

27/10/2022

File ref: LAO61

Waikato District Council, Private Bag 544, Ngaruawahia, 3742.

Tēnā koe,

SUBMISSION OF HERITAGE NEW ZEALAND POUHERE TAONGA TO WAIKATO DISTRICT COUNCIL VARIATION 3-ENABLING HOUSING SUPPLY

To:

**Waikato District Council** 

Name of submitter: Heritage New Zealand Pouhere Taonga

- 1. Heritage New Zealand Pouhere Taonga (HNZPT) is an autonomous Crown Entity with statutory responsibility under the Heritage New Zealand Pouhere Taonga Act 2014 for the identification, protection, preservation, and conservation of New Zealand's historical and cultural heritage. HNZPT is New Zealand's lead historic heritage agency. The Heritage New Zealand Pouhere Taonga Act 2014 protects both recorded and unrecorded archaeology.
- 2. The Resource Management Act requires that the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga, and the protection of historic heritage should be recognised and provided for as a Matters of National Importance-Section 6(e) & (f). As subdivision, use and development have the potential to significantly detract from these matters, it is important that any changes to the Plan limits the potential for adverse effects to occur.
- 3. HNZPT could not gain an advantage in trade competition through this submission.
- 4. This is a submission to Variation 3 by the Waikato District Council. Waikato District Council advises that:

"The purpose of the variation is to enable more houses and higher density housing to be built in the Medium Residential Zones in the towns of Huntly, Ngãruawãhia, Põkeno and Tuakau.

These changes are directed by central government under the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021. However, we're aiming to do this in a managed way; one that respects our environment and the features of our district that are important to us.

Key aspects of the variation include:

- Renaming the Medium Density Residential Zone in Huntly, Ngãruawãhia, Põkeno and Tuakau to Medium Density Residential Zone 2;
- Amending the objectives, policies and rules of the Medium Density Residential Zone 2 to provide for three, three storey residential units as a permitted activity if all the standards are met;
- Modifying the standards where qualifying matters apply, such as cultural and heritage sites, natural hazards and Te Ture Whaimana o Te Awa o Waikato;
- Amending the subdivision rules for the Medium Density Residential Zone 2 to provide for residential subdivision as a controlled activity;
- Retaining the current provisions for the General Residential Zone in Huntly,
   Ngaruawahia, Pokeno and Tuakau to address qualifying matters; and
- Rezoning specified areas of land from the General Residential Zone to the Medium Density Residential Zone 2, and from the Rural Zone to the General Residential Zone."
- 5. HNZPT supports in part proposed Variation 3. The specific parts of this Plan Change that the HNZPT's submission relates to are:
  - a) that HNZPT recognises and supports the intention to;
    - acknowledge and make provisions for identified qualifying matters,
  - b) that HNZPT seeks;
    - improved acknowledgement of qualifying matters within the residential zone's objective, policy and assessment frameworks to provide for improved and integrated consideration of historic heritage.
- 6. HNZPT's submission is:

As per the submission points within Appendix 1 attached to this submission.

- 7. The reasons for HNZPT's position are as follows:
  - As per the submission points within Appendix 1 attached to this submission.
- 8. HNZPT seeks the following decision:
  - As per the submission points within Appendix 1 attached to this submission.
- 9. HNZPT does wish to be heard in support of our submission.

Nāku noa, nā

PP

Sherry Reynolds, Director Northern

#### Address for service

Heritage New Zealand Pouhere Taonga Lower Northern Office P O Box 13339 Tauranga 3141

Attn: Carolyn McAlley PH: 07 577 4535

Email <a href="mailto:cmcalley@heritage.org.nz">cmcalley@heritage.org.nz</a>

Attachment: Appendix 1 - Submission points table of HNZPT to Variation 3

# Submission points of Heritage New Zealand Pouhere Taonga to Variation 3 to the Proposed Waikato District

Council District Plan (Strike: abe =delete and underline: abc = addition) WaiDC = Waikato District Council

