

**Proposed Waikato District Plan
 Enabling Housing Supply Variation 3
 to the Proposed Waikato District Plan
 Submission form**

ECM Project: PDP2022V003-03
ECM #
Submission # 075
Customer #
Property #

RMA Form 5

Closing date for submissions: 5pm on Friday 28 October 2022

Submitter details: (please note that the (*) are required fields and must be completed)

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Please tick your preferred method of contact* <input checked="" type="checkbox"/> Email <input type="checkbox"/> Postal	Correspondence to* <input checked="" type="checkbox"/> Submitter <input type="checkbox"/> Agent <input type="checkbox"/> Both
Trade competition and adverse effects:* <input type="checkbox"/> I could <input checked="" type="checkbox"/> I could not gain an advantage in trade competition through this submission. Only if you ticked "I could" above, please answer this question: I am/am not directly affected by an effect of the subject matter of the submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition. Note: If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part I of Schedule I of the Resource Management Act 1991	
Would you like to present your submission in person at a hearing? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If others make a similar submission I will consider presenting a joint case with them at the hearing. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Please complete a line for every submission point, adding as many additional lines as you need:

<p>The specific provisions of the proposal that my submission relates to e.g provision number, map or natural hazard area</p>	<p>Do you:</p> <ul style="list-style-type: none"> • Support? • Oppose? • Amend? 	<p>What decision are you seeking from Council?</p> <p>What action would you like:</p> <ul style="list-style-type: none"> • Retain? • Amend? • Add? • Delete? 	<p>Reasons</p>
<p>e.g. SUB-R1 Subdivision - general</p>	<p>e.g Support</p>	<p>e.g Retain rule SUB-R1</p>	<p>e.g Subdivision should be allowed for</p>
<p>REFER TO ATTACHED SUBMISSION. THE SUBJECT VARIATION IS OPPOSED IN PART</p>			

Please return this form **no later than 5pm on Friday 28 October 2022** to:
Waikato District Council, 15 Galileo Street, Private Bag 544, Ngaruawahia 3742, or e-mail: districtplan@waidc.govt.nz

Signed:
(A signature is not required if you make your submission by electronic means)

Date: 28 Oct 2022

PRIVACY ACT NOTE: Please note that all information provided in your submission will be used to progress the process for this variation, and may be made publicly available.

Waikato District Council,
15 Galileo Street,
Private Bag 544,
Ngaruawahia 3742

email: districtplan@waidc.govt.nz

28 October 2022

Tēnā koutou

**SUBMISSION WAIKATO DISTRICT COUNCIL VARIATION 3 TO THE WAIKATO DISTRICT PLAN –
ENABLING HOUSING SUPPLY**

- Our submission is to Variation 3 which is specifically relates to the introduction of the governments medium density housing requirements within Waikato District. Thank you for the opportunity to provide this information.
- We are not trade competitors.
- We are a group of architects who live in the Waikato.
- We wish to be heard in respect of this submission. If others make a similar submission we are prepared to consider presenting a joint case with them at a hearing.

OUR SUBMISSION IS:

1. It is acknowledged that Waikato District Council (WDC) must respond to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021. This requires introduction of the Medium Density Residential Standards (MDRS) within residential zones.
The variation is OPPOSED in part.
2. We support the policy of the WDC to retain a lower density in the General Residential zone as this is an urban fringe for WDC towns.
3. We support the WDC proposed MDRZ 1 and 2 zones in principle.
4. We support the vision and strategy for the Waikato River and associated planning policies, including setbacks from the Waikato River.
5. In terms of the New Zealand Urban Design Protocol (2005) it is viewed that, in considering the outcomes of the Proposed Variation, the endeavours and principles espoused within the protocol should remain primary reference points in the developing Plan Change policies and rules that the

shape the built, environmental and social outcomes. It is noted that the Urban Design Protocol focus is on 'quality urban design', and states that, amongst other things:

“Quality urban design values and protects the cultural identity and heritage of our towns and cities and provides for creativity. It reinforces New Zealand’s distinctive identity. Quality urban design also adds social, environmental and cultural benefits by creating well connected, inclusive and accessible places, and by delivering the mix of houses, uses and facilities that we need. It can enhance safety, reduce crime and fear of crime and enhance energy efficiency.”

Therefore we support in principle the WDC Plan Change initiatives, policies and rules that uphold the UDP principles and imperatives. However the MDRS requires the development of three homes up to three storeys on each residentially zoned site, without the need for resource consent. While we support good quality urban environments and the provision of quality housing within well planned neighbourhoods, the rushing through of this legislation is of concern, and the impacts are now at local level, with councils unable to respond to improving a poorly planned act being imposed upon the community with minimal consultation.

