the District Plan, which I discuss below under Topic 1.3. Furthermore, I consider that the application of such a zone is designed to be applied via policy 3(c) which is not applicable in the Waipā district. I consider that PC26 will enable heights and densities to occur, which do not predominantly currently exist, that are appropriate (commensurate) to the level of commercial activities and community services existing in Cambridge and Te Awamutu, as required by policy 3(d) and when more broadly viewed in the context of the sub-region (including the role of Hamilton City, which as previously confirmed contains a city centre zone, metropolitan centre zones and rapid transit stops.
- I consider that the walkable catchment (as shown in Kāinga Ora' submission) is too extensive. I agree further analysis would be appropriate in the case of intensification as the appropriateness of any spatial extent of provision for intensification differs by both urban context and typology.
- The request to apply a height variation control over the Cambridge and Te Awamutu town centres to enable a proportionate height of buildings to that sought within a HDRZ is not considered further on the basis that it is not appropriate to apply it in the Waipā district context. I do more fully consider the town centre (Commercial zone) in Topic 1.3 below.
- In respect of the submission made by Cogswell Surveys Limited to include properties which are within the Compact Housing Overlay to be high density, or those properties bordering a reserve or commercial centre, I note that PC26 intended to remove this overlay completely as it is not required alongside the MDRS in terms of the outcomes that would be achieved. I also note that the Compact Housing Overlay has been around for some time and pre-dates the NPS-UD and therefore has limited relevance in terms of PC26. Again, I confirm that PC26 will enable heights and densities to occur, and which do not currently exist, that are appropriate to the level of commercial activities and community services existing in Cambridge and Te Awamutu.

Recommendation

9.4.10. No changes to PC26 are recommended.

9.5. TOPIC 1.3 SECTION 6 – COMMERCIAL ZONE

9.5.1. Currently a single Commercial Zone covers the retail, office, and commercial service areas in the district. The District Plan refers to a hierarchy of commercial centres, with the CBDs (or primary

commercial centres) of Cambridge and Te Awamutu at the top of this hierarchy followed by village commercial centres (Kihikihi, Pirongia and Ohaupo), neighbourhood centres (Leamington, Cambridge North), large format centre (Cambridge Road, Te Awamutu) and local shops.

- 9.5.2. The current Commercial Zone maximum height limit is 14 metres and 3 storeys, and this applies across the hierarchy described above. I note that a variety of activities are promoted within the Commercial Zone. Pedestrian frontages are a priority within the primary commercial centres to reinforce the pedestrian focus and vibrancy of these areas. Larger scale commercial activities including those that are vehicle orientated are encouraged within the Commercial Zone outside of the pedestrian frontage areas. People living within the Commercial Zone are recognised in the District Plan as being important for maintaining and enhancing vibrancy and activity; however, this needs to be balanced against the demand for commercial activities. To support this outcome, residential activities are provided for throughout the Commercial Zone provided they are located above ground floor level, have appropriate on-site amenities, and can manage the potential impact of locating near commercial activities.

Submissions

- 9.5.3. Four submissions¹⁸ and three further submissions¹⁹ have been received regarding Section 6 – Commercial Zone of PC26 requesting a variety of amendments to the zone to give effect to the NPS-UD, particularly in respect of providing greater levels of intensification to urban non-residential zones.

Assessment

- 9.5.4. As part of PC26, no changes are proposed to Section 6 – Commercial Zone (in the Cambridge and Te Awamutu town centres). This is on the basis that the currently permitted height of 14 metres and densities²⁰ enables a greater level of height and density which is not currently realised within the commercially zoned areas of the district (noting that this zone extends beyond just the town centres of Cambridge and Te Awamutu, also applying to the likes of Caters Flat in Cambridge, Cook St/Shakespeare St/Wordsworth St/Pope Tce in Cambridge, Cambridge North, Ōhaupō, Pirongia, Leamington and Kihikihi). The Commercial Zone provisions also enable residential development in the form of mixed-use development with retail at ground floor and residential above. I note that in his evidence as part of the Joint Open Hearing – Session 1, Mr Quickfall highlighted examples of intensification developments that have been developed in Cambridge within the Commercial Zone. He also highlighted that there were other prospective developments in train across the district, principally within Cambridge. I note further that the town centres of Cambridge, Te Awamutu and Kihikihi are subject to the Character Precinct Areas overlay which has the effect of requiring restricted discretionary resource consents to be obtained for the erection of any new building.
- 9.5.5. While I agree that it is beneficial to intensify urban residential development around centres and key areas of amenity, preliminary modelling by Market Economics indicates that under the District Plan/PC26 provisions there is an existing plan-enabled capacity for up to 5,000 apartment units within Waipā's Commercial Zones if they were comprehensively redeveloped at 3 storeys. However, the potential feasible and available capacity is likely to be lower than this where a share

¹⁸ Submitter 55 (The Department of Corrections); Submitter 70 (Ryman Healthcare Ltd); Submitter 73 (Retirement Villages Association of NZ Incorp); Submitter 79 (Kāinga Ora)

¹⁹ Further Submission 5 (Retirement Villages Association of NZ Incorp); Further Submission 6 (Ryman Healthcare Ltd); Further Submission 8 (Kāinga Ora)

²⁰ For example, no internal setbacks except where adjoining residential, and buildings within a pedestrian frontage must be constructed on the road boundary.

of capacity is likely to be reduced by factors such as overlay site constraints, feasibility of redevelopment (including impact of market demand size), availability to the market and capacity within the construction sector. The modelling also suggests that the potential long-term (2021-2051) market size for higher density dwellings based on high level analysis of development patterns across different urban economies under a mid-high scenario (i.e., current development patterns with a degree of shift toward higher density), may be for around 250 – 1,200 apartment dwellings, most of these within Cambridge.

- 9.5.6. When I view this in the context of the district’s urban areas and the role that Cambridge and Te Awamutu play in a broader sub-regional context (hierarchy), I consider that retention of the existing Commercial Zone height and density requirements is appropriate, within the commercial “non-centres” zones (excluding Cambridge and Te Awamutu town centres and Leamington suburban centre), given that there is capacity available, and this will more than provide for the long-term market demand. However, I consider that there may be an opportunity for some refinement of “centre” commercial zones to facilitate some additional intensification within the centre and immediately adjacent the centre (refer to 9.51 – 9.5.2) in an effort to provide for increased choice and typology and to better differentiate the Cambridge and Te Awamutu town centres from the other general commercial zones across the district. I consider this would be appropriate on the basis that they represent centres that are appropriate for some form of intensification which is commensurate to the level of commercial activity and community services that currently exist in those centres.

Recommendation

- 9.5.7. While no changes to PC26 are recommended in respect of amendments to the Commercial Zone, I would note that as a result of submissions received and preliminary pre-hearing engagement with Kāinga Ora, Council is considering potential opportunities to better differentiate the commercial ‘centres’ of Cambridge and Te Awamutu.

9.6. TOPIC 1.4 COMPACT HOUSING

- 9.6.1. The District Plan contains a Compact Housing Overlay which identifies suitable areas in the Waipā District where comprehensively designed higher density residential development could be located. PC26 proposes to remove the provisions relating to the Compact Housing Overlay as greater housing density is enabled by the medium density residential standards. I note also that the Compact Housing overlay pre-dates the NPS-UD.

Submissions

- 9.6.2. Four submissions have made reference to a Compact Housing provision which was retained in error in the new Section 2A Medium Density Residential Zone of PC26 (Rule 2A.4.2.54). Rule 2A.4.2.54 retained the compact housing provisions with general design provisions including density, dimension, separation, outdoor living and landscaping requirements for compact housing proposed in the compact housing overlay. Three further submissions were also received in relation to one of the submission points on compact housing.

Assessment

- 9.6.3. I note that the compact housing overlay and associated provisions that remain in PC26 were retained in error. As originally concluded in the Section 32 Evaluation, these provisions do not

align with the MDRS and reference to them should be removed from PC26. Requests supporting or to amend the compact housing provisions that were retained in PC26 are therefore not supported.

- 9.6.4. As noted above, PC26 intended to remove this overlay completely as it is not required alongside the MDRS in terms of the outcomes that would be achieved. The submission raised in respect of this matter are generally supported and changes to remove reference to the Compact Housing Overlay are proposed.
- 9.6.5. The submission from Kāinga Ora (Submitter 79) requesting amendments to policy 2A.3.7 and objective 2A.3.7.1 in addition to deletion of reference to the term compact housing also requests inclusion of ‘four or more dwellings’ in place of compact housing and requests deletion of reference to ‘reverse sensitivity’ as an assessment criterion of comprehensive design. The request to delete reference to reverse sensitivity has been opposed in a further submission. The update of terminology in policy 2A.3.7 and objective 2A.3.7.1 from compact housing to four or more dwellings is considered to be consistent with the intent of the MDRS, so is supported. The request to delete reference to reverse sensitivity in objective 2A.3.7.1 is not supported as this is considered a relevant resource management consideration that is also referenced in the WRPS.

Recommendation

- 9.6.6. Amend PC26 as follows:

- Delete reference to the compact housing overlay from PC26 including its definition, assessment criteria, spatial reference and associated provisions. (79.6, 79.27, 79.78, 79.88, 79.203, 79.309)
- Amend Policy 2A.3.5.6. as follows:
 - 2A.3.5.6 Where compact housing is proposed, the (79.310) effect that long building lines may have upon the residential character and amenity of neighbouring sites and the wider area should be considered. Buildings that are well modulated with architectural detail shall be preferred.
- Delete Rule 2A.4.2.54. (79.255)
- Amend Policy 2A.3.7.1 – Comprehensive design and development (section 2A) as follows:
 - Objective – comprehensive design and development
 - 2A.3.7 To encourage developments that are comprehensively designed, incorporate urban design and CPTED principles, are co-ordinated with infrastructure provision, and integrated with the transportation network.
 - Policy - Comprehensive design of compact housing, four or more dwellings, (79.202) retirement village accommodation and associated care facilities, rest homes, and visitor accommodation
 - 2A.3.7.1 To ensure that compact housing, developments of four or more dwellings, (79.202) retirement village accommodation and associated care facilities, rest homes and visitor accommodation are comprehensively designed by:
 - ...
 - (h) Addressing reverse sensitivity effects; and

(i) ... (79.202)

- Amend 21.1.2A.3 to delete reference to the compact housing overlay. (79.310)

9.7. TOPIC 2 – MEDIUM DENSITY RESIDENTIAL STANDARDS (MDRS)

- 9.7.1. The Amendment Act requires all tier 1 territorial authorities under the NPS-UD to undertake a mandatory plan change to incorporate the medium density residential standards set out in Schedule 3A of Schedule 1 to the RMA.
- 9.7.2. PC26 proposes to insert a new Section 2A: Medium Density Residential Zone and qualifying matters into the Waipā District Plan over the residential areas of Cambridge, Te Awamutu and Kihikihi.
- 9.7.3. The existing provisions in section 2 ‘Residential Zone’ of the ODP have formed the basis for the new Medium Density Residential Zone section. The MDRS as set out in Schedule 3A of the RMA have been transferred directly into the following provisions (shown shaded orange):
- Objectives 2A.3.1 and 2A.3.2.
 - Policies 2A.3.2.1, 2A.3.2.3, 2A.3.2.5, 2A.3.2.6 and 2A.3.2.7.
 - Rules 2A.4.1(a); 2A.4.1A; 2A.4.2.1 to 2A.4.2.5 and 2A.4.2.10 to 2A.4.2.24.
- 9.7.4. Policies relating to low density housing in Cambridge, Kihikihi and Te Awamutu have been deleted (former Policies 2.3.1.1(e) and 2.3.1.2(c)). The following provisions have also not been included in Section 2A as they are inconsistent with the MDRS:
- Former policy 2.3.4.2 – secondary dwelling.
 - Former policy 2.3.4.3 – infill housing.
 - Former policy 2.3.4.5 – compact housing.
- 9.7.5. Additional amendments have been made to provisions to achieve consistency with the MDRS including:
- Policy 2A.3.4.1 - building setback from road boundary.
 - Policy 2A.3.4.3 – building setback side boundaries.
 - Policy 2A.3.4.4 – height of buildings.
 - Policy 2A.3.5.5 – outdoor living area.
 - Policy 2A.3.5.6 – maximum building length.
 - Objective 2A.3.6 – providing housing options.
 - Policy 2A.3.7.1 to remove reference to infill housing.
 - Policy 2A.3.7.2 – Development within Structure Plans.
- 9.7.6. Amendments have also been made to the provisions in Section 15 – Infrastructure, Hazards, Development & Subdivision of the District Plan to reflect the requirements of Schedule 3A of the RMA including:
- Activity Classification Tables 15.4.1 – addition of a column for the MDRZ.
 - New clause (l) in Activity Classification Table 15.4.1.1.

- Deletion of existing clause (o) in in Activity Classification Table 15.4.1.1.
- Lot area rules in performance standard 15.4.2.1 – addition of a row for the MDRZ.
- New rule 15.4.2.1A for residential subdivision in the MDRZ around existing or proposed dwellings.
- Lot frontage, lot shape factor and vehicle crossings in performance standard 15.4.2.3 – new row for MDRZ.

9.8. TOPIC 2.1 GENERAL OPPOSITION

Submissions

- 9.8.1. Twenty-six submissions²¹ have opposed PC26 raising concerns with negative impacts on airflow, air quality, amenity, capacity of schools, carbon footprints, character of towns, community, cyclist safety, good urban design, historic precincts, house values (lowering and increasing), increased vehicle movements, infrastructure, noise, mental health of residents, parks, privacy, quality of life, security, sunlight, recreation and views.
- 9.8.2. One submission²² has noted that the present provisions appear to meet needs for additional development.
- 9.8.3. In summary the submissions have requested that PC26:
- Be rejected (refer to submitters in footnote 21).
 - Include additional consent requirements to uphold the character of Cambridge.
 - Continue to be opposed by Council.
 - Locate intensification where houses are old and in bad condition.
 - Include additional information and detail on what the plan change will mean for neighbourhoods.
 - Remove the right to build three houses, three stories high without a land use consent.
 - Require on-site car parking.
 - Limit development to 2 houses.

Assessment

- 9.8.4. I note that The Housing Supply Amendment Act mandated tier 1 local authorities to notify an IPI using the ISPP, with the IPI to be publicly notified before 20 August 2022.

²¹ Submitter 1 (Home, Steve); Submitter 2 (Hazlewood, Susan); Submitter 3 (Van Der Merwe, Angelique); Submitter 4 (Burchell, Ramon); Submitter 5 (Burchell, Graham); Submitter 6 (Morris, Jennifer); Submitter 9 (Woods, Hayden); Submitter 10 (Aberhart, Neil); Submitter 14 (Douglas, Andrea); Submitter 15 (O'Brien, Anna); Submitter 16 (Hislop, Michelle); Submitter 17 (Martin, Peter); Submitter 22 (Dandy, Michael Robert); Submitter 23 (Hosford, Michelle); Submitter 24 (Suter, Jewell Charmaine); Submitter 27 (Campion, Graham A and Juliet); Submitter 28 (Ruis, Elaine); Submitter 29 (White, Denis Anthony Wilson); Submitter 31 (Haysom, Hayley); Submitter 33 (Lawrence, Marcia and Irene); Submitter 36 (Carr, Robert); Submitter 52 (Murdoch, Patricia Mary); Submitter 58 (Hall, Sally); Submitter 66 (Jago, Dion); Submitter 75 (Te Awamutu Community Board); Submitter 78 (Horner, Edmund Bruce)

²² Submitter 78 (Horner, Edmund Bruce)

9.8.5. I note that many of the submissions²³ opposing PC26 have requested relief that the Hearing Panel does not have jurisdiction to provide, as outlined in Direction #6 dated 23 December 2022. This includes that:

- Council was required to notify an IPI and does not have the power to withdraw the plan change.
- The MDRS cannot be modified, except with a qualifying matter.
- Council cannot take into account the effects of the MDRS in respect of amenity, visual effects, shading and privacy, except where a qualifying matter applies to a site.
- On-site car parking for residential development is no longer a requirement that district plans can regulate except in very limited circumstances.

9.8.6. Opposition to PC26 is noted.

Recommendation

9.8.7. No changes to PC26 are recommended.

9.9. TOPIC 2.2 GENERAL SUPPORT

Submissions

9.9.1. Fourteen submissions²⁴ have been received in support of PC26. In summary, reasons for support include:

- Review and retreat from low intensity model long overdue.
- Housing intensification will increase supply and there is a lack of housing in New Zealand.
- Intensification will stop farmland being taken over by urban sprawl.
- Support the overall plan change including the qualifying matters.
- Will assist to address impacts of climate change.

Assessment

9.9.2. Support for PC26 is noted.

Recommendation

9.9.3. No changes to PC26 are recommended.

²³Submitter 1 (Home, Steve); Submitter 15 (O'Brien, Anna); Submitter 22 (Dandy, Michael Robert); Submitter 23 (Hosford, Michelle); Submitter 27 (Campion, Graham and Juliet); Submitter 28 (Ruis, Elaine); Submitter 29 (White, Denis Anthony Wilson); Submitter 31 (Haysom, Hayley); Submitter 36 (Carr, Robert); Submitter 52 (Murdoch, Patricia Mary); Submitter 58 (Hall, Sally); Submitter 66 (Jago, Dion); Submitter 78 (Horner, Edmund Bruce)

²⁴ Submitter 12 (Swarbrick, Richard Henry); Submitter 20 (West, Peter); Submitter 21 (Oehley, John); Submitter 26 (Uden, Jason); Submitter 43 (Rushworth, Christina); Submitter 48 (Summerset Group Holdings Ltd); Submitter 50 (TA Projects Limited); Submitter 51 (MacGillivray, James Alexander and Jennifer Anne); Submitter 60 (Barnes, Paul Charles Ian); Submitter 62 (Bannon, Kim); Submitter 63 (Waka Kotahi); Submitter 69 (Steen, Grant); Submitter 76 (Shears, Sam); Submitter 79 (Kāinga Ora)

9.10. TOPIC 2.3 SPATIAL EXTENT OF THE MEDIUM DENSITY RESIDENTIAL ZONE (MDRZ)

Submissions

- 9.10.1. Twelve submissions²⁵ and one further submission²⁶ raised concerns regarding the areas zoned for intensification (i.e., spatial extent of the MDRZ).
- 9.10.2. The submissions can be generally summarised as follows:
- Opposition to MDRZ across the Waipā District.²⁷
 - Clarity requested on the specific areas the MDRZ exists within PC26.²⁸
 - Amend spatial extent of MDRZ to specific areas²⁹ (e.g., new subdivision developments or via a decision-making framework), rather than across the entire town.
 - Delete MDRZ in the towns of Karapiro, Pirongia, and Ohaupo. The submitter³⁰ states that as each of these residential zones currently have fewer than 5,000 residents, the MDRS should not be adopted in these locations, even though they are defined as ‘urban environments’ in the Amendment Act.
 - A submission point by Kāinga Ora (Submitter 79) has been received in support generally for the MDRZ. Additionally, support for MDRZ as notified on the submitter’s (Ryman Healthcare, Submitter 70) site located at 1881 Cambridge Road, Cambridge has been received.

Assessment

- 9.10.3. I have considered the matter of the MDRS and its application across relevant residential zones at paragraphs 7.2.10 – 7.2.17. I do not repeat that analysis here, other than to confirm that PC26 introduces a new zone at Section 2A: Medium Density Residential Zone to all of the residential zoned land in Cambridge, Te Awamutu and Kihikihi. I consider PC26 has correctly applied the MDRS to its relevant residential zones.

Recommendation

- 9.10.4. No changes to PC26 are recommended.

9.11. TOPIC 2.4 CHAPTER 2A

- 9.11.1. As outlined above, PC26 introduces a new zone at Section 2A: Medium Density Residential Zone.

General submissions on incorporation of the MDRS

Submissions

²⁵ Submitter 2 (Hazlewood, Susan); Submitter 7 (Cumming, Joanne); Submitter 8 (Riggs, Lorraine); Submitter 11 (Hall, Denise); Submitter 13 (Marshall, Josh); Submitter 18 (Martin, Eunice); Submitter 19 (Millen, Ricky); Submitter 35 (Frost, Angela); Submitter 37 (Henwood, Margaret Jean); Submitter 44 (Vossen, Andrew); Submitter 70 (Ryman Healthcare Ltd); Submitter 79 (Kāinga Ora)

²⁶ Further Submission 2 (Fonterra Ltd)

²⁷ Submitter 2 (Hazlewood, Susan); Submitter 7 (Cumming, Joanne); Submitter 8 (Riggs, Lorraine); Submitter 18 (Martin, Eunice); Submitter 35 (Frost, Angela); Submitter 44 (Vossen, Andrew)

²⁸ Submitter 7 (Cumming, Joanne)

²⁹ Submitter 7 (Cumming, Joanne)

³⁰ Submitter 13 (Marshall, Josh)

9.11.2. Seven submissions³¹ and one further submission³² were received on the MDRS – Schedule 3A in PC26. These submissions can be generally summarised as follows:

- Support for the Objectives, Policies, and Rules, as notified.³³
- General opposition to the approach for implementing the NPS-UD and the Amendment Act.³⁴
- FENZ³⁵ requested an advice note be added to Rule 2A.4.2.4 to ensure firefighting access requirements and building setback controls are brought to the attention of plan users (i.e., developers) early in the resource consent process. Kāinga Ora (Submitter 79) made a further submission in support of this point.
- A request to amend 15.4.1.1(e)³⁶ to be a controlled activity as submitter considers the activity has been categorised as a restricted discretionary activity in error.
- A request to make further amendments to the provisions as required to ensure Schedule 3A is incorporated accurately and is workable in the context of the Waipā District Plan.³⁷ A further submission was made in support of this.³⁸

Assessment

9.11.3. The Council was obliged to prepare and notify a plan change to implement the MDRS so opposition to the MDRS is acknowledged but not further commented on.

9.11.4. Support for objectives, policies and rules is acknowledged.

9.11.5. The advice note requested by FENZ relates to building setbacks and additional requirements under the building code. This is not required information and addresses only one aspect of the building code that may apply to building setbacks. On this basis, the request is not supported.

9.11.6. The request to amend the activity status of subdivision in the MDRZ (at Rule 15.4.1.1(e)) is not supported. The controlled activity is included as Rule 15.4.1.1(l) and is based on the requirements of the Amendment Act. This rule allows for a Controlled status subdivision for (implemented or approved) dwellings or proposed dwellings where the subdivision application is accompanied by a land use application that will be determined concurrently. Rule 15.4.1.1(e) has a specific focus on vacant lot subdivision, and it is considered appropriate that this status is retained, consistently across all zones within the district.

9.11.7. Kāinga Ora (Submitter 79) has requested that the plan change be revised to reflect the intentions of Policy 6(b) of the NPS-UD.³⁹ These points are specifically picked up throughout the submission topics and focus on ensuring PC26 allows for the change to the current residential amenity where MDRS is applied. This change is supported.

³¹ Submitter 13 (Marshall, Josh); Submitter 32 (Waipā District Council); Submitter 47 (Fire and Emergency New Zealand); Submitter 63 (Waka Kotahi); Submitter 68 (Rider, Tony); Submitter 72 (Metlifecare Ltd); Submitter 79 (Kāinga Ora)

³² Further Submission 8 (Kāinga Ora)

³³ Submitter 63 (Waka Kotahi); Submitter 79 (Kāinga Ora); Submitter 47 (Fire and Emergency NZ); Submitter 56 (Fonterra Ltd); Submitter 70 (Ryman Healthcare Ltd); Submitter 72 (Metlifecare Limited); Submitter 73 (Retirement Villages Association of NZ Incorp)

³⁴ Submitter 13 (Marshall, Josh); Submitter 79 (Kāinga Ora); Submitter 10 (Aberhart, Neil); Submitter 27 (Campion, Graham and Juliet); Submitter 2 (Hazlewood, Susan); Submitter 39 (Young, Jeffrey); Submitter 40 (Young, Marilyn)

³⁵ Submitter 47 (Fire and Emergency NZ)

³⁶ Submitter 79 (Kāinga Ora)

³⁷ Submitter 32 (Waipā District Council)

³⁸ Further Submission 8 (Kāinga Ora)

³⁹ Appendix B – Section 2A - Medium Density Residential Zone (All) and Medium Density Residential Standards - Schedule 3A

Recommendation

9.11.8. No changes to PC26 are recommended.

Specific Changes to Chapter 2A

Submissions

9.11.9. Thirty submissions⁴⁰ and six further submissions⁴¹ have been received seeking specific changes to Section 2A – Medium Density Residential Zone.

Assessment

9.11.10. Many submissions⁴² raise matters requesting changes to the MDRS that are either outside the Panels jurisdiction to address or outside the IPI process generally (as has previously been discussed above at Topic 2.4).

9.11.11. FENZ⁴³ has requested that emergency services are added as a discretionary activity to the MDRZ, as opposed to prohibited. This is considered an appropriate inclusion in the MDRZ to provide for these important emergency services and is considered to reflect a more nationally consistent approach.

9.11.12. Specific changes sought by Transpower⁴⁴ relating to National Grid rules are assessed under Topic 3.1, however I note here that they are supported.

9.11.13. Impermeable surface provisions in the St Kilda structure plan area were not carried over from the ODP Residential Zone, and this was raised in two submissions.⁴⁵ This matter is covered under Topic 4.13, however I note here that carrying over these provisions is supported.

9.11.14. Roof pitches are restricted in character areas, the compact housing overlay and other areas in the MDRZ by rule 2A.4.2.22. A submission⁴⁶ has requested these provisions be removed as they do not necessarily equate to good urban design outcomes. As previously discussed, the compact housing overlay restriction was retained in error so the roof pitch provisions relating to this overlay are to be deleted. The roof pitch provisions in character areas are still supported as a specific characteristic of these areas. More broadly, based on discussions with Council planners, it is considered that roof pitch provisions should also remain across the remainder of the zone as these form part of the district's broader urban character.

