

SECTION 42A REPORT

Report on submissions and further submissions

Topic: Chapter 41 – Residential Zone

**Report prepared by: Predrag
Draca**

Dated: 21 October 2024

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List of submitters and further submitters addressed in this report

Submitter no	Submitter name
24	Ministry of Education
36	Kāinga Ora
16	Fire and Emergency New Zealand
47	Forest and Bird
17	New Zealand Transport Agency
20	Ara Poutama- Department of Corrections
50	Te Nehenehenui Trust
38	Te Tokanganui-a-noho Whare
03	Heritage New Zealand Pouhere Taonga
FS36	Kainga Ora
FS20	Sheryl Paekau
FS27	New Zealand Transport Agency / Waka Kotahi

1. Introduction

1.1 Qualifications and Experience

1. My name is Predrag (PJ) Draca. I am employed by the Waitomo District Council as a Senior Planner.
2. I hold the qualifications of Bachelor of Environmental Planning- Terrestrial Environmental Stream from the University of Waikato.
3. I have been employed in planning roles in both private and local government for almost ten years. I have been employed by Waitomo District Council as the Senior Planner since September 2020. In this role I am responsible for the administration of the Operative Waitomo District Plan and have been assisting with the drafting of the Proposed Waitomo District Plan (PDP) when required.

1.2 Code of Conduct

4. I confirm that I have read the Code of Conduct for Expert Witness in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
5. I am authorised to give this evidence on the Council's behalf to the Proposed District Plan hearings commissioners.

1.3 Conflict of Interest

6. I confirm that I have no real or perceived conflicts of interest.

1.4 Preparation of this report

7. I am the author of this report. The scope of evidence in this report relates to the evaluation of submissions and further submissions received in relation to the provisions related to chapter 41 – residential zone and associated definitions.
8. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

2 Scope of Report

2.1 Matters addressed by this report

9. This report is prepared in accordance with Section 42A of the Resource Management Act 1991. This report considers submissions and further submissions that were received by the Council in relation to the provisions of chapter 41 - residential zone (RESZ) and associated definitions within the PDP.

2.2 Overview of the topic / chapter

10. Overall, the chapter and associated definitions sets the parameters in which activities and buildings can occur in the residential zone. The residential zone covers Te Kūiti and Piopio, which is where the majority of the district's population live. The zone ensures that the development and land use activities are coherent and consistent, whilst enabling residential use. In particular, the zone seeks to give effect to the relevant overarching strategic objectives of the plan contained in chapter 16, especially those relating to the meeting the minimum targets for housing capacity, and integration of residential development with community infrastructure.
11. The residential zone also includes the railway cottage cluster precinct (PREC1) and the Te Kumi commercial precinct (PREC2). PREC1 aims to protect the unique, historic character elements of the railway cottages. PREC2 has been established to allow the ongoing operation of businesses that are currently located at the northern entrance of Te Kūiti without applying some of the more limiting provisions of the underlying residential zone.

2.3 Statutory Requirements

12. The PDP has been prepared in accordance with the Council's functions under the RMA, specifically section 31, Part 2 and the requirements of sections 74 and 75, and its obligation to prepare, and have particular regard to, an evaluation report under section 32. The section 32 report which addresses this chapter sets out how the relevant national policy statements, national environmental standards, provisions of the Waikato Regional Policy Statement, the Manawatū-Whanganui One Plan, the Maniapoto Environmental Management Plan, the Waikato Tainui Environment Management Plan 2018 and Te Ture Whaimana o Te Awa o Waikato - The Vision and Strategy for the Waikato River have been assessed and considered.

2.4 Procedural matters

13. At the time of writing this Section 42A report there have not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.

3 Consideration of submissions received

3.1 Overview of submissions

14. The table of submissions is contained in Appendix 1 of this report. A total of 88 submissions and further submissions were received in respect of the residential zone.

3.2 Structure of this report

15. This report is structured into 3 topics:
- Topic 1 - Objectives and policies
 - Topic 2 - Rules
 - Topic 3 - Railway cottage cluster precinct (PREC1)
 - Topic 4 - Definitions

Topic 1 - Objectives and policies

16. Forest and Bird request that the overview is amended to include a sentence about protecting and encouraging improvements to indigenous biodiversity within the zone. They also request similar amendments are made to the objectives, policies and rules. It is considered that this submission could be accepted in part. The residential zone is approximately 1% of the district's land area and contains minimal areas of indigenous vegetation. It is agreed it would be useful to provide a policy point that seeks to retain indigenous biodiversity and established landscaping where appropriate, that contributes to the amenity of the site and wider neighbourhood. The following amendment to RESZ-P5 is recommended:

