



5 February 2020

**Proposed Waikato District Plan Hearings**  
**Waikato District Council**  
**Private Bag 544,**  
**Ngaruawahia 3742**  
**New Zealand**

*Transmittal via e-mail*

Dear Sir/Madam

**HEARINGS ON THE PROPOSED WAIKATO DISTRICT PLAN**  
**Hearing 10 – Residential**  
**Submitter 662 (Blue Wallace Surveyors Ltd)**

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Blue Wallace Surveyors Limited 'Blue Wallace' (Submitter 662 and further submitter FS1287) wishes to present limited evidence to the hearings panel in regard to Hearing 10 – Residential which commences on Tuesday 25 February 2020.

Blue Wallace has reviewed the Council Planning Officer's recommendations relating their submission and further submission points and considers that a level of agreement exists, in the main, that does not warrant attendance in person at the subsequent hearing 10. Consequently, Blue Wallace consider that their position and feedback on the Hearing 10 - Residential 42A report can be appropriately summarised and submitted through the tabling of the evidence provided below.

Notwithstanding the above, should the Hearings Panel see benefit in further elaboration being provided based on the submissions below, then Blue Wallace is more than happy to provide further information or clarification as required.

Blue Wallace wishes to note that they will be appearing at subsequent hearings where there are more submission points of specific and particular relevance to Blue Wallace and their Clients.

**Section 42A Officers Report Recommendations and Blue Wallace's Response**

The following comments are specific to the recommendations on submission points sought by Blue Wallace.

<b>Submission</b>	<b>Recommendation</b>
<p><b>662.42 Blue Wallace Surveyors Ltd</b></p> <p><i>Retain Policy 4.2.5 Setback: Side boundaries, except for the amendments sought below AND Amend Policy 4.2.5 (b) Setback: Side boundaries as follows: (b) Reduced side boundary setbacks occur <del>only</del> generally where it: (i)... (ii) Retains trees on the site; (iii) <u>Written approval for the encroachment has been provided by the abutting landowner.</u></i></p>	<p><i>Blue Wallace Surveyors Ltd [662.42] seek retention of Policy 4.2.5 and amend it by adding that setback distances can be reduced where written approval is provided by the abutting neighbor. It is not appropriate to address this in a policy. It is a mechanism which is accounted for by the resource consent process. I do not agree with the relief sought and therefore recommend no changes.</i></p> <p><b>Reject submission point</b></p>
<p><b>Recommendation not supported</b></p> <p>Blue Wallace acknowledge that boundary activities can be deemed permitted subject to obtaining the written approval of neighboring landowners for infringements.</p>	

However, in this regard Blue Wallace maintain that the use of the word “only” in Policy 4.2.5(b) is *too absolute* and hence misleading to plan users and administrators in relation to setback infringements.

An appropriate level of acknowledgement regarding setback infringements and *deemed permitted boundary activities* are considered beneficial to plan users at the policy-level of the Proposed District Plan.

<b>Submission</b>	<b>Recommendation</b>
<p><b>662.42 Blue Wallace Surveyors Ltd</b></p> <p><i>Amend Rule 16.3.9.3 P1(a) Building setback - Waterbodies as follows: (a) Any building must be setback a minimum of: (i) 23m from the margin of any: A. lake <u>over 4ha</u>; and B. wetland; (ii) 23m from the bank of any river (other than the Waikato and Waipa Rivers); (v) 10m from a managed wetland AND Any consequential amendments.</i></p>	<p><i>It is recommended that the submission from Blue Wallace be accepted by making reference to ‘artificial’ wetlands.</i></p> <p><i>Otherwise, I disagree with the relief sought.</i></p> <p><b>Reject submission point</b></p>
<p><b>Recommendation supported (in part)</b></p> <p>Blue Wallace agree with the planning officer to the extent that a reduction on the building setback to an artificial wetland is appropriate; however, it is noted that in the recommended performance standard <u>16.3.9.3 Building setback – Water bodies</u> no such setback reduction is noted, nor is reference to artificial wetlands’.</p> <p>Clarity as to where “reference” to the ‘artificial’ wetland is to be made in the new District Plan is required.</p> <p>Blue Wallace maintain that a reduced setback of 10m is provided in regard to artificial wetlands as conceded on paragraph 92 of the s42A report.</p>	

