

Residential Zone Hearing - Overview

Te Kauwhata Land Limited (Submission #368 – Ian McAlley)

Section	Proposed District Plan Wording	Decision Requested	Section 42a recommendation	TKL response to s 42a recommendation
4.2.2 Policy – Character	(ii) Promotes views and vistas from public spaces of the hinterland beyond; and	Confine to identified vistas/landscapes to remove uncertainty.	Rejected. Rejected for irrelevant reasons. Reference to Raglan airfield viewshafts.	Is it a natural landscape that should be protected as per s 6 or is it just a landscape/vista? If an area been identified as a Residential Zone, then surely there has already been an assessment of its appropriateness in respect of other landscapes and an acceptance that the land will be developed and its form altered. It's either residential and to be used for residential purposes or it is not. Views, vistas and contours should be protected where there is an identified value associated with the land to enable efficient design outcomes. This requires a district wide assessment.
4.2.14 Objective – Earthworks	(a) Earthworks facilitate subdivision, use and development.	Amend to state 'Earthworks facilitate efficient subdivision, use and development' The earthworks profile is often dictated by the engineering requirements of providing roads and services at appropriate gradients, in turn able to provide efficient and safe connection to individual lots.	Rejected	People need houses that are going to be useable and affordable. That means having sections that are easy to build on and to access and provide areas for play/outdoor use. Providing those sections requires earthworks which are fundamental to residential development. This should be acknowledged in the objective and policy framework.
4.2.15 Policy – Earthworks	(iv) The importation of cleanfill is avoided in the Residential Zone. (d) Subdivision and development occurs in a manner that maintains fundamental shape, contour and landscape characteristics.	Delete (d).	Rejected	Again the word ' <i>fundamental</i> ' in (d) raises that disjunct between efficient and practical building sites within a residential zone and a desire to retain natural contours. If those contours have not been identified as being landscapes worthy of protection in the District (and this should be identified in a landscape review) then the primary outcome should be achieving a functional site that will allow for efficient urban development. The Residential Design Guidelines contained within Appendix 3.1 of the PWDP direct subdivision and development to integrate with the general landform of a site. That is entirely appropriate. It seems that the guidelines and the policy direction are at odds with one another. Reference to the retention of the "general" shape, contour and landscape characteristics whilst under the objective of "facilitating efficient subdivision, use and development" is more appropriate and balanced. This hierarchy establishes an obligation to ensure that one development block integrates appropriately with adjoining blocks, roads and infrastructure, taking into account the "landscape characteristics", whereby any landscape characteristics should be identified and defined separately in the District Plan
4.2.16 Objective – Housing option 4.2.17 Policy – Housing types 4.2.18 Policy – Multi-unit development		Objective 4.2.16 and Policies 4.2.17 and 4.2.18 are supported in general , but there is insufficient flexibility and potential for the rules to be misaligned with the objectives and policies if special rules for Te Kauwhata West are retained.	Accepted in part	The PDP as notified does not give effect to the Waikato Regional Policy Statements requirement of 12-15 dwellings per hectare through the density provisions of the Te Kauwhata West Living Zone as proposed. Those special provisions should be removed. They are not supported by a Structure Plan or anything in the s 32 reports to justify their inclusion in the PDP.
16.1.2 Land-use activities – Permitted activities	See list of permitted activities under 16.1.2	Amend 16.1.2 to enable show homes as a permitted activity.	Rejected	Show homes are residential. They are erected and sold on residential sites. Their quality and characteristics can be managed with appropriate performance standards for a permitted activity.