Draft Proposed         Support or number         Reasons for submission           Plan: Part & Oppose provision number         Part 2 District Wide Matters Strategic Direction           SD-P2-Medium Support         Apply the MDRS across all relevant residential standards           Residential Standards         "Apply the MDRS across all relevant residential standards and historic heritage and the relationship of Maoriand their custoric heritage and the relationship of Maoriand their custoric heritage and the relationship of Maoriand their custoric sizes, washi tapu, and other taonga: from inappropriate subdivision, use, and dew part 2: District Wide Matters Subdivision           SUB-P3-Lot Sizes         Oppose in HNZPT opposes in part SUB-P3; part consider and density redential subdivision and their contents and density outcomes and density redential subdivision density redential subdivision density redential subdivision density redentially influency of qualifying matters at the design stage will appropriate retention of the qualifying redentially generally appropriate retention of the qualifying redential subdivision.		
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Part 2 District Wide Matters Strategic Direction  SD-P2-Medium  Support  HNZPT supports SD-P2: Density Residential Standards Standards Standards Standards Standards Standards SUB-P3-Lot Sizes Oppose in HNZPT opposes in part SUB-P3; From inappropriate subdivision, use, and devertable for the part 2: District Wide Matters Subdivision SUB-P3-Lot Sizes Oppose in HNZPT opposes in part SUB-P3; From inappropriate subdivision, use, and dimertable the Matters Subdivision of the STZ-Sone 2, minimum lot size and dimertable the STZ-Sone 2, minimum density redensity outcomes as HNZPT considers that this policy that has should also be amended to include consider of qualifying matters at the design stage will appropriate retention of the qualifying recognized on the qualifying recognized recogn	Se	
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sizes Oppose in HNZPT or (2)  Sizes Oppose in HNZPT or (3)  Should a of qualify to circumstrate the size of the si	ports SD-P2:	That SD-P2 is retained.
circumstra as historian as historian ancestra ancestra ancestra ancestra ancestra sizes As this vater, si from inal from inal from inal ancestra oppose in HNZPT o  (2)  (3)  as HNZP should a of qualify of qualify of qualify appropriate and appropriate and appropriate and ancestra ancestra and ancestra ancestra and ancestra ancestra and ancestra and ancestra and ancestra ancestra ancestra ancestra ancestra and ancestra an	"Apply the MDRS across all relevant residential zones in the district plan except in	
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nis v (e):: ina	ancestral lands, water, sites, waahi tapu and other taonga)."	
(e): to see the see that the se	As this will enable the Dian to provide for the RMA matters of national importance found	
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PT o (1)  PT o (2)  (2)  NZP uld a Lalification opri	water, sites, waahi tapu, and other taonga: and s6(f): the protection of historic heritage	
PT o (1) (2) (3) uld a Lalification opri	from inappropriate subdivision, use, and development.	
Oppose in HNZPT o  (1)  (2)  (3)  as HNZP  should a of qualify of qualify appropria		
(1) (2) (3) as HNZP should a of qualify of qualify appropri	HNZPT opposes in part SUB-P3;	Retain SUB-P3 and amended as follows;
(2) (3) as HNZP should a of qualifi appropri	(1) Except for residential subdivision within the MRZ2-Medium density residential	(1) Except for residential subdivision within
the character and density outcomes  (2) Prevent undersized lots in the SETZ-5 zone.  (3) Within the MRZ2 Medium density re density housing outcomes as HNZPT considers that this policy that has should also be amended to include consider. of qualifying matters will potentially influence of qualifying matters at the design stage will appropriate retention of the qualifying r	zone 2, minimum lot size and dimension of lots shall enable the achievements of	the MRZ2-Medium density residential
(2) Prevent undersized lots in the SETZ-5 zone. (3) Within the MRZ2 Medium density re density housing outcomes as HNZPT considers that this policy that has should also be amended to include consider. of qualifying matters will potentially influence of qualifying matters at the design stage will appropriate retention of the qualifying r	the character and density outcomes of each zone; and	zone 2, minimum lot size and dimension
zone.  (3) Within the MRZ2 Medium density redensity nedensity nedensity housing outcomes as HNZPT considers that this policy that has should also be amended to include consider. of qualifying matters will potentially influence of qualifying matters at the design stage will appropriate retention of the qualifying r		of lots shall enable the achievements of
(3) Within the MRZ2 Medium density redensity redensity housing outcomes as HNZPT considers that this policy that has should also be amended to include considers of qualifying matters will potentially influence of qualifying matters at the design stage will eappropriate retention of the qualifying r	zone.	the character and density outcomes of
density housing outcomes as HNZPT considers that this policy that has should also be amended to include consider. of qualifying matters will potentially influence of qualifying matters at the design stage will e appropriate retention of the qualifying r	(3) Within the MRZ2 Medium density residential zone 2, subdivision enables medium	each zone; and
as HNZPT considers that this policy that has should also be amended to include consider: of qualifying matters will potentially influence of qualifying matters at the design stage will eappropriate retention of the qualifying r	density housing outcomes	(2) Prevent undersized lots in the SETZ-
should also be amended to include consider:  of qualifying matters will potentially influence of qualifying matters at the design stage will appropriate retention of the qualifying r	as HNZPT considers that this policy that has been amended to accommodate the MDRS,	Settlement zone and LLRZ-Large lot
of qualifying matters will potentially influence of qualifying matters at the design stage will eappropriate retention of the qualifying r	should also be amended to include consideration of "qualifying" matters as the retention	residential zone.
of qualifying matters at the design stage will e appropriate retention of the qualifying r	of qualifying matters will potentially influence subdivision design and layout. Consideration	(3) Within the MRZ2 Medium density
appropriate retention of the qualifying r	of qualifying matters at the design stage will enable the best outcomes in terms of the most	residential zone 2, subdivision enables
	appropriate retention of the qualifying matter. An amendment to this policy will	medium density housing outcomes,
compliment another related policy (Sub-P23	compliment another related policy (Sub-P23) for the optimum consideration of qualifying	