6. As architects we support the following in terms of improving housing and intensification:
 - it is needed across our growing cities and regions
 - essential in support of efficient and cost-effective infrastructure investment and climate responses
 - it needs to be designed well to achieve to deliver the well-being outcomes for communities
 - architects are essential along with urban design panels, to ensure rigorous and robust review and high quality design outcomes
7. However there is no indication of how sustainability and the New Zealand Urban Design protocols are embedded within the MDRS to make communities robust and sustainable and create a liveable city, retaining the past and present with future changes. The blanket requirement of the three by three legislation may likely have a significant impact on New Zealand for generations to come unless based on good urban practice with policies and rules embedded in the district plan.
8. In our view the townships of Tuakau, Pokeno, Huntly and Ngaruawahia have strong cultural constructs and layers of histories that should be integrated in any planning rules and requires time, consultation and co-operative approaches.
9. We consider community consultation and participation very important, but there has been insufficient time for this process in our view. This would have allowed the ability for all three Waikato councils in Tier 1 to have joined resources and provided good illustrations and consultation processes. This should include quality drawings and models of MDSR and what may be seen in the towns of Pokeno, Tuakau, Ngaruawahia and Huntly. No such modelling has been made available to gain a better understanding of the proposed changes, or to provide quality designed models to assessed against in terms of housing design and neighbourhood design.
10. Proposed medium density [11 metres] means three to potentially four storey buildings can be built without planning controls and neighbour input. There seems to have been minimal engagement with these significantly effected communities due to government time frames.
11. The proposed intensification of old towns requires careful design and co-ordination with the community. This includes respecting the past and the practicalities of dealing with very old

infrastructure. One example is Ngaruawahia where the MDRS rule of increased density within 400 metres includes cultural lands, historic heritage and the Waikato River.

12. The potential impact of intensification on old areas and historic towns is unclear.

13. Concerns with Variation 3 include:

a) The lack of attention given to Part 2 RMA, including consideration under section 7 to the maintenance and enhancement of amenity values (in particular when considering residential amenity) and 'sustainable management' of physical resources (including existing urban buildings). It is noted the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 has not amended Part 2 RMA.

b) The restriction of MDRS to just the proposed MRZ2 zone is supported in principle. However if there was to be an introduction of blanket 'medium density' planning rules to all residential areas in the four townships this will place severe limitations on WDC ability to adopt more nuanced and contextually suitable planning controls

c) No notification nor right-of-appeal for complying developments (meeting permitted activity standards)

d) The MDRS introduces a range of height, density and amenity standards, such as a maximum permitted height of 11m, 50% site coverage, minimum 1m x 1m outlook space for habitable rooms, minimum site setbacks and so on. Some of these, such as the outlook space requirements, severely compromise amenity and risk creating poor quality developments and infill developments that do not improve the living environment of the neighbourhood. A minimal approach to amenity values, required under the MDRS, which impact on neighbourhoods within the proposed MDRZ2.

e) If the proposed WDC residential intensification is modified to allow 11 metre high houses built throughout General Residential zones 'as of right' then this will undoubtedly result in property owners having views and sun blocked, with no recourse to appeal against the development.

14. Ultimately the RMA 21 and the MDRS is legislation that was introduced without due consideration for the unintended impacts it will have on our environments and the Waikato. Whilst some level of intensification can be appropriate within Waikato District it needs to be well considered, evidence based, serviceable and affordable for future generations, with the communities well informed.

15. Council needs to ensure additional mechanisms and controls are adopted to increase housing supply whilst maintaining an appropriate level of control over the amenity and urban planning impacts. This includes ensuring good urban design outcomes, and limiting overshadowing and privacy impacts for adjoining properties. It is noted Councils ability to set planning controls is limited by the MDRS.

16. Quality intensification should not be traded off against a short-term gain in housing numbers and community well-being.

17. The 'one size fits all' approach of the MDRS needs to be rejected in favour of an evidenced, analysed, and strategic approach to establishing suitable locations for quality designed housing intensification and a matching increase in infrastructure investment.