⁴⁰ Submitter 2 (Hazlewood, Susan); Submitter 10 (Aberhart, Neil); Submitter 13 (Marshall, Josh); Submitter 20 (West, Peter); Submitter 27 (Campion, Graham A and Juliet); Submitter 28 (Ruis, Elaine); Submitter 29 (White, Denis Anthony Wilson); Submitter 30 (Waikato Regional Council); Submitter 32 (Waipā District Council); Submitter 38 (Transpower New Zealand Limited); Submitter 39 (Young, Jeffrey); Submitter 40 (Young, Marilyn); Submitter 41 (Heritage New Zealand Pouhere Taonga); Submitter 42 (Porter, Seaton Ross and Lynne); Submitter 45 (Pearson, Kellie); Submitter 47 (Fire and Emergency New Zealand); Submitter 49 (Waikato Tainui); Submitter 50 (TA Projects Limited); Submitter 53 (Cogswell Surveys Limited); Submitter 56 (Fonterra Ltd); Submitter 63 (Waka Kotahi); Submitter 65 (CKL NZ Limited); Submitter 67 (Jay El Limited); Submitter 68 (Rider, Tony); Submitter 70 (Ryman Healthcare Limited); Submitter 72 (Metlifecare Ltd); Submitter 73 (Retirement Villages Association of NZ Incorp); Submitter 76 (); Submitter 77 (Andrew, John); Submitter 79 (Kāinga Ora)

⁴¹ Further Submission 1 (Waikato Regional Council); Further Submission 2 (Fonterra Ltd); Further Submission 5 (Retirement Villages Association of NZ Incorp); Further Submission 6 (Ryman Healthcare Ltd); Further Submission 7 (Jay El Ltd); Further Submission 8 (Kāinga Ora)

⁴² Submitter 27 (Campion, Graham and Juliet); Submitter 28 (Ruis, Elaine); Submitter 29 (White, Denis Anthony Wilson); Submitter 2 (Hazlewood, Susan); Submitter 20 (West, Peter); Submitter 39 (Young, Jeffrey); Submitter 40 (Young, Marilyn)

⁴³ Submitter 47 (Fire and Emergency New Zealand)

⁴⁴ Submitter 38 (Transpower)

⁴⁵ Submitter 65 (CKL NZ Limited); Submitter 32 (Waipā District Council)

⁴⁶ Submitter 65 (CKL NZ Limited)

- 9.11.15. One submission⁴⁷ has requested a further exclusion from the height in relation to boundary provisions of the MDRS in rule 2A.4.2.3 for boundaries that adjoin Commercial, Industrial zones and Deferred Commercial and Industrial Zones. As the height to boundary provisions have already been relaxed by the MDRS and as this provision is taken straight from the MDRS adding further exclusions to the height to boundary provisions is not supported.
- 9.11.16. In relation to earthworks, Waka Kotahi (Submitter 63) has requested the earthworks limits be increased in the MDRZ to account for the increased permitted activity development potential (refer to proposed Rule 2A.4.2.46). This amendment is not supported as the earthworks provisions relate to earthworks which are not associated with or incidental to a land use consent or building consent, thus are already very limited in their application and required to manage potential effects associated with bulk earthworks irrespective of the activity. It is proposed to retain the limits as currently proposed to retain an appropriate level of consistency across the district.
- 9.11.17. Kāinga Ora, the Waikato Regional Council and Ryman⁴⁸ have requested changes to various sections of the MDRZ to better reflect the evolving character of the MDRZ as outlined in Policy 6(b) of the NPS-UD. This is in part supported as these characteristics are not explicitly outlined by PC26. The deletion of density provisions however is not supported as these link with the Future Proof Strategy which has been updated to reflect the adopted land use pattern in the sub-region including the requirements of the NPS-UD. These have subsequently been reflected in proposed PC 1 to the WRPS. I have previously discussed these documents within Section 7.3.13, 7.15.2 and 9.3.2, above.
- 9.11.18. The Waikato Regional Council⁴⁹ has also requested minor amendment to a number of policies in the MDRZ to refer to safety, multi-modal transport options and to delete reference to car parking provisions. These minor changes are supported as they link with the objectives of higher order documents.
- 9.11.19. Minor amendments to accommodate emergency service access requested by FENZ (Submitter 47) are supported where they make sense in the context of the amended provision.
- 9.11.20. Amendments to the outdoor living area policy are supported to accommodate communal outdoor living areas as these are as these are consistent with Schedule 3A (Ryman Healthcare Limited – Submitter 70).
- 9.11.21. Kāinga Ora (Submitter 79) has requested amendments to the signage and earthworks provisions within the proposed MDRZ so they do not refer to the word ‘avoid’ as signs and earthworks are not prohibited in the MDRZ. These requests are not supported as PC26 does not propose changes to the signage and earthworks provisions which have been carried from the existing District Plan, Residential Zone provisions. Changing these provisions would lead to an inconsistency with the other parts of the District Plan and is therefore not considered appropriate.

Recommendation

- 9.11.22. A general amendment to how the provision of car parking is referenced in the District Plan including in the following Sections (30.21):

⁴⁷ Submitter 73 (Retirement Villages Association of NZ)

⁴⁸ Submitter 79 (Kāinga Ora); Submitter 30 (Waikato Regional Council); Submitter 70 (Ryman Healthcare Limited)

⁴⁹ Submitter 30 (Waikato Regional Council)

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- [2.4.1.3\(e\); 2A.3.4.5; 2A.3.4.21; 2A.3.8.3; 2A.4.1.3\(b\), \(c\), \(d\), \(e\), \(f\), \(g\), \(h\); 2A.4.2.56\(d\); 21.1.2A.5\(c\); 21.1.2A.9\(d\); 21.1.2A.21\(b\); and 21.1.2A.22\(b\).](#)

9.11.23. The following changes are supported to Section 2A of PC26.

- Add to 2A.4.1.4 Discretionary activities [\(m\) emergency service facilities.](#) (47.18)
- Amend Rule 2A.4.1.5(h)(iii) as follows:
 - (iii) Any building, structure or earthworks which fail to comply with Rules 2A.4.2.47, ~~and~~ 2A.4.2.48 and 2A.4.2.49. (38.27)
- 2A.4.2.7 is an MDRS standard so should be highlighted as follows:
 - 2A.4.2.7 The maximum building coverage must not exceed 50% of the net site area. (79.247)
- Amend rule 2A.4.2.22 as follows:
 - 2A.4.2.22 A residential dwelling of 2 or more stories shall have a minimum roof pitch of:
 - (a) 30 degrees in any character ~~cluster~~ area. ~~or compact housing area overlay~~ (79.310)
 - (b) 15 degrees in all other parts of the zone.
- Add an advice note to Rule - Earthworks 2A.4.2.46 as follows:
 - 2A.4.2.46 ...
 - Advice Notes:
 - 1. ...
 - 4. [Earthworks should adhere to TR 2009/02 Erosion and sediment control: guidelines for soil disturbing activities, Waikato Regional Council.](#) (79.254)
- Amend section 2A.1.1 as follows
 - The MDRZ of the District is where most people in Waipā live. It is principally located in Waipā's Urban Areas comprising the two main towns of Cambridge and Te Awamutu, together with Kihikihi as a functional part of the Te Awamutu Urban Area. [Over time, the appearance of neighbourhoods within this zone will change, with development of typically up to three storeys in a variety of sizes and forms, including detached dwellings, terrace housing and low-rise apartments. This supports increasing the capacity and choice of housing.](#) The density of this zone is expected to be a minimum of twenty-five to thirty-five dwellings per hectare (net once public spaces and infrastructure have been provided for). (79.107)
- Amend Policy 2A.3.3 as follows:
 - Objective – Key elements of [Medium Density residential character](#)**
 - To maintain and where appropriate enhance the existing elements of the MDRZ that give each town its own character [while recognising that the character and amenity of these towns may change over time.](#) (30.3, 72.18)
 - Policy Cambridge*

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2A.3.3.1 To maintain and [where appropriate](#) enhance Cambridge’s character by. ... (30.3, 79.168)

2A.3.3.2 To maintain and [where appropriate](#) enhance Kihikihi’s character by. ... (30.3, 79.171)

2A.3.3.3 To maintain and [where appropriate](#) enhance Te Awamutu’s character by. ... (30.3, 79.173)

- Amend Policy 2A.3.5.2 as follows:

To ensure that buildings on sites adjoining reserves and public walkways or cycleways do not detract from the amenity, [safety](#), or function of those spaces. (30.17)

- Amend Policy 2A.3.7 as follows:

To encourage developments that are comprehensively designed, incorporate urban design and CPTED principles, are co-ordinated with infrastructure provision, and integrated with the transportation network [including multi-modal transport options](#). (30.19)

- Amend Policy 2A.3.4.3 as follows

Policies - Building setback: side boundaries

2A.3.4.3 To maintain a degree of separation between buildings when viewed from the road (~~[except where perimeter block development is proposed](#)~~), (79.183) provide opportunities for planting where possible, provide a degree of privacy, maintain sunlight and daylight, provide ongoing access to the rear of the site and enable building maintenance from within the site by maintaining a consistent setback between buildings on different sites.

Advice Note: In some cases affected parties consents will not be sufficient to address the matters raised in these policies.

- Amend Objective 2A.3.4 as follows:

2A.3.4 To ~~maintain-recognise~~ amenity values and enhance safety in the MDRZ. (65.3)

- Amend Policy 2A.3.5.5 Outdoor living area as follows:

2A.3.5.5 Each dwelling on a site shall have a useable and easily accessible outdoor living area [for individual or communal use](#). (70.74, 73.74)

- Amend 2A.3.7.1 as follows: (72.23)

2A.3.7.1 To ensure that [compact housing](#), retirement village accommodation and associated care facilities, rest homes and visitor accommodation are comprehensively designed by:

- Ensuring that developments effectively relate to the street, existing buildings, and adjoining developments in the neighbourhood [and the planned built form of the area](#); and
- Avoiding long continuous [unbroken](#) lengths of [wall building](#); and
- Maximising the potential for passive solar gain; and

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- (d) Providing for sufficient private or communal space for the reasonable recreation, service and storage needs of residents; and
- (e) ...
- To Amend Policy 2A.3.4.21 Residential Based Visitor Accommodation as follows:
 - 2A.3.4.21 Residential Based Visitor Accommodation is enabled where the scale of the activity is such that it:
 - (a) Maintains local residential character, while recognising that this may change over time, including the scale and design of buildings and their location on the site; and ... (79.196)
- Add another point in the Changing housing demands (Introduction)
 - 2A.2.15 It should be recognised that the character and amenity of existing areas will change over time to enable a variety of housing types with a mix of densities. (72.17)
- Amend Resource Management Issue 2A.2.11 as follows:
 - 2A.2.11 Inappropriate building design, fence design, and site layout can affects the opportunity for passive surveillance from dwellings to roads and other public places and as a consequence adversely affect community safety. (79.145)
- Amend Resource Management Issue 2A.2.12 as follows:
 - 2A.2.12 Buildings that are poorly positioned on a site can affect the level of sunlight and daylight that people receive and the amount of on-site space that is available for outdoor living. Poorly positioned buildings can also result in adverse effects on neighbouring properties. (79.146)

9.12. TOPIC 2.5 CHAPTER 15

9.12.1. As outlined in Section 7.27 of this report the introduction of the MDRS required a number of changes to be incorporated into Chapter 15 of the District Plan (required by Schedule 3A). Chapter 15 outlines the infrastructure, hazards, development and subdivision provisions.

Submissions

9.12.2. Seven submissions⁵⁰ and five further submissions⁵¹ were received, mostly in support for Section 15, with some amendments requested.

9.12.3. The submission points can be summarised as follows:

- Support Section 15 provisions as notified.⁵²
- Amend the matters of control in 15.4.1.1(e) and (l)⁵³ in relation to subdivision for clarity so that relevant effects on the environment can be identified.

⁵⁰ Submitter 13 (Marshall, Josh); Submitter 47 (Fire and Emergency New Zealand); Submitter 53 (Cogswell Surveys Limited); Submitter 56 (Fonterra Ltd); Submitter 65 (CKL NZ Ltd); Submitter 76 (Shears, Sam); Submitter 79 (Kāinga Ora)

⁵¹ Further Submission 2 (Fonterra Ltd), Further Submission 5 (Retirement Villages Association of NZ Incorp), Further Submission 6 (Ryman Healthcare Ltd), Further Submission 7 (Jay El Ltd), Further Submission 8 (Kāinga Ora)

⁵² Submitter 47 (Fire and Emergency NZ); Submitter 56 (Fonterra Ltd); Submitter 79 (Kāinga Ora)

⁵³ Submitter 13 (Marshall, Josh)

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- Delete the statement "or the need to obtain written approval from affected parties" in 15.4.1A.⁵⁴
- Amend Rule 15.4.2.3: Vehicle Crossing minimum: 3.5m. Three further submissions opposed this point.⁵⁵
- Requests for specific amendments to the following provisions:
 - 15.4.1.1 (e) and (o) (Submitter 79 - Kāinga Ora); 15.4.2.1 (b); 15.4.2.1A; 15.4.2.3; 15.4.2.40 (Submitter 65 - CKL NZ Ltd); 15.4.2.1 (Submitter 76 - Shears, Sam); 15.4.2.18 (advice note) and Rule 15.4.2.19 (Submitter 79 - Kāinga Ora and Submitter 47 - Fire and Emergency NZ)
- Amendments sought to ensure that the subdivision provisions provide for controlled activity subdivision in residential zones, as required under Clause 3A of the Housing Supply Act (Submitter 79 - Kāinga Ora).
- Request to delete all reference to reverse sensitivity effects as a matter of discretion in Rule 15.4.1.1(e) (Submitter 79 - Kāinga Ora). A further submission was made in opposition to this point (FS2 - Fonterra Ltd).
- Request that reference to the urban design guidelines in Rule 15.4.1.1(e) is deleted (Submitter 79 - Kāinga Ora).

Assessment

- 9.12.4. Minor amendments requested by FENZ and CKL NZ Ltd make the provisions read better and are supported.
- 9.12.5. The matters of control in rule 15.4.1.1 are considered to be confined to the critical matters only and are clear, with reference back to the MDRZ rules.
- 9.12.6. The reference to written approval is in relation to when a resource consent is required, and special circumstances exist in relation to standards that are not met. This inclusion is appropriate in order to manage actual and potential effects of development that goes beyond the MDRS.
- 9.12.7. The vehicle crossing provisions only relate to vehicle crossing widths (rule 15.4.2.3). Access width requirements increase in size depending on the number of lots served. It is appropriate to retain the current standards based on the range and scale of developments across the district and so they can continue to be consistently applied.
- 9.12.8. Submissions⁵⁶ requesting changes to the subdivision matters of control, minimum lot size, lot shape, lot frontage and minimum net lot area are not supported as PC26 has not changed the subdivision provisions except in specific circumstances where the MDRS have required it. The focus of the MDRS in relation to subdivision is considered to be enabling of subdivision around residential development. The MDRS does not apply to vacant lot or non-residential subdivision.
- 9.12.9. Reverse sensitivity is considered a valid matter of discretion so is not recommended to be deleted from Chapter 15. Similarly, reference to urban design guidelines is considered a valid matter for

⁵⁴ Submitter 13 (Marshall, Josh)

⁵⁵ Further Submission 5 (Retirement Villages Association of NZ); Further Submission 6 (Ryman Healthcare Ltd); Further Submission 8 (Kāinga Ora)

⁵⁶ Submitter 65 (CKL NZ Ltd)

Council to consider when assessing developments and is therefore retained and is discussed further at Topic 4.10.

Recommendation

9.12.10. The following specific changes are recommended to Chapter 15 in response to submissions.

- Add advice note 2 under 15.4.2.18 as follows:
 - 2. If infrastructure capacity is unable to be confirmed the subdivision or development will either be declined or a financial contribution will be required to address the effects on infrastructure capacity. (47.29)
- Amend 15.4.2.40 as follows:

15.4.2.40	That a As a result of the use of this ese rules, Council shall restrict the further subdivision of the balance lot, restricting the further use of this rule. This being is a condition to be complied with on a continuing basis and shall be subject to a Section 221 Consent Notice or other legal instrument being registered on the title in perpetuity. (65.16)
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9.13. TOPIC 3 - QUALIFYING MATTERS

9.13.1. Section 77I and Section 77O of the RMA set out the list of matters that can be “qualifying matters” for the purposes of the RMA. These sections identify the circumstances under which qualifying matters may be applied as relates to residential and non-residential residential zones. As no additional changes were proposed by PC26 in response to Policy 3(d), Waipā District Council only applied Section 77I through PC26.

9.13.2. Section 77I provides that a specified territorial authority may make the MDRS or relevant building height and density requirements under policy 3 less enabling of development in relation to an area within a relevant residential zone only to the extent necessary to accommodate one or more of the qualifying matters as outlined under section 77I of the RMA as follows:

S77I Qualifying matters in applying medium density residential standards and policy 3 to relevant residential zones

A specified territorial authority may make the MDRS and the relevant building height or density requirements under policy 3 less enabling of development in relation to an area within a relevant residential zone only to the extent necessary to accommodate 1 or more of the following qualifying matters that are present:

- (a) a matter of national importance that decision makers are required to recognise and provide for under section 6:*
- (b) a matter required in order to give effect to a national policy statement (other than the NPS-UD) or the New Zealand Coastal Policy Statement 2010:*
- (c) a matter required to give effect to Te Ture Whaimana o Te Awa o Waikato—the Vision and Strategy for the Waikato River:*
- (d) a matter required to give effect to the Hauraki Gulf Marine Park Act 2000 or the Waitakere Ranges Heritage Area Act 2008:*

- (e) *a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure:*
- (f) *open space provided for public use, but only in relation to land that is open space:*
- (g) *the need to give effect to a designation or heritage order, but only in relation to land that is subject to the designation or heritage order:*
- (h) *a matter necessary to implement, or to ensure consistency with, iwi participation legislation:*
- (i) *the requirement in the NPS-UD to provide sufficient business land suitable for low density uses to meet expected demand:*
- (j) *any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area, but only if s77L is satisfied.*

9.13.3. Where PC26 proposes to modify the MDRS to accommodate one or more of the qualifying matters, an evaluation is required. The evaluation requirements for these qualifying matters are contained in Sections 77J and 77P of the RMA respectively for residential zones and non-residential urban zones. Section 77J contains the following requirements:

S77J Requirements in relation to evaluation report

- (3) *The evaluation report must, in relation to the proposed amendment to accommodate a qualifying matter,—*
 - (a) *demonstrate why the territorial authority considers—*
 - (i) *that the area is subject to a qualifying matter; and*
 - (ii) *that the qualifying matter is incompatible with the level of development permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 for that area; and*
 - (b) *assess the impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity; and*
 - (c) *assess the costs and broader impacts of imposing those limits.*
- (4) *The evaluation report must include, in relation to the provisions implementing the MDRS,—*
 - (a) *a description of how the provisions of the district plan allow the same or a greater level of development than the MDRS:*
 - (b) *a description of how modifications to the MDRS as applied to the relevant residential zones are limited to only those modifications necessary to accommodate qualifying matters and, in particular, how they apply to any spatial layers relating to overlays, precincts, specific controls, and development areas, including—*
 - (i) *any operative district plan spatial layers; and*
 - (ii) *any new spatial layers proposed for the district plan.*

9.13.4. An alternative process applies to existing qualifying matters, which are qualifying matters in section 77I(a) to (i) which were operative in the District Plan when PC26 was notified. Existing qualifying matters can follow the evaluation process outlined under section 77K of the RMA as follows:

S77K Alternative process for existing qualifying matters

- (1) *A specified territorial authority may, when considering existing qualifying matters, instead of undertaking the evaluation process described in Section 77J, do all the following things:*
 - (a) *identify by location (for example, by mapping) where an existing qualifying matter applies:*
 - (b) *specify the alternative density standards proposed for those areas identified under paragraph (a):*
 - (c) *identify in the report prepared under Section 32 why the territorial authority considers that 1 or more existing qualifying matters apply to those areas identified under paragraph (a):*
 - (d) *describe in general terms for a typical site in those areas identified under paragraph (a) the level of development that would be prevented by accommodating the qualifying matter, in comparison with the level of development that would have been permitted by the MDRS and policy 3:*
 - (e) *notify the existing qualifying matters in the IPI.*

9.13.5. Section 77I(j) provides for “any other matter” that makes higher density, as provided for by the MDRS, inappropriate in an area, but only if Section 77L is satisfied. Requirements that apply are set out in Sections 77L and 77R respectively, for residential and non-residential urban zones. Section 77L contains the following requirements:

S77I Further requirement about application of section 77L(j)

- A matter is not a qualifying matter under section 77I(j) in relation to an area unless the evaluation report referred to in section 32 also—*
- (a) *identifies the specific characteristic that makes the level of development provided by the MDRS (as specified in Schedule 3A or as provided for by policy 3) inappropriate in the area; and*
 - (b) *justifies why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD; and*
 - (c) *includes a site-specific analysis that—*
 - (i) *identifies the site to which the matter relates; and*
 - (ii) *evaluates the specific characteristic 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 MDRS (as specified in Schedule 3A) or as provided for by policy 3 while managing the specific characteristics.*

9.13.6. The District Plan contains existing provisions that restrict development. These were assessed in Appendix 2 of the Section 32 Evaluation to determine if they met the criteria for qualifying matters under the RMA (s77I). PC26 also introduced several new qualifying matters. These were assessed in Appendix 3 of the Section 32 Evaluation against the requirements outlined in s77J of the RMA.

- 9.13.7. An evaluation of existing, new and other qualifying matters against the relevant criteria of the RMA is provided in the following sections of this report (Topic 3.1 – 3.4). For this exercise I have reviewed the Section 32 Evaluation (including Appendix 2 and Appendix 3), considered any additional technical reporting and evidence (where appropriate), and considered the relevant submission points.
- 9.13.8. Only qualifying matters that are the subject of submissions are addressed in this report, however all qualifying matters are addressed in **Appendix B**. **Appendix B** is a tabulated summary of all relevant qualifying matters, including the matters to which they relate (Section 77I), and the evaluation required. I rely on this table and provide an evaluation on the relevant qualifying matters, that are the subject of submissions below (Section 77K). For clarity, the table provides an overview of existing rules, new rules in PC26 and related provisions where relevant.

9.14. TOPIC 3.1 EXISTING QUALIFYING MATTERS

National Grid

Evaluation against s77I & s77K

- 9.14.1. The following table summarises the qualifying matter evaluation undertaken for the National Grid as a qualifying matter in PC26.

Existing Qualifying Matter	S77I - Relevant Considerations	S77K(1) - Relevant Considerations
National Grid Yard	<ul style="list-style-type: none"> s77I(b) – a matter required to give effect to a National Policy Statement (NPS for Electricity Transmission 2008) s77I(e) - a matter required for the purpose of ensuring the safe or efficient operation of national significant infrastructure. 	<ul style="list-style-type: none"> Section 32 Evaluation Appendix 2 identifies location where the National Grid Yard applies (77K(a)). Section 32 Evaluation Appendix 2 identifies alternative density standards proposed (77K(b)). Section 32 Appendix 2 identifies why the qualifying matter applies to the location (77K(c)). Section 32 Evaluation Appendix 2 identifies the level of development prevented by accommodating the qualifying matters compared with the level of development that would have been permitted by the MDRS (height, number of buildings and structures on a site and bulk and location requirements) (77K(d)). The National Grid Yard qualifying matter was notified in the IPI (77K(e)).
Qualifying matters test met	Yes	Yes

- 9.14.2. Based on this assessment, the National Grid has been correctly identified as a qualifying matter under s77I(b) and s77I(e) and has been evaluated in accordance with s77K(1). On this basis, I consider the National Grid to be a valid qualifying matter.
- 9.14.3. In terms of the proposed amendments to the MDRS to accommodate the National Grid as a qualifying matter:

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- Appendix 2 of the Section 32 Evaluation (pages 3-5) identifies that the extent of the National Grid across the district with particularly reference to Policy Area Maps 8 and 12 (with greater detail provided on maps 26, 37, 38, 39, 41). Having reviewed the relevant Policy Area Maps I can confirm that the National Grid has limited interface with relevant residential zones within both Cambridge and Te Awamutu and can generally be found skirting adjacent residential zoning on the edges of both towns (s77K(1)(a)).
- A summary of the alternative density standards that apply to buildings within the National Grid Yard are provided in the table below (s77K(1)(b)).

	Existing rules	Existing rules carried into PC 26
Rules	<p>Section 2 - Residential Zone</p> <ul style="list-style-type: none"> • Rule 2.4.1.5(j) – Non-complying activities – Within the National Grid yard. • Rule 2.4.2.37 to 2.3.2.38 - Buildings and Structures within the National Grid Yard <p>Section 15 – Infrastructure, Natural Hazards, Development and Subdivision</p> <ul style="list-style-type: none"> • Rule 15.4.1.1 (e) - Subdivision that meets all the performance rules in Part A OR; Part A and Part C for 7 or more lots* (unchanged) • Rule 15.4.1.1 (k) - Subdivision in any area of High Value Amenity, Significant or Other Landscapes or within a Significant Natural Area, identified within the Planning Maps* (unchanged) <p>Section 21 – Assessment Criteria and Information Requirements</p> <ul style="list-style-type: none"> • Rule 21.1.15.37 - All subdivision within the National Grid Corridor* (unchanged) 	<p>Section 2A – MDRS</p> <ul style="list-style-type: none"> • Rule 2A.4.1.5(h) – MDRZ - Non-complying activities – Within the National Grid Yard • Rules 2A.4.2.48 to 2A.4.2.49 – MDRZ – Rules – Buildings and structures within the National Grid Yard

- 9.14.4. Standards include restrictions on earthworks and the types of buildings and structures permitted within the National Grid Yard and the height of those buildings and structures. The provisions carried over from the District Plan are unchanged. I consider that these requirements are necessary to accommodate the qualifying matter.
- 9.14.5. Where sites are located proximate to nationally significant infrastructure, the Council have sought to apply the qualifying matter because the construction, maintenance and operation of these services and facilities must be effectively provided for in a District Plan and because they are critical to the functioning of the district. Commentary on the importance of the National Grid as a qualifying matter is provided at Section 2A.1.24 to 2A.1.29 of PC26 and I concur with and support the inclusion of this summary, inclusive of amendments made in response to submissions (s77K(1)(c)).
- 9.14.6. To accommodate the qualifying matter, resource consent will be required for certain activities, including for any new buildings and any sensitive land uses within close proximity to the National Grid (including residential activities), which are existing controls in the District Plan.

- 9.14.7. Residential activities and the construction of new buildings within the identified yard area will require resource consent where a full range of assessment matters referred to in s104 of the RMA will be made. The requirement of resource consent as a Non-Complying Activity will require site-specific consideration for the development, which may result in a moderately reduced level of development compared with the level of development that has been enabled by MDRS. This may include reduced densities and/or building heights within the identified area. I do not consider the application of this qualifying matter will result in a material reduction in the level of development that would have otherwise been permitted by the MDRS and policy 3 (s77K(1)(d)).
- 9.14.8. The qualifying matter was notified as part of PC26 (s77K(1)(e)).

Submissions

- 9.14.9. Transpower (Submitter 38) has generally supported the National Grid as a qualifying matter and have supported the retention of a number of provisions in PC26. Transpower have requested specific amendments to the following objectives, policies and sections to better align them with the NPSET:
- Policy 2.3.75. A further submission has supported this request.
 - Section 2A.1.25.
 - Section 2A1.2.7
 - Objective 2A.3.9
 - Policy 2A.3.9.5. I note that a further submission⁵⁷ has supported this request.
 - To either retain Policy 15.3.15.5 without amendment, or to amend this policy.
 - Rule 15.4.1.1(e).
 - If Rule 15.4.1.1(e) is amended so that subdivision in the MDRZ is controlled activity amend to include effects on the National Grid electricity transmission network as a matter of discretion or rule. A further submission has opposed this request.
 - Amend MDRZ – specific activity status rule 15.4.1.1(l), or include a new rule. A further submission has opposed this request.
- 9.14.10. Transpower’s amendments are generally supported as they relate to minor amendments that better align the provisions with the NPS-ET. The proposed amendments are set out in full in the recommendation below.

Recommendation

- 9.14.11. The National Grid Yard is recommended to be retained as a qualifying matter.
- 9.14.12. The following specific amendments to the provisions of the Qualifying Matter - Nationally Significant Infrastructure relating to the National Grid Yard are recommended (refer to **Appendix B** for individual responses to each submission point request):
- Amend Policy 2.3.7.5 as follows:

Policies – Management of activities within National Grid Corridors

2.3.7.5 To not ~~compromise~~ ~~exclude~~ ~~foreclose~~ operation or maintenance options or, ~~to the extent practicable~~, the carrying out of routine and planned upgrade works. (38.5)

⁵⁷ Further submission 8 (Kāinga Ora)

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- Amend 2A.1.25 as follows:
 - 2A.1.25 Specific to electricity transmission, the relevant national policy statement is the National Policy Statement for Electricity Transmission 2008. It sets out the objective and policies to enable which direct the management of the effects of and on the electricity transmission network under the Resource Management Act 1991. (38.11)
- Amend 2A.1.27 as follows:
 - 2A.1.27 Several National Grid transmission lines traverse the Waipā District. The subdivision, use and development of land is controlled managed within a defined National Grid Corridor to ensure potential adverse effects are appropriately addressed. The greatest level of restriction on landowners is within the National Grid Yard (particularly the support structures) which is the area that is closest to the transmission line and where there is the greatest potential for adverse effects to occur and for the National Grid to be compromised. The restrictions recognise ... (38.12)
- Amend Objective 2A.3.9 as follows:
 - 2A.3.9 To recognise and provide for the ongoing operation, maintenance, upgrade, and development of the National Grid electricity transmission network. (38.20)
- Amend Policy 2A.3.9.5 as follows:
 - 2A.3.9.5 To not exclude compromise operation or maintenance options or, to the extent practicable, the carrying out of routine and planned upgrade works. (38.25)
- Amend Policy 15.3.15.5 as follows:
 - 15.3.15.5 To not exclude foreclose compromise operation or maintenance options or, to the extent practicable, the carrying out of routine and planned upgrade works. (38.32)
- Amend Rule 15.4.1.1(e) matters of discretion as follows:
 - 15.4.1.1(e) Effects on the National Grid electricity transmission network within the Rural Zone, Residential Zone, MDRZ, Large Lot Residential Zone and Reserves Zone. (38.33)

State Highways

Evaluation against s77I & s77K

9.14.13. The following table summarises the qualifying matter evaluation undertaken for the State Highways as a qualifying matter in PC26.