RESZ-P5. Ensure that an acceptable level of residential amenity is delivered and reflective of the planned urban environment, by:

1. Ensuring that buildings are set back from road and internal boundaries to provide opportunities for landscaping, allow for privacy between buildings and maintain an open street character; and
2. Employing height and bulk and location controls as the primary means of maintaining the character and amenity values of the zone in respect of privacy, access to sunlight and overshadowing; and

3. Ensuring that all sites have sufficient open space to provide for landscaping, outdoor activities, storage, parking, and vehicle manoeuvring by maintaining a maximum building coverage requirement; and
4. Encouraging activities which support enhanced public access to river margins as appropriate; and
5. Ensuring that activities are undertaken in a manner that maintains the low ambient noise and vibration environment that is consistent with the amenity expectations of the zone; and
6. Managing the keeping of animals to a level that is compatible with the amenity expectations of the zone;
7. Avoiding the establishment of fortified sites and hazardous waste processing and/or disposal; and
8. Retain indigenous biodiversity and established landscaping where appropriate, that contributes to the amenity of the site and the neighbourhood and ecological connectivity.

17. Section 32AA: See Appendix 3

18. Forest and Bird request the inclusion of an additional objective which reads: 'Ensure new residential development is designed to protect indigenous biodiversity, e.g. known corridors or other habitats used by long-tailed bats'.
19. This submission is rejected for the same reasons set out paragraphs 44-47 in the Section 42A Report on ecosystems and indigenous biodiversity prepared by Ms O'Callaghan.
20. Forest and Bird request that RESZ-O1 is amended to read: 'Maintain a level of amenity that is reflective of the planned urban environment, including the protection of indigenous biodiversity'. It is not considered appropriate to amend the objective as requested. Instead, it is considered that the amendment to RESZ-P5 set out above does partially give effect to the relief sought.
21. RESZ-O9 seeks to avoid the establishment of non-residential activities unless the activity directly provides for the health and wellbeing of the local community. FENZ request the word 'safety' is included. The Ministry for Education requests that the policy refers to 'additional infrastructure' and provides for social and cultural wellbeing. It is agreed that the change proposed by FENZ should be accepted. Given the proposed amendments to the strategic direction chapter (SD-O21), it is considered the Ministry's submission point should be accepted. The amendments would read:

RESZ-O9. Avoid the establishment of non-residential activities unless the activity directly provides for additional infrastructure that supports the health, safety, ~~and~~ social and cultural wellbeing of the local community.

22. Section 32AA: See Appendix 3
23. RESZ-O11 seeks to ensure new development does not exceed available capacities for servicing and infrastructure. NZTA request an amendment to ensure new development does not compromise the safety of the transport network. It is considered that this amendment should be accepted. While it is noted that infrastructure as defined in the RMA includes (structures for transport on land by cycleways, rail, roads, walkways, or any other means) it is a useful amendment to the objective to make it more apparent that that new developments should not compromise the safety of the transport network. This amendment also aligns with RESZ-P20, which seeks to ensure traffic generation by new development does not compromise the safety and efficiency of the transport system. It is recommended that the word 'efficiency' is included to reflect REZ-P20 and as such, the recommended amendment would read:

RESZ-O11. Ensure new development does not compromise the safety or efficiency of the transport network or exceed available capacities for servicing and infrastructure.

24. Section 32AA: See Appendix 3
25. WRC request that the term 'significant risk' is defined. This term is not defined in the RMA or in the Waikato Regional Policy Statement (WRPS). As discussed in other chapters, district plans sit at the bottom of the planning hierarchy and must respond to higher order documents in the manner prescribed. It is not appropriate for these critical terms to be prescribed a meaning in district plans. This approach could undermine the implementation of the hierarchy and it is also undesirable for district plans to attempt to define these terms individually across a region. It is not recommended that the submission point is accepted.
26. RESZ-P15 seeks to provide for non-residential activities which provide for the health and wellbeing of the local community and requires that parking and manoeuvring are provided on-site and that measures are taken to protect residential amenity by managing structure design and layout, landscaping, fencing and proximity of activities to site boundaries. Similar to RESZ-O9, FENZ request the inclusion of 'safety' in this policy. It is considered that this submission should be accepted, as it is consistent with the proposed amendments to RESZ-O9. The recommended change would read:

RESZ-P15. Where non-residential activities which directly provide for the health, safety and wellbeing of the local community are proposed, ensure there

is adequate onsite parking and vehicle manoeuvring areas and the proposal includes adequate onsite parking and vehicle manoeuvring areas, and measures to protect residential amenity and reduce the potential for adverse effects by managing structure design and layout, landscaping, fencing and proximity of activities to site boundaries.

