



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

ECM Project: PDP2022V003-03
ECM # .....
Submission # <b>089</b> .....
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)

Name of submitter*: Blue Wallace Surveyors Ltd	
Contact person for communications*: Tim Lester	
Agent (if applicable):	
Postal address*: PO Box 38	
Suburb:	Town/City*: hamilton
Country:	Postal code*: 3240
Daytime phone:	Mobile: 021993223
Email address for submitter*: Email address for agent (if applicable):	
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.  <b>Note:</b> 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</p> <p>e.g provision number, map or natural hazard area</p>	<p>Do you:</p> <ul style="list-style-type: none"> <li>• Support?</li> <li>• Oppose?</li> <li>• Amend?</li> </ul>	<p>What decision are you seeking from Council?</p> <p>What action would you like:</p> <ul style="list-style-type: none"> <li>• Retain?</li> <li>• Amend?</li> <li>• Add?</li> <li>• Delete?</li> </ul>	<p>Reasons</p>
<p>e.g. SUB-RI Subdivision - general</p>	<p>e.g Support</p>	<p>e.g Retain rule SUB-RI</p>	<p>e.g Subdivision should be allowed for .....</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](mailto:districtplan@waidc.govt.nz)

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

**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.

28 October 2022  
Our Ref: 22219  
Client: Blue Wallace Surveyors Limited

**Waikato District Council**  
**Private Bag 544**  
**Ngāruawāhia 3742**

Dear Sir / Madam

### **Variation 3 – Enabling Housing Supply: Submission of Blue Wallace Surveyors Limited**

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#### **1) Introduction**

Blue Wallace Surveyors Limited (BWS) wish to provide a feedback submission on the recently released Intensification Planning Instrument (IPI) by Waikato District Council (WDC).

WDC have named the notified IPI *Variation 3 (VAR 3)* to the Proposed Waikato District Plan – Appeals Version (PDP).

BWS acknowledge that the IPI process has been introduced by the *Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021* which requires WDC to amend the PDP to provide for high and medium density development in response to an increasing demand for housing in urban areas across the District.

In particular, the 2021 Amendment Act gives effect to the intensification requirements put in place under the in the National Policy Statement on Urban Development 2020 (NPS-UD) and therefore has introduced Medium Density Residential Standards (MDRS).

The MDRS direction will enable up to three dwellings (up to three stories high) in all applicable residential zones in the PDP as a permitted activity. Furthermore, WDC is also required to enable up to six-storey buildings within walkable catchments of commercial centres.

In providing this submission, BWS understand that the MDRS' are mandatory provisions to be included in the PDP by WDC – and therefore any direct changes to these standards will be out of scope, and hence unable to be changed through the VAR 3 submission process.

#### **2) Submission Context**

BWS is an established and locally based survey firm specializing in land use and subdivision development matters (surveying, planning and engineering) within and surrounding the Waikato District.

BWS Clients vary in size - from small-scale family sized developers up to larger national and international-level development entities and individuals.

Regardless of the scale of our Client's project aspirations, having a clear and concise understanding of VAR 3, and its effect on any given development, is of critical importance to BWS – particularly in regard to advising our Clients appropriately and accurately.

In considering BWS' core business and Client base the following submission consists of both high-level matters, as well as a more specific focus on individual VAR 3 provisions.

#### **3) High-Level Feedback**

BWS staff have reviewed VAR 3 inclusive of the supporting consultation material that has been made available on WDC's VAR 3 Website.

Based on the information currently available it remains uncertain *how* VAR 3 will enable an appropriate opportunity for fundamental land development matters be considered at the forefront of any development proposal/design whereby potentially large housing developments are enabled across the residential 1 and 2 zones without the requirement to firstly obtain resource consent for land use.

Whilst BWS note that WDC has applied 'Qualifying Matters' in relation to the MDRS, we are still unsure as to *how* such fundamental higher density development matters, such as infrastructure provision, will be considered in advance of any given development.

It is BWS' expectation that through the VAR 3 planning process guidance on infrastructure connection provisions will become much clearer. As this point is clarified it is our hope that such guidance can then effectively be passed on to our clients.

As a surveying firm BWS is aware that there is a wider land development industry concern in relation *how* and *when* other *Tier 1* Councils will regulate residential development infrastructure connections outside of the land use consent provisions and standards of the applicable district plan (as would be the case for permitted MRDS activities). In the case of Hamilton City's PC12, BWS are aware that HCC are in the process of preparing a three waters connection policy to address this matter; albeit, at this stage there is very little available information about this policy. Regardless, BWS would be interested to see if WDC are similarly looking at providing a pre-development infrastructure connection policy which would provide clear guidance, yet fall outside of the PDP and VAR 3.

In consideration of the above, it is our expectation that opportunities will be made available to industry to meaningfully contribute to any infrastructure connection mechanism (policy development or other) being considered by Council; and furthermore, it is expected that much more information and surety for our Clients will become available on this matter as VAR 3 progresses through the IPI evaluation and assessment process.

#### Decision Sought

1. Council to work collaboratively with industry and network utility providers to integrate infrastructure connection guidance for all medium density residential service connections – not limited to only Council owned infrastructure.

#### **4) Specific Submission Points**

The Submitter's specific submission points are provided in **Attachment A**.

The table below has been prepared on a standard Schedule 1 format, whereby specific provisions have been identified, followed by the level of support for each provision, followed again by reasons and sought decisions.