Existing Qualifying Matter	S77I - Relevant Considerations	S77K(1) - Relevant Considerations
State Highways	<ul style="list-style-type: none"> • s77I(e) - a matter required for the purpose of ensuring the safe 	<ul style="list-style-type: none"> • Section 32 Appendix 2 identifies the location of State Highways as on the planning maps throughout the district (s77K(a)).

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Existing Qualifying Matter	S771 - Relevant Considerations	S77K(1) - Relevant Considerations
	<p>or efficient operation of national significant infrastructure.</p> <ul style="list-style-type: none"> 771(g) – the need to give effect to a designation or heritage order, but only in relation to land that is subject to the designation or heritage order. 	<ul style="list-style-type: none"> Section 32 Appendix 2 identifies alternative density standards proposed (s77K(b)). Section 32 Appendix 2 identifies why the qualifying matter applies in this location (s77K(c)). Section 32 Appendix 2 identifies the level of development prevented by accommodating the qualifying matter compared with the level of development that would have been permitted by the MDRS (location of buildings potentially impacting on building density or scale of activity due to the required setbacks) (s77K(d)). The qualifying matters was notified in the IPI (s77K(e)).
Qualifying matters test met	Yes	Yes

9.14.14. Based on this assessment, State Highways have been correctly identified as a qualifying matter under s771(e) and s771(g) and has been evaluated in accordance with s77K(1). On this basis, I consider State Highways to be a valid qualifying matter.

9.14.15. In terms of the application of State Highways as a qualifying matter:

- Appendix 2 of the Section 32 Evaluation (pages 5-7) identifies the extent of State Highways across the district with particular reference to Policy Areas Maps 22, 24 and 25 (in respect of the Cambridge township) and 37 through 42 (for Te Awamutu/Kihikihi). Having reviewed the relevant Policy Area Maps I can confirm that the interface between relevant residential zones and the State Highways overlay is broadly limited to singular primary through-road (in the case of Te Awamutu and Kihikihi) and the Cambridge bypass (s77K(1)(a)).
- A summary of the alternative density standards that apply to buildings within the vicinity of State Highways are provided in the table below (s77K(1)(b)).

	Existing rules	Existing rules carried into PC 26
Rules	<p>Section 2 – Residential Zone</p> <ul style="list-style-type: none"> Rule 2.4.2.2(a) – Minimum building setback from road boundaries - Minimum setback from the boundaries of State Highways is 7.5 metres. 	<p>Section 2A - MDRZ</p> <ul style="list-style-type: none"> Rule 2A.4.2.6(a) - MDRZ - Minimum building setback from road boundaries - Minimum setback from the boundaries of State Highways is 7.5 metres.

9.14.16. The alternative standard restricts development of any building within a setback of 7.5 metres from the boundary of State Highways in the applicable residential zones. The provisions carried over from the District Plan are unchanged. I consider that the requirement is necessary to be retained within the District Plan to accommodate the qualifying matter. This standard applies in addition to a requirement for noise insulation of noise sensitive activities in Rules 2A.4.2.41. As this rule does not reduce the level of development enabled by the MDRS, it is not required to be evaluated.

- 9.14.17. Council has applied State Highways as a qualifying matter given their status as Nationally Significant Infrastructure and establishment via way of Requiring Authority designations. The construction, operation and maintenance of such infrastructure should be provided for by the District Plan and such infrastructure remains critical to effective and efficient functioning of the district. Appendix 2 of the Section 32 Evaluation for PC26 has identified that while density insofar as itself does not necessarily restrict their operation, there are other factors associated with such development that may impact them. Consequently, I concur with and support the recommended inclusion of State Highways as a qualifying matter, inclusive of any amendments detailed in my response to the submissions further below (s77K(1)(c)).
- 9.14.18. To accommodate the qualifying matter, resource consent will be required for residential activities within the identified yard area; an existing control in the District Plan. Resource consent applications will be subject to the full range of matters under Section 104 of the RMA, being Discretionary Activities. The application of the qualifying matter may result in reduced densities and /or building heights within the identified yards. I do not consider that the application of this qualifying matter will result in a material reduction in the extent of potential development that would otherwise have been enabled by the MDRS (s77K(1)(d)).
- 9.14.19. The qualifying matter was notified as part of PC26 (s77K(1)(e)).

Submissions

- 9.14.20. The State Highway Network has been questioned as a qualifying matter by Waka Kotahi (Submitter 63), including the setback of 7.5 metres from the State Highway that is proposed through PC26. Kāinga Ora (Submitter 79 and Further Submitter 8) has opposed this in a further submission. Kāinga Ora has opposed reverse sensitivity provisions for rapid transport routes and the State Highway Network as a qualifying matter. This has been opposed by three further submissions⁵⁸.
- 9.14.21. In response to Waka Kotahi questioning of the additional setback of 7.5m applied in PC26 to State Highways, this setback has been carried over from the District Plans Residential Zone section 2.4.2.2 which outlines additional setback rules. These include a 7.5m setback along State highways instead of the standard 4m road setback. Council has reconsidered this setback and agrees the rule as proposed requires refinement to target the setback to particular noise sensitive activities including dwellings and sleep outs. In my opinion, this approach is nationally accepted as a method of managing reverse sensitivity adjacent to regionally and nationally significant infrastructure and is a consistent approach to implementing the qualifying matter e.g., a similar approach is applied to Hamilton City's IPI (Plan Change 12).

Recommendation

- 9.14.22. The State Highway is recommended to be retained as a qualifying matter.
- 9.14.23. The following specific amendments to the provisions of the Qualifying Matter - Nationally Significant Infrastructure relating to State Highways are recommended (refer to **Appendix B** for individual responses to each submission point request):
- Amend 2A.4.2.6 to better specify the land uses that are the focus of this qualifying matter.

⁵⁸ Further Submission 2 (Fonterra Ltd), Further Submission 3 (Kiwirail); Further Submission 4 (Waka Kotahi)

2A.4.2.6 The minimum building setback depth listed above is modified in the following locations:

- (a) Along boundaries adjoining a state highway, a setback of 7.5 metres is required for dwellings and sleep outs; (63.4)

Rail Corridor

Evaluation against s77I & s77K

9.14.24. The following table summarises the qualifying matter evaluation undertaken for the Rail Corridor as a qualifying matter in PC26.

Existing Qualifying Matter	S77I - Relevant Considerations	S77K(1) - Relevant Considerations
Rail Corridor	<ul style="list-style-type: none"> s77I(e) - a matter required for the purpose of ensuring the safe or efficient operation of national significant infrastructure. 77I(g) – the need to give effect to a designation or heritage order, but only in relation to land that is subject to the designation or heritage order. 	No modification to the MDRS is proposed associated with the Rail Corridor.
Qualifying matter tests met	Yes	n/a

9.14.25. Based on the assessment above, the Rail Corridor meets the tests as a qualifying matter under s77I (e) and (g) as the Rail Corridor is classed as Nationally Significant Infrastructure and is designated. At a general scale, the Rail Corridor is illustrated in relation to the relevant residential zones on Planning Maps 24 and 28 (Cambridge) and Planning Map 38 (Te Awamutu). Upon review of these maps, the rail designation has limited interface with relevant residential zones. In Cambridge, the designation extends along the length of Victoria Road and sits within a relatively wide road reserve (approx. 40 metres), but which is bounded on both sides by residential land use. In Te Awamutu it largely traverses industrial zoned land with limited interface with the relevant residential zone along Station Road (s77K(a)).

9.14.26. Rules associated with the Rail Corridor (rule 2A.4.2.40) relate to noise insulation for noise sensitive activities adjoining the Rail Corridor. These rules do not reduce the level of development allowed under the MDRS and therefore do not require assessment under s77K.

9.14.27. The Rail Corridor has been assessed as a qualifying matter under s77I(e) and (g), however there are no existing or proposed rules within the District Plan or PC26 that are considered to limit development enabled by the MDRS in relation to the mapped Rail Corridor. Additional assessment of the matter under s77K has therefore not been undertaken.

Submissions

- 9.14.28. The inclusion of the Rail Corridor has been supported as a qualifying matter within the submission of KiwiRail (Submitter 54). KiwiRail has further supported the retention of a number of provisions in PC26 as notified relating to the Rail Corridor, which are opposed within the further submission of Kāinga Ora (FS8). KiwiRail (Submitter 54) have requested a number of new policies, rules, matters for discretion and performance standards in the Residential Zone and the MDRZ. These are further opposed by Kāinga Ora.
- 9.14.29. In relation to the requests from KiwiRail for changes to the Residential Zone relating to the Rail Corridor and additional provisions in the MDRZ, these matters will result in the imposition of new development restrictions adjacent to the Rail Corridor which would be likely incompatible with the level of development permitted by the MDRS. These sought restrictions include the introduction of a 5-metre setback for buildings to the Rail Corridor, increases to the requirements of assessment within the acoustic corridor, the addition of vibration standards and the inclusion of noise barriers. As the existing rules in the District Plan and PC26 as notified did not contain rules that resulted in less enabling restrictions on development as a result of the qualifying matter KiwiRail’s additional requests are not supported. KiwiRail are invited to provide a s77J assessment to support accommodating the setback within the qualifying matter.
- 9.14.30. The Rail Corridor has been opposed as a qualifying matter by Cogswell Survey (Submitter 53) and Kāinga Ora (Submitter 79). This has been opposed within a further submission by KiwiRail and Cogswell Survey’s submission has been supported in a further submission by Kāinga Ora (FS8). Based on the discussion above, I consider that the rail corridor is a relevant qualifying matter and should be retained. I do not support the relief sought by Kainga Ora or Cogswell Survey’s.

Recommendation

- 9.14.31. The Rail Corridor is recommended to be retained as a qualifying matter. No amendments are proposed or considered required to the objectives, policies or rules of PC26 as notified.

Public access to and along rivers and lakes

Evaluation against s77I & s77K

- 9.14.32. The following table summarises the qualifying matter evaluation undertaken for public access to and along rivers and lakes as an existing qualifying matter in PC26.

Existing Qualifying Matter	S77I - Relevant Considerations	S77K (1)- Relevant Considerations
Public access to and along rivers and lakes	77I(a) – a matter of national importance that decision makers are required to recognise and provide for under section 6 – s6(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers.	<ul style="list-style-type: none"> Section 32 Appendix 2 identifies the location of lakes and rivers on the planning maps across the district Section 32 Appendix 2 identifies the alternative density standards proposed. Section 32 Appendix 2 identifies why the qualifying matter applies to these areas. Section 32 Appendix 2 identifies the level of

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		<p>development prevented by accommodating the qualifying matter compared with the level of development that would have been permitted by the MDRS (location and layout of development)</p> <ul style="list-style-type: none"> The qualifying matter was notified in the IPI
Qualifying matter tests met	Yes	Yes

9.14.33. Based on this assessment, public access to and along rivers and lakes has been correctly identified as a qualifying matter under s771(a) and has been evaluated in accordance with s77K(1). On this basis, I consider public access to and along rivers to be a valid qualifying matter⁵⁹.

9.14.34. The District Plan contains existing provisions relating to public access to and along rivers and lakes, the application of which are administered within Chapter 26 of the District Plan. Development is generally restricted adjacent to listed waterbodies through addition of extended setbacks. These provisions are summarised in the following table.

	Existing rules	Existing rules carried into PC 26
Rules	<p>Section 2 – Residential Zone</p> <ul style="list-style-type: none"> Rule 2.4.2.6 Minimum building setback from Te Awa Cycleway <p>Section 26 – Lakes and Water Bodies</p> <ul style="list-style-type: none"> Rule 26.4.1.5 – Non-complying activity Rule 26.4.2.1 - 23m setback from lakes and water bodies Rule 26.4.2.2 - 23m setback from lakes and water bodies <p>Section 21 – Assessment Criteria and Information Requirements</p> <ul style="list-style-type: none"> Rule 21.1.26 - Lakes and Water bodies Rule 21.1.26.1 - 23m setback from lakes and water bodies Rule 21.1.26 - Lakes and Water bodies Rule 21.1.26.2 – General 	<p>Section 2A – MDRZ</p> <ul style="list-style-type: none"> Rule 2A.4.2.6(d) (unchanged) <p>Section 26 – Lakes and Water Bodies</p> <ul style="list-style-type: none"> Rule 26.4.1.5 (unchanged) Rule 26.4.2.1 (unchanged) Rule 26.4.2.2 and (unchanged) <p>Section 21 – Assessment Criteria and Information Requirements</p> <ul style="list-style-type: none"> Rules 21.1.26 and 21.1.26.1 (unchanged) Rule 21.1.26.2 (unchanged)

9.14.35. The location of rivers and lakes are identified on the planning maps as the rivers that traverse through the middle of the towns of Cambridge and Te Awamutu which include the Waikato River, Karāpiro Stream, Mangapiko Stream, Mangaohoi Stream and Lake Te Koo Utu. The Te Awa Cycleway traverses the Waikato River entering Cambridge from the west, crosses the Waikato River at the Victoria Street bridge goes through Leamington then continues to Karapiro where it resumes following the Waikato River (s77K(1)(a)).

⁵⁹ Section 771(e) Resource Management Act 1991.

- 9.14.36. The existing (unchanged) rules, as outlined in the table above, impose setbacks on properties adjoining water bodies and the Te Awa Cycleway which will impact the location and layout of development that can be achieved on these sites (s77K(1)(b)).
- 9.14.37. The reason for the increased setbacks applying to these areas has been evaluated by XYST, who have concluded that the areas are critical to Council, mana whenua, key stakeholder and community aspirations to protect and restore Waipā's biodiversity. These spaces and the setbacks also ensure they contribute to urban form and place making and support the public use and enjoyment of esplanade areas (s77K(1)(c)).
- 9.14.38. The level of development prevented by accommodating the increased setbacks is limited to the properties adjoining the water bodies and Te Awa Cycleway. The water bodies traverse both towns but affect a limited number of properties due to their linear nature. This is even more so in relation to the Cycleway which only passes through the town of Cambridge and follows the path of the Waikato River in locations, which is subject to a larger setback in any case (s77K(1)(d)). The limited impact but highly valuable nature of these setbacks is emphasised in the XYST report as follows:

“These networks are defining features for these towns and are highly valued by mana whenua, residents and visitors. They contain critical remnant habitats, critically endangered and at-risk species, sport and recreation facilities, archaeological sites and sites of significance to mana whenua. They also provide space and protection for protected trees, street trees and trees within parks and reserves to grow to maturity and contribute to Waipā's biodiversity, water quality, carbon sequestration, air quality, cultural heritage, visual amenity and place making aspirations.”

- 9.14.39. I also consider that this qualifying matter has a strong link to Te Ture Whaimana and plays a part in giving effect to it through the following objective which requires *“the promotion of improved access to the Waikato River to better enable sporting, recreational, and cultural opportunities.”* I also consider it meets relevant objectives pertaining to the restoration and protection of the health and wellbeing of the Waikato River, including its various environmental values.
- 9.14.40. The qualifying matter was notified as part of PC26 (s77K(1)(e)).

Submissions

- 9.14.41. One submission has raised the existing rules relating to public access to rivers and lakes. The submission from Kainga Ora (Submitter 79) requests the deletion of the existing setback of 5 metres to the Te Awa Cycleway.
- 9.14.42. The building setback has been carried over from the existing District Plan provisions and is considered a valid qualifying matter as assessed above. Te Awa Cycleway is recognised to be of national importance and the setback assists with protection of amenity of water bodies and (in some location's) sightlines for walkers and cyclists to avoid collisions.

Recommendation

- 9.14.43. A matter of national importance, being the public access to and along rivers and lakes, is recommended to be retained as a qualifying matter. Based on the above assessment, I consider that the proposed amendments to the MDRS are necessary to accommodate the qualifying matter.

Protection of Historic Heritage

Evaluation Against s77I & s77K

9.14.44. The following table summarises the qualifying matter evaluations undertaken for the protection of historic heritage as an existing qualifying matter in PC26.

Existing Qualifying Matter	S77I - Relevant Considerations	S77K(1) - Relevant Considerations
Historic Heritage	77I(a) – a matter of national importance that decision makers are required to recognise and provide for under section 6 - s6(f) - the protection of historic heritage from inappropriate subdivision, use and development	<ul style="list-style-type: none"> Section Appendix 2 identifies the location of historic heritage on the planning maps Section 32 Appendix 2 identifies alternative density standards proposed Section 32 Appendix 2 identifies why the qualifying matter applies to these area Section 32 Appendix 2 identifies the level of development prevented by accommodating the qualifying matters compared with the level of development that would have been permitted by the MDRS The qualifying matter was notified in the IPI
Qualifying matter tests met	Yes	Yes

9.14.45. Based on this assessment, the protection of historic heritage has been correctly identified and applied as a qualifying matter under section 77I(b) and 77I(e) and has been evaluated in accordance with s77K(1). On this basis, I consider historic heritage to be a valid qualifying matter.

9.14.46. The District Plan contains existing provisions relating to heritage and archaeology, the application of which are administered within Chapter 22 of the District Plan. Development is restricted in relation to listed heritage items. These provisions are summarised in the following table.

Rules	Existing rules	Existing rules carried into PC 26
	Section 22 – Heritage and Archaeology <ul style="list-style-type: none"> Rules 22.4.1.1(e) to (i) Activities involving listed heritage items Rule 22.4.1.1(l) - Construction of new buildings, and relocated buildings within the surroundings of a listed heritage item Section 21 – Assessment Criteria and Information Requirements <ul style="list-style-type: none"> Heritage and Archaeology Assessment Criteria - Discretionary Activity - Rule 21.1.22.14 – Removal / relocation of a heritage item 	Section 22 – Heritage and Archaeology <ul style="list-style-type: none"> Rules 22.4.1.1(e) to (i) (unchanged) Rule 22.4.1.1(l) (unchanged) Section 21 – Assessment Criteria and Information Requirements <ul style="list-style-type: none"> Rule 21.1.22.14 (unchanged)

9.14.47. Historic heritage and archaeology are covered in Section 22 of the Plan are depicted on the planning maps as listed heritage items, archaeological sites and cultural sites. Heritage items are located throughout Cambridge town with a lesser amount in Te Awamutu town. Registered

archaeological sites and cultural sites are limited in both towns although present features are generally located on public land. Items are categorised as Category A (national significance), Category B (regional / district-wide significance) or Category C (Community significance) based on their significance (s77K(1)(a)).

9.14.48. The alternative density standards applied by the historic heritage provisions relate to the sites where heritage items are located. These provisions are summarised in the above table and have been unchanged by PC26. These restrictions will likely result in reduced densities and /or building heights within the identified sites (s77K(1)(b)).

9.14.49. Historic heritage items are identified and protected ‘from inappropriate subdivision and development’ (RMA s6(f)) as outlined in Section 22 of the Plan as ‘*Historic buildings and sites are highly valued in the District and give the towns, villages and rural areas a distinctive sense of place*’. The Lifescapes report considers that the historic heritage items listed in the Plan have site-specific characteristics that make intensification to the level enabled by the MDRS inappropriate. It goes on to note that historic heritage buildings, objects and places are identified as such due in large part to historically derived characteristics that reflect important stories and associations from the past. These values can be degraded and lost when historic heritage places are subject to unregulated change (s77K(1)(c)).

9.14.50. The Lifescapes report has assessed the level of development prevented by accommodating historic heritage items and notes there are approximately 150 sites in the relevant residential areas listed as heritage items. In terms of balancing the potential gain in housing supply the report concludes this would be minimal when balanced with the potential adverse effects if these historic items were not protected from inappropriate subdivision and development (s77K(1)(d)). I note that the economic modelling and evidence of Ms Fairgray supports this.

9.14.51. The qualifying matter was notified in the IPI (s77K(1)(e)).

Submissions

9.14.52. Nine submissions⁶⁰ were received that referred to the existing historic heritage provisions either specifically or generally. The submission points can be summarised as follows:

- Intensification should not occur in areas where there are heritage buildings.⁶¹
- Specific requests to include properties as heritage (e.g., 710 Alexandra St, Te Awamutu).⁶²
- Council should include provisions to include consultation with affected neighbours when the intention is to build next to, behind or in front of a heritage building.⁶³
- The Council should protect heritage buildings which may be destroyed by housing intensification.⁶⁴
- Support for specific provisions.

⁶⁰ Martin, Peter (Submitter 17); Martin, Eunice (Submitter 18); Cowan, Francis James (Submitter 25); Frost, Angela (Submitter 35); Henwood, Margaret Jean (Submitter 37); Heritage New Zealand Pouhere Taonga (Submitter 41); MacGillivray, James Alexander and Jennifer Anne (Submitter 51); Archer, Teri Ellen (Submitter 71); Kainga Ora (Submitter 79)

⁶¹ Submitter 17 (Martin, Peter); Submitter 18 (Martin, Eunice); Submitter 25 (Cowan, Francis James); Submitter 37 (Henwood, Margaret Jean); Submitter 71 (Archer, Teri Ellen); Submitter 74 (Pratt-Tickelpenny, Nicola Fleur)

⁶² Submitter 25 (Cowan, Francis James);

⁶³ Submitter 35 (Frost, Angela)

⁶⁴ Submitter 37 (Henwood, Margaret Jean)

- Amendment to specific provisions (these cross over with the assessment of character clusters and streets so are assessed under this topic).⁶⁵
- Additional items to schedule on the heritage register.
- Additional consultation with neighbours is required for development adjacent to a heritage building.⁶⁶
- The Plan should specifically consider the impacts of more intensive development on any adjacent sites that contain historic heritage.⁶⁷
- Supports inclusion of heritage matters in Cambridge.⁶⁸
- Supports notified provisions relating to historic heritage.⁶⁹
- Opposition to the historic heritage qualifying matter.

9.14.53. Historic heritage as a qualifying matter has been assessed to meet the relevant tests of the Act as summarised above.

9.14.54. The District Plan includes existing rules regulating protection of listed heritage buildings and historic heritage. This does not relate to development adjacent to historic heritage and Lifescapes has evaluated this request and does not support a change to the provisions as these provisions are existing and not changed by PC26. I agree with this conclusion. However, Lifescapes has recommended a minor change to Rule 22.4.1.1(l) to clarify that a resource consent will be required for new dwellings on the same site as a heritage item.

9.14.55. The specific request for 710 Alexander Street, Te Awamutu has been evaluated by Lifescapes and they have recommended the property to be added to a character cluster but not be listed as a heritage item in the Plan. The general request to list additional heritage items is also rejected as it is outside of the scope of PC26.

9.14.56. Consultation with affected neighbours is undertaken when a notification assessment is undertaken for a resource consent.

Recommendation

9.14.57. A matter of national importance, being the protection of Historic Heritage is recommended to be retained as a qualifying matter. Based on the above assessment, I consider that the proposed amendments to the MDRS are necessary to accommodate the qualifying matter.

- The following amendment to 22.4.1.1(l) as follows:

Construction of new buildings, and relocated buildings within the [site or defined](#) (32.3) surroundings of a listed heritage items and fencing in the Karāpiro Hydroelectric Village Heritage Item. Provided that this rule does not apply to Category C items where the new building is parallel to the rear boundary of the site.

⁶⁵ Submitter 79 (Kainga Ora)

⁶⁶ Submitter 35 (Frost, Angela)

⁶⁷ Submitter 41 (Heritage New Zealand Pouhere Taonga)

⁶⁸ Submitter 17 (Martin, Peter); Submitter 18 (Martin, Eunice); Frost, Angela (Submitter 35)

⁶⁹ Submitter 79 (Kainga Ora);

Natural Hazards

Evaluation Against s77I & s77K

9.14.58. The following table summarises the qualifying matter evaluation undertaken for Natural Hazards as an existing qualifying matter in PC26.

Existing Qualifying Matter	S77I - Relevant Considerations	S77K (1)- Relevant Considerations
Natural Hazards	77I(a) – a matter of national importance that decision makers are required to recognise and provide for under section 6 – s6(h) the management of significant risks from natural hazards.	<ul style="list-style-type: none"> Section 32 Appendix 2 identifies the location of natural hazards on the planning maps. Section 32 Appendix 2 identifies the alternative density standards proposed. Section 32 Appendix 2 identifies why the qualifying matter applies to these areas. Section 32 Appendix 2 identifies the level of development prevented by accommodating the qualifying matter compared with the level of development that would have been permitted by the MDRS (all development within high-risk flood zones) The qualifying matter was notified in the IPI
Qualifying matter tests met	Yes	Yes

9.14.59. Based on this assessment, Natural Hazards have been correctly identified as a qualifying matter under Section 77I(a) and has been evaluated in accordance with s77K(1). On this basis, I consider Natural Hazards to be a valid qualifying matter.

9.14.60. Rule 15.4.2.15 of the District Plan provides that no subdivision or development shall occur within a High-Risk Flood Zone and development in this zone is a Non-Complying Activity. The location of the High-Risk Flood Zone is not identified on the planning maps, but instead is defined in the District Plan:

‘High risk flood zone’

means land that is subject to RIVER or surface flooding during an event with an ANNUAL EXCEEDENCE PROBABILITY of no more than one percent, and during such an event:

- The depth of flood waters exceeds 1m; or
- The speed of flood waters exceeds 2m per second; or
- The flood depth multiplied by the flood speed exceeds one.

9.14.61. The existing flooding hazard rules have been prepared to appropriately provide for Sections 6 (being Matters of National Importance) and 106 of the RMA and are therefore proposed to be carried over unchanged by PC26. A related provision in the District Plan requires a minimum freeboard for sites identified as subject to a flood hazard on the planning maps (rule 15.4.2.14). On a broad scale, the extents of the Natural Hazards maps in relation to the relevant residential zones can be found on Planning Maps 24 through 27 (Cambridge) and 38 through 41 (Te Awamutu/Kihikihi) (Section 77K(a)). The overlay is limited in terms of its extent cover residentially zoned areas.

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- 9.14.62. I would note that Council updated its urban flood hazard maps in 2020, which has identified additional at-risk dwellings (within the MDRS zone), taking into account future climate change. This mapping process followed a public process and all dwelling owners with both "wet grass" and "wet carpets" were notified and consulted during the map updates. While the updated maps are actively being applied on LIMs and assessed for building consents, it is worth noting they have not been updated in the District Plan, which retains the *old* flood hazard overlay (maps).
- 9.14.63. Council originally looked to include the updated flood hazard overlay as part of PC26 but had concerns around the truncated plan change consultation opportunity and timeframe deadlines. Accordingly, the updated flood hazard overlay was withdrawn during preparation did not form part of PC26 as notified.

	Existing rules	Existing rules carried into PC 26
Rules	<p>Section 2 – Residential Zone</p> <ul style="list-style-type: none"> Rule 2.4.2.18 – Cambridge North Structure Plan Area: Flood risk <p>Section 15 – Infrastructure, Hazards, Development and Subdivision</p> <ul style="list-style-type: none"> Rule 15.4.2.15 – Site Suitability: Development within a high risk flood zone 	<p>Section 2A – MDRZ</p> <ul style="list-style-type: none"> Rule 2A.4.2.30 – Cambridge North Structure Plan Area: Flood risk (unchanged) <p>Section 15 – Infrastructure, Hazards, Development and Subdivision</p> <ul style="list-style-type: none"> Rule 15.4.2.15 (unchanged)

- 9.14.64. The process for applying the high-risk Flood Hazard zone as a qualifying matter and technical reasons for applying retention of the Natural Hazard provisions to the MDRS permitted development and PC26 is contained in the evidence of Mr Chapman (refer Section 6). Flood hazards were assessed by reviewing the resultant depth (flood water depth) x velocity (flood water velocity) calculation to determine the risk to human life. The full report on flood hazards is provided in Appendix 9 of the Section 32 report. Council have sought to apply the qualifying matter in order to enable the assessment of where the high-risk flood zone applies due to the potential adverse effects of increased flood extents through the generation of additional stormwater runoff. I consider that allowing housing intensification that increases the risk of flooding, would be inconsistent with Section 6 (h) of the RMA.
- 9.14.65. I also note that the stormwater constraints and the recommended provisions in PC26 related to impermeable surface coverage in the Cambridge residential zones are required to ensure continued compliance with the conditions of Waipa District Council’s comprehensive stormwater consent regulating the management and discharge of stormwater particularly flooding and stream erosion (s77K(c)). This matter is dealt with in more detail under the Stormwater Constraint Qualifying Matter Overlay (Stormwater Constraint Overlay) discussion at paragraph 9.15.27 below.
- 9.14.66. To accommodate the Natural Hazards qualifying matter, resource consent will be required for Non-Complying Activities for any subdivision or development within or adjacent to the High-Risk Flood Zone. The requirement of resource consent as a Non-Complying Activity will require site-specific considerations for development, which may result in a moderately reduced potential level of development compared with the densities enabled by the MDRS. I do not consider that the application of the qualifying matter will result in a material reduction in the level of development that would otherwise be permitted by the MDRS (s77K(d)).

