

23<sup>rd</sup> January 2020



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Proposed Waikato District Plan Hearing Panel  
Waikato District Council  
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Dear Commissioners,

## **PROPOSED WAIKATO DISTRICT PLAN**

### **Hearing 9 – Business and Business Town Centre Zones – Submitter Evidence: The Surveying Company Limited #746 and Brendon John & Denise Louise Strong #871**

The purpose of this letter is to express our position to recommendations made in the Hearing 9: Business Zone and Business Town Centre Zone Section 42A Report.

The Surveying Company (TSC) on behalf of Brendon John and Denise Louise Strong (Strong) and TSC made submissions relating to the Business and Business Town Centre Zones. We are not proposing to present evidence at the hearing on the points that are outlined below however we do wish to continue to express our opinion on the recommendations made in the section 42A report.

#### **Recommendations supported**

The following two tables outline TSC and Strong's submission points where the s42A recommendations are supported.

#### **Business Zone:**

<b>Submission Point</b>	<b>s42A Recommendation</b>
871.9 Strong requested to amend Rule 17.3.1.1 P1 height - Building General, as follows: The maximum height of any building must not exceed 1015m.	Accepted – The s42A has recommended to increase the height to 12 metres to accommodate at least a three storey building and has recommended that any building higher than 12 metres be considered through a proposed restricted discretionary status (rather than discretionary as originally proposed). <b>Supported.</b>
746.56 TSC requested to amend Rule 17.3.1.1 P1 height - Building General, as follows: The maximum height of any building must not exceed 1015m.	Accepted – The s42A has recommended to increase the height to 12 metres to accommodate at least a three storey building and has recommended that any building higher than 12 metres be considered through a proposed restricted discretionary status (rather than discretionary as originally proposed). <b>Supported.</b>

### Business Town Centre Zone:

Submission Point	s42A Recommendation
746.63 TSC requested to amend Rule 17.3.1.1 P1 height - Building General, as follows: The maximum height of any building must not exceed <del>10</del> 15m.	Accepted – The s42A has recommended to increase the height to 12 metres to accommodate at least a three storey building and has recommended that any building higher than 12 metres be considered through a proposed restricted discretionary status (rather than discretionary as originally proposed). <b>Supported.</b>

### **Recommendations not supported**

### Business Zone:

#### Chapter 17 Business Zone – 17.3.2 Daylight admission

Both submission point 871.11 Strong and submission point 746.57 TSC requested to amend Rule 17.3.2 P1 (a) Daylight admission, as follows: Buildings must not protrude through a height control plane rising at an angle of ~~37~~45 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.

This submission point was rejected. The s42A has recommended that no changes or deletions on the basis that the protection of amenity values is important given the height increase that have been recommended.

#### **This recommendation is not supported for the following reasons:**

- The control plane proposed by the PWDP is:
  - Inconsistent with previous planning documents which are less restrictive.
  - Inconsistent with current planning documents nationwide.
  - Too restrictive for urban areas.
  - Adequate amenity and daylight for adjoining sites can be achieved with a reduced control plane.
  - The 37 degree angle is difficult to calculate.
- While the s42A report recommends a maximum height increase to 12 metres, we consider amenity values will continue to be protected with a 45 degree control plane.
- The 45 degree control plane aligns with the recommendation from the section 42A report for the Village Zone which was subsequently supported by TSC in the tabled letter of support on this subject matter.

#### Chapter 17 Business Zone – 17.3.4 Building setbacks

In submission point 871.12, Strong requested to amend Rule 17.3.4.2 Building setbacks - waterbodies, to match Rule 24.3.6.3 Building Setback - water bodies; AND Amend Rule 17.3.4.2 Building setbacks - waterbodies, as follows: P1(a)(ii) ... from the bank of any named river ,... P3. A building must be set back a minimum of 10m from the bank of a perennial or intermittent named or unnamed stream.

The submission point was rejected. The s42A report states that streams come fall under the definition of a river and rivers are already subject to the rule. Further no changes are recommended as the National Policy Statement and National Environmental Standards for Freshwater include setbacks from water bodies and as such, the PWDP should await and align with these changes. The s42A report also recommends aligning the setback with esplanade requirements and to protect natural character and therefore has recommended to increase the setback to 27.5 metres.