## Submission points of Heritage New Zealand Pouhere Taonga to Variation 3 to the Proposed Waikato District Council District Plan

(Strike:  $\frac{abc}{abc}$  =delete and underline:  $\frac{abc}{abc}$  = addition) WaiDC = Waikato District Council

Relief sought	and <u>except in the instance of qualifying</u>	That SUB		<ul> <li>That the Purpose section is retained and amended with a final bullet point as follows;</li> <li>"Except in the instances of a qualifying matter on the site."</li> <li>int</li> <li>er.</li> <li>er.</li> </ul>
Reasons for submission	matters, in particular historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other tapuga.	HNZPT supports SUB-P23:  "(1) Provide for subdivision that supports the development of medium density residential development as a controlled activity within the MRZ2-Medium density residential zone 2, except where:  (a) There is a relevant qualifying matter; or  (b) The proposed subdivision does not comply with the relevant subdivision standards.  (2) Require subdivision within the MRZ2-Medium density residential zone to not compromise any qualifying matters applied to the site."  This will enable the Plan to provide for the RMA matters of national importance found at s6(e): the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga: and s6(f): the protection of historic heritage from inappropriate subdivision, use, and development	Part 3:Area -Specific Matters MRZ2-Medium Density Residential Zones	HNZPT opposes in part the Purpose section of the MRZ2 as HNZPT considers that the Purpose section should make a reference to qualifying matters.  Given that qualifying matters can be exceptions to intensification it is important that the users of the Plan are alerted to this, enabling them to accommodate qualifying matters at the design stage of their development proposals, particularly as there are historic heritage sites-qualifying matters, within the MRZ2. HNZPT considers that an additional bullet point should be included at the end of the bullet points to acknowledge this important matter. The proposed addition will also create a link with this section and objective and policy that
Support or Oppose		Support	c Matters MRZ2	Oppose in part
Draft Proposed Plan: Part & provision number		SUB-P23- Subdivision in the MRZ2-Medium Density Residential 2 Zone	Part 3:Area -Specific	Purpose