Submissions

- 9.14.67. One submission and one further submission⁷⁰ have been received regarding the existing Natural Hazards identified for PC26.
- 9.14.68. The submission requested that natural hazards be removed as a qualifying matter as the submitter states that natural hazards are addressed by s106 of the RMA and as geotechnical suitability can be investigated and any adverse effects suitably mitigated. The further submission supported this request.
- 9.14.69. In response to this submission, Section 106 only applies when a resource consent is required. As the MDRS will allow additional permitted residential development it is important that these restrictions are carried into the Plan. The existing flooding hazard rules have been justified as a qualifying matter in relation to managing the risks of natural hazards as provided for under Section 6(h) of the RMA as outlined above. The existing District Plan rules are considered appropriate and have been carried across into PC26. The existing natural hazard rules are therefore recommended to be retained as a qualifying matter.

Recommendation

- 9.14.70. The Natural Hazard qualifying matter, which is required to avoid significant risk from natural hazards as a matter of national importance, is recommended to be retained as a qualifying matter. Based on the above assessment, I consider that the proposed amendments to the MDRS are necessary to accommodate the qualifying matter.

Other existing qualifying matters

- 9.14.71. The following existing qualifying matters did not receive any submissions and are evaluated in terms of the requirements for qualifying matters under the Act below.

Outstanding natural features and landscapes

Existing Qualifying Matter	S771 - Relevant Considerations	Location of Evaluation
Outstanding natural features and landscapes	<ul style="list-style-type: none"> s771(a) – a matter of national importance that decision makers are required to recognise and provide for under section 6–s6(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development 	<ul style="list-style-type: none"> Refer to Appendix 2 to the section 32 report (page 9).
Qualifying matters test met	Yes	Yes

- 9.14.72. Based on this assessment, outstanding natural features and landscapes have been correctly identified as a qualifying matter under Section 771(a) and have been evaluated under s77K.

⁷⁰ Submitter 53 (Cogswell Survey Ltd); Further Submitter 8 (Kāinga Ora)

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Existing rules	New Plan Rules	Related Provisions	Evaluation Required
Rules <ul style="list-style-type: none"> • Rule 25.4.1.1(b) Buildings less than 3m in height and/or less than or equal to 20m² in area – restricted discretionary in areas of outstanding natural landscapes • Rule 25.4.1.1(d) Buildings 3-83m in height and/or greater than 20m² in area – discretionary in areas of outstanding natural landscapes, restricted discretionary in areas of High Amenity Landscape • Rule 15.4.1.1(k) Subdivision in any area of High Value Amenity, Significant or other Landscapes 	<ul style="list-style-type: none"> • Rule 25.4.1.1(b) (unchanged) • Rule 25.4.1.1(d) (unchanged) • Rule 15.4.1.1(k) (unchanged) 	<p>Objective 25.3.1 – Outstanding natural features and landscapes</p> <p>Policy – 25.3.1.1 – Ensuring that development shall not detract from outstanding landscapes</p> <p>Objective 25.3.4 – Other landscapes: visually sensitive hill country and river and lake environs</p>	s77K

9.14.73. From my review of the Section 32 report, I consider that these alternative density standards are necessary to accommodate the qualifying matter. Given no submission has been received on this qualifying matter, no further assessment is made.

Significant indigenous vegetation and significant habitats of indigenous fauna

Existing Qualifying Matter	S771 - Relevant Considerations	Location of Evaluation
Significant indigenous vegetation and significant habitats of indigenous fauna	<ul style="list-style-type: none"> • s771(a) – a matter of national importance that decision makers are required to recognise and provide for under section 6 –s6(c) the protection of significant indigenous vegetation and significant habitats of indigenous fauna 	<ul style="list-style-type: none"> • Refer to Appendix 2 to the section 32 report (page 9)
Qualifying matters test met	Yes	Yes

9.14.74. Based on this assessment, significant indigenous vegetation and significant habitats of indigenous fauna have been correctly identified as an applicable qualifying matter under Section 771(a) and have been evaluated under s77K.

Existing rules	New Plan Rules	Related Provisions	Evaluation Required
Rules <ul style="list-style-type: none"> • Rule 24.4.1.1(n) Removal of indigenous vegetation for any other purpose • Rule 25.4.1.1(b) - Buildings less than 3m in height and/or less than or equal to 20m² in area 	<ul style="list-style-type: none"> • Rule 24.4.1.1(n) (unchanged) • Rule 25.4.1.1(b) (unchanged) • Rule 25.4.1.1(d) (unchanged) 	<p>Objective 24.3.1 – Managing effects on district wide indigenous biodiversity</p>	S77K

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	<ul style="list-style-type: none"> Rule 25.4.1.1(d) - Buildings 3-83m in height and/or greater than 20m² in area 		<p>Objective 24.3.2 – Maintain and enhance indigenous biodiversity within the biodiversity corridors</p> <p>Objective – 24.3.3 - Significant natural areas and bush stands</p>
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9.14.75. From my review of the Section 32 report, I consider that these alternative density standards are necessary to accommodate the qualifying matter. Given no submission has been received on this qualifying matter, no further assessment is made.

The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

Existing Qualifying Matter	S77I - Relevant Considerations	Location of Evaluation
The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga	<ul style="list-style-type: none"> s77I(a) – a matter of national importance that decision makers are required to recognise and provide for under section 6 –s6(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga 	<ul style="list-style-type: none"> Refer to Appendix 2 to the section 32 report (page 12)
Qualifying matters test met	Yes	Yes

9.14.76. Based on this assessment, relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga have been correctly identified as an applicable qualifying matter under Section 77I(a) and have been evaluated under s77K.

Existing rules	New Plan Rules	Related Provisions	Evaluation Required
<p>Rules</p> <ul style="list-style-type: none"> Rule 2.4.1.4 – Discretionary Activities Rule 2.4.1.4(a) (i) Rule 2.4.2.7 – Dwellings Adjoining Marae Rule 22.4.1.1.(m) – Development including buildings, earthworks, drive-ways, or wastewater treatment systems within 20m of the 	<ul style="list-style-type: none"> Rule 2.4.1.4(a)(i) (unchanged) Rule 2A.4.2.26 (previously 2.4.2.7, unchanged) Rule 22.4.1.1.(m) (unchanged) 	<ul style="list-style-type: none"> Heritage and Archaeology Assessment Criteria Discretionary Activity Rule 21.1.22.11 – General (unchanged) 	S77K

	boundary of a cultural site			
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9.14.77. From my review of the Section 32 report, I consider that these alternative density standards are necessary to accommodate the qualifying matter. Given no submission has been received on this qualifying matter, no further assessment is made.

9.15. TOPIC 3.2 NEW QUALIFYING MATTERS

9.15.1. PC26 introduced several new qualifying matters. These are evaluated in the following section and include:

- Qualifying matters to give effect to Te Ture Whaimana and the NPS-FM 2020 being:
 - Infrastructure Constraint Qualifying Matter Overlay
 - Stormwater Constraint Qualifying Matter Overlay
- River / Gully Proximity Qualifying Matter
- Significant Natural Areas and Reserves Qualifying Matter

Qualifying matters to give effect to Te Ture Whaimana and the NPS -FM 2020

9.15.2. The importance of Te Ture Whaimana is already recognised in the District Plan. As previously introduced at section 7.4 of this report, 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.

9.15.3. 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.

9.15.4. In order to give effect to Te Ture Whaimana and the NPS-FM, PC26 proposes to introduce two infrastructure overlays which modify the MDRS for sites within the overlays. These are:

- The Infrastructure Constraint Qualifying Matter Overlay, which has been applied where intensification to the extent enabled by the MDRS would have high or critical impacts on wastewater and water infrastructure, which has the potential to result in adverse effects on the Waikato River.
- The Stormwater Constraint Qualifying Matter Overlay, which has been applied where intensification to the extent enabled by the MDRS would have high or critical impacts on stormwater infrastructure, which has the potential to result in adverse effects on the Waikato River.

Infrastructure Constraint Qualifying Matter Overlay

Evaluation Against s77I & s77J

9.15.5. The Infrastructure Constraint Qualifying Matter Overlay (Infrastructure Constraint Overlay) is introduced as part of PC26 and focusses on water and wastewater infrastructure. Within the Infrastructure Overlay development of three dwellings is a restricted discretionary activity (Rules 2A.4.1.1(b) and (c)). Discretion is intended to be limited to an infrastructure capacity assessment (with a particular focus on wastewater, water and stormwater).

9.15.6. The following table summarises the qualifying matter evaluation undertaken.

New Qualifying Matters	S77I - Relevant Considerations	S77J – Relevant Considerations
Infrastructure Constraint Qualifying Matter Overlay	<ul style="list-style-type: none"> 77I(c) – a matter to give effect to Te Ture Whaimana o Te Waikato – the Vision and Strategy for the Waikato River. 77I(b) – a matter required in order to give effect to a national policy statement (NPS-FM 2020). 	<ul style="list-style-type: none"> The Section 32 Evaluation demonstrates the area that is subject to the qualifying matters. <ul style="list-style-type: none"> Maps 56 and 57 The Section 32 Evaluation App. 3, App. 6, App. 8 and App. 9 identifies that the qualifying matter is incompatible with the level of development permitted by the MDRS for that area. The Section 32 evaluation App. 3, App. 6, App. 8 and App. 9 and the updated Residential Capacity Modelling Medium Density Residential Standards and Qualifying Matters report (Appendix C) assesses the impact that the alternative density standard will have on the provision of development capacity. The Section 32 Evaluation App. 3, App. 6, App. 8 and App. 9 assess the costs and broader impacts of imposing those limits. The Section 32 Evaluation App. 3, App. 6, App. 8 and App. 9 provides a description of how the modification to the MDRS is limited to only those modifications necessary to accommodate qualifying matters and, in particular, how the overlay is intended to apply.
Qualifying matter tests met	Yes	Yes

9.15.7. Based on this assessment, the Infrastructure Constraint Overlay, as a matter required to give effect to Te Ture Whaimana and the NPS-FM, has been correctly identified as a qualifying matter under Section 77I(b) and 77I(c) and has been evaluated in accordance with section 77J. I consider the evaluation in further detail below.

9.15.8. One of the new provisions which is proposed to give effect to Te Ture Whaimana and the NPS-FM as part of PC26 is the Infrastructure Constraint Overlay. The rule associated with the Infrastructure Constraint Overlay limits the density of development to two rather than three dwellings with matters of discretion based on an assessment of the capacity of infrastructure to accommodate the additional intensification. The Infrastructure Constraint Overlay is shown on Maps 56 and 57. The relevant rules introduced along with related provisions which support this new rule are outlined in the following table.

	New rules	Related provisions
Rules	Section 2A – Medium Density Residential Zone <ul style="list-style-type: none"> Rules 2A.4.1.3 (c) and the proposed assessment criteria. Development of three dwellings within the Infrastructure Overlay will require a restricted discretionary resource consent to enable assessment of the capacity of infrastructure to accommodate the additional intensification. 	Objective 1.3.5 Implementation of the Waikato River Vision and Strategy Policy 1.3.5.1 Health and Wellbeing of the Waikato and Waipa Rivers Objective 15.3.1.3.1 Giving effect to the Waikato River Vision and Strategy

	New maps 56 'Qualifying Matters – Cambridge' and 57 'Qualifying Matters – Te Awamutu / Kihikihi'	Policy 15.3.13.1 Maintaining the Health and Wellbeing of land and waterbodies
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- 9.15.9. The Infrastructure Constraint Overlay is shown on maps 56 and 57 that were notified with PC26. The extent of the Infrastructure Constraint Overlay was based on an Infrastructure Capacity Assessment that was undertaken for water and wastewater (refer to Appendix 6 of the Section 32 Evaluation). The report indicated that there was insufficient capacity within the existing infrastructure networks now or in the future when planned projects were taken into account. The network could not service any increased demand on the networks without significant further investment in infrastructure capacity. The Section 32 Evaluation also records that housing intensification to the extent enabled by the MDRS will increase the level of discharges to water (point source) which will potentially negatively impact on the discharge consents held by the Council which specify the volume and quality of discharges that are allowed. The Infrastructure Overlay therefore covers the full extent of the MDRZ over Cambridge and Te Awamutu/Kihikihi (s77J(3)(a)).
- 9.15.10. The Section 32 Evaluation records that water and wastewater are significant issues across the towns of Cambridge, Te Awamutu and Kihikihi with intensification to the extent enabled by the MDRS having either high or critical impact on the infrastructure, taking into account planned upgrades (which have not yet been implemented). The Water and Wastewater assessment concludes that the ability of infrastructure in the identified urban areas to cope with the additional demands of more housing is severely restricted and application of the MDRS would mean that that major upgrades to the existing infrastructure network will have to be brought forward to cope with the additional demands that would be placed on the network through housing intensification at the level prescribed.
- 9.15.11. Therefore, a limit on development is proposed to be imposed on density which requires development of three dwellings per site within the Infrastructure Constraint Overlay to obtain consent as a restricted discretionary activity based on the outcomes of the infrastructure capacity assessment as outlined above (Rule 2A.4.1.3(c)). The level of development in the Infrastructure Constraint Overlay provides for a maximum permitted density which protects re-development up to a certain level, being 2 dwellings per lot. The permitted density can then be accounted for in long term infrastructure planning and an infrastructure assessment will be required for any restricted discretionary higher-density development applications (s77J(3)(a)(ii)).
- 9.15.12. The impact of the Infrastructure Constraint Overlay on development capacity has been modelled by Market Economics and is discussed in the evidence of Ms Fairgray. I note that the Infrastructure Constraints Overlay has the largest impact of all the qualifying matters on both plan enabled capacity and feasible capacity. While it does result in a sizable reduction in capacity, there remains large amounts of capacity relative to demand (at a total level). However, the main effect of the Infrastructure Constraint Overlay is the influence this has on urban form and in particular where growth occurs because it limits the ability of the market to intensify around centres.
- 9.15.13. In more detail, the economic modelling in the Market Economics report in Appendix C found that both Scenarios 2 and 3 (MDRS and MDRS with qualifying matters accommodated/applied respectively) provide development capacity that exceeds demand in the short, medium and long term. The Market Economics report also evaluated the cost of limiting development capacity may

have noting that Scenario 2 may have *some effect on the feasibility of capacity and achievable density within parts of the urban environment. This relates primarily to the alternative densities proposed for the Infrastructure Constraint qualifying matter through restricting the development of more intensive attached dwellings (e.g., terraced housing)*. However, the updated assessment confirms that PC26 (as notified) would still enable a greater level of capacity and development across the urban residential areas of Waipā district than the existing baseline provisions. More specifically PC26 increases plan-enabled capacity by 183% over and above the District Plan and this would amount to a net increase of an additional 24,000 dwellings to those enabled under the baseline District Plan provisions. I note that the Housing and Business Capacity Assessment (2021) and the updated Market Economics reporting confirms that at a total level, the Waipā district has sufficient plan-enabled and commercially feasible capacity, with headroom to meet demand in the short, medium and longer-terms (77J(3)(b)).

9.15.14. The costs and broader impacts of imposing those limits have been outlined in the economic modelling by Market Economics who have noted that the limits imposed by the qualifying matters may impact the provision of more intensive types of housing (e.g. terraced housing) especially in the long term when higher intensity terraced housing is likely to play a greater relative role in intensification within more central urban areas. The economic modelling does not however deem Scenario 2 to be unfeasible (the implications are noted above), and when considered alongside the available capacity of infrastructure and the potential impacts should infrastructure networks be overwhelmed. PC26 as notified still provides significant development capacity (at a total level) while giving effect to higher order documents such as Te Ture Whaimana and the NPS-FM. On this basis, I consider that the rule is necessary to accommodate the qualifying matter (s77J(3)(c)).

9.15.15. As outlined above the Infrastructure Constraint Overlay applies exclusively to the MDRZ as introduced by PC26 as a result of the Infrastructure Capacity Assessment undertaken during the preparation of the plan change as shown on Maps 56 (Cambridge) and 57 (Te Awamutu) and notified with PC26 (s77J(4)(b)). Further modelling has been carried out since submissions were lodged to confirm the extent of the Overlay. This will be discussed in response to submissions below.

9.15.16. The Infrastructure Overlay does not extend onto areas outside of the proposed MDRZ (s77J(5)).

Submissions

9.15.17. Twelve submissions and three further submissions⁷¹ have been received on Infrastructure Constraint Overlay as a qualifying matter. In summary the submissions include:

- Support for the infrastructure (Te Ture Whaimana) constraint overlay.
- Request that overall infrastructure capacity is modelled and for spare capacity to be utilised while upgrades are occurring in areas that require it.
- Request to modify the matters of discretion relating to infrastructure to only refer to outcomes of an infrastructure capacity assessment.

⁷¹ Submitter 17 (Martin, Peter); Submitter 18 (Martin, Eunice); Submitter 19 (Millen, Ricky); Submitter 30 (Waikato Regional Council); Submitter 37 (Henwood, Margaret Jean); Submitter 46 (Wilkinson, Alan), Submitter 53 (Cogswell Surveys Ltd); Submitter 58 (Hall, Sally); Submitter 63(Waka Kotahi); Submitter 65 (CKL NZ Ltd); Submitter 72 (Metlifecare Ltd); Submitter 79 (Kāinga Ora) and Further Submission 8; further Submission 5 (Retirement Villages Association); Further Submission 6 (Ryman Healthcare Ltd)

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- Requested amendments to modelling to provide a more accurate representation of the infrastructure constraint qualifying matter.
- Request to amend spatial extent of the Infrastructure Overlay to cover a wider area and/or be less enabling of development. Concerns regarding the adverse effects of housing intensification and inappropriate use of resources is cited.
- Insufficient justification for extent of infrastructure constraint mapping, requests that the overlay is deleted.
- Seeks further information to determine difference in effect of two versus three dwellings per lot.
- Amend MDRZ to allow up to three dwellings per site as a Permitted Activity within the Infrastructure Constraints Overlay, and four or more dwellings be included as a Restricted Discretionary Activity. A further submission by Fonterra opposed this submission point, with no reasons stated.
- Seeks four or more dwellings is included as a Restricted Discretionary Activity.
- Specific amendments to Policy 1.3.1.1, Issue 2A.2.1.
- Add a new Appendix with an updated engagement strategy mechanism that Waipā Council will implement to consult with Waikato-Tainui and other relevant iwi on matters relating to Te Ture Whaimana, and any subsequent amendments or alternative relief to give effect to this submission point. One further submission by Kāinga Ora opposed this submission point, stating that while they support engagement with mana whenua as required by legislation, the proposed engagement strategy is not required in this case.
- Request to add new Objectives and related Policies in Section 2 – Residential Zones to further recognise Te Ture Whaimana in relation to developments in all residential zones. Three further submissions were made on this submission point.
- A request relating to both the stormwater and infrastructure qualifying matters and greenfield sites has been received from TA Projects Limited (submitter 50) who requested that for unsubdivided and undeveloped Medium Density Residential Zoned land the qualifying matters set aside (infrastructure (wastewater), and stormwater) should be matters that are resolved at the time of subdivision of existing unsubdivided land. The submitter adds that financial contributions are set out in section 18 of PC26 to achieve this.
- A submission has requested that reference to the Waikato stormwater management guideline be added to relevant sections of the Plan.

9.15.18. In response to submissions received Council has obtained an updated report from Market Economics (refer to Appendix C) and has carried out additional infrastructure modelling on the basis of the applied qualifying matters (undertaken by WSP). This modelling concluded that providing for a minimum permitted density of 2 dwellings is appropriate and can then be accounted for in long term infrastructure planning. It follows that an infrastructure assessment for higher-density development be completed as part of a restricted discretionary activity. I consider that deleting the overlay would result in a situation where development would result in a 'first in first served' outcome with development occurring in an ad hoc way anywhere until system capacity is used up.

9.15.19. I consider that the Infrastructure Constraint Overlay is a valid qualifying matter to apply to make the MDRS less enabling in order to give effect to Te Ture Whaimana and the NPS-FM as outlined

above while ensuring that residential intensification can still occur, but in a way that is acceptable based on current and future infrastructure provision. In relation to requests for further justification on the number of dwellings, which also relates to justification for the qualifying matter being incompatible with the level of development permitted by the MDRS, further modelling has been undertaken by WSP to confirm the acceptable number of dwellings per lot is as outlined above. Further evidence on this matter will be provided by Mr Coutts and Mr Hardy.

- 9.15.20. In terms of submissions, Council has considered the request from TA Projects requesting that the Infrastructure Constraint Overlay be excluded for greenfield sites. It is considered appropriate to retain it at this point because of the potential downstream capacity effects (e.g., for wastewater). However, Council proposes to periodically review and uplift those parts of the Infrastructure Constraint Overlay where greenfields development has taken place / been completed, and appropriate provision has been made for infrastructure. This would need to be undertaken as a separate plan change process.
- 9.15.21. In response to submissions WSP has also noted that the Infrastructure Overlay applies to the majority of areas because of the nature of water networks where upstream (water supply) or downstream (wastewater) capacity is relevant to the wider network. Issues in the network can limit development across the wider network. WSP does not recommend that the overlay be deleted as this would result in uncertainty and a ‘first in first served’ development environment with limited controls on early development. I agree with this conclusion.
- 9.15.22. A submitter has requested that the matters of discretion when three dwellings are proposed within the Infrastructure Constraint Overlay be limited to assessment criteria requiring an infrastructure capacity assessment. This submission is supported as three dwellings within the Infrastructure Constraint is only intended to be a restricted discretionary activity in relation to an assessment of infrastructure capacity (stormwater is outlined in the following section).
- 9.15.23. In relation to requests by Waikato Tainui for changes to Section 2.3 in the Residential Zone to better implement Te Ture Whaimana the sentiment of these changes is supported however the focus of PC26 is implementing the MDRS via the MDRZ. I note that Te Ture Whaimana has been strengthened in the strategic management section of the District Plan further elevating its status. However, no further changes are proposed to the current Residential Zone in Section 2 of the District Plan. I note that the Council has a Joint Management Agreement with Waikato Tainui and this includes engaging on all matters as appropriate. Waikato Tainui have requested an excerpt of Tai Tumu, Tai Pari, Tai Ao be included as an Appendix to the Plan to outline a clear consultation and engagement processes. This request is acknowledged, and I note that the Joint Management Agreement provides an appropriate forum to engage on matters as appropriate.
- 9.15.24. I also note at this time that some mapping errors have been identified in relation to the Infrastructure Constraint Overlay and it being incorrectly mapped across deferred residential zones. I consider this below at Topic 4.7 Planning Maps, and note that the subsequent mapping correction has led to a reduction in the extent of the overlay.

Recommendation

- 9.15.25. A matter required to give effect to Te Ture Whaimana, being the Infrastructure Constraints Overlay is recommended to be retained as a qualifying matter. Based on the above assessment, I consider that the proposed amendments to the MDRS are necessary to accommodate the qualifying matter.

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9.15.26. In terms of the Infrastructure Overlay, the following specific response to submissions are recommended.

- Amend Policy 1.3.1.1 as follows:
 - 1.3.1.1 To achieve the [directions and outcome Objectives and Strategies](#) of the Te Ture Whaimana... (49.2)
- Amend 2A.4.1.3(c) as follows
 - 2A.4.1.3(c) Three [or more](#) dwellings per site within the Infrastructure Constraint Qualifying Matter Overlay (53.5)
[Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with discretion being will be restricted over to the following matters:](#) (32.17)
 - [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.](#) (53.5)
- Include the following additional advice note after Rule 15.4.2.25 as follows:
 - [4. The Waikato Stormwater Management Guideline 2020 are applicable.](#) (30.33)

Stormwater Constraint Qualifying Matter Overlay

Evaluation Against s77I & s77J

9.15.27. The Stormwater Constraint Qualifying Matter Overlay (Stormwater Constraint Overlay) is introduced as part of PC26. Within the Stormwater Constraint Overlay maximum building coverage is restricted to 40% (Rule 2A.4.2.8) as opposed to 50% as provided for by the MDRS. Failure to comply with this rule requires a restricted discretionary activity to be sought.

9.15.28. The Stormwater Constraint Overlay is illustrated on Maps 56 and 57 of PC26 and extends over selected areas throughout Cambridge and Te Awamutu/Kihikihi associated with flooding risk and overland flow paths. It covers areas of the proposed MDRZ.

9.15.29. The following table summarises the qualifying matter evaluation undertaken for the Stormwater Constraint Overlay as a qualifying matter in PC26.

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New Qualifying Matters	S77I - Relevant Considerations	S77J – Relevant Considerations
Stormwater Constraint Qualifying Matter Overlay	<ul style="list-style-type: none"> 77I(a) – a matter of national importance that decision makers are required to recognise and provide for under section 6 – s6(h) the management of significant risks from natural hazards. 77I(c) – a matter to give effect to Te Ture Whaimana o Te Waikato – the Vision and Strategy for the Waikato River. 77I(b) – a matter required in order to give effect to a national policy statement (National Policy Statement on Freshwater Management 2020). 	<ul style="list-style-type: none"> The Section 32 demonstrates the area that is subject to the qualifying matters. <ul style="list-style-type: none"> Maps 56 and 57 The section 32 App. 3, 6, 8, and 9 identifies that the qualifying matter is incompatible with the level of development permitted by the MDRS that area. The section 32 App. 3, 6, 8, and 9 and the updated Residential Capacity Modelling Medium Density Residential Standards and Qualifying Matters report (Appendix C) assess the impact that limiting building coverage in these areas will have on development capacity. The section 32 App. 3, 6, 8, and 9 assess the costs and broader impacts of imposing those limits. The section 32 App. 3, 6, 8, and 9 provides a description of how the modification to the MDRS is limited to only those modifications necessary to accommodate the qualifying matters and, in particular, how the overlay is proposed to apply.
Qualifying matter tests met	Yes	Yes

9.15.30. Based on this assessment, the Stormwater Constraint Overlay has been correctly identified as a new qualifying matter under s77I (a), (b) and (c) and has been evaluated under s77J. I consider the evaluation in further detail below.

9.15.31. The rule and related provisions associated with the Stormwater Constraint Overlay are outlined in the following table.

