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SUBMISSION ON PLAN CHANGE 16 TUAKAU STRUCTURE PLAN STAGE 1

Introduction

This Submission is from:

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The Surveying Company is a multi-disciplinary Property Development Consultancy that has been providing Planning, Surveying and Civil Engineering services throughout the Waikato, Franklin, Papakura, Manukau and Hauraki Districts for the past 25 years. This includes the application and management of Subdivision Resource Consents and Land Use Consents associated with the use and development of land.

I could not gain an advantage in trade competition through this submission.

I am not directly affected by an effect of the subject matter of the submission that—

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

The specific provisions of the proposal that my submission relates to are:

Amendment 16.1 – Chapter 15C: Tuakau Structure Plan (Stage 1)

<p>We seek amendments to the provision named above:</p>	<p>We support the intent of the proposed provisions but want to ensure the objectives and policies provide scope for maximising lifestyle choice by allowing residential development in a range of sizes, using performance standards rather than an arbitrary minimum lot sizes. There is a need to encourage a greater intensity of development for the sake of diversity and efficient use of the urban land resource. The objectives and policies must allow for consideration closer subdivision in suitably located areas that are able to utilise urban services, particularly in areas of easier terrain.</p> <p>The proposed provisions, when compared to the operative Franklin Section, are not the most appropriate means to:</p> <ul style="list-style-type: none"> i. Promote social, cultural and economic wellbeing; ii. Give effect to the RPS; iii. Implement the Waikato Growth Strategy; iv. achieve the purpose and principles set out in Part 2 of the RMA
<p>We seek the following decisions from the Waikato District Council:</p>	<p>Adopt Amendment 16.1 – Chapter 15C: Tuakau Structure Plan (Stage 1) with the following amendments:</p> <p>Add the following policies to 15C.2 Issue – Planned and Sustainable Growth of Tuakau:</p> <p><u>That the plan provides for a range of lot sizes and urban densities.</u></p> <p><u>That the plan's regime of subdivision and development controls be designed and administered to recognise the differing attributes of urban land and to give scope for innovative residential subdivision, development and house designs by the use of performance based standards wherever possible.</u></p> <p><u>That the Council gives favourable consideration to the closer subdivision of land within the Country Living Zone that is suited to more conventional development.</u></p> <p><u>Generally where adjacent to rural zoned land, subdivision and development should provide larger lot sizes and/or larger dwelling setbacks from rural zone boundaries to minimise the potential for reverse sensitivity and conflicts with adjacent rural activities.</u></p>

Add the following paragraph to 15C.3.1 Urban Amenity and Local Character:

The plan should provide scope for people to exercise choice when satisfying their residential requirements. Lifestyle choice can be maximised by allowing residential development in a range of locations, on differing terrains and lot sizes, and with different levels of servicing. This objective is also important in terms of the plan's strategy for safeguarding the rural areas from inappropriate 'lifestyle' development.

There is no minimum size for lots as such (unless specified by regional rules). This will also aid the plan's objective of ensuring efficient use of the urban land resource, and will give greater access to freehold titles. Opportunities for closer subdivision in 'Country Living' areas can be provided in some circumstances due to such factors as:

- (a) proximity to the Living Zones;
- (b) the ready availability or efficient means of utilising full urban services;
- (c) easier terrain;
- (d) physical isolation from the main part of the zone; or
- (e) other factors which in combination justify a closer development pattern,

Rules should not be administered so rigidly as to stifle 'good' development that does not comply. The Act and the plan together provide the means and circumstances by which development rules and standards can be dispensed with through the resource consent process.

Add the following paragraph to 15C.3.2 Infrastructure and Service Provision:

Areas immediately adjacent to the Living Zones are likely to be suited to conventional subdivision due to the availability of water and sewage reticulation. Allowing conventional development within the Country Living Zone will be consistent with the plan's objectives of making efficient use of land, and will enable the normal process of urban change to occur in a planned fashion. Subdivision consent conditions will allow a level of servicing to suit the intensity of development while taking into account the standard of services that exists in the locality.

Add the following policy to 15C.8 Issue – Amenity Values for Urban Subdivision, Building and Development:

Lots should be of an appropriate size and dimension to provide for the development of a dwelling house and associated activities to ensure that all residential buildings and developments be appropriately sized, sited and designed with due consideration for the parking, sufficient and usable outdoor living, and storage and service needs that would normally be associated with the proposed activity. These are considered to be the minimum onsite amenity requirements for multiunit housing and dwelling houses.