18. Historic heritage is a qualifying matter however there does not seem to be a specific assessment report provided of the areas where the MDRS and MRZ2 is proposed in the four townships. More consideration is needed on how historic heritage values are to be protected within the proposed MRZ2. It is noted there is limited scheduling and a lack of historic areas. A Historic heritage assessment report should be available to inform the plan change.
19. The long term impact on the character of the historic towns, particularly small townships, has not been included within the MDRS. For instance the effects of Infill adjacent to small 19th century cottages and historic heritage, has not been specifically addressed.
20. Our concerns are founded on the WDC vision to create liveable, thriving and connected communities and include:
- a) Quality living environments and neighbourhoods which include the past and present, and allow for new development within that frame work, based on urban design protocols and agreed community plans (Waikato District and Local Area Blue Prints).
 - b) A framework for increased density in principle is supported, but there needs to be design rules, a method for assessing cumulative change to a neighbourhood and having neighbourhood plans rather than a piecemeal approach, and the option to have a regional urban design panel give advice on quality design rather than rely on in-house.
 - c) Sustainability of our environment is a cornerstone of the WDC policy and should be included within the chapter on such elements as retaining existing buildings and retaining existing trees, landscape and plantings within residential areas. Residential developments within existing buildings for residential use should also be utilised in the four townships, where three storey buildings maybe more appropriate such as in the commercial zone.
 - d) Quality of urban design which incorporates new housing sensitively into existing established neighbourhoods, and includes a wider historic heritage approach.
 - e) Quality control with design guides and assistance that looks at the wider street and neighbourhood environment, rather than one section at a time.
 - f) There has been insufficient time given to provide visual models of the type and scale of development that may happen within streets that are primarily single storey. In cities such as Wellington and Auckland models have been provided, yet the MDRS is being placed in very small towns where the impacts will likely be more extreme and are unknown. Time for this informed consultation process does not seem to have taken place.
 - g) Protection of privacy, living spaces for families that include appropriate north facing space [outside and inside], and a reduction in overshadowing from 11 metre high developments, particularly beside one storey homes.
 - h) Retaining historic heritage and the minimising the impact on adjacent historic heritage [buildings and sites] including having appropriate scales of MDR next to historic heritage.
 - Although plan changes for heritage have been recently agreed, as part of Variation 3 there is no assessment of the historic towns and whether there are potential historic areas that could be identified, as part of the variation documents.
 - control on impact on the boundaries of historic heritage,[buildings, areas, archaeological and cultural sites] where scale and the new 3x3 storey housing may greatly effect heritage values and overshadow historic heritage
 - i) Infrastructure that is suitable to take density changes. It is unclear where there is the ability for old infrastructure to take on additional intensification, and what the costs associated with the scale of infrastructure on old towns.
 - j) Car Parking: Under the National Policy Statement on Urban Development (NPS-UD) tier 1, 2 and 3 Councils must remove minimum car parking rates from their district plans. Previously many

district plans specified car parking numbers (e.g. based on floor area or building use). Waikato District is Tier 1 (like Auckland). Developers may still choose to provide car parking, but the number of car parks will be driven by market demand. Car parking rules are important in MDRZ2

- k) Lack of urban design policies and rules, with associated embedded design guides.
- l) More requirements for accessible sites and residential housing within 3x3 storey developments, in Chapter 3 rules
- m) Assessment and monitoring of cumulative impacts on local neighbourhoods, and preplanning before other issues impact on the neighbourhood such as street parking and loss of amenities. Preplanning for significant impacts on streets and neighbourhoods when more than two 3x3 storey MDRS in a street are proposed.
- n) Possible high density has not included in this Plan Change. If there is submissions to increase the density above 11 metres then these selected areas need to be fully controlled and identified with strong design controls. If there is disagreement on the density proposed, then allowance for planned and controlled mixed use within the town commercial zone rather than within old residential areas, in terms of residential is supported in principle, subject to better design rules and design guides]. Restricting the plan change to Residential does not to take into account modern planning and good urban design where there should be mixed zone uses [residential and other], where potentially more suitable areas can be selected for higher density housing types.