	Existing rules	Existing rules carried into PC 26	New rules	Related provisions
Rules	n/a	n/a	Section 2A – Medium Density Residential Zone <ul style="list-style-type: none"> Rule 2A.4.2.8 Rules – Building coverage must not exceed 40% within the Stormwater Constraint Qualifying Matter Overlay New maps 56 ‘Qualifying Matters – Cambridge’ and 57 ‘Qualifying Matters – Te Awamutu / Kihikihi’	Objective 1.3.5 Implementation of the Waikato River Vision and Strategy Policy 1.3.5.1 Health and Wellbeing of the Waikato and Waipa Rivers Objective 15.3.1.3.1 Giving effect to the Waikato River Vision and Strategy Policy 15.3.13.1 Maintaining the Health and Wellbeing of land and waterbodies

- 9.15.32. The Stormwater Constraint Overlay was shown on maps 56 and 57 that were notified for PC26. The extent of the Stormwater Constraint Overlay was based on a number of information sources as summarised by Mr Chapman (Te Miro Water).
- 9.15.33. Following the preparation of the ‘properties at risk layer’ detailed above, the Council generated the Stormwater Constraint Overlay including a wider range of properties intersected by the 100-year ARI flood depth layer (i.e., the 2018 development with the inclusion of climate change (RCP 6.0 - 2013)). This layer therefore provides a more conservative qualifying matter (s77J(3)(a)(i)). I note that Te Miro Water support this approach.
- 9.15.34. The area identified as the Stormwater Constraint Overlay (process to define extent outlined above) has been found by Te Miro Water to be incompatible with the level of development provided by the MDRS in terms of building coverage of 50% permitted by the MDRS and a limit has been imposed as a lower level of 40%. This level has been assessed by Te Miro Water to be reasonably close to existing development coverage and therefore the current impacts on flooding associated with development will not be increased as a result of PC26 (s77J(3)(a)(ii)).
- 9.15.35. The impact that limiting building coverage would have on the provision of development capacity has been expanded on by Market Economics and in the evidence of Ms Fairgray. The qualifying matter has no effect on plan enabled capacity but does affect the feasibility of development with moderate effect in the short term, but this diminishes in the longer term. Despite this short-term impact there is still a large amount of feasible development opportunity relative to demand (s77J(3)(b)).
- 9.15.36. In summary, the additional development capacity still enabled while giving effect to higher order documents such as Te Ture Whaimana, the NPS on Freshwater Management and ensuring the management of significant risks from natural hazards is more than adequate when balanced with the potential impacts of more intense development taking place in flood hazard areas or areas subject to overland flow paths identified by the Stormwater Constraint Overlay. I consider that the rule is necessary to accommodate the qualifying matter (s77J(3)(c)).
- 9.15.37. The Stormwater Constraint Overlay applies to select areas throughout the MDRZ as introduced by PC26 associated with flooding hazard areas, overland flow paths and considering the implications of climate change as outlined above and shown on Maps 56 (Cambridge) and 57 (Te Awamutu) and notified with PC26 (s77J(4)(b)).
- 9.15.38. The Stormwater Constraint Overlay does not extend onto areas outside of the MDRZ (s77J(5)).

Submissions

- 9.15.39. Six submissions and one further submission⁷² have been received regarding the Stormwater Constraint Overlay for PC26.
- 9.15.40. These submissions can be summarised as follows:

⁷² Submitter 37 (Henwood, Margaret Jean); Submitter 46 (Wilkinson, Alan); Submitter 50 (TA Projects); Submitter 53 (Cogswell Survey Ltd); Submitter 72 (Metlifecare Ltd); Submitter 79 (Kāinga Ora); Further Submission 2 (Fonterra Ltd)

- Support for the stormwater constraint overlay.
- Request to delete or amend Rule 2A.4.2.8 to refer to ‘impermeable areas’ rather than ‘building coverage’ in relation to controlling stormwater runoff and that assessment criteria should also only refer to impermeable areas matters, and other matters of discretion should be deleted.
- Insufficient assessment and justification is provided for the stormwater constraint overlay and it should be deleted.
- Requesting that natural hazards be removed as a qualifying matter as the submitter states that natural hazards are addressed by s106 of the RMA and as geotechnical suitability can be investigated and any adverse effects suitably mitigated.
- A request relating to both the stormwater and infrastructure qualifying matters and greenfield sites has been received from TA Projects Limited (Submitter 50) who requested that for unsubdivided and undeveloped MDRZ land that the qualifying matters set aside (stormwater) should be matters that are resolved at the time of subdivision of existing unsubdivided land. The submitter adds that financial contributions are set out in section 18 of PPC26 to achieve this.

9.15.41. The Stormwater Constraint Overlay has been justified as a qualifying matter above in relation to giving effect to Te Ture Whaimana, the NPS for Freshwater Management and in managing the risks of natural hazards as provided for under Section 6 of the RMA.

9.15.42. Reference to building coverage is taken from the MDRS provisions (see rule 2A.4.2.7).

9.15.43. The matters of discretion at rule 2A.4.2.8 are considered relevant to sites within the River Gully Overlay. However it is acknowledged that some confusion may be caused by the combined matters of discretion for both Overlays, it is therefore recommended that the rules and matters of discretion be separated to avoid this confusion.

9.15.44. Impermeable areas are referred to in other rules, building coverage is intended to be referred to in this specific provision (2A.4.2.8)

9.15.45. Council has considered the request from TA Projects and does not agree that the Stormwater Constraint Overlay should be removed from greenfield Medium Density Residential Zoned land as this relates to flooding hazards areas and overland flow paths so remains a valid restriction on all relevant sites.

Recommendation

9.15.46. A matter required to give effect to Te Ture Whaimana, being the Stormwater Constraint Overlay is recommended to be retained as a qualifying matter. Based on the above assessment, I consider that the proposed amendments to the MDRS are necessary to accommodate the qualifying matter.

9.15.47. The following specific changes to PC26 based on matters raised by submissions are recommended:

2A.4.2.7 The maximum building coverage must not exceed 50% of the net site area.

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Activities that fail to comply with this Rule will require a resource consent for a restricted discretionary activity with the 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 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. (53.3, 53.4)

2A.4.2.8 On sites located within the Stormwater Qualifying Matter ~~and the River / Gully Proximity Qualifying Matter~~ Overlays, the maximum building coverage must not exceed 40% of the net site area.

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:

- ~~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~~ (53.3, 53.4)
- 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.

2A.4.2.8.1 On sites located within the River / Gully Proximity Qualifying Matter Overlay, the maximum building coverage must not exceed 40% of the net site 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:

- [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.](#)

[These matters will be considered in accordance with the assessment criteria in Section 21. \(53.3, 53.4\)](#)

9.15.48. The following specific amendment is recommended based on the evidence of Mr Chapman (Te Miro Water).

- Add the following criteria to assessment criteria 21.1.2A.9:

21.1.2A.9 Building coverage

[\(h\) Building location, bulk and design; that addresses impacts of infill development and runoff from building footprint and impervious services on flood risk within the site and outside the site.](#)

[\(i\) Stormwater disposal to treat water quality. \(53.3, 53.4\)](#)

River / Gully Proximity Qualifying Matter Overlay

Evaluation **against** s77I & s77J

9.15.49. PC26 has introduced a new qualifying matter to preserve the natural character of rivers and their margins, and to enable public access to and along rivers. This is proposed to be achieved via a River / Gully Proximity Qualifying Matter Overlay (River / Gully Overlay) illustrated on Maps 56 and 57. The overlay traverses through the centre of relevant residential areas in both Cambridge and Te Awamutu covering a 120m corridor associated with the Waikato River, Karāpiro Stream, Mangaipiko Stream, and Mangaohoi Stream that pass through these towns.

9.15.50. The River / Gully Overlay introduces a building coverage limit of 40% within the overlay (Rule 2A.4.2.8). If building coverage exceeds 40% within the River / Gully Overlay the activity becomes a restricted discretionary activity with discretion restricted to building location, bulk and design; on-site amenity; outlook for adjoining neighbours; effects on existing trees; landscaping; 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.

9.15.51. The following table summarises the qualifying matter evaluation undertaken for the the River / Gully Overlay as a new qualifying matter introduced by PC26.

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New Qualifying Matters	S77I - Relevant Considerations	S77J – Relevant Considerations
River / Gully Proximity Qualifying Matter Overlay	<ul style="list-style-type: none"> 77I(a) – a matter of national importance that decision makers are required to recognise and provide for under Section 6 – s6(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins. 77I(a) – a matter of national importance that decision makers are required to recognise and provide for under Section 6 – s6(c) - the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. 77I(a) – a matter of national importance that decision makers are required to recognise and provide for under Section 6 – s6(d) - the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers. 	<ul style="list-style-type: none"> The s32 including App. 3 and 7 demonstrate the area that is subject to the qualifying matters. The s32 including App. 3 and 7 identifies that the qualifying matter is incompatible with the level of development permitted by the MDRS for that area. The s32 including App. 3 and 7 and the updated Residential Capacity Modelling Medium Density Residential Standards and Qualifying Matters report (Appendix C) assesses the impact that limiting building coverage will have on the provision of development capacity. The s32 including App. 3 and 7 assess the costs and broader impacts of imposing those limits. The s32 including App. 3 and 7 provides a description of how modification to the MDRS is limited to only those modifications necessary to accommodate the qualifying matters and, in particular, how the overlay will apply.
Qualifying matters test met	Yes	Yes

9.15.52. Based on this assessment, the River / Gully Overlay has been correctly identified as a new qualifying matter as a matter of national importance (s77I(a)) and has been evaluated in accordance with s77J. On this basis, I consider the River / Gully Overlay to be a valid qualifying matter. I consider the evaluation in more detail below.

9.15.53. The rule and related provisions associated with the River / Gully Overlay are outlined in the following table.

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	New rules	Related provisions
Rules	<ul style="list-style-type: none"> Section 2A – Medium Rule 2A.4.2.8 Rules – Building coverage must not exceed 40% within the River / Gully Proximity Qualifying Matter Overlay <p>New maps 56 ‘Qualifying Matters – Cambridge’ and 57 ‘Qualifying Matters – Te Awamutu / Kihikihi’</p>	<p>Objectives and Policies in Section 15 related to natural character, cultural landscapes, public access</p> <p>Objectives and Policies in Section 26 relating to lakes and waterbodies</p>

- 9.15.54. The River / Gully Overlay is shown on maps 56 and 57 that were notified for PC26. The extent of the River / Gully Overlay is a 120m setback from the Waikato River, Karāpiro Stream, Mangapiko Stream and Mangaohoi Stream. The 120m was taken from the edge of the water body, that is, the boundary of the cadastral parcels with the intent ‘Hydro’. As set out in Appendix 3 of the Section 32 report, the 120-metre extent was decided on a precautionary basis, with the overall outcome of the River/Gully Proximity Overlay being the retention of the values associated with these river margins. This setback captures the key locations identified in the technical advice provided by XYST (s77J(3)(a)(i)).
- 9.15.55. The area identified as the River / Gully Overlay has been found by XYST to be incompatible with the level of development enabled by the MDRS in terms of building coverage of 50% permitted by the MDRS. A limit of 40% has been proposed in PC26 as this amount has been assessed by XYST to result in an increase in the likelihood of the biodiversity corridors successfully acting as ‘pathways’ for species traversing the edges of waterways in Cambridge and Te Awamutu. Urban intensification along the margins of these rivers and streams is considered to increase the potential for adverse effects on the waterways themselves and the biodiversity values associated with these margins. The retention of this overlay is also likely enabling a stronger assessment and management framework in terms of the frequent requests for non-complying activities within 23m of the identified waterways, indigenous vegetation clearance within the biodiversity corridor and esplanade area reductions (s77J(3)(a)(ii)).
- 9.15.56. The impact that limiting building coverage would have on the provision of development capacity within the identified River / Gully Overlay has been evaluated by XYST to be relatively minor on the densities desired to be achieved under the MDRS as it only reduces the building coverage by 10 percent and is limited to discrete areas adjoining the identified river margins. Modelling by Market Economics supports this with a reduction in capacity by around 1% with a large amount of capacity available relative to demand (77J(3)(b)).
- 9.15.57. As such, PC26 provides development capacity while also giving effect to matters of national importance under sections 6(a) and (d). On this basis, I consider that the rule is necessary to accommodate the qualifying matter (s77J(3)(c)).
- 9.15.58. The River / Gully Overlay applies to select areas throughout the MDRZ as introduced by PC26 in a 120m corridor from the Waikato River, Karāpiro Stream, Mangapiko Stream, and Mangaohoi Stream as the pass through relevant residential areas as outlined above and shown on Maps 56 (Cambridge) and 57 (Te Awamutu) and notified with PC26 (s77J(4)(b)).
- 9.15.59. The River / Gully Overlay does not extend onto areas outside of the MDRZ (s77J(5)).

Submissions

- 9.15.60. Three submissions⁷³ have been received on the River/Gully Proximity qualifying matter overlay. Two of these from Cogswell Survey and Waipā District Council seek specific amendments to the provisions.
- 9.15.61. Waipā's submission seeks additional rules, objectives and policies to support landscaping in the overlay. A further submission from Waikato Regional Council (Submitter 30) has supported this submission and a further submission from Kāinga Ora (Submitter 79) has opposed this request. XYST Ltd have considered these requests and support an increase from 20% to 30% for landscaping in the River /Gully Proximity Qualifying Matter Overlay in order to support the development biodiversity corridors including a requirement for native planting. I support these recommendations.
- 9.15.62. Cogswell's submission requests that Rule 2A.4.2.8 should be deleted or amended to refer to 'impermeable areas' rather than 'building coverage' in relation to controlling stormwater runoff and that assessment criteria should also only refer to impermeable areas matters, and that other matters of discretion should be deleted. As outlined in the previous section of this report on the Stormwater Constraint Overlay, this rule and its associated assessment criteria are recommended to be separated to avoid confusion with the matters of discretion. Building coverage is however taken from the MDRS standards and impermeable areas are referred to in the following rule.
- 9.15.63. A third submission on this matter from Kāinga Ora opposes the River/Gully Proximity qualifying matter overlay altogether. The Kāinga Ora submission states that the implications of the overlay have not been sufficiently assessed or justified in accordance with ss77J and ss77I of the RMA and its purpose and that alternative methods have not been explored to address its application.
- 9.15.64. In response to Kāinga Ora's opposition to the River / Gully Proximity qualifying matter XYST have stated that these provisions with amendments proposed by Council in its submission and current extent shown on maps should be retained as reducing building coverage from 50% to 40% in this overlay will not only reduce risk of overland flows adversely affecting the identified waterways but will also biodiversity corridors along the margins of them. A precautionary approach has been taken for the waterways that are all within Waikato and Waipā River catchments is deemed necessary in order to give effect to 6 RMA matters, Te Ture Whaimana and cultural and environmental values associated with river margins and the associated biodiversity corridors. For these reasons the request to delete the River / Gully Proximity qualifying matter is not recommended to be supported.

Recommendation

- 9.15.65. A matter, being the River/Gully Proximity Qualifying Matter is required to give effect to a matter of national importance and is recommended to be retained as a qualifying matter. Based on the above assessment, I consider that the proposed amendments to the MDRS are necessary to accommodate the qualifying matter.
- 9.15.66. The following specific amendments in response to submissions:

⁷³ Submitter 32 (Waipā District Council); Submitter 53 (Cogswell Surveys Limited); Submitter 79 (Kāinga Ora)

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- Insert additional rule under the heading “Rules – Landscaped area” as a new Rule 2A.4.2.25 as follows:

2A.4.2.25 Within the River / Gully Proximity Qualifying Matter Overlay, a residential dwelling at ground floor level must have a landscaped area of a minimum of 30% of a developed site with native plants, and can include the canopy of trees regardless of the ground treatment below them. (32.8)

9.16. TOPIC 3.3 SIGNIFICANT NATURAL AREAS AND RESERVES QUALIFYING MATTERS

Evaluation against s77I & s77J

9.16.1. PC26 has proposed a new qualifying matter to preserve open spaces, significant indigenous vegetation and significant habitats of indigenous fauna. This is proposed to be achieved by the introduction of two new minimum setback rules as follows:

- A 20-metre minimum building setback for sites adjoining a Significant Natural Area (SNA) (Rule 2A.4.2.6 (f)).
- A 4-metre setback for sites adjoining a reserve (Rule 2A.4.2.6(c)).

9.16.2. Activities that fail to comply with these provisions will become restricted discretionary, with discretion restricted to (among other matters) building location, bulk and design; visual and aural privacy; reverse sensitivity effects; outlook for adjoining neighbours; effects on existing trees; landscaping; and effects on the function and associated amenity values of the adjacent reserve, where applicable.

9.16.3. I will refer to these collective provisions as SNA’s and Reserves qualifying matters.

9.16.4. The following table summarises the qualifying matter evaluation undertaken for the following section associated with the Significant Natural Areas and Reserves qualifying matters introduced by PC26.

New Qualifying Matters	S77I - Relevant Considerations	S77J – Relevant Considerations
Significant Natural Areas and Reserves	<ul style="list-style-type: none"> 77I(a) – a matter of national importance that decision makers are required to recognise and provide for under Section 6 – s6(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development. s77I(a) – a matter of national importance that decision makers are required to recognise and provide for under 	<ul style="list-style-type: none"> The section 32 and App. 3 and 7 demonstrates the area that is subject to the qualifying matters. The section 32 and App. 3 and 7 identifies that the qualifying matter is incompatible with the level of development permitted by the MDRS for that area. The section 32 and App. 3 and 7 assesses the impact that imposing the additional setbacks will have on the provision of development capacity. The section 32 and App. 3 and 7 assess the costs and broader impacts of imposing those limits. The section 32 and App. 3 and 7 provides a description of how modifications to the MDRS are limited to only those modifications

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New Qualifying Matters	S77I - Relevant Considerations	S77J – Relevant Considerations
	<p>section 6 – s6(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna</p> <ul style="list-style-type: none"> 77I(f) – open space provided for public use, but only in relation to land that is open space. 	necessary to accommodate the qualifying matters.
Qualifying matter test met	Yes	Yes

9.16.5. Based on this assessment, the SNAs and Reserves have been correctly identified as new qualifying matters as a matter of national importance (s77I(a)) and as open space provided for public use (77I(f)) and have been evaluated in accordance with s77J. I consider the evaluation in more detail below.

9.16.6. The rules and related provisions associated with the SNA and Reserves qualifying matters are outlined in the following table.

	New rules	Related provisions
Rules	<p>Section 2A – MDRZ</p> <ul style="list-style-type: none"> Rule 2A.4.2.6 (c) on sites adjoining a reserve, a setback of 4 metres is required along the boundary adjoining the reserve Rule 2A.4.2.6(f) Minimum building setback of 20m on sites adjoining a Significant Natural Area. 	<ul style="list-style-type: none"> Objectives 1.3.4 and policies: Environmental and heritage protection and recreation values Objectives and Policies of Section 5: Reserves Zone Objective 15.3.7 and policies: Integrated development: environmental enhancement Objective 15.3.11 and policies: Provision of reserves Section 2A.1.9(e) Qualifying Matters Introduction (new introduction)

9.16.7. Significant Natural Areas are depicted on the Policy Area planning maps in the Plan and generally follow the course of water bodies through Cambridge. There are no SNAs located in Te Awamutu. Reserves are located throughout both towns and are depicted as Reserve Zone on the Zone maps in the District Plan (s77J(3)(a)(i)).

9.16.8. The areas adjoining identified SNAs and Reserves have been found by XYST to be incompatible with an increase in housing density as provided for in the MDRS (s77J(3)(a)(ii)) in terms of a number of potential effects of increased density as outlined by XYST including:

- Potential direct removal of vegetation and damage to habitat.
- Reduced ability for the Council to require buffers to support the restoration of these remnant bush areas.

- Loss of fauna biodiversity e.g., potential disturbance or destruction of habitat for pekapeka-tou-roa (long tailed bat) and potentially other threatened and at-risk species (s77J(3)(b)).

9.16.9. Intensification also has potential for several adverse effects in respect of the functionality and amenity of Reserves specifically including but not limited to:

- Loss of natural character as well as a loss of the viewshafts to and from the Waikato River and Karapiro Stream.
- Loss of amenity and usable space as a result of visual dominance of adjoining buildings.
- Restrictions on activities and development on parks and reserves as a result of reverse sensitivities.
- Increased ‘wetness’ of reserves as a result of increase in overland flows from adjoining developments.
- Negative impacts on the health of large specimen trees within reserves and streets (s77J(3)(b)).

9.16.10. The costs and broader impact that imposing additional setbacks would have on the provision of development capacity adjoining identified SNAs has been evaluated by XYST as low as they are only located in Cambridge and covering less than 1% of the urban area. While the District Plan identifies these SNAs as locally significant, they are known to provide habitat, food source and flyways for the threatened, nationally critical pekapeka-tou-roa / long-tailed bat and other native fauna such as kārearea / New Zealand Falcon. The relatively small sizes, configuration, and proximity to residential activities of these SNAs reduces their ability to successfully function as habitats because of the impact of cumulative edge effects. Given that the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna are relevant matters of national importance (section 6), a precautionary approach has been taken towards development adjoining SNAs and I consider this to be appropriate (s77K(3)(c)).

9.16.11. In relation to the increased setback to Reserves, reserves are more widespread throughout both towns, however, the recommended setback is relatively minor at 4 metres and for this reason the cost and broader impact is considered low in terms of overall development potential of individual sites affected by this setback (s77K(3)(c)).

9.16.12. The impact that the setbacks would have on the provision of development capacity associated with the proposed qualifying matter is limited. Modelling by Market Economics supports this with a reduction in capacity by around 1% with a large amount of capacity available relative to demand (77J(3)(b)).

9.16.13. As such, PC26 provides development capacity while also giving effect to matters of national importance under sections 6(b) and (c). On this basis, I consider that the rule is necessary to accommodate the qualifying matter (s77J(3)(c)).

9.16.14. As outlined in the above table for sites adjoining SNAs or Reserves identified on the Planning Maps, increased setbacks are introduced (Rule 2A.4.2.6(c) and (f)) of 4 metres to a Reserve and 20 metres to a Significant Natural Area. The SNA and Reserve qualifying matters are limited to only those modifications necessary to accommodate the qualifying matter, applying to select

areas throughout the MDRZ as introduced by PC26 for sites adjoining identified SNAs or zoned Reserves on the Planning Maps (s77J(4)(b)).

9.16.15. The SNA and Reserve qualifying matters does not extend onto areas outside of the MDRZ (s77J(5)).

Submissions

9.16.16. Three submissions⁷⁴ have raised the theme of Significant Natural Area (SNA) qualifying matters and two submissions⁷⁵ have raised the setback proposed to reserves.

9.16.17. The Waipā District Council has put in a submission requesting additions and changes to the SNA provisions to clarify the how the MDRS have been modified to accommodate the SNAs. These changes are supported by XYST to protect and restore SNAs, to achieve national, regional and local biodiversity goals and to protect absolutely protected species such as pekapeka tou roa.

9.16.18. Cogswell Survey (Submitter 53) opposes the SNAs as they take autonomy away from private landowners. It is noted that PC26 has not introduced or amended the SNAs as they are depicted in the existing policy planning maps.

9.16.19. The submitter has opposed the 20m setback proposed to SNAs and Kāinga Ora (submitter 79) has opposed the 4m setback to reserves. Cogswell’s submission outlines that as most SNAs are located along the Waikato River, where a 23m setback already applies, this already provides sufficient separation. In relation to the 4m boundary setback proposed by PC26 from a reserve they assert that this will push dwellings further back from the public space reducing the effectiveness of any passive surveillance and creating a reduced interface to the reserve. They request that the minimum building setback on sites adjoining a SNA is reduced to 10m along the boundary of the SNA (as required in the Rural Zone) and that the building setback to reserves is reduced to 1.5m. Kāinga Ora (Submitter 79) have requested that the 4m setback to reserves is deleted.

9.16.20. The rationale for the 20m setback is outlined above. In addition to this XYST have specifically noted that a 20m buffer is necessary because unlike rural SNAs, these urban SNAs will potentially have the entire length of at least one boundary fronted by medium density developments. This level of development will result in noise, light and movement levels which are likely to adversely impact native fauna, likely result in the removal of all existing mature trees and native bush on the development site and also potentially result in weed incursion. Without a high level of control over adjoining activities, there is a risk that the SNA ecological and biodiversity values will be damaged or irreparably lost.

9.16.21. The 4m setback to reserves is also recommended to be retained as XYST have assessed that an increased setback will not negatively impact passive surveillance if developments include building design that orientates glazing, living spaces and outdoor living areas towards adjoining reserves and includes compliant landscaping and boundary fencing. The increased setback will also ensure the adjoining reserves provide maximum benefit to the public through reducing visual dominance and the risk of reverse sensitivities restricting the use of these reserves for sport and recreation. I agree with the conclusions reached regarding the SNA and reserves

⁷⁴ Submitter 16 (Hislop, Michelle); Submitter 32 (Waipā District Council); Submitter 53 (Cogswell Surveys Limited)

⁷⁵ Submitter 53 (Cogswell Surveys Ltd) and Submitter 79 (Kainga Ora)

setbacks, with particular reference to the enhancement of these sites and the protection of flora and fauna.

Recommendation

9.16.22. A matter, being the SNA and Reserves Qualifying Matter is required to give effect to a matter of national importance and is recommended to be retained as a qualifying matter. Based on the above assessment, I consider that the proposed amendments to the MDRS are necessary to accommodate the qualifying matter.

9.16.23. The following specific amendments in response to submissions are recommended:

- Amend 2A.1.9 (e) as follows:

2A.1.9(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; (32.4)

- Add 2A.19(ee)

2A.19(ee) 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; (32.4)

- Add the following statement after 2A.1.18:

Protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. 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 RMA. 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. 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. (32.5)

- Add the following objective and policy to section 2A.3:

Objective - Significant Natural Areas

2A.3.10 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. (32.6)

Policy – Setbacks from SNAs

2A.3.10.1 Adverse effects of adjoining development on significant natural areas will be managed through requiring the setback of buildings from the boundary. (32.6)

- Add the following additional matters for discretion to Rule 2A.4.2.6.

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:

- ...
- Effects on the function and amenity values of the Te Awa Cycleway, where applicable.
- Effects on ecological values, vegetation, biodiversity, soil, stormwater runoff and groundwater levels within a significant natural area, where applicable; and
- Effects of artificial lighting on native species within a significant natural area, where applicable; and
- Effects on the existing health and function of a significant natural area's vegetation and biodiversity.

These matters ... (32.7)

- Amend Activity Status Table 15.4.1.1(e). Matters over which Council reserves its control in relation to subdivision in MDRZ to include the following:
 - Significant indigenous vegetation and significant habitats of indigenous fauna. (32.7)
 - Public access to and use and enjoyment of the public open space network and amenity values and function of adjoining public open space network. (32.7)

9.17. TOPIC 3.4 OTHER QUALIFYING MATTERS

Character Clusters

Evaluation Against s77I, s77J and s77L

- 9.17.1. The District Plan contains provisions relating to the historically derived urban character. This included the identification of 'Cambridge Residential Character Area' and identified 'character clusters'. PC26 deleted the Cambridge Residential Character Area and retained and added to the character clusters. The identified character clusters are all located in the proposed MDRZ within Cambridge and Te Awamutu.
- 9.17.2. The Lifescapes Study (Appendix D) has found that Cambridge and Te Awamutu contain areas of historically derived character that make important contributions to the stories of Waipā's development, and are important to people who live there.
- 9.17.3. Lifescapes have undertaken an extensive review of the approach to character clusters in the District Plan, including the changes that were notified as part of PC26 and have considered a range of alternative options. This review has concluded that the deletion of the Cambridge Residential Character Area was appropriate. This review has also concluded that the character cluster approach is, in principle, an appropriate qualifying matter to the MDRS (s77I(j)). However, the study recommends that the application of character clusters as notified by PC26 requires modification as it did not adequately identify legible collective clusters and the areas were not adequately supported by site-specific analysis required to meet the s77L qualifying matter test.
- 9.17.4. The Lifescapes Report therefore establishes a clear methodology and assessment criteria for character clusters and recommends modifications to their extents and boundaries based on historical analysis and site-specific survey fieldwork.

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9.17.5. Based on this updated assessment, PC26 (including maps) have been updated to identify the revised clusters. In summary this removes a number of individual properties that have been incorrectly identified as a ‘character cluster’ and has introduced a number of additional character properties which when grouped together create a cohesive character cluster. A total of 111 individual properties have been added as a result of the updated assessment. Further consultation has taken place with the landowners who have properties that are now proposed to form part of a character cluster.

9.17.6. The following table summarises the qualifying matter evaluation undertaken for the character clusters as a qualifying matter in PC26.