27. Section 32AA: See Appendix 3.
28. WRC request that the references to carparking be removed from RESZ-P15 to RESZ-P18. These policies relate to non-residential activities in the residential zone, and seek to ensure that reserve sensitivity effects are managed and residential character and amenity is retained. As noted by WRC, Waitomo District Council is not a tier 1, 2 or 3 territorial authority and is therefore not subject to Clause 3.38 of the National Policy Statement on Urban Development 2020 which requires the removal of minimum carparking controls from district plans. It is considered that it is appropriate and necessary to retain the policies and rules for minimum carparking standards. Non-residential activities within the residential zone can result in significant adverse traffic and amenity affects, particularly where parking/manoeuvring performance standards are not met. For these reasons it is recommended that the submission point is rejected.
29. RESZ-P18 provides for Marae complex, healthcare activities, visitor accommodation, campgrounds, educational and community facilities outside of the precincts only where the actual and potential reverse sensitivity effects can be managed by the matters listed in RESZ-P18.1-18.4.
30. WRC request that RESZ-P18 is amended to cater for social services, such as papakāinga, kōhanga, kura and wānanga and urupā to achieve UFD – M21 of the WRPS. This method reads:

UFD-M21 – Sustainability of marae and papakāinga

Territorial authorities should support the sustainable development, restoration or enhancement of [marae](#) and [papakāinga](#), including by taking into account the need to address the following when preparing district plans:

1. infrastructure and utilities requirements;
 2. social services, such as [kōhanga](#), [kura](#) and [wānanga](#), [urupā](#) and health services;
 3. associated customary activities; and
 4. the relationship of [marae](#) and [papakāinga](#) to the wider environment, [wāhi tapu](#) and sites of significance to Māori, including by management of important view shafts.
31. It is considered that UFD – M21 is provided for through RESZ-P9, RESZ-P10 and the existing wording of RESZ-P18. Papakāinga are already expressly provided for in RESZ-P9, and RESZ-R28.6 provides for up to 6 papakāinga units outside of PREC1 and PREC2 as a permitted activity. Kōhanga, kura and wānanga are considered to fall within the definition of educational

facilities, as they are *land or buildings used for teaching or training by childcare services, schools, or tertiary education services, including any ancillary activities*, so they are already provided for within RESZ-P18. In terms of urupā, these would be a non-complying activity in the residential zone, but this is largely immaterial as an application would need to be made through the Māori Land Court for the land (all or part) to be set aside as a reserve under section 338 of the Te Ture Whenua Maori Act 1993.

32. Additionally, to provide for all of the activities listed by WRC, the two urban sites Te Tokanganui-a-Noho wharenuui and Mōkau Kohunui marae have been rezoned as Māori purpose zone. Please see MPZ-R1 to R10 for a list of those permitted activities. Accordingly, as these matters are provided for and the intention of UFD-M21 is considered to be given effect to, this submission point can be accepted in part.
33. MoE request that RESZ-P18 is amended by adding the word 'facilities'. This minor amendment would read:

RESZ-P18. Provide for Marae complex, healthcare activities, visitor accommodation, campgrounds, educational [facilities](#) and community facilities outside of the precincts only where the actual and potential reverse sensitivity effects can be managed by:

34. Section 32AA: This amendment adds a single word. No section 32AA evaluation is required.
35. RES-P19 provides for management of wastewater and stormwater where reticulated networks are not available. WRC request an amendment to RESZ-P18, to manage rather than restrict development and subdivision (noting the amendment appears to relate to RESZ-P19 not R18). The requested amendment by WRC is as follows:

RESZ-P19 Where reticulated wastewater networks are not available, manage ~~restrict~~ the scale and intensity of development and subdivision to ensure it can be serviced by on-site non-reticulated wastewater and best practice stormwater methods.

36. The requested amendment is considered to be more permissive than the notified policy which is an interesting approach as this policy responds directly to WRPS UDF-P1 Planned and co-ordinated subdivision, use and development and UDF-P2 Co-ordinating growth and infrastructure, as well as APP11. The word restrict is not considered to prevent the development where reticulated wastewater services are not available but set a strong

indication that development should be of a scale and intensity that is able to be serviced by on-site wastewater and stormwater services, and to ensure that higher density development is focused where reticulated wastewater services are available. It is considered that the notified wording better gives effect to the WRPS.

