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Enquiries to: Katrina Andrews



27 October 2022

Waikato District Council
Private Bag 544
Ngaruawahia 3742
Attn: Variation 3 submission

Private Bag 3038
Waikato Mail Centre
Hamilton 3240, NZ

waikatoregion.govt.nz
0800 800 401

Email: districtplan@waidc.govt.nz

Dear Sir/Madam

Waikato Regional Council Submission to Proposed Variation 3 – Enabling Housing Supply to the Proposed Waikato District Plan

Thank you for the opportunity to make a submission on the Proposed Variation 3 – Enabling Housing Supply to the Proposed Waikato District Plan. Please find attached the Waikato Regional Council's submission regarding this variation. This submission was formally endorsed by the Director Science, Policy and Information under delegated authority on 27 October 2022. Waikato Regional Council looks forward to being involved in further discussion on this subject.

Should you have any queries regarding the content of this document please contact Katrina Andrews, Policy Advisor, Strategic and Spatial Planning directly on (07) 8590 929 or by email Katrina.Andrews@waikatoregion.govt.nz.

Regards,

A handwritten signature in blue ink, appearing to be "Tracey May". The signature is stylized and cursive.

Tracey May
Director Science, Policy and Information

Submission from Waikato Regional Council on Proposed Variation 3 – Enabling Housing Supply to the Proposed Waikato District Plan

27 October 2022

Introduction

1. Waikato Regional Council (WRC) appreciates the opportunity to make a submission to Proposed Variation 3 – Enabling Housing Supply. WRC’s primary interest is in relation to the Waikato Regional Policy Statement (WRPS). District plans, including variations to proposed district plans such as this one, are required to give effect to the WRPS (Resource Management Act 1991 s75(3)(c)).
2. Overall, we are supportive of the variation and acknowledge the scope of the change is directed by central government requirements.
3. Key areas of interest in relation to the variation are climate change considerations, transport, and stormwater in the context of urban intensification.
4. The operative WRPS contains direction for the built environment, particularly within Topic UFD – Urban Form and Development. A general development principle is to promote compact urban form, design, and location to support climate change and transport outcomes.
5. We consider that to support the creation of well-functioning urban environments there are consequential amendments that need to be made to provisions that have not been included in Variation 3. In particular, provisions relating to transport have not been updated to reflect the likely outcomes of implementing the National Policy Statement on Urban Development 2020 (NPS-UD) and the Medium Density Residential Standards (MDRS).
6. We look forward to continuing to strengthen the established collaborative partnership we have with Waikato District Council (WDC) in our role as a key partner in the integrated land use and transport space.
7. General comments pertaining to transport are noted below, followed by a table that sets out further details of our submission.

Transport – General Comments

8. The NPS-UD defines well-functioning urban environments as those that as a minimum:
*“(c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and
(d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and
(e) support reductions in greenhouse gas emissions; and
(f) are resilient to the likely current and future effects of climate change”.*
9. Every opportunity to avoid short car trips and encourage walking or cycling to activities and services within a local area should be prioritised. This will reduce transport emissions and assist in meeting national and regional transport emission targets. Objective UFD-O1 and Policy UFD-P1 of the WRPS refer specifically to transport and require regard to be had to the General Development Principles in APP11. Principle APP11i. directs that new development should promote compact urban form, design, and location to:

- i. minimise energy and carbon use;*
- ii. minimise the need for private motor vehicle use;*
- iii. maximise opportunities to support and take advantage of public transport in particular by encouraging employment activities in locations that are or can in the future be served efficiently by public transport;*
- iv. encourage walking, cycling and multi-modal transport connections; and*
- v. maximise opportunities for people to live, work and play within their local area.*

10. There is scope to strengthen policy wording around emissions reduction in the variation, especially in relation to transport provisions. WDC should take this opportunity with this variation to be consistent with regional transport priorities. We suggest strengthening objectives and policies to address the following:

- a. Enabling and prioritising walking, cycling, micro-mobility, and public transport over private vehicles (with pedestrian-oriented town centres).
- b. Integration with land use to reduce the need to travel and vehicle kilometres travelled.
- c. Prioritisation of climate change adaptation and reduction of greenhouse gas emissions.
- d. Multi-modal connections.
- e. End-of-journey facilities.
- f. Cycle and micro-mobility parking and electric charging facilities.
- g. Growing public transport patronage and supporting the transition to a rapid and frequent public transport network (also consistent with the Regional Public Transport Plan (RPTP)).
- h. Providing for travel choices.
- i. Reconfiguring transport corridor space and requiring public transport provision for new transport corridors (including in this instance needing to consult with WRC).
- j. Enhancing public and personal safety throughout the towns through the use of Crime Prevention through Environmental Design (CPTED) principles. These principles, when implemented provide actual and perceived safety outcomes, and therefore encourage walking and cycling.
- k. Ensuring Land Transport Management Act and Government Policy Statement on Land Transport concepts are embedded – efficient, safe, accessible, sustainable and affordable.

Table of specific submission points: WRC submission to Waikato District Proposed Variation 3

Submission point	Provision	Submission	Relief sought
<i>Qualifying matters</i>			
11.	General	<p>The WRPS incorporates the objectives and strategies of Te Ture Whaimana, and the recently notified change to the WRPS recognises Te Ture Whaimana as a qualifying matter. The WRPS requires urban growth to occur in a manner that supports the Vision and Strategy for the Waikato River.</p> <p>We acknowledge that WDC has recognised Te Ture Whaimana as a qualifying matter within Variation 3 and has carried over existing provisions to protect the health and wellbeing of the river to the new Medium Density Residential Zone 2 as a result. As acknowledged in both the WRC and WDC submissions on the Resource Management Amendment Act (Enabling Housing Supply), it is critical Te Ture Whaimana is expressly recognised as a qualifying matter. Increased urban densities will exceed the capacity of existing wastewater and stormwater systems which discharge into the sensitive environment of the awa. These systems are already at capacity and cannot function in a manner which gives effect to Te Ture Whaimana without substantial ongoing investment.</p> <p>We acknowledge Waikato Tainui and other river settlement iwi as having mana whakahaere over the river and are best placed to determine the extent to which the variation gives effect to Te Ture Whaimana.</p> <p>It's not clear if WDC has investigated whether additional provisions not already present in other zone chapters are needed to protect and improve the health and wellbeing of the awa with the additional intensification proposed by this variation. For example, provisions relating to infrastructure capacity constraints affecting residential intensification on existing lots (i.e., intensification that does not trigger subdivision rule SUB-R153) or whether financial contributions could be used to address increased infrastructure costs associated with intensification or betterment activities to give effect to Te Ture Whaimana.</p>	<p>Clarify whether the need for additional provisions to restore and protect the health and wellbeing of the Waikato River has been investigated given the additional intensification enabled by the variation.</p> <p>Amend objectives, policies, and rules to better give effect to Te Ture Whaimana, if required.</p>

Submission point	Provision	Submission	Relief sought
12.	MRZ2 chapter – Medium Density Residential Zone 2	<p>The variation adds a definition for the term “qualifying matters” and new objective and policy MRZ2-O5 and MRZ2-P6 recognise that medium density residential development may be restricted to recognise and/or protect one or more qualifying matters.</p> <p>The qualifying matters applied in the variation have been discussed in the explanatory note to the MRZ2 chapter (which will be deleted upon completion of the process) and in the Section 32 Report, however, these are not listed anywhere within the proposed plan text.</p> <p>We acknowledge that Policy MRZ2-P6 has been added to ensure that any qualifying matters are considered when assessing resource consent applications, including those given effect to within district-wide chapters. However, to provide clarity to users and make the plan more efficient to navigate, we consider a discussion of the relevant qualifying matters and how these have been used to modify the MDRS should be included within the plan.</p>	<p>Add new section that identifies and discusses the qualifying matters that have resulted in the modification of the MDRS. This could be added under the ‘Purpose’ section or the objectives and policies of the MRZ2 chapter.</p>
13.	Planning maps and associated objectives, policies, and rules	<p>We acknowledge the reasoning set out within the Section 32 Report (Volume 2) in relation to encouraging intensive residential development in areas within an 800m walkable catchment of the four towns.</p> <p>We support the benefits of providing for the highest density of residential development near local and town centres. However, the large areas of land within each of the four towns proposed to remain zoned General Residential could result in an inefficient use of urban land. If most of these areas are developed to the proposed permitted density of one residential unit plus one minor residential unit on a minimum lot size of 450m², this could lock in a land use pattern that makes future densification of these areas difficult. As discussed above, the promotion of an increasingly compact urban form is a key principle of the WRPS. Development Principle APP11c. promotes that new development should make use of opportunities for urban intensification and redevelopment to minimise the need for urban development in greenfield areas. A more compact form that avoids the need to use private cars for most</p>	<p>Consider enabling an intermediary density within the areas of the four towns outside of the 800m walkable catchment, for example by providing for two residential units per site as a Permitted Activity. We note this would require subsequent amendments to the objectives, policies, and rules for these areas.</p>