New Qualifying Matters	S77I - Relevant Considerations	S77J and s77L– Relevant Considerations
Character Clusters Qualifying Matters	77I(j) – any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area, but only if s77L is satisfied.	Appendix 2, 3 of the Section 32 report and Appendix D (Lifescapes Report) of this s42a reporty: <ul style="list-style-type: none"> • Identifies the areas that are subject to the qualifying matter • Describes why that qualifying matter is incompatible with the level of development permitted by the MDRS. • Appendix C of this report and the updated Residential Capacity Modelling Medium Density Residential Standards and Qualifying Matters report (Appendix C) assesses the impact of the alternative density standards on the provision of development capacity. • Assesses the costs and broader impacts of imposing those limits. • Provides a description of how the modifications to the MDRS are limited to only those modifications necessary to accommodate the qualifying matter. Identifies the special characteristics that make the level of development provided by the MDRS inappropriate in the area. • Justifies why that characteristic makes the level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD. • Includes a site-specific analysis that identifies the site to which the matter relates; evaluates the specific characteristic on a site specific basis to determine the geographic area where the intensification needs to be compatible with the specific manner. • Evaluates the appropriate range of options to achieve the greatest heights and densities permitted by the MDRS while managing the specific characteristics.
Qualifying matter test met	Yes	Yes

9.17.7. Based on this assessment, the Character Clusters have been correctly identified as new qualifying matters as an ‘other matter’ (s77I(j)) and have been evaluated in accordance with s77J and s77L. I consider the evaluation in more detail below.

9.17.8. The District Plan rules associated with character clusters and the new rules introduced as part of PC26 are outlined in the following table. Amendments to the character cluster statements, located in Appendix DG1 of the Plan, and the extent of the character clusters as depicted in

planning maps 59 and 60 (as notified) are recommended in the Lifescapes review of the character clusters.

	Existing Plan rules	New Plan rules
Character Clusters Qualifying Matters	<ul style="list-style-type: none"> • Rule 2.4.13(d) Construction of new buildings, relocated buildings and alterations or additions to existing buildings within character clusters (restricted discretionary activity) • Appendix DG1 Character Cluster Statements. 	<ul style="list-style-type: none"> • Rule 2A.4.1.3(d) Construction of new buildings, relocated buildings and demolition or removal or alterations or additions to existing buildings (restricted discretionary activity). • Appendix DG1 Character Cluster Statements (amended) • New planning maps 58 ‘Character Clusters - Cambridge’ 59 ‘Character Clusters – Te Awamutu’ and 60 ‘Character Clusters – Kihikihi

- 9.17.9. The Section 32 Evaluation identified the initial reasoning for identifying character clusters in the places they are located was because often listed heritage items are located within areas that contain other buildings that form part of the context for the listed building, and also contribute to character and amenity in their own right. As part of the background research to the District Plan it was considered that an integrated management approach was required. Character clusters are a new approach proposed to address the special values associated with clusters of character buildings. Character clusters were identified in the Residential Zone and are applied to a set of similar looking heritage buildings. In many instances, the cluster contained a listed building. Following the receipt of submissions a comprehensive site specific review has been carried out by Lifescapes however and this has applied a revised methodology to the identification of character clusters (s77J(3)(a)(i)).
- 9.17.10. The Lifescapes report has identified that the areas identified as character clusters have site-specific characteristics that make intensification to the level enabled by the MDRS inappropriate. The report concludes that intensification to the level enabled by the MDRS in a piecemeal way would degrade this collective character such that values of place-specific distinctiveness and history are lost. Furthermore, character clusters also contain listed heritage items, enabling the historical context of these places to be appreciated and maintained (s77J(3)(a)(ii)).
- 9.17.11. The impact that limiting development capacity and density would have on the provision of development capacity within the identified character clusters is evaluated to be relatively minor on the densities desired to be achieved under the MDRS as it only applies to a limited number of discrete areas that have been reduced in size from what was in the District Plan. As outlined in both the Infrastructure Constraint Overlay and Stormwater Constraint Overlay assessments under s77J, economic modelling by Market Economics has also considered a range of development scenarios with and with qualifying matter. This modelling has found Scenario 2, that includes qualifying matters, provides feasible development capacity that exceeds demand in the short, medium and long term (77J(3)(b)).
- 9.17.12. The costs and broader impacts of imposing those limits have been outlined in the economic modelling by Market Economics who have noted that the limits imposed by the qualifying matters may impact the provision of more intensive types of housing (e.g., terraced housing) especially in the long term when higher intensity terraced housing is likely to play a greater

relative role in intensification within more central urban areas. The economic modelling indicated that the qualifying matter has a very limited effect on both the plan enabled and commercially feasible capacity, with a reduction of around 1% and a large amount of capacity available relative to demand. The Lifescapes report has also found that PC26 provides for intensification through change, while retaining residential character qualities. Based on this analysis, I consider that the rule is necessary to accommodate the qualifying matter (s77J(3)(c)).

- 9.17.13. As outlined in the above table for sites identified in a character cluster on the Planning Maps the existing rule from the Residential Zone has been carried into the MDRZ (Rule 2A.4.1.3(d)). This requires restricted discretionary consent for construction of new buildings, relocated buildings and demolition or removal or alterations or additions to existing buildings. The character cluster qualifying matters are limited to only those modifications necessary to accommodate the qualifying matter, applying to select areas throughout the MDRZ as amended by PC26 on the Planning Maps (s77J(4)(b)).
- 9.17.14. The special characteristics identified in the Lifescapes report that make the level of development inappropriate in the character cluster areas are identified in their report and summarised as follows:
- Clusters are areas that have coherent physical and visual qualities that together represent historical themes of their town’s development.
 - They contain a coherent concentration of natural and constructed features and characteristics that collectively establish the identity of an area and contribute to a distinctive “sense of place” when experienced from the public realm.
 - These contributory features and characteristics include those in both public and private domains, and typically comprise a combination of streetscape forms (shaped by the period of development, topography, street pattern, lot layout and density, footpath characteristics and green structure including parkland and trees) and site-specific forms (characterised by dwelling age, architectural style and materials, height and shape, siting and boundary setbacks, site coverage and street frontage treatments including gardens, trees and boundary edges). (s77L(a)).
- 9.17.15. The characteristics makes the level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD. As outlined above economic modelling has found that feasible development capacity is still provided above levels of demand when qualifying matters are applied to the MDRS in PC26 (s77L(b)).
- 9.17.16. In accordance with the s77L(c), the Lifescapes report methodology and assessment reconsiders character clusters from that notified in PC26 based on historical analysis and site-specific survey fieldwork, makes recommendations regarding their extents and boundaries on a site-specific basis and evaluates a range of alternatives for character clusters as a qualifying matter. This evaluation supports the retention of the character clusters with a number of changes to the extent and boundaries.
- 9.17.17. It is therefore assessed for the above reasons that the character clusters (with amendments as recommended) meet the criteria for qualifying matters under s77J and s77L.

Character Streets

Evaluation against s77I, s77J and ss77L

9.17.18. The Plan contains provisions relating to urban street character. Ten streets are identified in the planning maps as ‘character streets’. PC26 did not amend the identification and provisions relating to character streets. The character streets are all located in the MDRZ.

9.17.19. The existing provision that was carried into PC26 on character streets is a 6-metre building setback along character street road boundaries (Rule 2.4.2.2(d) and 2A.4.2.6(b)).

9.17.20. The Lifescapes evidence has found that:

“character streets display historically-derived physical and visual characteristics that collectively illustrate part of a town’s story and identity, including long vistas, mature tree avenues, and a regular rhythm of housing setback allowing for landscaped gardens in front yards. These collective character qualities are easily compromised by incremental change, particularly at front boundaries and to the scale enabled by the MDRS”.

9.17.21. Lifescapes have undertaken an extensive review of the approach to character streets in PC26 and have considered a range of alternative options. This review has concluded that the character street approach is, in principle, an appropriate qualifying matter to the MDRS (s77I(j)). However, the study that the character streets were not adequately supported by site-specific analysis required to meet the s77L qualifying matter test.

9.17.22. The Lifescapes Report (refer to Appendix D) therefore establishes a clear methodology and assessment criteria for character streets and recommends a reduction to their extent based on historical analysis and site-specific survey fieldwork. It also recommends that affected sites are clearly identified on the planning maps.

9.17.23. The following table summarises the qualifying matter evaluation for character streets as a qualifying matter in PC26.

New Qualifying Matters	S77I - Relevant Considerations	S77J and s77L– Relevant Considerations
<p>Character Streets Qualifying Matters</p>	<p>77I(j) – any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area, but only if s77L is satisfied.</p>	<p>Appendix 2 of the Section 32 report and Appendix D (Lifescapes Report) of this s42a report identify:</p> <ul style="list-style-type: none"> • Identifies the areas that are subject to the qualifying matter • Describes why that qualifying matter is incompatible with the level of development permitted by the MDRS. • Appendix C of this report and the updated Residential Capacity Modelling Medium Density Residential Standards and Qualifying Matters report (Appendix C) assesses the impact of the alternative density standards on the provision of development capacity. • Assesses the costs and broader impacts of imposing those limits. • Provides a description of how the modifications to the MDRS are limited to only those modifications necessary to accommodate the qualifying matter. Identifies the special characteristics that make the level of development provided by the MDRS inappropriate in the area.

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New Qualifying Matters	S77I - Relevant Considerations	S77J and s77L– Relevant Considerations
		<ul style="list-style-type: none"> Justifies why that characteristic makes the level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD. Includes a site-specific analysis that identifies the site to which the matter relates; evaluates the specific characteristic on a site specific basis to determine the geographic area where the intensification needs to be compatible with the specific manner. Evaluates the appropriate range of options to achieve the greatest heights and densities permitted by the MDRS while managing the specific characteristics.
Qualifying matter test met	Yes	Yes

9.17.24. Based on this assessment, the Character Streets have been correctly identified as new qualifying matters as an ‘other matter’ (s77I(j)) and have been evaluated in accordance with s77J and s77L. I consider the evaluation in more detail below.

9.17.25. The District Plan rules associated with character streets and the new rules introduced as part of PC26 are outlined in the following table. Amendments to the number of character streets as depicted in planning maps 59 and 60 (as notified) are recommended in the Lifescapes review of the character streets.

	Existing Plan rules	New Plan rules
Character Streets	Section 2 – Residential Zone Rule 2.4.2.2(d) Minimum building setback of 6m from road boundaries of character streets.	Section 2A – MDRZ Rule 2A.4.2.6 (b) Minimum building setback of 6m on road boundaries of character streets.

9.17.26. The Lifescapes report identifies why character streets were first introduced into the District Plan. It explains that Council undertook a review of residential streets as part of its preparatory work for the District Plan in 2012. That analysis captured data regarding each street’s average setback, berm width, footpath location and setback to carriageway. Comment was made regarding consistency of streetscape character and street elements including street trees. It is understood that the review formed the basis of the resultant inclusion of particular streets as “character streets” in the District Plan. Lifescapes site specific assessment of Character Streets has recommend an overall reduction of Character Street coverage as follows in Cambridge retain Hall Street, Hamilton Road and Victoria Street and delete Princes Street, Thornton Road and Bryce Street; in Leamington delete coverage of Moore Street and Burns Street; and in Te Awamutu retain College Street and delete Turere Lane (s77J(3)(a)(i)).

9.17.27. The Lifescapes report has identified that the areas identified as character streets have site-specific characteristics that make intensification to the level enabled by the MDRS inappropriate. The report records that the character streets historically derived character has been affirmed in successive planning documents and reports on the particular identity and sense of place of Waipā towns, particularly Cambridge. These collective character qualities are easily compromised by

incremental change, particularly at front boundaries and to the scale enabled by the MDRS (s77J(3)(a)(ii)).

- 9.17.28. The impact that the 6m setback would have on the provision of development capacity for character streets is evaluated to be relatively minor on the densities desired to be achieved under the MDRS as it only applies to a limited amount of discrete properties that have been recommended to be reduced in total number by the Lifescapes report from what was in the Plan. The economic modelling indicated that the qualifying matter has a very limited effect on both the plan enabled and commercially feasible capacity, with a reduction of around 1% and a large amount of capacity available relative to demand. The modelling therefore finds that the application of the qualifying matter provides feasible development capacity that exceeds demand in the short, medium and long term (77J(3)(b)).
- 9.17.29. The Lifescapes report has also found that PC26 strikes an appropriate balance between allowing for change and retaining residential street character qualities. Based on this analysis, I consider that the rule is necessary to accommodate the qualifying matter (s77J(3)(c)).
- 9.17.30. As outlined in the above table for sites identified on a character street on the Planning Maps the existing rule from the Residential Zone has been carried into the MDRZ (Rule 2A.4.2.6(b)). This requires an increased 6m setback to the identified character street. The number of streets identified as character streets is proposed to be reduced following a site-specific assessment by Lifescapes. The character street qualifying matter is limited to only those modifications necessary to accommodate the qualifying matter, applying to select streets throughout the MDRZ as amended by PC26 on the Planning Maps (s77J(4)(b)).
- 9.17.31. The special characteristics identified in the Lifescapes report that make the level of development inappropriate on character streets are identified in their report and summarised as follows:
- The character streets relate to the early development of their towns and have longstanding historical and community significance.
 - They display historically-derived physical and visual characteristics that collectively illustrate part of the town’s story and identity, including long vistas that relate to the early town plan grid layout, mature tree avenues, and a regular rhythm of housing setback allowing for landscaped gardens in front yards.
 - Their historically-derived character has been affirmed in successive planning documents and reports on the particular identity and sense of place of Waipā towns, particularly Cambridge (s77L(a)).
- 9.17.32. The characteristics make the level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD. As outlined above economic modelling has found that feasible development capacity is still provided above levels of demand when qualifying matters are applied to the MDRS in PC26 (s77L(b)).
- 9.17.33. In accordance with the s77L(c), the Lifescapes report methodology and assessment reconsiders character streets from that notified in PC26 based on historical analysis and site-specific survey fieldwork, makes recommendations regarding their extent and coverage on a site-specific basis and evaluates a range of alternatives for character streets as a qualifying matter. This evaluation supports the retention of the character streets with a number of changes to the extent.

9.17.34. It is therefore assessed for the above reasons that the character streets (with amendments as recommended) meet the criteria for qualifying matters under s77J and s77L.

Submissions (Character Clusters and Streets)

9.17.35. 17 submissions and two further submissions⁷⁶ have been received on character clusters and character streets. The submissions raise a range of issues including:

- Clear protections should be put in place to prevent loss of character areas and properties.
- Specific requests to exclude places from character streets (e.g. Bryce Street; 682 Alexandra St, Te Awamutu; Te Awamutu College Street, Alexandra Street and Bridgeman Road Character Clusters; Cambridge Queen Street, Victoria Street, Princes Street (in specified locations) and Bowen Street (in specified location) Character Clusters).
- Specific amendments to the provisions (2A.1, 2A.2.9, 2A.4.1.1 and 2A.4.1.3, App DG1, Policy 2A.3.3.4, 2A.3.3.5, 2A.4.1, 2A.4.1.3, 2A.4.2.6, 21.1.2.5, 21.1.2A.5, 21.1.2A.6, 21.1.2A.7, 21.1.2A.8, 21.1.2A.9, 21.1.2A.28(a), 21.1.15(l)).
- Deletion of provisions 2A.1.22, 2A.1.23, 2A.3.4.2.
- Support for specific provisions
- Review the extent and provide further justification for the character cluster overlay qualifying matter.
- Amendments to setbacks for character streets.
- Delete the character cluster statement and overlays.
- Identification and scheduling of character trees.
- Delete the relocated buildings provisions

9.17.36. In summary Lifescapes provided the following general response to submissions received on character:

- Areas of historically derived character have site-specific values that make intensification to the level enabled by the MDRS inappropriate. The character clusters and character streets provide an important tool for managing development in these areas in ways that maintain identified values. As such, it is considered that wholesale deletion of these tools would be inappropriate that areas identified as character clusters have site-specific characteristics that make intensification to the level enabled by the MDRS inappropriate.
- It is agreed that further assessment of character clusters and streets is required to adequately address submitters' concerns and to satisfy the requirements of the RMA and section 77L. This will ensure that character matters are accurately and effectively accommodated as a qualifying matter.
- Various submitters proposed amendments to specific provisions related to heritage / character matters. Submitters' proposed amendments are generally supported, as they address gaps or areas of ambiguity in PC 26 provisions⁷⁷.

⁷⁶ Submitter 17 (Martin, Peter); Submitter 18 (Martin, Eunice), Submitter 25 Cowan, Francis James); Submitter 32 (Waipā District Council); Submitter 35 (Frost, Angel); Submitter 37 (Henwood, Margaret Jean); Submitter 41 (Heritage New Zealand Pouhere Taonga); Submitter 43 (Rushworth, Christina); Submitter 51 (MacGillivray, James Alexander and Jennifer Anne); Submitter 53 (Cogswell Survey Ltd); Submitter 57 (Overdevest, Paul & Belinda); Submitter 61 (Honiss, Kevin); Submitter 70 and Further Submitter 6 (Ryman Healthcare Ltd); Submitter 71 (Archer, Teri Ellen); Submitter 73 and Further Submitter 5 (Retirement Villages Association); Submitter 74 (Pratt-Tickelpenny, Nicola Fleur); Submitter 79 (Kāinga Ora)

⁷⁷ Waipā District Council Heritage / Character Report 2023, Lifescapes, Section 3 – Response to submissions.

- 9.17.37. In relation to setbacks to character streets Lifescapes have assessed that a 6m setback is appropriate to maintain the particular character qualities of identified character streets, however, they note that their fieldwork has resulted in a recommended reduction of character street coverage across Cambridge.
- 9.17.38. Recommended amendments to the mapping of Character Streets includes highlighting the properties impacted by the Character Streets, rather than just highlighting the street itself. This differs from how Character Streets were depicted in maps 58 and 59 as notified, however, is considered useful as there is sometimes a lack of clarity on whether properties are subject to the Character Streets. For example, if a site is a corner site, one street frontage is to a Character Street, and one is not, and their street address and street frontage is to the street that is not a Character Street. Mapping the impacted properties avoids any confusion.
- 9.17.39. Changes to signage rules are not supported as part of PC26 as PC26 has not proposed amendment to the signage rules throughout the Plan and amendments to part of the provisions would result in inconsistencies.

Recommendation

- 9.17.40. An 'other matter' that makes higher density inappropriate in an area, being the Character Clusters and Character Streets are recommended to be retained as a qualifying matters. Based on the above assessment, I consider that the proposed amendments to the MDRS are necessary to accommodate the qualifying matters.
- 9.17.41. The following amendments to the Character Clusters and Character Streets are recommended, as outlined in the Lifescapes Report and as depicted in updated **Maps 58A, 59A and 60A**:

- **Character Streets:**

- Cambridge

- Retain character street coverage of Hall Street (reduced section), Hamilton Road (unchanged), and Victoria Street (unchanged).
 - Delete character street coverage of Princes Street, Thornton Road, and Bryce Street.

- Leamington:

- Delete character street coverage of Moore Street and Burns Street.

- Te Awamutu:

- Retain character street coverage of College Street (unchanged).
 - Delete character street coverage of Turere Lane.

- **Character Clusters**

- The extent and boundaries of character clusters should be modified as shown in **maps 58A, 59A and 60A** resulting in eight contiguous areas defined as follows:

- Cambridge:

- Hall Street / Hamilton Road Character Cluster
 - Victoria Street Character Cluster

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- Thornton Road / Princes Street Character Cluster
- Grey Street Character Cluster
- Queen Street Character Cluster
- Grosvenor Street Character Cluster

Te Awamutu:

- Rewi Street Character Cluster
- Bank Street Character Cluster

9.17.42. The following specific amendments are recommended to the Heritage, Character Cluster and Character Street Provisions in response to submissions:

- Amend provision 2A.1.23 to reflect the changes to the planning maps as follows:

2A.1.23 In addition, streets that have high existing character because of the built form and/or because of the presence of existing mature street trees have been identified. These streets are subject to an existing policy overlay in the Planning Maps, and include [Princes Street, Thornton Road \(between Victoria Street and Albert Street/Robinson Street\), Hall Street, Bryce Street, Hamilton Road/Cambridge Road \(between the town belt and Victoria Street\), Burns Street and Moore Street in Cambridge; and College Street and Turere Lane in Te Awamutu in Cambridge – Hall Street / Hamilton Road, Victoria Street, Thornton Road / Princess Street, Grey Street, Queen Street and Grosvenor Street Character Cluster's; and in Te Awamutu – Rewi Street and Bank Street Character Cluster's](#). The Medium Density Residential Standard for front boundary setbacks has been varied along these streets in order to maintain this character. Character has been introduced as a new 'other' qualifying matter as provided for by the Act. (32.3)

- Amend Policy 2A.3.3.1(e) and add (g) as follows:

(e) Maintaining the mix of villas, ~~cottage and bungalows~~ and other early – mid-20th century type housing types within the identified character clusters; and (32.3)

(g) Maintaining existing setbacks along identified character streets to maintain the visual dominance of tree avenues. (32.3)

- Amend Policy 2A.3.3.3(d) and add (f) as follows:

(d) ~~Recognising~~ Maintaining the mix of villas, bungalows and ~~art deco~~ other early – mid-20th century housing types within identified character clusters in parts of Te Awamutu; (32.3)

(f) Maintaining existing setbacks along identified character streets to maintain the visual dominance of tree avenues. (32.3)

- Amend Policy 2A.3.3.4(b) and delete (c) as follows:

(b) For new buildings or relocated buildings maintaining a similar ~~scale, height, bulk, style,~~ form, building materials, ~~and colour layout and position~~ to other dwellings within the cluster. (32.3)

~~(c) For relocated buildings ensuring that any maintenance and/or reinstatement work is undertaken;~~ (32.3)

- Amend 2A.4.1.1(b) and (f) and add new permitted activity matter (q) and (r) as follows:

(b) Up to three dwellings per site outside of the Infrastructure Constraint Qualifying Matter Overlay and outside of identified character clusters. (32.3)

...

(f) Demolition and removal of buildings, except in ~~character clusters~~ and those listed in Appendix N1 - Heritage Items and those on sites identified in a character cluster. (32.3)

...

(q) Within character clusters, the construction of new buildings and alterations or additions to existing buildings, where the work undertaken is single storey and parallel to and facing the rear boundary of the site. (32.3)

- Amend 2A.4.1.3(d) as follows:

(d) Character clusters sites – Construction of new buildings, relocated buildings and demolition or removal or alterations or additions to existing buildings, ~~except where permitted by 2A.4.1.1(q) and (r).~~ (32.3)

Discretion will be restricted to the following matters:

- Building bulk and design, building materials, and layout to maintain similar style, form, building materials and colour to other dwellings within the cluster; and (32.3)
- Effects on the existing character identified in the cluster as set out in Appendix DG1;
- The extent to which the demolition or removal of the character building detracts from the integrity of the streetscape;
- The visibility of the new building and/or alterations or additions from public places; and
- Solar access; and
- Where provided, the effects on parking and vehicle manoeuvring; and (30.21)
- 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.~~ (32.3)

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

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- Amendments to the Residential Zone Assessment Criteria 21.1.2.5 as follows:
 - 21.1.2.5 Character clusters - Construction of new buildings, relocated buildings, and demolition or removal of or alterations or additions to existing buildings, ~~except where parallel to the rear boundary of the site~~
 - (aa) The extent to which new buildings and relocated buildings are avoided between an existing dwelling and the front boundary of a site.
 - (a) The extent to which the scale, height, bulk, design form, building materials, ~~and~~ layout and position of any buildings or additions is similar to the existing character of the cluster.
 - (b) The extent to which the new building, additions or alterations to an existing building or demolition or removal of a building contributes or detracts from the Character Cluster Statements in Appendix DG1.
 - (bc) The extent to which solar access is optimised in the development.
 - (ed) The ability to provide parking (excluding consideration of the number of parking spaces for cars) and manoeuvring space for vehicles to avoid traffic conflict and maintain public safety.
 - (de) The extent to which the location, size, type and content of any signs affect the locality, taking into account visual clutter and effects on the character of the area.
 - (ef) The extent to which existing vegetation is retained and landscaping adds to the amenity of the development.
 - (fg) The extent to which the new building, and or addition or alteration is visible from public places.
 - Additional assessment criteria for relocated buildings:
 - ~~(gh) — The overall condition of the exterior of the building, and the extent to which proposed works will avoid, remedy or mitigate any effects.~~
 - ~~(hi) — The extent to which the repairs and works identified for action in Council approved or certified Building Relocation Inspection Report will be carried out.~~
 - ~~(ij) — 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.~~
 - ~~(jk) — The timeliness of the works taking into account the extent and nature of the proposed works. (32.3)~~
- Amendments to the MDRZ Assessment Criteria 21.1.2A.4 as follows:
 - (aa) The extent to which new buildings and relocated buildings are avoided between an existing dwelling and the front boundary of a site. (32.3)

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- (a) The extent to which the scale, height, ~~bulk form~~, design, building materials, ~~and~~ layout and position of any buildings or additions is similar to the existing character of the cluster.

...

Additional assessment criteria for relocated buildings:

- ~~(i) The overall condition of the exterior of the building, and the extent to which proposed works will avoid, remedy or mitigate any effects.~~
- ~~(j) The extent to which the repairs and works identified for action in Council approved or certified Building Relocation Inspection Report will be carried out.~~
- ~~(k) 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.~~
- ~~(l) The timeliness of the works taking into account the extent and nature of the proposed works. (32.3)~~

- Amend Assessment Criteria 21.1.2A.5 to add
 - (u) The extent to which development is compatible and does not detract from the values of adjacent historic heritage or character cluster sites. (32.3)
- Amend building height assessment criteria 21.1.2A.6 (c) and (d) as follows:
 - (c) Whether consistency has been achieved with respect of the appearance and design of the development with the character and values of the area, including existing buildings on site and adjoining sites. (32.3)
 - (d) the degree to which shading, loss of daylight, amenity values and privacy affect the adjoining properties, including any historic heritage or parts of a character clusters on adjoining properties. (32.3)
- Amend Assessment Criteria 21.1.2A.7(a) as follows:
 - (a) the degree to which shading, loss of daylight, amenity values and privacy affect the adjoining properties, including any historic heritage or character clusters on adjoining sites. (32.3)
- Add new assessment criterion in 21.2.2A.8 as follows:
 - (k) The extent to which development is compatible and does not detract from the values of adjacent historic heritage or character clusters sites. (32.3)
- Amend Assessment Criteria 21.1.2A.9(e) as follows:
 - (e) The extent to which increased site coverage would adversely affect adjoining properties, including historic heritage and character cluster sites, in terms of dominance of building, loss of privacy, access to sunlight and daylight. (32.3)
- Amend Assessment Criteria 21.1.15.6(l) as follows:
 - (l) The extent to which the subdivision may affect the surroundings, or values of a listed heritage item. (32.3)
- Amend Assessment Criteria 21.1.2A.28(a) as follows:
 - (a) The extent to which the historic heritage character is values are maintained and enhanced. (32.3)

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- Amend Appendix DG1.1.1 as follows:

The statements included below explain the [historical values and visual and physical characteristics specific elements of character](#) that are to be maintained in each character cluster. These character clusters are essential to maintain [local identities and a distinctive “sense of place” that contribute to the unique charm and atmosphere that make up](#) the amenity values located in the Waipā District. This information ... (32.3)

- Replace all character cluster statements text (Appendix DG1.1.2 forward) as outlined in section 7.4 of the Lifescapes Report (this is outlined in the tracked changes version of PC26 refer to [Appendix D](#)).

Arterial Roads

9.17.43. A setback to arterial roads has been introduced as part of PC26 to protect existing street trees. The setback carries over the existing road setback that applied in the Residential Zone of the Plan of 4 metres, but limits its application to arterial roads (rather than all roads).

9.17.44. The following table summarises the qualifying matter evaluation undertaken for the arterial road qualifying matter in PC26.

New Qualifying Matters	S77I - Relevant Considerations	S77J and s77L– Relevant Considerations
Arterial Roads	77I(j) – any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area, but only if s77L is satisfied.	Appendix 2 of the Section 32 report identifies the relevant considerations.

9.17.45. The District Plan rules associated with arterial roads and the new rules introduced as part of PC26 are outlined in the following table.

	Existing Plan rules	New Plan rules
Arterial Roads	Section 2 – Residential Zone <ul style="list-style-type: none">Rule 2.4.2.1 Minimum building setback of 4m from road boundaries.	Section 2A – MDRZ <ul style="list-style-type: none">Rule 2A.4.2.6(e) Minimum building setback of 4m from arterial road boundaries.

Submissions

9.17.46. Kainga Ora has made a submission that the 4m setback imposed on arterial roads is overly restrictive and has requested it be deleted.