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#### Appendix 1

# Submission points of Heritage New Zealand Pouhere Taonga to Variation 3 to the Proposed Waikato District

### Council District Plan

(Strike:  $\frac{abc}{abc} = delete$  and underline:  $\frac{abc}{abc} = addition$ ) WaiDC = Waikato District Council

Relief sought		That MRZ2-05 is retained mited to	ention of lds. It is them to		That MRZ2-P6 is retained.	on of the mportant corporate ideration the RMA	il culture
Reasons for submission		HNZPT supports MRZ2-05; "The capacity to accommodate medium density residential development may be limited to recognise and/or protect one or more qualifying matters."	HNZPT considers that the suite of Objectives should include references to the retention of the important values contained in qualifying matters at the time of new builds. It is important to signal this to developers at the earliest possible stage to enable them to incorporate these aspects into their design process.	The proposed addition to the suite of Objectives would enable a cascade of consideration throughout the assessment framework and will enable the Plan to provide for the RMA matters of national importance found at s6(e): the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga: and s6(f):the protection of historic heritage from inappropriate subdivision, use, and development.	HNZPT supports MRZ2-P6; "Restrict residential development to an appropriate level to provide for and protect any relevant qualifying matters"	HNZPT considers that the suite of Policies should include references to the retention of the important values contained in qualifying matters at the time of new builds. It is important to signal this to developers at the earliest possible stage to enable them to incorporate these aspects into their design process.  The proposed addition to the suite of policies would enable a cascade of consideration throughout the assessment framework and will enable the Plan to provide for the RMA	matters of national importance found at s6(e): the relationship of Maori and their culture
Support or	Oppose	Support			Support		
Draft Proposed	Plan: Part & provision	Objectives MRZ2-05 Qualifying	Matters		Policies MRZ2-P6 Qualifying	Matters	

## Submission points of Heritage New Zealand Pouhere Taonga to Variation 3 to the Proposed Waikato District Council District Plan (Strike: abe =delete and underline: abc = addition) WaiDC = Waikato District Council

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Draft Proposed Plan: Part & provision number	Support or Oppose	Reasons for submission	Relief sought
		and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga: and s6(f):the protection of historic heritage from inappropriate subdivision, use, and development.	
MRZ2-S2 Height-building general Matters of Discretion	Support in part	HNZPT supports that the proposed matters of discretion give regard to the potential effects that new over height buildings will have on adjacent sites, however, HNZPT considers that the matters of consideration should specifically advise of the need to consider the impacts on qualifying matters, including historic heritage, archaeological sites and sites of significance to Māori, as they are matters of national importance.  It maybe that the more intensive, over height development results in overlooking of a culturally important site or creates a dominant effect on a built heritage site or archaeological site. The Plan needs a policy, rule and assessment criteria framework to acknowledge this matter, and enable appropriate mitigation as required. This framework would also enable the Plan to better provide for cultural and historic heritage landscape which is often spread across several sites.	That MRZ2-S2 is retained and amended as follows:  [e] Whether the infringement detracts from the recognised values of any qualifying matters located on adjacent sites."
MRZ2-S3 Height in relation to boundary Matters of Discretion	Support in part	HNZPT supports that the proposed matters of discretion give regard to the potential effects that a height in relation to boundary infringement will have on adjacent sites, however, HNZPT considers that the matters of consideration should specifically advise of the need to consider the impacts on qualifying matters, including historic heritage, archaeological sites and sites of significance to Māori, as they are matters of national importance.  It maybe that development that infringes height to boundary controls results in overlooking of a culturally important site or creates a dominant effect on a built heritage site or archaeological site. The Plan needs a policy, rule and assessment criteria framework to acknowledge this matter, and enable appropriate mitigation as required. This framework would also enable the Plan to better provide for cultural and historic heritage landscape which is often spread across several sites.	That MRZ2-S3 is retained and amended as follows:  [e] Whether the infringement detracts from the recognised values of any qualifying matters located on adjacent sites."