37. RESZ-P20 seeks to ensure that traffic generated by new development does not compromise the safety and efficiency of the transport system. WRC request that RESZ-P20 is amended to direct new development to align with areas that in the future could be serviced by public transport, in alignment with the 2022-2032 Waikato Regional Public Transport Plan.
38. While WRC's point is taken that development should be future-proofed to public transport, this policy is about ensuring that traffic generation for new developments do not compromise the safety and efficiency of the transport network, and not about ensuring integration of public transport. It is noted that there is minimal public transport available in the district (the bus service currently only goes to Te Kūiti once a day round trip – Monday to Friday), and that public transport (bus) is unlikely to continue due to low passenger numbers and funding constraints. Therefore, it would not be appropriate to amend the policy to provide for the requested amendment. One option the Commissioners may consider is more appropriate is to amend RESZ-P1 to respond to this matter. The change would read:

RESZ-P1. Ensure development contributes to a residential character that is in accordance with the planned urban form by:

1. Promoting a well-connected, and legible street pattern that encourages a greater level of accessibility within the urban environment and promotes wide vistas to the surrounding hills; and
2. Encouraging high to medium density residential development accompanied by relatively high levels of on-site open space; and
3. Having easily accessible parks and good connectivity to the Mangaokewa Stream; and
4. Maintaining and enhancing the existing level of infrastructure including kerb and channel and street lighting; and
5. Protecting the integrity of the railway cottages located within the identified precinct; and
6. Ensuring new development contributes to the consolidation of activities within the residential zone boundaries; and
7. Aligning new development with areas that could be serviced by public transport in the future.

39. Section 32AA: See Appendix 3.

Topic 2 - Rules

40. Ara Poutama-Department of Corrections request a range of relief with regards to managed care facilities. Managed care facilities are defined as:

***Managed care facilities** means land or buildings in which residential accommodation, supervision, assistance, care and/or support are provided by an agency for residents. For the avoidance of doubt, managed care facilities include women's refuges, night shelters, emergency housing and housing with associated rehabilitation activities, but excludes custodial facilities managed by the Department of Corrections.*

41. As primary relief, Ara Poutama-Department of Corrections seek deletion of the term 'managed care facilities' from the rules (RESZ-R4, PREC1 and PREC2) and definitions. Ara Poutama's position is that the definition of 'residential activity' entirely captures the supported and transitional accommodation activities, such as those provided for by Ara Poutama (i.e. people living in a residential situation, who are subject to support and/or supervision by Ara Poutama).

42. However, Ara Poutama suggest that if Council opts to retain the distinction between managed care facilities and residential activities, then managed care facilities should be retained as a permitted activity in RESZ-R4 and PREC2-R9 and that the activity status is changed from non-complying to permitted in PREC1-R10.

43. PREC1 only applies to a small cluster of railway cottages on the northern entry to Te Kūiti, which are managed to ensure that the level of character and amenity are enhanced. In PREC1, it is considered that a non-complying activity status is appropriate for managed care facilities. Similar activities to managed care facilities are also non-complying and the rules seek to carefully manage and retain the features and characteristics of the railway cottages themselves and not introduce activities that might undermine these. It is recommended that the submission point is accepted in part.

44. RESZ-R12 provides for educational facilities and community facilities, libraries and museums as a discretionary activity. The Ministry of Education request that educational facilities are removed from RESZ-R12 and a new rule is added providing for educational facilities as a restricted discretionary activity, with the following matters of discretion.

RESZ-RXX

Educational facilities Activity status: RDIS

Matters over which discretion is restricted:

- a. The size, design, location, construction, and materials used; and
- b. Effects on the streetscape and amenity of the area; and

- c. The level of on-site amenity and landscaping; and
- d. Adverse effects on the safe, efficient, and effective operation of the road transport network, giving particular consideration to pedestrian and cyclist safety; and
- e. Parking, manoeuvring and access; safety and efficiency, including the provision of sufficient off-street parking and the effects of traffic generation; and
- f. Consideration of reverse sensitivity effects; and
- g. The extent to which the key moves in the relevant Town Concept Plan has been considered and provided for.

45. The Ministry considers that educational facilities should be enabled where there is potential for a population to support them, and that a discretionary activity status is too restrictive. It is noted that the Ministry is a requiring authority and has the ability to designate land should it wish to. Given the broad range of activities provided for within the definition of 'educational facilities' and the need to control the range of adverse effects that would be potentially generated by an educational facility in the residential zone, it would not be appropriate to provide for them as a restricted discretionary activity.