<b>Submission</b>	<b>Recommendation</b>
<p><b>662.6 Blue Wallace Surveyors Ltd</b></p> <p><i>Amend Rule 16.3.5 P1 Daylight admission as follows:</i></p> <p><i>Buildings must not protrude through a height control plane rising at an angle of 37 degrees commencing at an elevation of <del>2.5</del>3m above ground level at every point of the site boundary</i></p>	<p><i>The author of the s42A report for the Hearing 6: Village Zone (refer to paragraph 439) has concluded that the height at which the daylight angle is measured varies among Councils between 2m and 3m+ in height from the boundary. Generally, an increase in boundary height increases the length of the shadow cast by the building or structure. Given the lack of evidence provided by submitters to support their requested amendments, I recommend that the height be retained as notified at 2.5m.</i></p> <p><b>Reject submission points ... Blue Wallace Surveyors Ltd [662.6].</b></p>
<p><b>Recommendation not supported</b></p> <p>In preparing the decisions version of the Proposed Waikato District Plan, Blue Wallace urge Waikato District Council to consider and maintain consistency of performance standards with abutting territorial authority planning performance standards.</p> <p>In providing a consistent 3m boundary height standard for solar access (in this instance), plan users can be more confident at the design stage of development that cross boundary inconsistency has been eliminated from the Proposed Waikato District Plan.</p> <p>The Planning Officer makes a relative cost/benefit point of note when referring to <i>consistency across a region generally making it less confusing for the public</i> (paragraph</p>	

142 of the Planners Report) – this being in regard to a 45-degree height in relation to the boundary performance standard. Blue Wallace consider that same rationale should be applied to a boundary height for the sake of consistency across the region.

<b>Submission</b>	<b>Recommendation</b>
<p><b>662.45 Blue Wallace Surveyors Ltd</b></p> <p><i>Retain Objective 4.2.16 Housing options, except for the amendments sought below</i></p> <p>AND</p> <p><i>Amend Objective 4.2.16(a) Housing options as follows:</i></p> <p><i>(a) A wide range of housing options occurs in the Residential Zones of Huntly, Ngaruawahia, Pokeno, Raglan, Te Kauwhata, <u>Taupiri</u> and Tuakau...</i></p>	<p><i>Blue Wallace Surveyors Ltd [662.45] supports Objective 4.2.16 but seeks that it be amended to include Taupiri. I note that although a new area of land is zoned for Residential development, it is unknown how Taupiri will develop in the future with regard to the completion of the Waikato Expressway and work currently being undertaken on the Hamilton to Auckland corridor. This situation is recognised in Policy 4.1.14. Accordingly the inclusion of Taupiri is not supported.</i></p>
<p><b>Recommendation not supported</b></p> <p>Taupiri has been recognised both within Council’s applicable structure plan and Future Proof Strategy spatial planning maps as a growth area for the Waikato District.</p> <p>In consideration of the effect the section of Waikato Expressway will have on Taupiri, and the immediate area set for residential zoning in the Proposed Waikato District Plan, such strategically planned growth for Taupiri and surrounds should be appropriately recognised in the Proposed District Plan at the ‘Objectives’ level as requested.</p> <p>Future growth within Taupiri is not considered to be speculative or in any way uncertain as insinuated in the Planning Officers response; rather, broader confidence and planning commitment has been provided in regard to Taupiri’s strategically considered urban growth; with such growth being expected well within the timeframe of the Proposed Waikato District Plan becoming operative.</p> <p>Blue Wallace seek the Hearings Panel disregard the Planning Officer’s recommendation, and thusly recognise Taupiri’s strategically planned growth at the appropriate level of the Proposed Waikato District Plan.</p>	

### **Hearing Appearance**

Blue Wallace requests this correspondence be tabled at Hearing 10 - Residential in support of their submission points and as an appropriate response to the Section 42A Report recommendations as outlined above.

Should you require clarification of any matter, please contact Tim Lester at Blue Wallace (021 993 223), or on the following email: [tim.lester@blue.co.nz](mailto:tim.lester@blue.co.nz)

Regards



**Tim Lester**  
For Blue Wallace Surveyors Ltd