# Submission points of Heritage New Zealand Pouhere Taonga to Variation 3 to the Proposed Waikato District

### Council District Plan

(Strike:  $\frac{abe}{abe} = delete$  and underline:  $\frac{abc}{abc} = addition$ ) WaiDC = Waikato District Council

Relief sought		That MRZ2-S4 is retained and amended as follows:  (e) Whether the infringement detracts from the	recognisea values of any quantymiq matters located on adjacent sites."		That MRZ2-S4 is retained and amended as follows:  (d) Whether the infringement detracts from the recognised values of any qualifying matters located on adjacent sites."
Reasons for submission		HNZPT supports that the proposed matters of discretion give regard to the potential effects that lack of setback will have on adjacent sites, however, HNZPT considers that the matters of consideration should specifically advise of the need to consider the impacts on qualifying	matters, including historic heritage, archaeological sites and sites of significance to Maori, as they are matters of national importance.	It maybe that the more intensive, development that is not suitably setback from the boundary may result in overlooking of a culturally important site or creates a dominant effect on a built heritage site or archaeological site. The Plan needs a policy, rule and assessment criteria framework to acknowledge this matter, and enable appropriate mitigation as required. This framework would also enable the Plan to better provide for actional and bistoric heritage landscape which is often spread across several sites.	HNZPT supports that the proposed matters of discretion give regard to the potential effects that excessive building coverage on the surrounding residential character, however, HNZPT considers that the matters of consideration should specifically advise of the need to consider the impacts on qualifying matters, including historic heritage, archaeological sites and sites of significance to Māori, as they are matters of national importance.  It maybe that proposals that exceed building coverage controls may result in a more dominant development resulting in overlooking of a culturally important site or creates a dominant effect on a built heritage site or archaeological site. The Plan needs a policy, rule and assessment criteria framework to acknowledge this matter, and enable appropriate mitigation as required. This framework would also enable the Plan to better provide for cultural and historic heritage landscape which is often spread across several sites.
Support or	Oppose	Support in part			Oppose in part
Draft Proposed	Plan: Part & provision number	MRZ2-S4 Setbacks	Matters of Discretion		MRZ2-S5-Building coverage Matters of Discretion

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### Appendix 1

## Submission points of Heritage New Zealand Pouhere Taonga to Variation 3 to the Proposed Waikato District Council District Plan (Strike: abe =delete and underline: abc = addition) WaiDC = Waikato District Council

Prant Proposed Plan: Part & provision number	Support or Oppose	Keasons for submission	Relief sought
Relationship of Maaori and their culture and traditions with their ancestral lands, water,	Support	HNZPT supports the recognition of the existing qualifying matters within Ngaruawahia, being residential zones sites that have sites or area of significance to Maaori recognised in the Planning maps as follows; PDP Identifier-318-Corner of Eyre Street and Broadway-the Point,	That the Qualifying Matter found in the following sections of the Assessment report are retained: PDP Identifier-318-Corner of Eyre Street and Broadway-the Point,
waahi tapu, and other taonga- Section 6(e)e		as this will assist to give effect to enable the Plan to provide for the RMA matters of national importance found at s6(e): the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.	is retained as part of Variation 3.
Historic Heritage 6(f)	Support	HNZPT supports the qualifying matters of the historic heritage items already scheduled in the Plan, and in some instances listed with HNZPT, that are located in the 4 growth towns of Ngaaruawaahia, Tuakau, Pokeno and Huntly, and the heritage area that includes the Huntly Railway Cottages in Harris Street as this will assist the Plan to provide for RMA s6(f): the protection of historic heritage from inappropriate subdivision, use, and development.	That the historic heritage items already scheduled in the Plan that are located in the 4 growth towns, and the Huntly Railway Cottages in Harris Street are retained as part of Variation 3.
Qualifying Matter Te Ture Whaimana o Te Awa Waikato – the Vision and Strategy for the Waikato River.		HNZPT supports the qualifying matters and the related setback controls for Te Ture Whaimana o Te Awa Waikato – the Vision and Strategy for the Waikato River, as this will assist to give effect to enable the Plan to provide for the RMA matters of national importance found at s6(e): the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.	That the qualifying matter Te Ture Whaimana o Te Awa Waikato – the Vision and Strategy for the Waikato River is retained.