46. RESZ-R29 provides for the maximum number of residential units per sites not serviced by wastewater reticulation. WRC request that an advice note is added to RESZ-R29 to advise plan users that where wastewater reticulation is not provided, that consent may be required under the Waikato Regional Plan (WRP) may be required. It is agreed that this should be made more evident for plan users. However, it is considered that the most appropriate place to make this reference is in the Advice Notes. The following amendment is proposed.

Advice Notes:

Regional Council consents

A resource consent for some activities such as earthworks and wastewater systems may also be required from the Waikato Regional Council.

47. Section 32AA: It is considered that the addition of an advice note that does not have a material impact on the rule. A section 32AA evaluation is not required.

48. Kāinga Ora request the following amendments to RESZ-R29:

- 1. ~~One residential unit per 2500 m² of net site area; and~~
- 2. ~~Either one tiny house or one minor residential unit~~

OR

- 3. ~~One set of duplex dwellings per 2500 m² of net site area; or~~
- 4. ~~4. Co-housing Residential units, developments, papakāinga and tiny house residential developments of no more than 6 residential units/tiny houses respectively, must be able to on a site of sufficient size to contain the~~

treatment and disposal of wastewater and stormwater resulting from any development within the site boundaries.

And

Any further, alternative or consequential relief as may be necessary to fully achieve the relief sought.

49. Kāinga Ora understand that there is a need for development to have sufficient ability to be serviced by wastewater treatment systems. However, they consider that this issue should be addressed directly rather than pursuing density controls to artificially manage the issue. Given the amendments requested by Kāinga Ora it is useful to set out the definitions of minor residential unit and tiny house, and discuss how the provisions for papakāinga are provided for in the various zones.

Minor Residential Unit means a self-contained residential unit that is ancillary to the principal residential unit, and is held in common ownership with the principal residential unit on the same site.

Tiny House means self-contained residential accommodation which is a maximum of 20 m² gross floor area at ground floor level, and is:

- (a) Built on a chassis, on wheels and can be towed by a vehicle, but is not motorised itself; and
- (b) Not intended to be permanently located on any site or attached to the ground on a permanent foundation.

For the avoidance of doubt a tiny house is not a second-hand relocated building, a mobile home, a house bus, a recreational vehicle (RV), a trailer type RV, a caravan or a pop-top trailer. Note: Where building work is carried out (for example to join two tiny houses together by a walkway or create a permanent deck) or where kitchen and bathroom plumbing fittings need to be connected to reticulated water or wastewater systems or septic tank systems, the tiny house becomes a building.



50. Based on the definitions above it is considered that minor residential units and tiny houses have different purposes and will cater for different population demographics. While Kāinga Ora's position is understood, it is the intent of the PDP to signal that these housing typologies are specifically provided for, rather than not referring to them/not listing them directly, and risking they fall into discretionary or non-complying activity status (as 'activities that are not otherwise listed') under section 87B(b) of the RMA.
51. The residential zone also anticipates and provides for papakāinga developments. The following table provides an overview of the permitted activity standard for papakāinga development by zone. The maximum site coverage is included as this is likely a determining factor for how many papakāinga residential units can establish as a permitted activity:

Table 1: Papakāinga provisions

Zone	Rules (no. of papakāinga residential units and site coverage)
Māori Purpose Zone	10 papakāinga units Site coverage - 35%
General rural zone and Future urban zone	6 residential units Site coverage Less than 1 hectare -15% Greater than 1 hectare - 3%
Rural lifestyle zone	6 residential units Site coverage Less than 2500m ² -25% All other sites 20%
Residential zone	6 residential units Site coverage - 35%
Settlement zone	6 residential units Site coverage -35%
Tourism zone	6 residential units Site coverage - 35%
Te Maika Precinct	6 residential units Site coverage - 35%

52. As noted in the subdivision Section 42A report, several projects have been observed with interest in other parts of the country including Kāinga Ora's role in the innovative 'Our Whare Our Fare' project. These projects signal ground-breaking changes to housing New Zealanders that are welcomed in the Waitomo District. The desire is to make it very clear in the plan's provisions that diverse housing typologies are envisaged in the residential zone. However, density controls are considered an important expectation.

53. FENZ request that RESZ-R34.4 is deleted and replaced with the following:

Where a connection to the Council's reticulated water supply system compliant with the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice is not available, or additional level of service is required, water supply and access to water supplies for firefighting shall be in accordance with the alternative firefighting water source provisions of SNZPAS 4509:2008.