Notwithstanding any amendments sought by the Submitter in the table below – we are happy with any changes to the suggested wording in **Attachment A** provided the changes achieve the same effect sought by the submission.

The Submitter could not gain advantage in trade competition through this submission.

The Submitter wishes to be heard in support of this submission.

If others make a similar submission, the Submitter would be willing to consider presenting a joint case with them at hearing.

Any clarification or further information regarding the above submission can be made to the author at [tim.lester@bluewallace.co.nz](mailto:tim.lester@bluewallace.co.nz).

Regards



Tim Lester  
Blue Wallace Surveyors Ltd

## Attachment A – VAR 3 Specific Submission Points

Section/Provision	Provisions	Support / Oppose	Reasons and decision sought
<i>MRZ2-P3 Housing Design.</i>	<p>Policy MRZ2-P3 states <i>“Enable housing to be designed to meet the day-to-day needs of residents”</i>.</p> <p>The Submitter supports the policy direction; however, it is considered that the scope of the policy could be slightly expanded upon to include connection to infrastructure services. Such connections are considered to be aligned with the words <i>“...day-to-day needs...”</i>, and therefore will not diminish the purpose and intent behind the policy.</p> <p>From a surveying perspective, it is important to consider any built development from a probable subdivision or unit titling perspective. Consequently, whilst there are MRZ2 performance criteria relating to controlled activity subdivision, there is risk if services connections have been planned or provided for with only a retrospective subdivision (and easement) design/ramifications in mind.</p> <p>The Submitter contends that appropriate reference to a well-considered infrastructure connection direction under VAR 3 is appropriate – with MRZ-P3 sought to be amended as suggested.</p>	Support in part	<p>The Submitter seeks the following amendment to MRZ2 - P3 as follows:</p> <p>Policy MRZ2-P3 <i>“Enable housing <u>and associated services</u> to be designed to meet the day-to-day needs of residents”</i>.</p>
<i>MRZ2-P11 Reverse Sensitivity.</i>	<p>Policy MRZ2-P11 is stated as to:</p> <p><i>“Maintain appropriate setback distances between new sensitive land uses and existing lawfully established activities that may result in reverse sensitivity effects.”</i></p> <p>The Submitter supports this policy and direction as it relates to a qualifying matter.</p>	Support	<p>Based on the coverage of lawfully established matters considered to be applicable to reverse sensitivity effects (being the inclusion of existing residential land use), the Submitter is supportive of Policy MRZ2-P11.</p> <p>The Submitter seeks the retention of Policy MRZ2-P11 as currently drafted.</p>

	<p>The Submitter considers that lawfully established activities is a broad term which can be applied to both residential and non-residential land use activities.</p> <p>The effects that will be established under the MDRS in most instances will be acceptable for abutting general residential zoned properties; however, in some instances existing residential land use will be significantly, and unreasonably effected from an amenity and character perspective (i.e., dominance, shading and visual).</p> <p>In the event that a high-density development is being considered at the interface with a general residential zone - the ability for Council (and or the developer) to consider a permitted activities compliance with policy MRZ2-P11 will be useful in providing a degree of environmental balance to the early stages of any given development proposal.</p>		
<p><b>New Standard</b></p>	<p>MDRS <i>MRZ2-S4</i> has legal effect - hence the Submitter acknowledges that direct amendments to the standard could be deemed out of scope by Council.</p> <p>Notwithstanding the above, the submitter considers that the effect of the urban fringe Qualifying Matter means that urban (general Residential Zone - GRZ) areas on the immediate periphery to MRZ2 zoned land (and which are not separated by a transportation corridor) will be subject to an unreasonable level of potential dominance effect given the MRDS.</p> <p>In considering the above the submitter wishes Council to include additional protection to GRZ land immediately abutting MRZ2 land – particularly in regard to internal side and rear yard boundary setbacks.</p>	<p>Neutral</p>	<p>The Submitter seeks that a new, or amended, development standard and/or permitted activity criterion is provided under VAR 3 to the effect that the MDRS relating to internal rear and side-yard building setbacks with GRZ land are to be 1.5m as opposed to only 1.0m.</p> <p>The submitter acknowledges that a 0.5m additional setback is a nominal distance; however, when considering the potential adverse environmental effects of the MDRS on the GRZ, the relief being sought will recognise a cross boundary impact and consequently implement a sensible mitigation to actual and potential effects.</p> <p>A possible new standard is as follows:</p>

Currently, General Residential land can undertake development as a permitted activity based upon compliance with the applicable performance standards as they relate to 'other boundaries'. Such a permitted activity is based on an understanding that at least 3.0m separation will be provided from adjacent residential dwellings (being a 1.5m setback on each property).

The separation from larger residential dwellings/units establishing under the MDRS and VAR 3 will be only 2.5m and consequently a 0.5m separation penalty will be imposed in the GRZ residents without any mitigation.

*"MRZ2-S4 Setbacks*

*(1) Activity status: PER*

*Where:*

*(a) Buildings must be set back from the relevant boundary by the minimum depth listed in the yards table below:*

<i>Yard</i>	<i>Minimum depth</i>
<i>Front <u>and abutting the GRZ</u></i>	<i>1.5m</i>
<i>Side</i>	<i>1m</i>
<i>Rear</i>	<i>1m (excluded on corner sites)</i>

Such a provision would align with *MRZ2-P11 Reverse Sensitivity* – as indicated above, and hence would accord with the VAR 3 policy setting.

Alternatively, the applicable PDP planning maps could contain a GRZ buffer area where abutting a MRZ1 and 2 area.