Submission point	Provision	Submission	Relief sought
		<p>daily needs can help to resolve both housing affordability and transport issues, especially those relating to emissions and climate change.</p> <p>To better reflect the Future Proof Strategy and meet density targets, we recommend WDC gives further consideration to Option 3 presented in Section 11.13 of the Section 32 Report (Volume 2) - to modify the MDRS outside the 800m walkable catchment around the Town Centre Zone to result in an intermediary density somewhere between what the Medium Density Residential Zone will enable and General Residential Zone. This could be achieved for example, by providing for two residential units per site as a Permitted Activity within these areas.</p>	
<i>Residential amenity</i>			
14.	MRZ2-O3 and MZR2-P8	<p>We support this objective and policy which recognise that amenity values may change over time and seek a level of amenity commensurate with a medium density environment comprised primarily of three-storey buildings. This is consistent with NPS-UD Policy 6(b) which recognises that planning documents prepared to give effect to the NPS-UD may result in changes to amenity values, and these changes are not an adverse effect.</p>	Retain MRZ2-O3 and MZR2-P8.
<i>Transport</i>			
15.	General	<p>Added intensification across each of the four towns is likely to have an impact on the transport network. There are no amendments to the district-wide chapters to align integrated transport and emissions reduction policies with housing intensification and the objectives of Variation 3, despite the Resource Management Amendment Act (Enabling Housing Supply) allowing for the inclusion of objectives and policies in addition to those specified to support the MDRS.</p> <p>We consider that to support the creation of well-functioning urban environments, consequential amendments need to be made to Part 2: District-wide matters.</p>	Add new or amend objectives, policies, rules, and standards to address climate change and carbon emissions reduction goals in the context of housing intensification.

Submission point	Provision	Submission	Relief sought
16.	General	There are no policies that seek to avoid, minimise, or reduce the adverse effects of the transport network on adjoining land uses and the wider environment, such as those caused by transport emissions.	Add new policies that seek to avoid, minimise, or reduce the adverse effects of the transport network on adjoining land uses and the wider environment, such as those caused by transport emissions.
17.	General	Making best use of existing corridors rather than continued expansion of the road network can encourage more walking and cycling, and public transport.	Add a new policy that gives higher priority to making best use of existing transport corridors before widening corridors.
18.	General	A regional commitment to inter-regional passenger rail is embedded in the operative Regional Land Transport Plan and the RPTP. Passenger rail is an important enabler for future growth and an important contributor to meet our emissions reductions and mode shift targets and is a critical component of the overall transformative change that is necessary to address climate change.	Amend objectives and policies to protect and promote the development of the regional rail network for the transportation of passengers, as well as freight.
19.	General	Improving safety for all users of the transport network by minimising conflict between different types of road uses encourages walking and cycling.	Amend the objectives and policies to ensure that structures and other features are located and designed to avoid conflicts between road users.
20.	Various	We support the inclusion of CPTED principles, such as designing for passive surveillance. These principles, when implemented, provide actual and perceived safety outcomes, and therefore encourage walking and cycling.	Retain references to CPTED principles.
21.	MRZ2-O4, MRZ2-P10 and associated rules	<p>Intensification across the Medium Density Residential Zone 2 will result in more people living in those areas of the district. Allowing mixed use areas, and expansion of existing commercial zones helps avoid continued reliance on a car as the main mode of travel. Intensification may solve housing issues but will create transport issues if easy access to day-to-day needs by active or public transport is not provided for.</p> <p>We support MZR2-O4 and MRZ2-P10 but suggest that the rules be better aligned with this objective and policy to enable more, or expansion of existing, commercial and mixed uses in neighbourhoods where intensification will be occurring.</p>	Retain MRZ2-O4 and MRZ2-P10. Amend or add new rules to enable more, or expansion of existing, commercial and mixed uses where intensification will be occurring.