54. It is considered that this is a check and balance requested by FENZ to cover the scenario where the water supply system is not compliant with the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice. The standard would not impose additional demands on landowners if the reticulated system were sufficient. Council's water services have advised that it can meet the standard. Therefore, the following amendment is recommended:

RESZ – R34 Servicing

~~4. Where water is not supplied by Council or a private community supply, each site must provide access to a water supply for firefighting purposes that is:~~
~~(i) Accessible to firefighting equipment; and~~
~~(ii) Between 6 and 90 metres from any building housing a residential activity on the site; and~~
~~(iii) Located on the site except where the specified volume or flow of water is in a water body that is within the required distances; and~~
~~(iv) Either stores at least 45,000 litres of water or provides at least 25 litres of water per second for 30 minutes.~~

Where a connection to Council's reticulated water supply system compliant with the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice is not available, or additional level of service is required, water supply and access to water supplies for firefighting shall be in accordance with the alternative firefighting water source provisions of SNZ PAS 4509:2008; and

55. Section 32AA: This amendment updates the approach applied in the SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice, which is currently referred to in the advice note to the rule. This amendment is considered to be a minor update in the application of the rule and does not affect the policy framework. No section 32AA evaluation is required.

Topic 3 - Railway Cottage Custer Precinct (PREC1)

56. At the northern end of Te Kūiti there is a group of railway cottages as shown on the map below, which were identified as an important part of our community's history. Most of the cottages have been well maintained by former and current owners. The houses included within PREC1 provide a distinctive entrance to Te Kūiti and are visual reminder of the importance

of the rail network to the King Country. Feedback from community consultation through the Town Concept Plans was that these houses were important to retain. The Council sought advice from heritage experts who identified PREC1. A key factor was assessing which houses had higher integrity and had not been significantly altered. The reports prepared by Danny Tanaka of Simmons and Associates can be provided to submitters as necessary.

57. Some of the reasons for the significance of the PREC1 are:

- They are all still together in the same neighbourhood and configured as they were when they were built in the late 1920s to house railway workers and their families.
- Sir George Troup, the architect responsible for the design and standardisation of New Zealand's railway stations, including the iconic Dunedin Station, directed the design of the railway cottages.
- The railway cottages were constructed from kits manufactured in Frankton. The kits included baths, sinks and downpipes, outhouses with toilets and coppers, coal ranges and even paint. The cottages are made from rimu, matai, totara, tanekaha and totara.
- Only 1,380 railway cottages were ever produced.



Figure 1: Railway Cottage Cluster Precinct (PREC1)

58. Figure 1 shows that the area of PREC1 was selectively mapped. Heritage New Zealand (HNZPT) request that that PREC1 is extended and amended to include all properties between 37-55 Te Kumi Road and 38-68 Te Kumi Road, and that PREC1 is placed within an historic heritage area and included in SCHED1 – Heritage Buildings. This would mean PREC1 becomes subject to the provisions in chapter 24 – historic heritage. The area proposed by HNZPT and some of the houses proposed to be included in PREC1 are shown below:



Figure 2: Area HNZPT request is included



59. PREC1 was applied to the specific dwellings that were deemed to have higher integrity and had not been significantly altered or replaced with new dwellings. It is not appropriate to extend the area to encompass additional dwellings as many were assessed as not having integrity and appearance to be included in PREC1. HNZPT have not provided any specific reasoning or a heritage assessment to support the extension of PREC1. It is noted that HNZPT have had opportunities to list the cottages individually through their own process under the Heritage New Zealand Pouhere Taonga Act 2014.
60. It is also noted that the landowners have restored and maintained these dwellings voluntarily for a number of years and Council undertook considerable consultation with affected parties about how the rules would apply to them and the restrictions they would impose. No submissions were received in opposition to these provisions from landowners. The provisions can be summarised as follows:
- Accessory buildings and new buildings are permitted where they are located at the side, or the rear of the cottage and they are lower than the maximum height of the cottage;
 - Additions and alterations to the cottage are permitted at the rear of the building provided they are lower than the maximum height of the cottage;
 - Small second hand relocated buildings are permitted at the rear of the cottage provided they are lower than the maximum height of the cottage and cannot be seen from a public place, but larger second hand relocated buildings and shipping containers require a resource consent. The same rules apply for new transportable buildings, but there are no size restrictions;
 - Railway cottages cannot be removed or demolished without a resource consent;
 - More intensive uses such as retirement villages, compact housing, motels, community centres, churches and marae are not encouraged in the precinct; and
 - Outdoor storage of materials associated with your home business must not be located between the railway cottage and the road and be visually screened.
61. It is considered that rules as notified create sufficient protection to ensure that the character and amenity of these cottages is retained without being overly restrictive. No change is recommended.