Amend 15C.9 Reasons and Explanations as follows:

Subdivision design, including allotment location, size and shape, is the starting point for management of amenity issues. Subdivision often dictates the location of buildings that will subsequently be built and the open space that can be provided around them. ~~The size and dimensions of allotments can have cumulative effects on the amenity of neighbourhoods and localities, especially where the density of development is higher than in the locality generally.~~ Residential areas have space between and around buildings. This sets their character. A coverage standard will maintain an open appearance, and will tend to maintain building setbacks. A front yard safeguards the generally open appearance of residential areas, and provides space for planting or landscaping.

The zones contains various standards which must be satisfied for an activity to be permitted, and assessment criteria to be applied to resource consent applications are included where a relaxation of the standards may be justifiable. Where the minimum standards are not met, appropriate design solutions will be encouraged.

Where development is proposed on small lots, it should be demonstrated that an appropriate development can be located on the lot in a manner that maintains and/or enhances onsite and offsite amenity. A height-in-relation-to-boundary standard is a widely accepted way of ensuring that buildings on one site do not unreasonably restrict access to daylight for adjacent buildings or sites.

Resource consents are necessary for proposals to develop houses on small lots, providing an opportunity for the quality of the proposal to be assessed in respect to onsite and offsite amenity. For the avoidance

of doubt, land use and subdivision applications may be considered contemporaneously.

Amendment 16.2 – Schedule 21E: Tuakau Living Zone Rules (New Residential)

<p>Our Submission is:</p>	<p>We support the intent of the proposed provisions but want to ensure the activity rules and assessment criteria are appropriate and seek the following amendments.</p> <p>The proposed provisions are not an efficient use of the urban land resource, do not adequately address resource management issues, and need to be more enabling to align with the operative Franklin Section. Reliance on the Waikato provisions, including cross-referenced appendices and Chapters 16, 17, 18, 19, 20 and 29 is fatally flawed and promotes a significant injustice in respect to the submitters' ability to submit on all the relevant objectives, policies and matters contained in the Waikato Section of the District Plan which underpin the approach of PC16.</p> <p>Reticulated telecommunications are an outdated method of communication and the district plan needs to acknowledge that substantially better and more affordable options are available, such as the wireless.</p> <p>Rigid minimum net lot sizes only work for the creation of vacant lots in greenfield areas where the ultimate form of development is unknown. Encourage multi-family housing as a way to increase density without significantly changing the built form. Multi-family housing provides more choice in rental housing, generates income to help obtain a mortgage to buy the home or allow owners on a fixed income the ability to remain in their homes longer, and allows families to stay together by providing accommodation for an adult child or elderly parents. It is not considered necessary to share outdoor living areas.</p> <p>That the same on-site standard of living amenity and convenience be required for both single houses and multi-unit housing developments. The notional lot plan is required to show that at each stage of building, or for every building proposal, the standards for each unit are maintained to the same extent as if the proposal was for a house on its own (freehold) site. That all residential buildings and developments be appropriately sized, sited and designed with due consideration for the parking, sufficient and usable outdoor living, and service needs that would normally be associated with the proposed activity. These are</p>
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	<p>considered to be the minimum on-site amenity requirements for multi-unit housing and dwelling houses.</p> <p>There is a need to encourage a greater intensity of development for the sake of diversity and efficient use of the urban land resource. Encourage multi-family housing (a secondary self-contained dwelling unit) as a way to increase density without significantly changing the built form. A minor residential unit of up to 70m² shall be assessed at 0.5 HEUs. However, if no separate connections are required (for water, wastewater or stormwater) the fee shall be waived for each such service.</p> <p>The path of the sun will usually be a key factor in daylight admission and a height-in-relation-to-boundary standard is a widely accepted way of ensuring that buildings on one site do not unreasonably restrict access to daylight for adjacent buildings or sites. The proposed height in relation to boundary standard needs to reflect the operative District Plan Franklin section standards.</p> <p>Lots should provide sufficient space on-site and buildings should be of an appropriate size to achieve useable outdoor living areas in relation to the size of the proposed dwelling. The proposed provisions need to reflect the operative District Plan Franklin section standards.</p> <p>It is important to maintain an appropriate setback of a garage from a road to allow car parking in a driveway and avoid car parking obstructing pedestrian footpaths within the road.</p> <p>The Appendix A (Traffic) Standard is not considered to be an economic use of the urban land resource. The references to Appendix A (Traffic) Standard are opposed as these include standards not consistent with the Operative District Plan Franklin section.</p> <p>Traffic generation and its performance standards are subjective and do not have a relevance to the consideration of land already identified and zoned for residential development and subdivision.</p>
<p>We seek the following decisions from the Waikato District Council:</p>	<p>Adopt Amendment 16.2 – Schedule 21E: Tuakau Living Zone Rules (New Residential) with the following amendments:</p> <p>Amend 21E.13 On-site services as follows:</p> <p>Any activity is a permitted activity if:</p> <p>(a) the site is connected to a telecommunications network and energy supply network, or has a stand-alone energy supply, <u>or the provision of</u></p>