Submission point	Provision	Submission	Relief sought
<i>Climate change</i>			
22.	General	Waikato District accounts for 15% of transport emissions in Waikato Region. There are no objectives or policies that explicitly address this.	Amend objectives and policies to: - Require adverse effects from the construction of the transport network, including embodied and operational greenhouse gas emissions, to be avoided, remedied, or mitigated; and - Minimise the need to travel and the total distance travelled.
23.	General	Subdivision and development should not occur in locations where the risk of climate change cannot be mitigated, or the resulting land use activity cannot adapt or be resilient to the effects of climate change. This is consistent with the definition of well-functioning urban environment under the NPS-UD.	Amend objectives and policies to require the resilience of the transport network to natural hazard risk and climate change disruptions to be improved.
24.	General	As urban areas intensify it is important that urban tree cover is provided for. Trees mitigate the urban heat island effect resulting from climate change, and provide a range of other benefits for amenity, urban biodiversity, and air quality.	Amend or add objectives, policies, rules and/or matters of discretion which promote the retention of existing vegetation, particularly mature trees, wherever possible during development.
<i>Stormwater</i>			
25.	SUB-R153	The requirement under (1)(ii) that proposed vacant lots must be able to connect to public-reticulated water supply and wastewater is identified in the Section 32 Report as a provision which gives effect to the qualifying matter of Te Ture Whaimana. We query whether further amendments to SUB-R153, including matters of discretion, are needed to give effect to Te Ture Whaimana in relation to managing stormwater effects associated with intensification.	Consider adding a new matter of discretion relating to stormwater management.

Submission point	Provision	Submission	Relief sought
26.	MRZ2-S10	<p>We support the retention of the maximum impervious surface standard to reduce adverse effects of additional stormwater run-off associated with intensification.</p> <p>We suggest adding a new matter of discretion to ensure that effects on the health and wellbeing of waterways are appropriately mitigated if the maximum impervious surface area is exceeded, such as through use of low-impact design technologies for stormwater management.</p>	<p>Retain MRZ2-S10(1).</p> <p>Add new matter of discretion to MRZ2-S10(2) relating to effects on waterways and/or the use of low-impact design technologies.</p>
27.	MRZ2-S13(1)(a)(iv)	<p>The Section 32 Report (Volume 1) states that the amended building setbacks from waterbodies “are based on the approach of 25m + the normal setback for a building for the Waikato and Waipa Rivers, and 20m + the normal zone setback for other rivers.” Using this approach, the minimum building setback from the margins of the Waikato and Waipa Rivers should be 26.5m, however this rule specifies a setback of 25.5m.</p>	<p>Amend (iv) to 26.5m from the margin of the Waikato River and the Waipa River.</p>

Further information and hearings

WRC **wishes to be heard** at the hearings for Proposed Variation 3 – Enabling Housing Supply in support of this submission and is prepared to consider a joint submission with others making a similar submission.

WRC **could not** gain an advantage in trade competition through this submission.

Submitter details

Waikato Regional Council
Contact person: Katrina Andrews (Strategic and Spatial Planning)
Email: Katrina.Andrews@waikatoregion.govt.nz
Phone: (07) 8590 929

Post: Private Bag 3038
Waikato Mail Centre
Hamilton 3240

I could not gain an advantage in trade competition through this submission
I am not directly affected by an effect of the subject matter of the submission that:
(a) does not adversely affect the environment; and
(b) does not relate to trade competition or the effects of trade competition.