Topic 4 - Definitions

62. Kāinga Ora request that compact housing developments and co-housing developments are deleted from the definitions and corresponding rules. Kāinga Ora considers compact, and co-housing developments do not need to be defined independently of any other residential use. They also consider that the term 'residential activity' should encompass all forms of housing developments. While Kāinga Ora's position is understood, it is the intent of this plan to signal that these housing typologies are specifically provided for, rather than not referring to them/not listing them directly, and risking they fall into discretionary or non-complying activity status (as 'activities that are not otherwise listed') under section 87B(b) of the RMA. The desire is to make it very clear in the plan's provisions that diverse housing typologies are envisaged in the residential zone.

63. Ara Poutama - Department of Corrections request that a definition is included for 'household' as references to 'household' are mentioned throughout the plan. Ara Poutama propose the following definition:

Household means a person or group of people who live together as a unit whether or not:

- (a) any or all of them are members of the same family; or*
- (b) one or more members of the group receives care, support and/or supervision (whether or not that care, support and/or supervision is provided by someone paid to do so).*

64. The definitions for 'residential unit' and 'residential activity' are consistent with the definitions provided in the National Planning Standards. As a definition has not been provided for 'household' in the National Planning Standards, it is considered that it would not be appropriate for us to provide a definition. It is considered that the term is well understood and does not require further explanation.

65. Kāinga Ora request an amendment to the definition of 'impermeable surface' as follows:

Impermeable Surfaces

means a surface that is not vegetated, does not infiltrate runoff, and prevents or significantly slows the soakage of water into the ground. This includes:

- (a) roofs; and*
- (b) paved areas including driveways and sealed/compacted metal parking areas; and*
- (c) patios; and*
- (d) sealed and compacted metal roads; and*

(e) layers engineered to be impervious such as highly-compacted soil.

But excludes:

(f) wooden decks with spacing between boards of 4mm or more, where water is allowed to drain through to a permeable surface below the deck; and

(g) grass and bush areas; and

(h) gardens and other vegetation areas; and

(i) porous or permeable paving and living roofs; and

(j) slatted decks; and

(k) permeable artificial surfaces, fields or lawns; and

(l) swimming pools, ponds and dammed water; and

(m) Rain tanks

66. It is agreed that with a small amount of modification to reduce duplication, this is a helpful addition to the definition and therefore it is recommended that this submission is accepted. The amended definition would read:

Impermeable Surfaces means a surface that is not vegetated, does not infiltrate runoff, and prevents or significantly slows the soakage of water into the ground. This includes:

(a).....

But excludes:

(f) wooden decks with spacing between boards of 4mm or more, where water is allowed to drain through to a permeable surface below the deck; and

(g) porous or permeable paving and living roofs; and

(h) permeable artificial surfaces, fields or lawns; and

(i) swimming pools, ponds and dammed water; and

(j) grass, gardens and other vegetated areas; and

(l) Rain tanks.

67. Section 32AA: It is considered that given the scale and significance of the change recommended as a result of the above submission, a section 32AA evaluation is not required.

68. A number of submissions have been received on the definition of marae complex. Marae complex is defined as:

marae complex means an area of land set apart for the common use of mana whenua of Waitomo district, and includes a complex of buildings such as wharehau

(meeting house), wharekai (dining hall), whārepaku (ablution block), and/or other accessory buildings generally associated with a marae or pā, but excludes papakāinga housing developments.

69. The primary issue that has been raised by Kāinga Ora and Te Tokanganui-a-noho Whare (TTRMC) is the inclusion of papakāinga within the definition. While it is common for papakāinga and marae complexes to be located within close proximity to one another, they both have different environmental effects, so it would not be appropriate to broaden the scope of the definition to include papakāinga, which has its own rule framework (i.e. carparking and servicing requirements). It is worth noting that both these activities are provided for as permitted in the Māori purpose zone.
70. Te Nehenehenui support the definition as notified, so this submission is accepted.
71. Multiple submissions request amendments to the definition of Papakāinga housing development and papakāinga units. The definitions as notified are as follows:
- papakāinga housing development** means a residential development comprising more than two but no more than six individual papakāinga units which supports traditional Māori cultural living for a recognised mana whenua group residing in Waitomo district.
- papakāinga units** means residential accommodation which supports traditional Māori cultural living for a recognised mana whenua group residing in Waitomo district. For the avoidance of doubt, individual papakāinga units must contain a bedroom and separate bathroom including a toilet, sink and shower but are not required to contain a kitchen where communal kitchen facilities are available on the site.
72. It should be noted that from our research there is no national definition for papakāinga, papakāinga housing developments, or papakāinga units (i.e. not defined in the RMA, Te Ture Whenua Act 1993, or any national direction prepared under the RMA), and each district plan has a different definition, or approach. The definitions as notified in this plan were specifically drafted to align with the rules and were a result of considerable consultation with mana whenua. These submissions are accepted in part, as it is considered that we will need to hear from the relevant submitters at the hearing for the Commissioners to determine the best approach, while ensuring that the definitions align with the relevant rules.
73. Kāinga Ora request that papakāinga housing development is amended as follows:

Papakāinga: A development by tangata whenua to be occupied by tangata whenua for residential activities and ancillary social, cultural, economic, conservation and/or recreation activities to support the cultural, environmental and economic wellbeing of tangata whenua.