wireless telecommunication services, and

Amend 21E.34 Number of dwellings as follows:

Construction of a dwelling, other than a dependent person's dwelling, is a permitted activity if, after completion:

(a) there is only one dwelling on the land contained in the certificate of title, or

(b) every building proposal on the site of an existing or proposed multi-unit housing activity shall be accompanied by:

(i) a detailed site plan which depicts notional lot boundaries for each unit to which the proposal relates. (Notional lot boundaries are boundary lines that would be drawn around each unit in the case of a freehold subdivision of the land on which the unit/s sits).

(ii) The notional lot boundaries shall accurately define the areas which are, or are intended to be, used exclusively by the occupants of the unit to which they relate (including restrictive covenant areas), and shall also show all areas which are, or are intended to be, used in common by the occupants of the site, whether for driveway, services, or other purposes.

(iii) The notional lot boundaries shall be drawn to demonstrate that all of the requirements set out in Rules 21E.36 to 21E.50 are complied with.

Amend 21E.35 Dependent person's dwelling as follows:

21E.35

Minor residential unit

21E.35.1

Construction or alteration and occupation of a minor residential unit is a permitted activity if:

(a) there is only one minor residential unit on the site, and

(b) may be separate, or be a part of a main residential unit, and it is setback no more than 20m from the main dwelling on the site, and

(c) it involves no more than 70m² of floor area, excluding decks and garaging

21E.35.2

Construction or alteration or occupation of a ~~dependent person's dwelling~~ minor residential unit that does not comply with a condition for a permitted activity is a restricted discretionary activity.

Discretion restricted to:

- ☒ amenity values
- ☒ on-site services
- ~~☒ structural design and foundations~~
- ~~☒ removability of dwelling~~
- ☒ matters referred to in permitted activity conditions.

Delete 21E.37 Contaminated Land Remediation:

This replicates the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. It is unnecessary to have a repetitive rule in the District Plan which also replicates elements governed by the Regional Plan for discharge consents.

Amend 21E.38 Daylight admission as follows:

Construction or alteration of a building is a permitted activity if:

~~(a) the building does 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.~~

(a) No building or part thereof shall exceed a height equal to 3 metres plus the shortest horizontal distance between that part of the building and any site boundary, and

(b) No building or part thereof located between 135 degrees through south to 225 degrees shall exceed a height equal to 2.5 metres plus the shortest horizontal distance between that part of the building and any site boundary, and

(c) where the land abutting a site boundary is part of an entrance strip, right of way, access lot or public pedestrian accessway the far boundary of that land shall be deemed to be the site boundary for the purposes of this standard, and

(d) this standard shall not apply:

(i) to the length of common wall between abutting buildings;

(ii) where the written consent/s of the owners and occupiers of the abutting sites or notional lots that would be directly affected by the encroachment have been obtained.

Amend 21E.41 Living court as follows:

Construction or alteration of a dwelling is a permitted activity if:

(a) an outdoor living court is provided, and

(b) it is for the exclusive use of the occupants of a dwelling, and

(c) the living court is readily accessible from a living area of the dwelling, and

(d) ~~is at least 60% of the area of the court must be~~ located between 45 degrees north east through north to 90 degrees west of the dwelling measured from the southern-most part of the dwelling, and

(e) either

(i) on the ground floor the minimum area for a living court shall be the lesser of 50% of the gross floor area of the house or 60m² ~~the living court has a minimum area of 80m²~~ capable of containing a circle of 6m diameter, exclusive of parking and manoeuvring areas and buildings, or
 (ii) a balcony is provided containing at least 15m² and a circle with a diameter of at least 2.4m, if the dwelling does not have a habitable room on the ground floor.

Amend 21E.47 Garage set back - road boundary as follows:

Construction or alteration of a garage is a permitted activity if it:

(a) is set back at least 6 metres from the road boundary and is set further back from a habitable part of the dwelling; or

(b) is set back at least 3 metres from the road boundary and the garage door does not face the road boundary.