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16.1.3 – Restricted discretionary	See list of permitted activities under 16.1.3	Retain 16.1.3. Ensure rules for multi-unit development are enabled in all residential areas of the district where connection is available, or will be available to reticulated services. The active provision of multi-unit development assists in enabling different development densities, assists in providing a variety of housing types and assists in achieving the required densities of development as per the WRPS.	Rejected in terms of multi-unit development.	TKL supports the recommended changes which will provide certainty
16.2.4.1 – Earthworks General	See the permitted rules for earthworks activities under 16.2.4.1	Amend 16.2.4.1 to enable the assessment of bulk earthworks as part of a subdivision to be assessed as a permitted activity where consent has been received from the WRC for those earthworks. Delete assessment of the importation of cleanfill to a site as a non-complying activity (NC1) Amend to only require assessment of amenity and landscape effects where the earthworks are occurring in an area defined in the Plan as being protected for its landscape and/or natural character values. (RD1(b)(i))	Rejected 16.2.4.1 (NC1) has now been amended to say 'controlled fill' instead of 'clean fill' .	The amendment to Rule 16.2.4.1 NC1 is supported. We do not agree that WDC should be considering wider landscape issues in areas that have been zoned Residential and are not identified as natural landscapes warranting protection.
16.3.4 Fences or walls – Road boundaries and Reserve Zone boundaries	P2 Fences or walls between the applicable building setbacks under Rule 16.3.9 on a site and along the northern boundary of the Residential Zone between Wayside Road and Travers Road, Te Kauwhata, adjacent to the Country Living Zone, must be of a rural-type post and wire or post and rail construction.	Amend Rule 16.3.4.P2 to read 'Any fences or walls erected within the applicable building setback under Rule 16.3.9 on the common boundary of the Residential and Countryside Living Zones between Wayside Road and Travers Road, Te Kauwhata must be of a rural-type post and wire or post and rail construction.'	Accepted	TKL supports the recommendation of the s42A author to adopt the recommended changes to Rule 16.3.4.
16.3.5 Daylight admission	P1 Buildings must not protrude through a height control plane rising at an angle of 37 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary. RD1 (a) A building that does not comply with Rule 16.3.5 P1. (b) Council's discretion shall be restricted to the following matters: (i) Height of the building; (ii) Design and location of the building;	Amend rule 16.3.5 Daylight Admission to enable the height control plane to be measured from the top of a retaining wall where that retaining wall was included in the design of the subdivision and constructed as part of the subdivision prior to individual houses being built.	Rejected The report refers to the National Planning Standard's definition of 'height' and 'ground level' that it will remedy the issue.	This is another example where the PDP does not enable efficient development. If a subdivision has been approved with certain retaining walls included, and that wall is within 1.5m of the boundary, it is the height of the retaining wall that should be measured for the daylighting plane. If retaining walls have been developed at the time of subdivision then prospective purchasers can see the completed building platforms and therefore can ascertain that a dwelling will be located on top of the wall. The National Planning Standards do not fix situations where the retaining wall is inside the site.

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	(iii) Extent of shading on adjacent sites; (iv) Privacy on another sites; and (v) Effects on amenity values and residential character.			
16.3.6 Building coverage	P2 Within the Te Kauwhata Residential West Area or the Te Kauwhata Ecological Residential Area as identified on the planning maps, the total building coverage must not exceed 35%.	Amend rule to remove lower building coverage restriction for Te Kauwhata Residential West Area.	Rejected Refers to Te Kauwhata structure plan area and the s 32 that was prepared for the former Structure Plan in the Operative DP.	The original Environment Court ruling creating the Te Kauwhata West Structure Plan stated that the 'West' Zone itself was not a transitional zone between rural and urban areas. That function is fulfilled by the Country Living Zone. It's a Residential Zone and there is no s 32 analysis for keeping different controls over this area and nor is there a Structure Plan within the PDP.
16.4.1 Subdivision – General	RD1 (a) Subdivision must comply with all of the following conditions: (iv) Where 4 or more proposed lots are proposed to be created, the number of rear lots do not exceed 15% of the total number of lots being created; (b) Council's discretion shall be restricted to the following matters: (ix) Consistency with any relevant structure plan or master plan including...	Amend Rule 16.4.1(a)(4) to enable 25% of lots to be rear lots. The amendment to Rule 16.4.1(a)(4) are proposed to enable more efficient and flexible subdivision design. Ensure Rule 16.4.1(b)(ix) only relates to structure plans or master plans notified with the Proposed Plan.	Rejected re 16.4.1(a)(4) But Accepted in Rebuttal evidence (pg 14 Matheson Rebuttal Evidence) Accepted re 16.4.1(b)(ix) on the basis that a new structure plan may require different assessment, and this can be considered at the plan change time.	TKL agrees that the number of rear lots should be a matter of discretion. TKL agrees with the changes to Rule 16.4.1 in the Rebuttal evidence from Council/Mr Matheson. [Note there is a discrepancy between the Rebuttal evidence and the s 42A recommendation.]
16.4.3 Subdivision – Te Kauwhata West Residential Area	RD1	Delete Rule 16.4.3 Subdivision - Te Kauwhata West Residential Area and apply the standard residential subdivision provisions to this area.	Rejected With reference to WRPS and TK Structure Plan.	There is no TKW Structure Plan in the PDP. There is no justification in terms of the WRPS, which requires higher density targets. There is no rationale re waterbodies.
16.4.4 Subdivision – Multi-unit development	See detailed wording under 16.4.4	Support for Rule 16.4.4 but ensure rules for multi-unit development are enabled in all residential areas of the District where connection is available or will be available to reticulated services. Amend the reference in Rule 16.4.4(b)(viii) to structure and master plans contained within the notified version of the Proposed Plan.	Rejected Rejected re 16.4.4(b)(viii)	TKL supports the recommended changes which will provide certainty.
16.4.13 – Subdivision creating reserves	RD1	Amend Rule 16.4.13 so that references only relate to structure or master plans that are contained within the notified version of the Proposed Plan.	Rejected in S 42A Accepted in s 42A Recommended in Rebuttal evidence	TKL supports the recommended changes which will provide certainty.