**This recommendation is not supported for the following reasons:**

The building setback recommended is inconsistent with other zones throughout the PWDP including the Industrial and Heavy Industrial Zones. The building setbacks from waterbodies in the Heavy Industrial Zone are as follows:

**21.3.4.2 Building setback – waterbodies**

P1	(a) Any <u>building</u> must be set back a minimum of 30m from: (i) the margin of any: A. lake; B. <u>wetland</u> ; and C. <u>river bank</u> , other than the Waikato River and Waipa River.
P2	Any <u>building</u> must be set back at least 50m from the <u>bank</u> of the Waikato River and Waipa River.
P3	Any <u>building</u> must be set back a minimum of 10m from the bank of a perennial or intermittent stream.
P4	A <u>public amenity</u> of up to 25m <sup>2</sup> , or a pump shed within any <u>building</u> setback identified in Rules 21.3.4.2 P1, P2 or P3.
D1	Any <u>building</u> that does not comply with Rules 21.3.4.2 P1, P2, P3 or P4.

The section 42A Reports for both the Industrial Zone and Heavy Industrial Zone recommended retention of the 10 metre setback rule from a bank of a perennial or intermittent stream.

The draft National Policy Statement for Freshwater has proposed a 5 metre setback average for stock exclusion across farms. A 5 metre setback for rivers/lakes > 1 metre wide has also been proposed under the draft Stock Exclusion Section 360 Regulations. We note there is no setback prescribed in the draft National Environment Standard for Freshwater. While the context is different, the 27.5 metres being recommended is significant greater than 5 metres being proposed under these documents.

Rule 17.4.1.7 (a) of the PWDP requires a 20 metre wide esplanade reserve/strip when subdividing a property less than 4 hectares and the recommendations contained within the section 42A report have retained the 20 metre wide reserve/strip. It is noted under the RMA section 230 (4) that for the purposes of subsection (3) a river means “a river whose bed has an average width of 3 metres or more”. Therefore any requirements to take an esplanade reserve/strip is for a river 3 metres wide or more. Majority of streams, whether perennial or intermittent, can easily be less than 3 metres wide and therefore would not trigger any esplanade requirements. Therefore aligning setbacks with esplanade requirements as a blanket rule for all rivers is onerous particularly when it comes to perennial and intermittent streams that are less than 3 metres wide.

A 27.5 metre wide setback requirement is excessive and is an inefficient use of in high demand business zoned land. It is considered that maintenance of the land, subject to the setback, has the potential to cause issues and become a burden, particularly when the land is in private ownership.

The Auckland Unitary Plan sets out a 10 metre setback from the edge of all permanent and intermittent streams in the Business – Mixed Use Zone (Table H13.6.5.1 Yards). The Auckland Unitary Plan has gone through rigorous legal processes to be made operative (in part) and therefore sets a suitable guide for other District Plans such as the PWDP.

### **Business Town Centre Zone:**

#### **Chapter 18 Business Town Centre Zone – 18.3.2 Daylight admission**

Submission point 746.64 TSC requested to amend Rule 18.3.2 P1 (a) Daylight admission, as follows: Buildings must not protrude through a height control plane rising at an angle of ~~37~~45 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.

This submission point was rejected. The s42A has recommended that no changes or deletions on the basis that the protection of amenity values is important given the height increase that have been recommended.

#### **This recommendation is not supported for the following reasons:**

- The control plane proposed by the PWDP is:
  - Inconsistent with previous planning documents which are less restrictive.
  - Inconsistent with current planning documents nationwide.
  - Too restrictive for urban areas.
  - Adequate amenity and daylight for adjoining sites can be achieved with a reduced control plane.
  - The 37 degree angle is difficult to calculate.
- While the s42A report recommends a maximum height increase to 12 metres, we consider amenity values will continue to be protected with a 45 degree control plane.
- The 45 degree control plane aligns with the recommendation from the section 42A report for the Village Zone which was subsequently supported by TSC in the tabled letter of support on this subject matter.

### **Hearing Appearance**

Strong and TSC request this letter to be tabled at the hearing in support of its submission points and the section 42A report recommendations as outlined above.

If you have any queries on the above matters, please contact Vanessa Addy, Senior Planner on (09) 238 9991 or via email [vanessa@subdivision.co.nz](mailto:vanessa@subdivision.co.nz)

Kind regards,



**Leigh Shaw**

**The Surveying Company Ltd**

Planning Manager