74. Similar to the paragraph above, it is considered that this submission should be accepted in part, but it is not recommended that the changes requested should be made to the definition, as the proposed amendments broaden the scope of activities, which have not been considered as part of the rule framework.
75. Te Nehenehenui request that the heading is amended from 'papakāinga housing development' to 'papakāinga development' and the definition is amended to:

Papakāinga development means a comprehensive residential development for Māori landowners, mana whenua/ tangata whenua residing in the Waitomo District to provide residential accommodation for members of the iwi hapū and also includes communal buildings and facilities such as health centres, community, education and recreational, places of assembly, industrial and commercial activities, which directly associate and link with the communal nature and function of the papakāinga and aligned to te ao Māori.

76. As above, it is considered that this submission should be accepted in part, but it is not recommended that the changes requested should be made to the definition. This is because removing 'housing' from the title would give the appearance of broadening the scope of the definition to include wider activities, which have not been considered as part of the rule framework, as the definition is specific to housing.
77. TTRMC request that the definition is amended as follows:

means a residential development comprising more than two but no more than ~~six~~ **ten** individual papakāinga units which supports traditional Māori cultural living for a recognised mana whenua group residing in Waitomo district.

The request to increase the number of units from six to ten affects the density controls which are considered an important component of managing effects including infrastructure provision, parking and traffic. No change has been recommended for the other zones. No change to the residential zone is recommended.

78. Kāinga Ora request that the definition of 'papakāinga units' is deleted, as they do not consider a separate definition is required in addition to the suggested definition for 'papakāinga'. This submission is recommended to be rejected, as the request to delete the definition of papakāinga housing development was not accepted. The definition of papakāinga unit provides for what is expected and deemed necessary for each unit (i.e. individual

papakāinga units must contain a bedroom and separate bathroom including a toilet, sink and shower but are not required to contain a kitchen where communal kitchen facilities are available on the site). If this definition was to be deleted, it is considered that this may lead to a level of on-site amenity that is not considered appropriate.

79. TTRMC and Te Nehenehenui request that the definition as notified is retained. These submissions are accepted.
80. Kāinga Ora request that the definitions for 'tiny house' and 'tiny house development' are deleted. Kāinga Ora also questions how a tiny house cannot be deemed a building and why the Council does not expect it to be on a permanent foundation when it could be permanently located on a site.
81. The reasons for inclusion tiny houses and tiny house developments are the desire is to make it very clear in the plan's provisions that diverse housing typologies are envisaged in the PDP. The definition for tiny house includes the requirement for it to be built on a chassis, on wheels and can be towed by a vehicle indicates that it is readily relocatable and must not be permanently located onsite with no permanent foundation provided for. For these reasons, it is considered that the submission by Kāinga Ora can be rejected. Tiny house developments also need to be clearly defined to set out an expected number/limit of how many tiny houses would be expected to comprise a tiny house development, otherwise there is no clear direction.

4 Conclusion

82. This report provides an assessment of submissions received in relation to the residential zone chapter and associated definitions. It is considered that the submissions should be accepted, accepted in part or rejected as set out in the tables. It is recommended that the residential zone chapter and associated definitions is amended as set out in Appendix 2 for the reasons discussed in the report above. It is considered that the amended provisions will be efficient and effective in achieving the purpose of the RMA (particularly for any for changes recommended to objectives), the relevant objectives of this plan and other relevant statutory documents, for the reasons set out in the section 32AA evaluations undertaken and included in this report.

APPENDIX 1 RECOMMENDED AMENDMENTS

APPENDIX 2 AMENDMENTS TO THE RESIDENTIAL ZONE

Strikethrough is shown as an addition or
~~deletion~~

APPENDIX 3 SECTION 32AA EVALUATION

1. A section 32AA evaluation is only required for any changes that are proposed to the provisions of this plan since the original section 32 evaluation report for the proposal was completed. The section 32AA evaluation must be undertaken at a level of detail that corresponds to the scale and significance of the changes.