Amend 21E.50 Buildings near a stream as follows:

Construction or alteration of a building is a permitted activity if:

(a) the building is set back at least 10 metres from the bank of any stream, and

~~the building is set back at least 27.5m from the bank of any stream whose bed has an average width of 3m or more.~~

Amend 21E.56 Allotment size as follows:

Subdivision is a restricted discretionary activity if:

(a) every allotment is of sufficient size and dimensions to accommodate development for which a resource consent has been obtained, or

(b) every allotment, other than a utility allotment or access allotment, has a net site area of at least

(i) 450m², etc

Amend 21E.60 Road Access as follows:

Either:

- delete references to Appendix A, or

	<p>- amend Appendix A so that the standards accord with Rule 26.6.5 of the Franklin Section.</p> <p>Amend 21E.61 Building platform as follows:</p> <p>(a) a dwelling and living court as a permitted activity, and <u>or</u></p> <p>(b) a circle with:</p> <p>Amend 21E.63 On-site services as follows:</p> <p>21E.63.1 Subdivision is a restricted discretionary activity if, for every allotment other than a utility or access allotment:</p> <p>(a) provision is made to connect to a telecommunications network and energy supply network, <u>or has a stand-alone energy supply, or the provision of wireless telecommunication services</u>, and</p> <p>Delete 21E.65 Traffic Generation in its entirety.</p>
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Amendment 16.4.1 – Schedule 27B: Tuakau Country Living Zone

<p>Our Submission is:</p>	<p>We support the intent of the proposed provisions but want to ensure the activity rules and assessment criteria are appropriate and seek the following amendments.</p> <p>The proposed provisions are not an efficient use of the urban land resource, do not adequately address resource management issues, and need to be more enabling to align with the operative Franklin Section. Reliance on the Waikato provisions, including cross-referenced appendices and Chapters 16, 17, 18, 19, 20 and 29 is fatally flawed and promotes a significant injustice in respect to the submitters' ability to submit on all the relevant objectives, policies and matters contained in the Waikato Section of the District Plan which underpin the approach of PC16.</p> <p>Reticulated telecommunications are an outdated method of communication and the district plan needs to acknowledge that substantially better and more affordable options are available, such as the wireless.</p> <p>There is a need to encourage a greater intensity of development for the sake of diversity and efficient use of the urban land resource.</p>
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	<p>Encourage multi-family housing (a secondary self-contained dwelling unit) as a way to increase density without significantly changing the built form. Multi-family housing provides more choice in rental housing, generates income to help obtain a mortgage to buy the home or allow owners on a fixed income the ability to remain in their homes longer, and allows families to stay together by providing accommodation for an adult child or elderly parents. It is not considered necessary to share outdoor living areas. A minor residential unit of up to 70m² shall be assessed at 0.5 HEUs. However, if no separate connections are required (for water, wastewater or stormwater) the fee shall be waived for each such service.</p> <p>The Appendix A (Traffic) Standard is not considered to be an economic use of the urban land resource. The references to Appendix A (Traffic) Standard are opposed as these include standards not consistent with the Operative District Plan Franklin section.</p> <p>Traffic generation and its performance standards are subjective and do not have a relevance to the consideration of land already identified and zoned for residential development and subdivision.</p>
<p>We seek the following decisions from the Waikato District Council:</p>	<p>Adopt Amendment 16.4.1 – Schedule 27B: Tuakau Country Living Zone with the following amendments:</p> <p>Amend 27B.2 Prohibited Activities to include:</p> <p><u>Subdivision</u> <u>Subdivision of the minor dwelling from the principal dwelling where the proposed sites do not comply with the minimum site size requirement for subdivision in the zone.</u></p> <p>Amend 27B.10 Type of activity as follows:</p> <p>(b) a commercial activity (excluding a produce stall <u>or show home</u>), or (j) <u>travellers’ accommodation for more than 5 people</u>, or</p> <p>Amend 27B.11 Home occupation as follows:</p> <p>A home occupation that complies with all effects and building rules is a permitted activity if:</p> <p>(a) it involves no more than 40m² of the total gross floor area <u>75m² of floor area or 50% of the gross floor area of a building, whichever is the lesser, and no more than 150m² of outdoor space</u>, and (b) is wholly contained within the dwelling or attached garage, and (c) no more than 2 people who are not permanent residents of the site are employed at any one time, and (d) the activity does not interfere with neighbours’ televisions, radios, telephones or electronic equipment, and</p>

- (e) the activity creates no more than 4 heavy vehicle movements per day, and
- (f) there is no loading and unloading of vehicles or the receiving of customers or deliveries before 7.30am or after 7.00pm on any day, and
- (g) there is no operation of machinery before 7.30am or after 7.00pm on any day, and
- (h) materials, machinery, ~~trailers or heavy vehicles~~ associated with the home occupation are not visible from a public road or neighbouring property.