We also seek:

- 21. Urban design rules should be included. While the District Plan sets objectives and policies within the residential zones with rules for good urban design practice are required particularly on 'existing character', 'privacy', 'north facing living', and design quality in the MDRZ2. Urban design rules within residential chapter which include:
 - a) MFE Urban design guides
 - b) Restricted discretionary rules to include design and character and associated rules and design guides;
 - c) Use of assessment by a Waikato urban design panel with associated design guidelines
- 22. Assessment Report of Historic heritage including potential historic areas, of the four historic towns, as part of Variation 3, as a qualifying matter.
- 23. Rules within chapter that provide a buffer in terms of developments adjacent to historic heritage, with reduced heights and setbacks, along with rules that reduce heights and site coverage in terms of infill and subdivision of historic heritage, below the levels required under the MDRS in the MDZ2
- 24. Definition of 'character' and inclusion in residential chapter of character along with design. guidelines, that are specific to the communities.
- 25. We support and seek improved rules in the residential chapter for amenity and specifically in terms of proposed MRZ2 for improved:
 - a) Privacy
 - b) North facing
 - c) Daylight and overshadowing
 - d) On site Parking
 - e) Setbacks from the Waikato river and natural gullies
 - f) Setbacks of developments adjacent to historic heritage

- g) Retaining established on site trees and landscaping
 - h) Retaining existing buildings that are adaptable and can be repaired
26. Car parking: Support a rule that requires (among other things) that where an on-site vehicle parking area includes more than 4 parking spaces; it must be landscaped at a certain rate.
27. Retention of the rules which include character, privacy, permeable surfaces definition, and north facing and controls on overshadowing, but with associated design rules and design guidelines. And:
- a) reduction in potential 4 metre high boundaries walls;
 - b) Windows to street- need design rules so that proposed residential buildings face street [if appropriate] and provide an appropriate scale and environment on street that is liveable and quality design i.e. can have toilet windows facing the street
 - c) Support Permeable surfaces but seek associated rules and design control.
 - d) A rule that requires modelling of over shadowing of neighbouring properties in existing residential zones for MD developments, when it falls outside of permitted activity status.
28. Urban trees- rules that require landscaping assessment and a rule that give benefits to developers if substantial existing on section trees are retained. Tree sizes and sizes should be included and how these are maintained, with protection of drip line rule as per Notable Trees to ensure trees survive.
29. A rule within the chapter that if more than 10% of a street is under redevelopment there should be a neighbourhood Infrastructure plan in place.
30. A Monitoring rule is required as to degree of change and to give the ability to pre plan and reduce impacts for the street or neighbourhood. The Monitoring rule within residential zones should include planning provisions, landscaping, permeable surfaces etc. tied to the CCC. And in regards streets a rule in residential chapter that assesses impact of parking with introduction of 3x3 storey MD and requires a consultant street design for parking and trees and landscaping before substantial change in scale of developments is constructed.
31. Infrastructure should be preplanned and be done in consultation with neighbourhoods before MDRS 3x3 developments significantly alter neighbourhood, with policy and rules that support this. Including a rule that:
- a) Only link to laterals that are less than 20 years old
32. Cumulative assessment rule when 3x3 proposals are over 20% of street in order to improve urban design quality of neighbourhood [parking. Landscaping etc.] With a 5 year review of neighbourhoods infrastructure against approved residential model, by consultant for MRZ2.
33. Rule for accessible units and developments with MD. A higher percent of accessible units and design within new medium density developments and sites [i.e. accessible paths and covered areas externally] would better reflect the 20% of the New Zealand's community in this category, and make the places more accessible for all.

Waikato District Council has taken a considered view on the government residential density requirements, however in our view have had insufficient time and modelling to be able to provide good examples of models and what the potential impacts will be of standardised three storey permitted developments in our neighbourhoods.

We support in principle the WDC increased density limited in principle to one new zone MRZ2 however seek better quality standards for our local communities and neighbourhoods for such matters as sustainable design, good quality urban amenity and diversity of housing and neighbourhoods. The liveability and well-being outcomes of well-designed residential intensification need to be thoroughly researched and must be included in Council's decision in line with the New Zealand Urban Design Protocol.

Historic heritage needs to be considered as a qualifying matter within the proposed new zone, and be supported by a specific heritage assessment report as part of the variation to inform the proposals.

As result of the government standardisation and reduction in amenity rules under the MDRS there is great risk that sensitive developments within old existing neighbourhoods and towns will be sparse and will result in long term impact on existing communities. There is insufficient modelling of what is proposed. In our view in the interim there should be a much higher level of design quality control in policy and rules so that all the different communities and groups that make up a sustainable and supportive neighbourhood have the capacity to support new residents and developments on the scale proposed. Quality, sustainable living environments are essential. Application of the MDRS required in a rush within a district plan does not provide the above in our view.

As there is no ability to appeal the particulars it is even more imperative that local communities can have their say based on informed models and more time so as to achieve the WDC vision and community goals of liveable, thriving, connected communities.

Thank you for this opportunity to submit.

Yours sincerely,

Bryan Windeatt Registered Architect

Laura Kellaway Registered Architect