9.17.47. In response to this submission XYST have concluded that setbacks along roads are in part necessary to protect existing street trees and to enable new large specimen street trees to grow

to maturity. This is essential to creating a public sphere that contributes to a well-functioning urban environment envisaged in NPS-UD. They go on to note that the setback supports the ability for the existing 6,000 street trees and new street trees to grow to maturity and not be negatively impacted by adjoining residential development. As confirmed with Council’s arborist, any reduction in the 4m setback to arterial roads would likely have a significantly detrimental effect on the street tree network.

Recommendation

9.17.48. An ‘other matter’ that makes higher density inappropriate in an area, being the arterial roads are recommended to be retained as a qualifying matter. The proposed amendments to the MDRS are necessary to accommodate the qualifying matter.

Section 23 – Protected trees

Evaluation Against s77I, s77J and ss77L

9.17.49. Protected trees are identified on the Planning Maps. The protected tree provisions were reviewed by Plan Change 2. Plan Change 2 undertook site specific assessment of trees and considered a range of alternative options for protection. The Plan Change was adopted by Council on 4 August 2020. The location and description of each protected tree is outlined in Appendix N4 – Protected Trees. Each tree is given a STEM score based on its evaluation of its condition, amenity and notable. Trees must have a minimum score of 110 STEM points to be classed as protected in the District Plan.

9.17.50. The following table summarises the qualifying matter evaluation undertaken for the protected trees qualifying matter in PC26.

New Qualifying Matters	S77I - Relevant Considerations	S77J and s77L– Relevant Considerations
Protected Trees	77I(j) – any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area, but only if s77L is satisfied.	Appendix 2 of the Section 32 report (page 20) identifies the relevant considerations.

9.17.51. The District Plan rules associated with protected trees which are retained in PC26 are outlined in the following table.

	Existing Plan rules	New Plan rules
Protected Trees	<p>Section 23 – Protected Trees</p> <ul style="list-style-type: none"> Rule 23.4.1.4 Building works within the root protection zone of a protected tree or removal of a protected tree (restricted discretionary activity). <p>Section 21 – Assessment Criteria and Information Requirements</p> <ul style="list-style-type: none"> Rule 21.1.23 Assessment criteria for restricted discretionary activity 	<p>Section 23 – Protected Trees</p> <ul style="list-style-type: none"> Rule 23.4.1.4 Building works within the root protection zone of a protected tree or removal of a protected tree (restricted discretionary activity). <p>Section 21 – Assessment Criteria and Information Requirements</p> <ul style="list-style-type: none"> Rule 21.1.23 Assessment criteria for restricted discretionary activity

Submissions

- 9.17.52. Submissions from the Retirement Villages Association and Ryman Healthcare Ltd consider inadequate justification has been provided in relation to protected trees as a qualifying matter. They request the provisions be reviewed and amended to reflect a narrower scope.
- 9.17.53. The process for identifying protected trees is established in the Plan and has been unchanged by PC26. The protected tree rules will impact on the development potential of sites nearby a protected tree, however this impact is considered minor in relation to the overall development capacity provided by PC26.

Recommendation

- 9.17.54. An ‘other matter’ that makes higher density inappropriate in an area, being the protected trees are recommended to be retained as a qualifying matter. The proposed amendments to the MDRS are necessary to accommodate the qualifying matter.

Specific Rules Relating to Structure Plan Areas

Evaluation against s77I, s77J and ss77L

- 9.17.55. The following table summarises the qualifying matter evaluation undertaken for the specific rules relating to structure plan area qualifying matter in PC26.

New Qualifying Matters	S77I - Relevant Considerations	S77J and s77L– Relevant Considerations
Specific rules relating to structure plan areas	77I(j) – any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area, but only if s77L is satisfied.	Appendix 2 of the Section 32 report identifies the relevant considerations.

- 9.17.56. The District Plan contains existing impermeable surfaces rules relating to the Cambridge North Structure Plan Area and the St Kilda Structure Plan Area. Some of the rules specific to St Kilda Structure Plan were omitted in error from PC26. The District Plan rules associated with specific rules relating to structure plan areas and the new rules introduced as part of PC26 are outlined in the following table.

	Existing Plan rules	New Plan rules
Specific rules relating to structure plan areas	Section 2 – Residential Zone <ul style="list-style-type: none"> • Rule 2.4.2.13 Rule – impermeable surfaces • Rules 2.4.2.14 and 15 Rules – Maximum site coverage and permeable surfaces: St Kilda Structure Plan Area • Rules 2.4.2.16 and 17 – Cambridge North and C1 and C2 Structure Plan Area: on-site soakage 	Section 2A - MDRZ <ul style="list-style-type: none"> • Rule 2A.4.2.9 Rule – impermeable surfaces (part of rule omitted in error) • Omitted in error (Maximum site coverage and permeable surfaces: St Kilda Structure Plan Area) • Rules 2A.4.2.28 and 29 Rules – Cambridge North and C1 and C2 Structure Plan Areas: on-site soakage (unchanged)

Submissions

- 9.17.57. Two submissions⁷⁸ have been received regarding the existing impermeable surfaces rules carried over into PC26.
- 9.17.58. These submissions have noted that Impermeable surface provisions in the St Kilda structure plan area were not carried over from the Residential Zone.
- 9.17.59. The St Kilda Structure Plan Area impermeable surface provisions were not carried into the MDRZ in error. This is demonstrated in the existing rule table above. These are supported to be added to the plan change provisions as per the original provisions from the Residential Zone.

Recommendation

- 9.17.60. An ‘other matter’ that makes higher density inappropriate in an area, being specific provisions relating to structure plans are recommended to be retained as a qualifying matter. The proposed amendments to the MDRS are necessary to accommodate the qualifying matter.
- 9.17.61. The following specific amendment in relation to submissions:
- Reinstate Rule 2A.4.1.4(a)(iv) and Rule 2.4.12.14 and 2.4.12.15 as Rules 2A.4.2.10 and 2A.4.2.11 (and consequential renumbering) as follows:

[2A.4.1.4 Discretionary activities](#)

[\(a\)\(xiv\) Rules 2A.4.2.10 and 2A.4.2.11 - Maximum site coverage and impermeable surfaces St Kilda Structure Plan Area \(32.12, 65.9\)](#)

[Rules – Maximum site coverage and permeable surfaces: St Kilda Structure Plan Area](#)

[2A.4.2.10 Site coverage and impermeable surfaces of residential lots shall not exceed 700m².](#)

[2A.4.2.11 The balance of the net area of each lot, once site coverage and 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.](#)

[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. \(32.12, 65.9\)](#)

Structure Plans

Evaluation Against s77I, s77J and ss77L

- 9.17.62. The following table summarises the qualifying matter evaluation undertaken in the following section and the rules associated with the structure plans introduced by PC26.

New Qualifying Matters	S77I - Relevant Considerations	S77J and s77L– Relevant Considerations
Structure Plans	77I(j) – any other matter that makes higher density, as provided for by the MDRS or policy 3,	Appendix 3 of the Section 32 report (page 22) identifies the relevant considerations.

⁷⁸ Submitter 32 (Waaipa District Council); Submitter 65 (CKL NZ Ltd)

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New Qualifying Matters	S77I - Relevant Considerations	S77J and s77L– Relevant Considerations
	inappropriate in an area, but only if s77L is satisfied.	

9.17.63. The District Plan rules associated with structure plan and the new rules introduced as part of PC26 are outlined in the following table.

	Existing Plan rules	New Plan rules
Structure Plans	Appendices – Growth Management Plans and Concept Plans: S01, S03, S04, S11, S17, S19, S22, S23, S25 and S26	Appendices – Growth Management Plans and Concept Plans: S01, S03, S04, S11, S17, S19, S22, S23, S25 and S26 (unchanged)

9.17.64. I note that Plan Change 13 rezoned the pre-2035 growth cells identified in the Plan from a deferred residential zone to a live residential zoning (Plan Change 13 became operative on 28 July 2022). PC26 applies to the live zoned Structure Plan Areas. Site specific assessments were undertaken as part of the development of each structure plan area and dwelling capacities have been determined in this process. On this basis, the proposed amendments to the MDRS are necessary in order to manage the capacity that has been planned for / is available and to account for site specific constraints.

Submissions

9.17.65. Ryman and Retirement Villages Association (Submitters 70 and 73) have requested that the use of structure plans having to be carried out in accordance with the requirements of the structure plans be reconsidered.

9.17.66. In relation to structure plan requirements, it is considered that structure planning remains a valid approach for carrying out Council’s functions under Sections 30 and 31 of the RMA. As the structure plan requirements that are incorporated into the district plan have legal status and have undergone a statutory process, careful consideration needs to be given to changing these requirements. Council does not see any valid reason to override the provisions that have been established for structure plans in the district plan and anticipates structure plans will remain a pathway to provide future development opportunities in the district.

Recommendation

9.17.67. The proposed amendments to the MDRS are necessary to accommodate the qualifying matter. An ‘other matter’ that makes higher density inappropriate in an area, being structure plans are recommended to be retained as a qualifying matter.

Requests For Additional Qualifying Matters - Fonterra Reverse Sensitivity Qualifying Matter

Submission

9.17.68. Fonterra (submitter 56) has requested that an additional qualifying matter be added for land surrounding the Hautapu Dairy Factory and the Te Awamutu Dairy Factory to address reverse sensitivity. I note that the Te Awamutu factory is the only relevant site here as it abuts a relevant residential zone, whereas Hautapu is surround by the Rural zone. In relation to the request, I

note that the factories have not been classed as nationally significant infrastructure under the WRPS or District Plan so do not meet the requirements for nationally significant infrastructure under s77I(e). I note that it is identified as a regionally significant industry on relevant statutory documents however (e.g., WRPS).

9.17.69. Fonterra have also requested the addition of reverse sensitivity as a matter of discretion for applications for dwellings exceeding the permitted density (e.g., four or more dwellings) at rule 2A.4.1.3(c).

Assessment

9.17.70. In terms of s77I(j) and whether the proposed qualifying matter meets the 'other matter' test, consideration of the requirements of s77J and s77L is relevant.

9.17.71. Turning to s77L, Fonterra have focussed on the types of effects that cause reverse sensitivity issues for its operations. Fonterra have identified in their submission and evidence the on-site factory operational characteristics which it considers apply in this case (I understand these to include relevant general effects associated with noise and traffic). Fonterra have broadly identified a proposed extent for the proposed qualifying matter which would apply to residentially zoned land within an established noise control boundary or similar setback boundary (again, this is only relevant in the Te Awamutu context due to there being a relevant residential zone in play). Fonterra seeks that the reverse sensitivity qualifying matter would have the effect of reducing intensification from the current proposal of three dwellings per property to two dwellings per property and has suggested a number of criteria which should be applied. At this point I would note that PC26, through its application of the Infrastructure Constraints overlay (a matter to give effect to Te Ture Whaimana), proposes to limit development under the MDRS to the extent sought by Fonterra, although the criteria are focussed on infrastructure.

9.17.72. Based on the above summary, I consider that reverse sensitivity is likely to be an appropriate qualifying matter in this instance. It follows that modification of the MDRS may be appropriate in order to manage potential future reverse sensitivity effects associated with existing industrial activities such as the Te Awamutu diary factory which abuts an adjacent relevant residential zone that could feasibly be the subject of future redevelopment.

9.17.73. Despite the above, I consider there is insufficient information however to recommend that a reverse sensitivity qualifying matter is applied (i.e., Fonterra have not provided an assessment under s77L). In particular, the specific characteristics (and associated evidence) have not been adequately demonstrated that would make the level of development provided by the MDRS inappropriate and has not clearly determined the geographic area to which it applies, other than to note that it should follow the established noise control boundary. Finally, a range of options will need to be considered. It is noted that an existing tool exists (in the form of the established noise control boundary retained in rule 2A.4.2.42) which places requirements on new noise sensitive activities within it, in terms of acoustic treatment requirements for instance.

9.17.74. In relation to the second matter raised, the inclusion of criterion that reflect the reverse sensitivity is not supported as the focus of this criterion is around the design of any non-permitted development and there are matters identified which should be taken into account in the design that would assist with any potential reverse sensitivity matters. Applying such a criterion here would have implications also beyond the specific use to which the submission relates.

Recommendation

9.17.75. No changes to PC26 are recommended at this stage. Fonterra are invited to provide a s77L assessment to support accommodating the requested qualifying matter.

9.18. TOPIC 4 SPECIFIC CHANGES

9.19. TOPIC 4.1 STRATEGIC POLICY FRAMEWORK

Submissions

9.19.1. Eight submissions⁷⁹ comprising of twenty-eight submission points have been received regarding changes to Section 1 – Strategic Policy Framework in PC26.

9.19.2. The submission points can be generally summarised as follows:

- Support for provisions as notified.⁸⁰
- Request to add a Policy on reverse sensitivity effects.⁸¹
- Amend/replace:
 - Updates to reference Change 1 to the Waikato Regional Policy Statement.⁸²
 - To reflect the need for planning decisions to contribute to well-functioning urban environments.⁸³
 - To incorporate reference to a new/proposed High-Density Residential Zone.⁸⁴
 - Amendments to better address the needs of an ageing population.⁸⁵
 - Addition to the Policy on out of sequence and out of zone plan changes on reverse sensitivity effects on dairy factories.⁸⁶
 - Amendments to reflect the changing nature of the amenity of the area.⁸⁷
 - Other specific minor amendments.
- Request to delete the policy on out of sequence and out of zone plan changes.

Assessment

9.19.3. Council is generally supportive of submission points that seek to clarify provisions by being more specific.

9.19.4. As outlined in the assessment of Policy 3(d) in this report in Topic 1 (specifically Topic 1.2), to a High-Density Residential Zone is not recommended for inclusion within PC26.

⁷⁹ Submitter 30 (Waikato Regional Council); Submitter 47 (Fire and Emergency New Zealand); Submitter 49 (Waikato Tainui); Submitter 56 (Fonterra Ltd); Submitter 70 (Ryman Healthcare Ltd); Submitter 72 (Metlifecare Ltd); Submitter 73 (Retirement Villages Association of NZ Incorp); Submitter 79 (Kāinga Ora)

⁸⁰ Submitter 47 (Fire and Emergency New Zealand); Submitter 70 (Ryman Healthcare Ltd); Submitter 72 (Metlifecare Ltd); Submitter 73 (Retirement Villages Association of NZ Incorp); Submitter 79 (Kāinga Ora)

⁸¹ Submitter 56 (Fonterra Ltd)

⁸² Submitter 30 (Waikato Regional Council)

⁸³ Submitter 70 (Ryman Healthcare Ltd); Submitter 73 (Retirement Villages Association of NZ Incorp)

⁸⁴ Submitter 79 (Kāinga Ora)

⁸⁵ Submitter 70 (Ryman Healthcare Ltd); Submitter 73 (Retirement Villages Association of NZ Incorp)

⁸⁶ Submitter 56 (Fonterra Ltd)

⁸⁷ Submitter 73 (Retirement Villages Association of NZ Incorp)

- 9.19.5. Amendments that seek to better enable retirement villages are considered in Topic 4.4 (below).
- 9.19.6. The out of sequence and out of zone plan changes Policy is a general policy required by the NPS-UD and which I note has found general support. Fonterra (submitter 56) who support its inclusion (in part), has requested that reverse sensitivity is a matter referenced in the policy. I consider the policy, as written, is designed to signal the opportunity to consider out of sequence plan changes which would strongly support the objective of urban development and the associated outcomes that would contribute to the direction (infrastructure and public transport provision, increased development capacity) as opposed to signalling key matters of assessment. I consider reverse sensitivity matters would be more appropriately considered as part of the plan change process itself where the scenario arose.

Recommendation

- Amend 1.1.29 as follows:
 - 1.1.29 ...for inclusion in the [Waikato Regional Policy Statement plan change being prepared by the Waikato Regional Council Waikato Regional Policy Statement Proposed Change 1](#) which will include future land use and settlement patterns. (30.34)
- Amend 1.1.33(e) as follows:
 - 1.1.33 The iwi management plans for the Waipā District are:
...
(e) Tai Tiumu, Tai Pari, Taiāo Ao... (49.3)
- Amend Policy 1.3.1.2(c) as follows:
 - 1.3.1.2(c) ...current urban limits as well as within the Residential Zone and [Medium Density Residential Zone](#). (70.21 and 73.21)
- Amend 1.3.5-21.2 as follows:
 - 1.3.1.2 To maintain and, [where appropriate](#), enhance public views and public access by development actively facing and providing access to the Waikato and Waipā Rivers. (79.67)

9.20. [TOPIC 4.2 CLIMATE CHANGE](#)

Submission

- 9.20.1. The Waikato Regional Council (submitter 30) has made a number of submission points relating to climate change. The initial submission seeks general and specific changes to PC26 relating to giving effect to national and regional climate change policy by retaining, adding or amending objectives, policies, rules and standards in PC26. Four further submission points were received on the initial climate change points raised by the Waikato Regional Council. The primary and further submission points are listed in **Appendix B**.

Assessment

- 9.20.2. The requests from Waikato Regional Council align with national and regional documents that require consideration of climate change in formulating plan changes. The requests are therefore recommended to be adopted.

- 9.20.3. In relation to the request to add an objective and policy to ensure infrastructure is to be designed and constructed to be resilient to the likely current and future impacts of climate change, this is already embedded in Council design and development standards and is normal best practice.
- 9.20.4. It is noted that many of the climate change responses came into effect following the notification of PC26 such as the National Adaptation Plan 2022 and Change 1 to the Waikato Regional Policy Statement. This is the reason these matters have not been addressed in a more comprehensive manner in PC26. A more robust response to climate change may therefore be undertaken for the entire District Plan at a later date, once Change 1 is operative.

Recommendation

- 9.20.5. Amend PC26 as follows:

- Amend Policy 2A.3.7.1(c) as follows:

2A.3.7.1 To ensure that compact housing, retirement village accommodation and associated care facilities, rest homes and visitor accommodation are comprehensively designed by:

(c) Maximising Considering the potential for passive solar gain; and (30.10)

- Amend Section 1.1.25 as follows:

1.1.25 The strategic objectives are supported by underlying objectives and regional direction from the Waikato RPS that inform decision-making in all areas. These are **climate change and environmental sustainability** – ensuring that transport plays its role in delivering an energy efficient, resilient, and low carbon sustainable future; and integrated land use and transport planning – ensuring that collaborative spatial-based approaches to decision-making continue to drive the best outcomes for Waikato’s communities; and low carbon transport system – investment decisions to transform to a low carbon transport system that support urban form that facilitates the transition. (30.15, FS8)

9.21. TOPIC 4.3 PAPAĀINGA AND MARAE

- 9.21.1. The inclusion of papakāinga is a discretionary consideration of the IPI. As Mr Quickfall outlined in his evidence (at paragraph 41), Council considered that it was not appropriate to include papakāinga within PC26 on a range of grounds. I understand that papakāinga is being actively progressed as a separate future plan change (PC23).

Submissions

- 9.21.2. Two submissions⁸⁸ have been received regarding papakāinga and marae provisions in PC26 from Heritage New Zealand Pouhere Taonga (Heritage NZ) and Kāinga Ora.
- 9.21.3. Heritage NZ’s submission is in support for the assessment criteria (a) for the activity 21.1.2A.30 as notified.

⁸⁸ Submitter 41 (Heritage New Zealand Pouhere Taonga); Submitter 79 (Kāinga Ora)

9.21.4. Thirteen submission points received from Kāinga Ora can be generally summarised as follows:

- Amend the 2.4.1.1 and 2A.4.1 Activity Status Tables for both papakāinga housing and adjoining marae to be more enabling for development.
- Amend wording to statement 2A.2.15 to acknowledge the need for changing housing options to meet changing demands and encourage papakāinga housing and marae development.
- Support for Policies 2A.3.4.20 and 2A.3.6.2 as notified.

Assessment

9.21.5. Council has considered this request and is supportive of provisions that will enable and encourage papakāinga housing and adjoining marae developments in the Waipā District. However, as outlined above Council is preparing a separate plan change that will address papakāinga and marae provisions throughout the Plan. The change (PC23) will propose to better enable papakāinga within specific Māori Purpose zoning (or similar) and has no bearing on the MDRS provisions (applying to “relevant residential zones”). No changes to the papakāinga and marae provisions are therefore recommended as part of PC26.

Recommendation

9.21.6. No changes to PC26 on papakāinga and marae provisions are recommended.

9.22. TOPIC 4.4 RETIREMENT VILLAGES

Submissions

9.22.1. Three submissions⁸⁹ consisting of 115 submission points and two further submissions consisting of 12 submission points have raised concerns regarding the lack of provisions for retirement villages in PC26.

9.22.2. The submitters establish the reasoning for their submissions, in summary, as retirement villages help to ease demand on the residential housing market and assist with the housing supply shortage in New Zealand. Most new villages are located in major urban centres. The retirement village sector therefore contributes significantly to the development of New Zealand’s urban areas, and the challenges urban areas face.

9.22.3. The submitters see PC26 as an opportunity to enable a diverse range of housing to suit the needs of all New Zealanders, including retirement housing and care options. Consistent with this, the submission points are focused generally on:

- Add new definitions for ‘retirement village accommodation and associated care facilities’ and ‘retirement units’ to ensure consistency with National Planning Standards.
- Add Objectives in Section 2 of PC26 to:
 - Recognise the need to enable a variety of homes to meet the needs of different households, as recognised by the NPS-UD.
 - Recognise and enable the housing and care needs of the ageing population.

⁸⁹ Submitter 70 (Ryman Healthcare Limited); Submitter 72 (Metlifecare Ltd); Submitter 73 (Retirement Villages Association of NZ Incorp)

- Add Policies in Section 2 of PC26 that:
 - Recognise the diverse and changing residential needs of communities, and that the existing character and amenity of the residential zones will change over time to enable a variety of housing types with a mix of densities.
 - Recognises the intensification opportunities provided for by larger sites.
 - Provides for and acknowledges the diverse range of housing and care options that are suitable for the particular needs and characteristics of older persons; and the functional and operational needs of retirement villages.
 - Enables the density standards to be utilised as a baseline for the assessment of the effects of developments.
- Amendments to Policy 2A.3.7.1 that specifically support the development of retirement facilities.
- Adding provisions to enable retirement housing developments in all relevant residential and commercial / mixed-use zones by developing retirement-village-specific Objectives, Policies, and rule framework.
- Adding provisions in the MDRZ that permits the use and operation of retirement villages, recognising that this activity is expected and encouraged in residential zones; and a rule that regulates the construction of retirement villages as a restricted discretionary activity, recognising that this activity is anticipated in residential zones with limited matters requiring assessment. A further submission was made on this point however it is not clear whether the submitter supports or opposes this submission point.
- Amendments to development standards for retirement villages to reflect the MDRS, except where amendments are necessary to reflect the characteristics of retirement villages and seeks the removal of standards that go beyond the scope of the MDRS for consistency with the Enabling Housing Act.
- Add provisions for the Medium Density Residential Zone in Section 2A that recognise the need for retirement villages and that existing residential character and amenity will change over time. A further submission was made in support of this point.
- Amend Policy 2A.3.6.5 to recognise the functional and operational needs of retirement villages.
- Amendments to proposed Rules and Activity Status Tables to reflect retirement-village-specific matters.
- Amend the Commercial Zone chapter of the District Plan to provide permitted activity status for retirement villages as an activity with construction of a retirement village regulated as a restricted discretionary activity and fit for purpose matters of discretion to reflect the unique characteristics of retirement villages. A further submission was made in opposition of this point, citing that there is a risk that making retirement village activities a permitted activity allows for an unfettered intensity of development.
- Delete reference to “retirement village accommodation and associated care facilities” (or replacement definition “retirement villages”) in Policy 2.3.5.1.

Assessment

- 9.22.4. PC26 proposes to carry over the existing Residential Zone provisions for retirement villages into the MDRZ. This includes the policy framework (at 2A.3.6.5 and 2.A.3.7.1) which provides for retirement villages to meet the needs of an aging population and a focus on comprehensive design and development respectively.
- 9.22.5. The focus of PC26 is the implementation of the MDRS. Therefore, PC26 provides for retirement villages as a restricted discretionary activity (rule 2A.4.1.3(e)) with matters of discretion and assessment criteria outlined. This is considered appropriate considering their potential scale and intensity (i.e., retirement villages will generally always be development beyond the scale anticipated by the MDRS, they are not considered to be consistent with the MDRS). I therefore consider that PC26 has appropriately provided for retirement villages and associated care facilities and rest homes.
- 9.22.6. I consider that the requests to amend and add new retirement village provisions in zones other than the MDRZ are beyond the scope of PC26 and note that retirement villages are residential in nature and definition, and it is not fanciful that they may, at some future point, be repurposed for general residential. Waipā staff advise they are aware of at least one over-55s retirement village facing requests for units to be offered on the general market. Repurposing retirement units for general residential is a permitted activity, with any controls on resales being private arrangements.
- 9.22.7. The requests by Ryman Healthcare and Retirement Villages Association of NZ to enable the development of retirement villages and aged care facilities within the Commercial Zone as a permitted or restricted discretionary activity are not supported, noting these activities are generally residential in nature, function, effects, and definition (except for aged care units). The Commercial Zone is primarily intended to provide for the retail, office and commercial service needs of the centre, along with residential in the mixed-use context (above ground-level). PC26 provides for comprehensive development of sites, listing retirement villages specifically, as a restricted discretionary activity within the MDRZ (which adjoins the commercial zone). This is considered appropriate considering the potential scale and intensity associated with these facilities and the need to retain the Commercial Zone for its primary intended uses.
- 9.22.8. Refer to **Appendix B** for individual responses to submission points.

Recommendation

- 9.22.9. No amendments to PC26 are recommended as a result of submissions on retirement villages.

9.23. TOPIC 4.5 COMMUNITY CORRECTIONS FACILITIES

Submission

- 9.23.1. One submission by Ara Poutama⁹⁰ sought to amend the Activity Status Table in both the Commercial and the Industrial Zone chapters of the District Plan to enable “community corrections activities” to be undertaken as a permitted activity.

⁹⁰ Submitter 55 (Ara Poutama Aotearoa the Department of Corrections)

Assessment

- 9.23.2. PC26 does not propose any changes to Section 6 – Commercial Zone or Section 7 – Industrial Zone.
- 9.23.3. The Commercial Zone has previously been described above (refer to Topic 1.3). The Industrial Zone is mainly located within the two towns of Te Awamutu and Cambridge. In Cambridge it is located at Hautapu, Carters Flat and Matos Segedin Drive. In Te Awamutu it is located at Paterangi Road and off Bond Road. These areas have developed over time with a range of manufacturing and process industries. While most industries within these areas serve local needs there are also other industries that serve wider needs. Industries and industrial areas have by their nature, a different level of effect than other zones. Industrial areas generally have higher levels of noise, site coverage, and a reduced amount of on-site amenity. Maintaining the function of the Industrial Zone while also providing amenity value where consistent with adjoining areas is identified as a key resource management issue in the Operative Waipā District Plan.
- 9.23.4. There are currently no custodial facilities in the Waipā District. I note that there is a Community Corrections facility in Te Awamutu the purpose of which is to manage probation activities and individuals with community based sentences.
- 9.23.5. I have considered the request by Ara Poutama to enable and encourage “community corrections activities” to be undertaken as a permitted activity in the Commercial Zone. This request is not supported on the basis that the Commercial Zone is primarily intended to provide for retail, office and commercial service needs of the centre, along with residential in the mixed-use context (above ground-level). There is a question as to how this request would practically work, in the context of the Commercial Zone framework.
- 9.23.6. I have considered the request by Ara Poutama to enable and encourage “community corrections activities” to be undertaken as a permitted activity in the Industrial Zone. I note that PC26 is focused on the implementation of the MDRS so it is not recommended that community corrections facilities be inserted into the Industrial Zone as part of PC26. It is considered that this request is beyond the scope of PC26 and would be better evaluated as part of a separate plan change.

Recommendation

- 9.23.7. No changes to the Commercial Zone or the Industrial Zone are recommended.

9.24. TOPIC 4.6 SECTION 21 - ASSESSMENT CRITERIA AND INFORMATION REQUIREMENTS

- 9.24.1. Chapter 21 relates to Assessment Criteria and Information Requirements that are relevant to PC26.