A home occupation that does not comply with a condition for a permitted activity is a controlled activity if it is contained within an accessory building and:

- (a) the activity involves no more than ~~40m² of the total gross floor area~~ 75m² of floor area or 50% of the gross floor area of a building, whichever is the lesser, and no more than 150m² of outdoor space, and
- (b) no more than 2 people who are not permanent residents of the site are employed at any one time, and
- (c) the activity does not interfere with neighbours' televisions, radios, telephones or electronic equipment, and
- (d) the activity creates no more than 4 heavy vehicle movements per day, and
- (e) there is no unloading and loading of vehicles or the receiving of customers or deliveries before 7.30am or after 7.00pm on any day, and
- (f) there is no operation of machinery before 7.30am or after 7.00 pm on any day, and
- (g) materials, machinery, ~~trailers or heavy vehicles~~ associated with the home occupation are not visible from a public road or neighbouring property.

Amend 27BE.13 On-site services as follows:

Any activity is a permitted activity if:

- (a) the site is connected to a telecommunications network and energy supply network, or has a stand-alone energy supply, or the provision of wireless telecommunication services, and

Amend 27B.25 Earthworks - filling using imported fill as follows:

- (iii) that is for minor upgrading of existing electricity lines does not exceed 50m³, or
- (iv) is for construction and maintenance of existing public roads.

Delete 27B.26 Contaminated Land Remediation:

This replicates the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. It is unnecessary to have a repetitive rule in the District Plan which also replicates elements governed by the Regional Plan for discharge consents.

Amend 27B.35 Minimum site area as follows:

27B.35

Minimum Site Area

- dwelling
- minor residential unit

27B.35.1

Construction or alteration of a dwelling and/or a minor residential unit is a permitted activity if:

Amend 27B.38 Building coverage as follows:

27B.38.1

Construction or alteration of a building is a permitted activity if:

- (a) total building coverage does not exceed 20%, and
- (b) the gross floor area of all accessory buildings does not exceed 80m².

27B.38.2

Construction or alteration of a building that does not comply with a condition for a permitted activity is a controlled activity if:

- (a) the gross floor area of all accessory buildings does not exceed 200m².

Control restricted to:

- amenity values
- design and location of the building
- landscaping
- stormwater management
- effects on adjacent sites

27B.38.3

Any activity that does not comply with a condition for a permitted or controlled activity is a discretionary activity.

Amend 27B.39 Building setbacks as follows:

27B.39.1

Construction or alteration of a building on is a permitted activity if it is set back at least:

- (a) 6m from a road boundary, and
- (b) 3m from every boundary other than a road boundary.

Amend 27B.40 Dwelling setbacks - intensive farming activity as follows:

Construction of a dwelling is a permitted activity if it is set back at least:

- (a) 300m from the boundary of the site of an intensive farming activity.

Amend 27B.42 Building near a stream as follows:

Construction or alteration of a building is a permitted activity if:

- (a) the building is set back at least 10 metres from the bank of any stream, and
- ~~the building is set back at least 27.5m from the bank of any stream whose bed has an average width of 3m or more.~~

Amend 27B.45 Allotment size as follows:

27B.45.1

Subdivision is a controlled activity if:

- (a) every allotment, other than a utility allotment or access allotment, has a site area of at least 2500m², and
- (c) utility allotments do not exceed 50m².

27B.45.2

Subdivision that does not comply with a condition for a controlled activity is a restricted discretionary activity if:

- (a) the site is connected to a reticulated wastewater system, and
- (b) every allotment, other than a utility allotment or access allotment, has a site area of at least 1500m².

Discretion restricted to:

- matters referred to in conditions for controlled activities
- the ability to service the allotments through reticulated services

27B.45.3

Subdivision that does not comply with a condition for a controlled activity is a discretionary activity.

Amend 27B.47 Frontage as follows:

Subdivision is a controlled activity if:

(a) every allotment with a road boundary, other than an access allotment, access leg or utility allotment, has a width along the road boundary of at least 20m.

