



HERITAGE NEW ZEALAND
POUHERE TAONGA

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, Ngāruawāhia, Pōkeno 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, Ngāruawāhia, Pōkeno 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, Ngāruawāhia, Pōkeno 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.

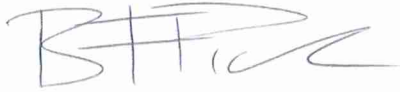
8. HNZPT seeks the following decision:

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

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

Appendix 1 Submission points of Heritage New Zealand Pouhere Taonga to Variation 3 to the Proposed Waikato District Council District Plan

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

Draft Proposed Plan: Part & provision number	Support or Oppose	Reasons for submission	Relief sought
Part 2 District Wide Matters Strategic Direction SD-P2-Medium Density Residential Standards	Support	<p>HNZPT supports SD-P2: <i>“Apply the MDRS across all relevant residential zones in the district plan except in circumstances where qualifying matters is relevant (including matters of significance such as historic heritage and the relationship of Maaori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga).”</i></p> <p>As 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.</p>	That SD-P2 is retained.
Part 2: District Wide Matters Subdivision SUB-P3-Lot Sizes	Oppose in part	<p>HNZPT opposes in part SUB-P3; (1) <i>Except for residential subdivision within the MRZ2-Medium density residential zone 2, minimum lot size and dimension of lots shall enable the achievements of the character and density outcomes of each zone; and</i> (2) <i>Prevent undersized lots in the SETZ-Settlement zone and LLRZ-Large lot residential zone.</i> (3) <i>Within the MRZ2 Medium density residential zone 2, subdivision enables medium density housing outcomes</i></p> <p>as HNZPT considers that this policy that has been amended to accommodate the MDRS, should also be amended to include consideration of “qualifying” matters as the retention of qualifying matters will potentially influence subdivision design and layout. Consideration of qualifying matters at the design stage will enable the best outcomes in terms of the most appropriate retention of the qualifying matter. An amendment to this policy will compliment another related policy (Sub-P23) for the optimum consideration of qualifying</p>	Retain SUB-P3 and amended as follows; (1) <i>Except for residential subdivision within the MRZ2-Medium density residential zone 2, minimum lot size and dimension of lots shall enable the achievements of the character and density outcomes of each zone; and</i> (2) <i>Prevent undersized lots in the SETZ-Settlement zone and LLRZ-Large lot residential zone.</i> (3) <i>Within the MRZ2 Medium density residential zone 2, subdivision enables medium density housing outcomes,</i>

Appendix 1

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SUB-P23-Subdivision in the MRZ2-Medium Density Residential 2 Zone	Support	<p>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 taonga.</p> <p>HNZPT supports SUB-P23:</p> <p><i>“(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:</i></p> <p><i>(a) There is a relevant qualifying matter; or</i></p> <p><i>(b) The proposed subdivision does not comply with the relevant subdivision standards.</i></p> <p><i>(2) Require subdivision within the MRZ2-Medium density residential zone to not compromise any qualifying matters applied to the site.”</i></p> <p>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.</p>	<p><u>except in the instance of qualifying matters on the site.”</u></p> <p>That SUB-P23 is retained.</p>
<p>Part 3:Area -Specific Matters MRZ2-Medium Density Residential Zones</p> <p>Purpose</p>	Oppose in part	<p>HNZPT opposes in part the Purpose section of the MRZ2 as HNZPT considers that the Purpose section should make a reference to qualifying matters.</p> <p>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 address qualifying matters.</p>	<p>That the Purpose section is retained and amended with a final bullet point as follows;</p> <ul style="list-style-type: none"> • <u>“Except in the instances of a qualifying matter on the site.”</u>

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Objectives MRZ2-05 Qualifying Matters	Support	<p>HNZPT supports MRZ2-05; <i>“The capacity to accommodate medium density residential development may be limited to recognise and/or protect one or more qualifying matters.”</i></p> <p>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.</p> <p>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.</p>	That MRZ2-05 is retained
Policies MRZ2-P6 Qualifying Matters	Support	<p>HNZPT supports MRZ2-P6; <i>“Restrict residential development to an appropriate level to provide for and protect any relevant qualifying matters”</i></p> <p>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.</p> <p>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 Māori and their culture</p>	That MRZ2-P6 is retained.

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MRZ2-S2 Height-building general Matters of Discretion	Support in part	<p>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.</p> <p>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.</p> <p>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.</p>	<p>That MRZ2-S2 is retained and amended as follows:</p> <p><u>(e) Whether the infringement detracts from the recognised values of any qualifying matters located on adjacent sites."</u></p>
MRZ2-S3 Height in relation to boundary Matters of Discretion	Support in part	<p>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.</p> <p>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.</p>	<p>That MRZ2-S3 is retained and amended as follows:</p> <p><u>(e) Whether the infringement detracts from the recognised values of any qualifying matters located on adjacent sites."</u></p>

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MRZ2-S4 Setbacks Matters of Discretion	Support in part	<p>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 Māori, as they are matters of national importance.</p> <p>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 cultural and historic heritage landscape which is often spread across several sites.</p>	<p>That MRZ2-S4 is retained and amended as follows: <i>(e) Whether the infringement detracts from the recognised values of any qualifying matters located on adjacent sites."</i></p>
MRZ2-S5-Building coverage Matters of Discretion	Oppose in part	<p>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.</p> <p>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.</p>	<p>That MRZ2-S4 is retained and amended as follows: <i>(d) Whether the infringement detracts from the recognised values of any qualifying matters located on adjacent sites."</i></p>

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Draft Proposed Plan: Part & provision number	Support or Oppose	Reasons for submission	Relief sought
Relationship of Maaori and their culture and traditions with their ancestral lands, water, waahi tapu, and other taonga- Section 6(e)e	Support	<p>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;</p> <p>PDP Identifier-318-Corner of Eyre Street and Broadway-the Point,</p> <p>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.</p>	<p>That the Qualifying Matter found in the following sections of the Assessment report are retained:</p> <p>PDP Identifier-318-Corner of Eyre Street and Broadway-the Point,</p> <p>is retained as part of Variation 3.</p>
Historic Heritage 6(f)	Support	<p>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 Ngaruawahia, 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.</p> <p>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.</p>	<p>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.</p>
Qualifying Matter Te Ture Whaimana o Te Awa Waikato – the Vision and Strategy for the Waikato River.			<p>That the qualifying matter Te Ture Whaimana o Te Awa Waikato – the Vision and Strategy for the Waikato River is retained.</p>