Submissions

- 9.24.2. Three submissions and three further submissions⁹¹ have been received regarding Section 21 – Assessment Criteria and Information Requirements in PC26.

⁹¹ Submitter 30 (Waikato Regional Council); Submitter 47 (Fire and Emergency New Zealand); Further Submission 5 (Retirement Villages Association of NZ Incorp); Further Submitter 6 (Ryman Healthcare Ltd); Further Submission 8 (Kāinga Ora)

9.24.3. Several amendments have been proposed to PC26 by Waipā District Council to Section 21 – Assessment Criteria and Information Requirements to remove reference to compact housing, add additional assessment criteria for character clusters, and to add provisions for the MDRZ.

9.24.4. The submissions can be generally summarised as follows:

- Support for provisions as notified.⁹²
- Add new matter of discretion to 21.1.2A.8 to address emergency services. Three further submissions oppose this request.⁹³
- Amendments are sought by Kāinga Ora (Submitter 79) to acknowledge that the amenity of urban environments will change (as-per Policy 6(B) of the NPS-UD), revise the assessment criteria for four or more dwellings in the MDRZ and 7 or more dwellings in the proposed HDRZ, and remove the criteria associated with activities that are sought to be deleted.
- Specific changes to the provisions

Assessment

9.24.5. The efficient movement of residents and emergency services is valid, however the insertion is considered to not make sense in the context requested.

9.24.6. Numerous submission points relate to landscaping matters, these have been evaluated by XYST and are generally supported.

9.24.7. I support in part submission point 79.317 (Submitter 79 - Kāinga Ora). Specifically, we agree that for assessment criteria 21.1.2A.9(a), that generous open space and garden plantings may not be feasible in the case of non-compliance with the building coverage performance standard. Landscaping will be addressed through assessment criteria 21.1.2A.15. Recommended amendments to 21.1.2A.9(c) and (d) are noted below.

9.24.8. Assessment criteria 21.1.2A.15 applies where landscaping is >20%, therefore, removing (a) is appropriate and amend (b) and (c) to be more specific.⁹⁴

9.24.9. I have considered the remaining provisions and has recommended amendments to give effect to the NPS-UD where relevant.

Recommendation

- Amend 21.1.2A.9(c) as follows:
 - (c) The extent to which any proposed buildings will be compatible with the scale of other buildings in the surrounding area and will not result in visual domination that is out of character with the [planned built form outcomes of the surrounding environment](#). (79.317)
- Delete 21.1.2A.15(a) and (c). Amend (b) and re-number as follows:

⁹² Submitter 47 (Fire and Emergency NZ Ltd); Submitter 79 (Kāinga Ora)

⁹³ Further Submission 5 (Retirement Villages of Association of NZ); Further Submission 6 (Ryman Healthcare Ltd); Further Submission 8 (Kāinga Ora);

⁹⁴ Submitter 79 (Kāinga Ora)

~~(b)~~(a) Where relevant, the extent to which existing mature vegetation including heritage and character values is retained and landscaping adds to the amenity of the development.

(b) The appropriateness of any landscaping for the local environment and maintenance programme for landscaping. (79.319)

- Amend 21.1.15.6(e) as follows:

21.1.15.6 (e) The extent to which the proposal has taken sufficient account of proximity to the dairy manufacturing sites and reverse sensitivity effects. (56.28)

9.25. TOPIC 4.7 PLANNING MAPS

Submissions

9.25.1. Five submitters⁹⁵ have raised concerns with the extent of the MDRZ as shown in the planning maps.

9.25.2. The submitters have requested:

- CKL NZ Ltd (Submitter 65) and Jay El Ltd (Submitter 67) have requested amendment of Zone Map 39 to reflect the urban limit line (one has noted where it traverses the T11 growth cell).
- Amendment of Zones Map 40 to reflect the urban limit line.⁹⁶
- Tony Rider (Submitter 68) has queried the inclusion of growth cell C5 (deferred residential) within the Infrastructure Constraint Overlay.
- Ryman and Retirement Villages Association (Submitter 73) have requested that the use of structure plans having to be carried out in accordance with the requirements of the structure plans be reconsidered.
- Ryman and Retirement Villages Association have requested that the retention of the deferred zones (Deferred Residential Zone, Deferred MDRZ and Deferred Commercial Zone) be reconsidered and that the deferred Residential Zone to be rezoned to MDRZ.

Assessment

9.25.3. Although the urban limit appears out of sync with the growth cells on Planning Maps 39 and 40 the focus of PC26 is not on the urban limit, but rather the relevant residential zones. The work on correcting the urban limit is however recommended to be pursued in a separate plan change, not PC26, which is focussed on the implementation of the MRDS.

9.25.4. In relation to structure plan requirements, it is considered that structure planning remains a valid approach for carrying out Council's functions under Sections 30 and 31 of the RMA. As the structure plan requirements that are incorporated into the district plan have legal status and have undergone a statutory process, careful consideration needs to be given to changing these requirements. Council does not see any valid reason to override the provisions that have been

⁹⁵ Submitter 65 (CKL NZ Ltd); Submitter 67 (Jay El Ltd); Submitter 68 (Tony Rider); Submitter 70 (Ryman Healthcare Ltd); Submitter 73 (Retirement Villages Association of NZ Incorp)

⁹⁶ Submitter 65 (CKL NZ Ltd)

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established for structure plans in the district plan and anticipates structure plans will remain a pathway to provide future development opportunities in the district.

- 9.25.5. In relation to reconsideration of the deferred zones and the rezoning of the deferred residential zone to MDRZ, I consider this at Topic 6.
- 9.25.6. In relation to the inclusion of growth cell C5 (deferred residential) within the Infrastructure Constraint Overlay, I note that this has been mapped in error. I note also that on review there are a number of other deferred residential areas that also appear to have been mapped in error. These include the following growth cells: ⁹⁷
- C5 (the subject of Tony Riders submission)
 - C7
 - T2 (northern half)
 - T4
 - T5
 - T15
- 9.25.7. PC26 maps 57 and 58 have been updated to correct these errors. This has had the effect of reducing the extent of the Infrastructure Constraint Overlay.

Recommendation

- 9.25.8. Updates to maps 57 and 58 are accepted.

9.26. TOPIC 4.8 RESIDENTIAL ZONE

Submissions

- 9.26.1. Eight submissions and four further submissions⁹⁸ have been received requesting amendments and deletions to Section 2 to ensure consistency with the Amendment Act and relevancy with the Waipā District.
- 9.26.2. Submissions can be generally summarised as follows:
- Support for provisions relating to residential activities, dwellings, outdoor living space rules and landscape area rules as notified.
 - Requests for new policies and objectives including:
 - To further recognise Te Ture Whaimana.
 - New objectives to enable a variety of housing types and sizes that respond to housing needs and demand and to provide for the housing and care needs of the ageing population.
 - New policies on changing communities, larger sites, provision of housing for an ageing population and the role of density standards.

⁹⁷ [Microsoft Word - S1 - Future Growth Cells - 28 July 2022 \(waipadc.govt.nz\)](#)

⁹⁸ Submitter 47 (Fire and Emergency New Zealand); Submitter 49 (Waikato Tainui); Submitter 55 (Ara Poutama Aotearoa the Department of Corrections); Submitter 70 and Further Submission 6 (Ryman Healthcare Ltd); Submitter 72 (Metlifecare Ltd); Submitter 73 and Further Submission 5 (Retirement Villages Association of NZ Incorp); Submitter 76 (Shears, Sam); Submitter 79 and Further Submission 8 (Kāinga Ora); Further Submission 7 (Jay El Limited)

- Amendments to:
 - Introduction Section 2.1.2 to recognise the changing nature of residential areas and encourage high-quality developments, rather than require maintenance of character and amenity values.
 - Sections 2.1.1, 2.1.2; Objective 2.3.1; Rules 2.4.2.36, 2.4.2.9, 2.4.2.12; and Policies 2.3.2.1, 2.3.2.4.
 - Outlook space standards to reduce the minimum 4m depth and 4m width where this could contradict with the minimum outdoor living area minimum 3m dimension.
 - Window to Street Rule 2A.4.2.21 to reduce the minimum 20% to 10% and/or include any upper-floor level glazing that overlooks the street to provide CPTED. One further submission was made in support of this submission point.
- Deletion of:
 - Policy 2.3.2.5.

Assessment

- 9.26.3. Provisions in Section 2 have been modified in PC26 to address the only other current residential zone in Karāpiro Village which sits outside of the urban environments of Cambridge, Kihikihi and Te Awamutu. These provisions are also intended to apply to any future residential zones outside the main urban areas.
- 9.26.4. As such, the Residential Zone is not a relevant residential zone for the purpose of PC26, because it is not required to reflect the changes required by the MDRS and is therefore outside of the scope of PC26.

Recommendation

- 9.26.5. No amendments to the Residential Zone are recommended.

9.27. TOPIC 4.9 DEFINITIONS

- 9.27.1. New definitions for the following terms are proposed as part of PC26:

- Act
- Intensification Planning Instrument
- Intensification Streamlined Planning Process
- MDRS
- Qualifying Matter
- Relevant Residential Zone
- Te Ture Whaimana

- 9.27.2. The definition for 'Infill Housing' is proposed to be deleted.

9.27.3. Section 18 – Financial Contributions introduces new definitions that apply to section 18 only. The definitions included relate to the terms ‘bedroom’, ‘betterment’, ‘developer’, ‘development’ and ‘greenfield development’.

Submissions

9.27.4. Six submissions⁹⁹ have made reference to definitions, of which they are all specific in their decision requested to retain, or add new definitions in PC26 including:

- Support for the new definitions for ‘Qualifying Matter’, ‘Intensification Planning Instrument’, ‘Intensification Streamlined Planning Process’, ‘Medium Density Residential Standards’, ‘Relevant Residential Zone’, and ‘Te Ture Whaimana’. There were no submissions in opposition to these new definitions.
- Support for the existing definitions for ‘Residential Activity’, ‘Dwelling’, as they relate to the Operative Waipā District Plan was submitted by Ara Poutama. A further submission by Kāinga Ora was made in support of this submission.
- Requests for additional new definitions include:
 - ‘Infrastructure Capacity Assessment’. Fire and Emergency NZ (FENZ) have expressed that it is paramount to undertake an infrastructure capacity assessment to ensure the proposed development can be adequately serviced and therefore a definition would be required. Further submissions by Retirement Villages Association NZ and Ryman Healthcare Ltd were made in opposition to this submission, citing the matter relating to fire-fighting servicing is adequately addressed by other provisions.
 - ‘Suitably Qualified and Experienced Person’, in relation to an infrastructure capacity assessment, is requested by Waikato Tainui to provide further clarity, resulting in consistency in the assessment by the processing planner.
 - ‘Community Corrections Activity’. Ara Poutama have requested this addition is consistent with the National Planning Standard definition to ensure essential social infrastructure is provided for. A further submission by Kāinga Ora was made in support of this submission.
 - ‘Transport Network’. Waka Kotahi notes that the term is referred to within the PC26 amendments, but it is not defined and considers that a definition would assist with plan user interpretation. A further submission by KiwiRail is in support of this definition while Kāinga Ora opposes this submission, citing that the proposed definition may conflict with existing plan provisions and should be fully investigated and tested in the context of the overall plan.
 - ‘Papakāinga’, requested by Kāinga Ora. No justification is provided.
- Kāinga Ora have requested the deletion of the definitions for ‘Compact Housing’ and ‘Fortified Site’.

⁹⁹ Submitter 38 (Transpower New Zealand Limited); Submitter 47 (Fire and Emergency New Zealand); Submitter 49 (Waikato Tainui); Submitter 55 (Ara Poutama Aotearoa the Department of Corrections); Submitter 63 (Waka Kotahi); Submitter 79 and Further Submission 8 (Kāinga Ora); Further Submission 3 (KiwiRail), Further Submission 5 (Retirement Villages Association of NZ Incorp); Further Submission 6 (Ryman Health Care)

Assessment

- 9.27.5. PC26 introduces the requirements for an infrastructure capacity assessment, a definition of what this entails would be beneficial.
- 9.27.6. The District Plan defines a suitably qualified and experienced person in relation to preparation of landscaping plans, so the request to define who is suitably qualified and experienced to prepare an infrastructure capacity assessment is considered logical. A definition has been created in conjunction with Councils Engineers.
- 9.27.7. Ara Poutama have requested a definition of Community Corrections Activity be inserted into the Plan in accordance with the NPS. Their submission also raises other changes to the Plan to better accommodate community corrections facilities. Although these matters are considered to be valid, PC26 is not considered to be the correct vehicle to implement them. It is recommended that changes to the Plan to incorporate community correction facilities would be better evaluated in a separate plan change.
- 9.27.8. Transport Network is a term used extensively throughout the District Plan and is used in PC26 in 11 instances. A definition would have implications throughout the Plan so is not the focus of PC26, however, may also assist plan users. For this reason a new definition of Transport Network is recommended to be added to PC26.
- 9.27.9. ‘Papakāinga development’ is already defined in the District Plan. It is not considered that a definition of the word ‘Papakāinga’ would add any value to the existing definition so is not recommended. This matter may be addressed further in the separate plan change Council is preparing in relation to papakāinga development.
- 9.27.10. The compact housing overlay and associated provisions that remain in PC26 were retained in error. As originally concluded in the Section 32 Evaluation, these provisions do not align with the MDRS and reference to these can be removed from the plan change. In relation to deletion of the definition for Compact Housing, this is therefore supported.
- 9.27.11. Fortified Site rules have not been changed by PC26. They remain a Prohibited Activity in the Residential Zone, and in discussions with Kainga Ora, they concede that the prospect of fortification, though consent, is not an outcome they are seeking. This definition is therefore not recommended to be deleted.

Recommendation

- 9.27.12. Delete the definition of **Compact Housing Overlay** (79.57) from the Plan.
- 9.27.13. Retain the definition of **Fortified Site**.
- 9.27.14. Add new definitions as follows:

[Infrastructure Capacity Assessment](#) means an assessment of the capacity of an existing water, wastewater, or stormwater network to determine if there is enough capacity for a proposed development, or to define the requirements for network upgrades that would need to be implemented for the development to be approved. The exact requirements for an Infrastructure Capacity Assessment should be discussed and agreed with WDC on a case-by-case basis. (47.31)

A Suitably Qualified and Experienced Person to prepare an Infrastructure Capacity Assessment means a Chartered Engineer (or equivalent) experienced in the planning and design of three waters networks who is competent to carry out the assessment of development impacts on three waters networks. It should be noted that Council may require the use a nominated Consultant to carry out hydraulic modelling on behalf of Council for the purpose of a capacity assessment, but developers may wish to engage their own Engineer to assess on their own behalf. (49.16)

Transport Network / Transportation Network means all public rail, public roads, public pedestrian and cycling facilities, public transport, and associated public infrastructure. It includes train stations; bus stops; bus shelters; and park and ride areas serving train stations. (63.14)

9.28. TOPIC 4.10 DESIGN GUIDANCE

- 9.28.1. The Operative Waipā District Plan includes Design Guidelines in Appendices DG1 to DG8. These Design Guidelines address specific places or features such as Character Cluster Statements (DG1) and Central Cambridge Character Guidelines (DG2).
- 9.28.2. DG7 – Guidance for Assessments does not apply to a specific place as such, but it is noted within the appendix to apply guidance for assessments within ONF, ONL, high amenity landscapes, significant landscape features, visually sensitive hill country, river and lake environs, viewshafts and the State Highway 3 scenic corridor.
- 9.28.3. The Design Guidelines are referenced throughout the Plan as matters of discretion.
- 9.28.4. PC26 has similarly referenced the Design Guidelines as matters of discretion in Section 2A (MDRZ) and Section 21 – Assessment Criteria and Information Requirements applying to the MDRZ. PC26 has also amended Appendix DG1 – Character Cluster Statements.

Submissions

- 9.28.5. Five submissions and two further submissions have been received on design guidance.
- 9.28.6. Three of these submissions have requested that additional design guidance be included (within the district plan) to restrict non-desirable types of builds or provide strong design guidance on the outcomes sought for higher density residential development.
- 9.28.7. Two of the submissions seek the removal of reference to urban design guidance from the plan as follows:
 - Delete section 2A.1.8 (design outcomes for structure plans).
 - Amend objective 2A.3.7 (Comprehensive design and development) to delete reference to urban design principles.
 - Design guidelines be removed from the District Plan and be treated as a non-statutory tool outside of the Plan, OR
 - Two further submissions support this request.
 - The design guidelines are amended, simplified and written in a manner that is easy to follow. Submitter seeks the opportunity to review DG1 to DG8 if they are to remain as a statutory document.

- Where design outcomes are to be achieved these should be specifically stated in matters of discretion or assessment.
- Two further submissions oppose this request in so far as it relates to retirement villages, which have different operational and functional needs.

Assessment

- 9.28.8. PC26 has followed the template set by the District Plan in relation to referencing design guidelines as matters of discretion.
- 9.28.9. In relation to structure plans, it is considered that structure planning remains a valid approach for carrying out Council's functions under sections 30 and 31 of the RMA. The method is recognised and included within the WRPS (e.g., UFD-O1 – Built environment) and structure plan requirements that are incorporated into the district plan have legal status and have undergone a statutory process. As such, careful consideration needs to be given to changing these requirements. Council does not see any valid reason to override the provisions that have been established for structure plans in the district plan and anticipates structure plans will remain a valid, legitimate and good urban design outcomes-focused pathway to provide future development opportunities in the district.
- 9.28.10. The submission requesting that all reference to design guidelines be removed from the District Plan is requesting a fundamental change to the way design guidelines are contained and referenced in the Plan that appears to go beyond what PC26 has proposed in relation to design guidelines which is limited to the addition of the MDRZ and amendments to DG1. For this reason, this request is not recommended to be supported.
- 9.28.11. The submissions requesting stronger design guidance be included for the MDRZ has been considered by the Council. Council is generally supportive of this request and considered this in the Section 32 Evaluation concluding that the NZ Urban Design Protocol is directly relevant to PC26¹⁰⁰ and noting a negative effect of the new MDRZ was that there was no requirement for good urban design to be considered¹⁰¹. However, as part of PC26 this request is not supported as it is considered difficult to strengthen the design guidelines further as they apply to the MDRZ without restricting development in the MDRZ. I would recommend that Council consider this aspect as part of future plan change processes where appropriate to do so.

Recommendation

- 9.28.12. No changes to the design guidance matters in PC26 are recommended.

9.29. TOPIC 4.11 OTHER

Submissions

- 9.29.1. Two submissions¹⁰² were received requesting an extension of the submission period to match that of Hamilton City Council in order to take note of any helpful information that they receive that allows this legislation to be modified as much as possible to suit the areas in question.

¹⁰⁰ Proposed Plan Change 26: Residential Zone Intensification; Section 32 Evaluation Report; Waipā District Council; Pg 212 section 3.6.20.

¹⁰¹ Proposed Plan Change 26: Residential Zone Intensification; Section 32 Evaluation Report; Waipā District Council; Pg 244.

¹⁰² Submitter 38 (Transpower New Zealand Ltd); Submitter 29 (White, Denis Anthony Wilson)

Assessment

- 9.29.2. Waipā District Council was subject to the same submission dates as Hamilton City Council. In any event, the request to extend the submission period for PC26 is not possible as the submission period has already closed.

Recommendation

- 9.29.3. N/A

9.30. TOPIC 4.12 TRANSPORT

Submission

- 9.30.1. Waka Kotahi (Submitter 63) has requested minor amendments to provisions to include reference to accessibility. Waka Kotahi has also requested including an assessment matter to identify multi-modal opportunities for developments along with initiatives for reducing Vehicle Kilometres Travelled within Section 16 - Transportation.

Assessment

- 9.30.2. The minor amendments are considered appropriate and provide greater clarity in terms of needing to consider accessibility for all as an appropriate matter.
- 9.30.3. Regarding the inclusion of an assessment criterion relating to the “*provision for multi-modal transport options and the identification of initiatives to reduce VKT*” as part of a broad ITA is supported in principle, I note that it would have implications beyond just PC26. I note that PC26 proposes no changes to Section 16 – Transportation at a rule and assessment criteria level. While I agree that such a method would align well with national guidance, I recommend that this matter is considered and progressed separately by the Council.

Recommendation

- 9.30.4. The following specific amendments relating to infrastructure in response to submissions are recommended.
- Amend Objective 16.3.1 and 16.3.11 as follows:
 - 16.3.1 All new development, subdivision and transport infrastructure shall be designed and developed to contribute to a sustainable, safe, integrated, efficient (including energy efficient network design), accessible and affordable multi-modal land transport system. (63.15)
 - 16.3.1.1 Development, subdivision and transport infrastructure shall be designed and located to:
 - (a) ...
 - (d) Contribute to:
 - (i) Integrated transport and land use planning and a safe road system approach; and
 - (ii) Reducing deaths and serious injuries on roads; and

- (iii) An effective and efficient road network; and
- (iv) Efficient movement of freight.; and
- (v) Providing good accessibility for people. (63.16)

9.31. TOPIC 4.13 IMPERMEABLE SURFACES

Submissions

- 9.31.1. Two submissions and one further submission¹⁰³ have been received regarding the existing impermeable surfaces identified for PC26.
- 9.31.2. These submissions have requested that the word ‘impervious’ be replaced by the word ‘impermeable’ in s2.2.1 and s2A.2.1 as this is consistent with other terminology used throughout the District Plan.

Assessment

- 9.31.3. It is agreed that the word impermeable is more consistent with other terminology used in the District Plan as opposed to impervious. It is recommended that this be updated.

Recommendation

- 9.31.4. Specific amendments to the following parts of PC 26 in response to submissions.
- Amend 2.2.1 and 2A.2.1 as follows:
 - 2.2.1 ... potential impacts of increased **impervious impermeable** surfaces, (30.29)
 - 2A.2.1 ... potential impacts of increased **impervious impermeable** surfaces, (30.29)

9.32. TOPIC 4.14 FORMATTING

Submissions

- 9.32.1. Four submissions¹⁰⁴ have been received regarding formatting in PC26. Generally, the submissions refer to grammatical issues, spelling errors, and numbering and cross-referencing errors. These are outlined in **Appendix B**.

Assessment

- 9.32.2. The nature of the amendments requested are generally considered to be minor and for this reason supports the changes to PC26 being implemented.

Recommendation

- 9.32.3. It is recommended that the changes outlined in **Appendix B** relating to the topic of Formatting are accepted and adopted as per the relief sought by the submitters which in summary include the following changes to PC26:
- Amend provision 1.1.39 as follows: "As of September 2022, there are currently town plans...". (30.35)

¹⁰³ Submitter 30 (Waikato Regional Council); Submitter 53 (Cogswell Survey Ltd); Further Submitter 8 (Kāinga Ora)

¹⁰⁴ Submitter 30 (Waikato Regional Council); Submitter 32 (Waipā District Council); Submitter 65 (CKL NZ Limited); Submitter 79 (Kāinga Ora)

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- Amend spelling of “effects” to “affects” in provision 21.1.2A.1(a) and “optimized” to “optimised” in provision 21.1.2A.3(a)(i). (30.37) and (30.38)
- Update rule numbering and cross-references to ensure they are correct and consistent when the changes are adopted. (32.16)
- Amend Rule 2A.4.1.3(b) and (c) to delete “Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with discretion being restricted over:” and add “Discretion will be restricted to the following matters:” (32.17)
- Amend Rule 2A.4.2.5 as follows: “This standard Rule 2A.4.2.4 does not apply.” (32.19) from MDRS may wish to leave?
- Amend Rule 2A.4.2.6 as follows: “The minimum building setback depth listed above stated in Rule 2A.4.2.4 is modified in the following locations: ...” (32.20)
- Move Rules 2A.4.2.25-.30, .55, and .57-.59 to the end of Section 2A. (65.11) unsure why this improves the Plan – suggest leave
- 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). (32.21)
- 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...”. (32.22)
- Submission point 79.151 to be added

9.33. TOPIC 5 REZONING

9.34. TOPIC 5.1 REZONING – DEFERRED RESIDENTIAL ZONES TO ‘LIVE’ MDRZ

Submitters

9.34.1. The Retirement Village Association submission (Submitter 73) and Ryman Healthcare Limited (Submitter 70) request that PC26 rezone the deferred residential zones to a live Medium Density Residential Zone. I refer the panel to Zone and Policy Area Maps 4, 8, and, 38¹⁰⁵ which show where these deferred residential zones are. I note that these deferred zones are post-2035 growth cells.

Assessment

9.34.2. The Council has very recently made Plan Change 13 operative (28 July 2022). Plan Change 13 re-zoned all of the pre-2035 growth cells from a deferred zoning to a ‘live’ zone. Mr Quickfall detailed the nature of this plan change in his evidence at the Joint Opening Hearing. This context is important because it activated zoning capacity for close to 9,000 houses across 14 growth cells which was more than adequate to respond to the short- and medium-term market demand.

9.34.3. PC26 has been applied to relevant residential zones which I discussed at paragraphs 7.2.10 to 7.2.17. As concluded, only the current “Residential Zone” falls within the definition of “relevant residential zone.” I note that the deferred zones would need to undergo a separate plan change to uplift the deferred zoning and were therefore excluded (i.e., they are not a ‘live zone’ for consideration). This is appropriate because the deferred zone is there to indicate the intended future land use and to ensure that the future use of these post-2035 growth cells is not compromised by present day development. I further note that no planning beyond that has been undertaken. Thus, the Section 32 Evaluation did not consider the prospect of this scenario when PC26 was under development.

¹⁰⁵ [Waipa District Plan - Planning Maps - Waipa District Council \(waipadcc.govt.nz\)](https://www.waipadcc.govt.nz/planning-maps)

- 9.34.4. It is important to note that bringing these deferred zones forward as part of this process would also need to satisfy the criteria for out of sequence development required by Policy 8 of the NPS-UD and recently included in the WRPS by Change 1 to the WRPS (APP13 – Responsive Planning Criteria – Out-of-sequence and Unanticipated Developments (Future Proof local authorities¹⁰⁶). The submission does not set out an evaluation of the costs and benefits of this request, nor has it considered the implications of the land use pattern and associated processes set out in proposed Change 1.
- 9.34.5. This request to ‘live’ zone post-2035 growth cells, on the outskirts of Cambridge and Te Awamutu if enabled under PC26 would represent out of sequence development – that is unplanned. It could potentially lead to unfettered and a spatially incoherent development which would in turn have significant implications now for infrastructure funding and ultimately implementation if growth were enabled over a wider area. I consider the more prudent and appropriate approach is to uplift the deferred zoning, via a separate plan change process, at the appropriate time. The increased capacity enabled by PC26 means that these deferred zones may not be required for a longer period than previously anticipated.
- 9.34.6. I consider the request would be inconsistent with the NPS-UD, which Waipā along with its Future Proof partners has sought to respond to in the updated strategy, in confirming the preferred land use pattern across the sub-region and its associated processes to manage growth.

Recommendation

- 9.34.7. That the request by the Retirement Village Association and Ryman Healthcare Limited to rezone the deferred residential zones to a live Medium Density Residential Zone be rejected.

10. CONCLUSION AND RECOMMENDATION

10.1. CONCLUSION

- 10.1.1. PC26 seeks to enable more medium density homes in the residentially zoned areas of Cambridge, Kihikihi and Te Awamutu. PC26 creates a new section 2A ‘Medium Density Residential Zone’ to the District Plan which incorporates the MDRS along with new rules which modify the standards to accommodate qualifying matters.
- 10.1.2. Submissions have been received in support of, and in opposition to PC26.
- 10.1.3. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that PC26 should be amended as set out in **Appendix A** of this report.

10.2. RECOMMENDATION

- 10.2.1. The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in **Appendix B** of this report; and
- 10.2.2. The Waipā District Plan is amended in accordance with the changes recommended in **Appendix A** of this report.

¹⁰⁶ [WRPS-CHANGE-1-strikethrough.pdf \(waikatoregion.govt.nz\)](#)

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Appendix A

Recommended Track Change Amendments to Plan Change

Appendix B

Response to Submissions by Topic

Appendix C

Market Economics Report for Waipā District

Appendix D

Lifescapes Report on Heritage and Character for Waipā District