Amend 27B.48 Road Access as follows:

Either:

- delete references to Appendix A, or
- amend Appendix A so that the standards accord with Rule 26.6.5 of the Franklin Section.

Amend 27B.49 Building platform as follows:

21E.61.1

Subdivision is a controlled activity if every allotment, other than a utility or access allotment, is capable of containing:

(a) a shape factor being either:

- (i) a circle with a diameter of at least 18m exclusive of yards, or
- (ii) a rectangle of at least 200m² with a minimum dimension of 12m exclusive of yards.

(b) a building platform that complies with Appendix B.

Amend 27B.51 On-site services as follows:

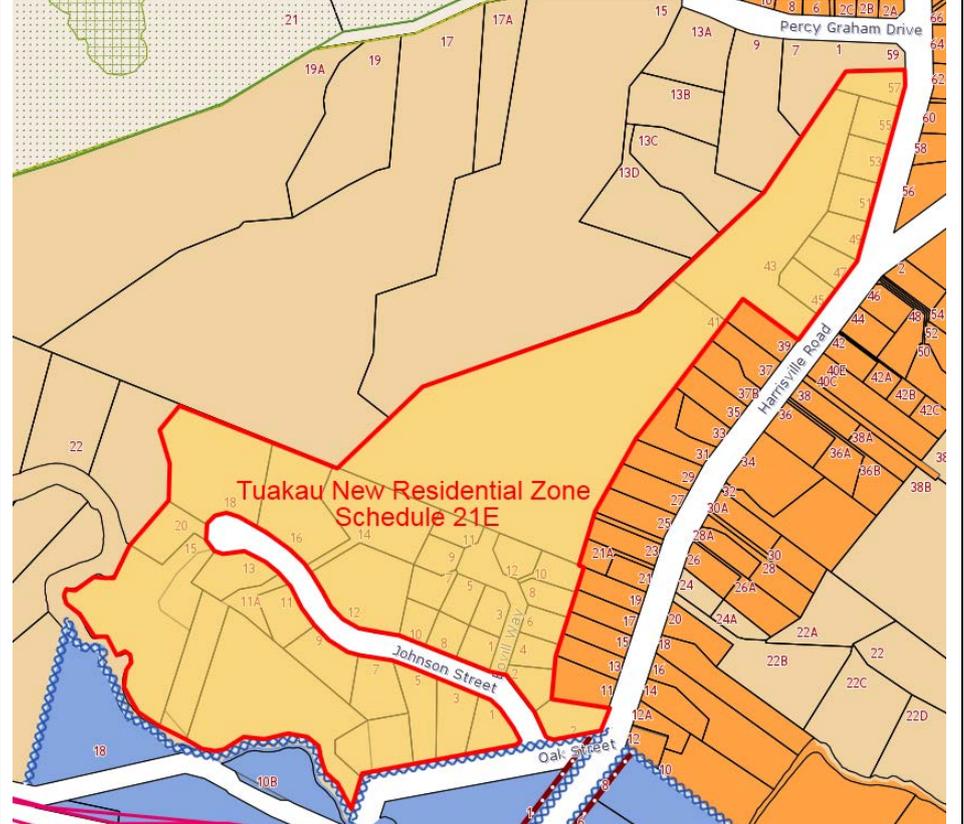
27B.51.1

Subdivision is a controlled activity if, for every allotment other than a utility or access allotment:

- (a) provision is made to connect to a telecommunications network and energy supply network, or has a stand-alone energy supply, or the provision of wireless telecommunication services, and

Delete 27B.53 Traffic Generation in its entirety.

Amendment 16.6 – Amend the existing Zone Maps 7, 7.1, 7.2 and 7.3 to reflect the rezoned areas

<p>Our Submission is:</p>	<p>We support the intent of the proposed zone maps. The properties located at Harrisville Road, Johnson Street and Bovill Way are currently zoned Rural-Residential, yet they are residential in character given their size and connections to reticulated water, sewerage and stormwater systems. These properties should be rezoned to address existing zone anomalies and also provide for both intensive and low density residential living.</p>
<p>We seek the following decisions from the Waikato District Council:</p>	<p>Adopt Maps 1, 2, 3, 4 and 5 with the following addition:</p> 

We wish to be heard in support of our submissions.

If others make a similar submission, we will consider presenting a joint case at the hearing with them.

Yours faithfully

THE SURVEYING COMPANY



LEIGH SHAW

Planner/Project Manager