



Date: 15 August 2023  
To: Hilary Samuel, Taupō District Council  
From: Rowan Sapsford, ROAM Consulting  
Subject: Taupō District Plan Change 39: Residential Building Coverage – Response to Minute 7 of the Independent Hearing Panel

## Purpose

The purpose of this memo is to respond to questions raised by the Independent hearing panel in Minute 7 as they relate to Plan Change 39 – Residential Building Coverage (PC39) to the Taupō District Plan (TDP). Specifically, this memo responds to paras 7 (a – h) and 8.

I have been asked to respond to these queries as the author of the Section 42a report for PC39. I have set out my response below.

## Response to Panel Questions

In responding to the questions posed in Minute 7 I have set out the question for context using the minute para reference. I have set out my response for each question following.

### **7.a. What is the current activity class for a resource consent that breaches the Building Coverage standard in the District Plan?**

The Maximum Building Coverage standard for the General Residential Environment is set out in Performance Standard – Development Control 4a.1.1.i. The activity status for an application that breaches 4a.1.1.i or 4a.1.1.vii will be at the least, a restricted discretionary activity under rule 4a.2.8. Rule 4a.2.8. applies to applications where only one Performance Standard – Development Control is breached. The full list of Performance Standard – Development Controls are set out in section 4.1 of the TDP and include standards relating to Building Setbacks, Total Coverage, Plot Ratio, Building Height and Height to Boundary.

The activity status of an application will change depending on the number of development control performance standards and other performance standards etc that are not met. The key rules which govern this change in activity status are set out in the table following.



Rule	Standard	Activity Status
4a.2.8	Any activity which does not comply with any one part of performance standards <u>4a.1.12</u> , <u>4a.1.13</u> , <u>4a.1.14</u> , and <u>4a.1.15</u> and/or <b>one</b> of the development control performance standards for permitted activities, including (where a standard contains more than one control) one part thereof.	Restricted Discretionary Activity
4a.2.9	Any activity which does not comply with <b>two or three</b> development control performance standards for permitted activities including (where a standard contains more than one control) two or three parts thereof, or is not a permitted, controlled activity or restricted discretionary activity.	Discretionary Activity
4a.2.13	Any activity which does not comply with <b>four or more</b> development control performance standards for permitted activities including (where a standard contains more than one control) four or more parts thereof.	Non Complying Activity.

As an example, an application for a dwelling which is over permitted Building Coverage will be a Restricted Discretionary Activity. If the application also exceeds Total Coverage it will be a Discretionary Activity.

Note that the wider rules in the TDP will also affect the activity status dependent on the location and any other element that form part of the application, such as signage and access etc.

**7.b The s42A report states (paragraph 13) that in the past resource consents for a breach in building coverage have been ‘generally granted’ – have any been declined? If so, what were the reason/s for decline?**

I have discussed this question with Taupō District Council Resource Consents Manager Heather Williams. To the best of her knowledge, no resource consents have been declined for dwellings which were over the permitted Building Coverage only (i.e. did not breach any other standards or rules in the TDP).

Where applications were declined, there were always other standards exceeded, such as Total Coverage, Plot Ratio and setbacks etc. This reflects the way that Building Coverage standard works with the other key Development Control Performance Standards in the TDP. Those applications that included higher than permitted Building Coverage and were declined, were in all cases, notified.

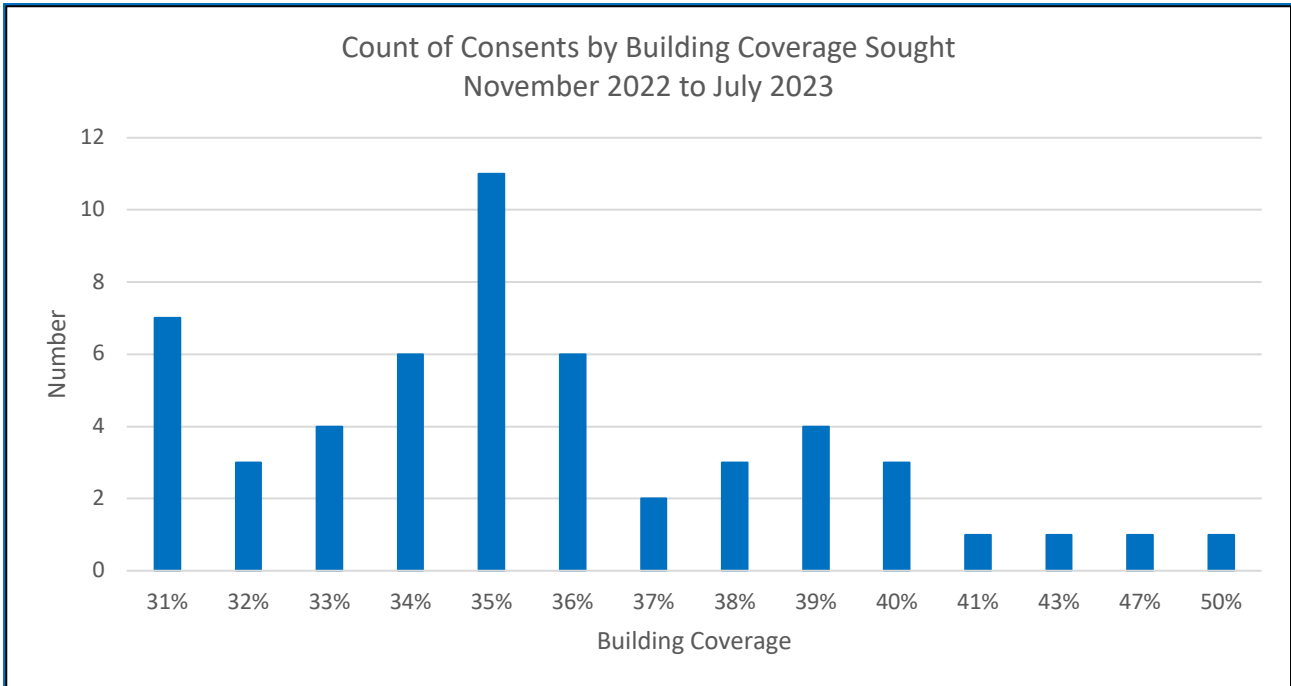
Pre lodgement meetings on applications with very high proposed Building Coverages often resulted in a redesign of the development and/or the applicant securing neighbours written approval.

**7.c Why do you say that it is reasonable to expect that there will be more applications seeking greater building coverages at paragraph 20? The answer to this goes towards assessing the risk of acting or not acting.**

In discussion with TDC consents staff and a review of resource consent data, there is a continued pattern of applications for residential consents with a building coverage of greater than 30%.

Tables 2 and 3 of the PC39 Section 32 Report show the number of resource consents for building coverage non-compliance. Table 2 is for 2014-2018 and Table 2 for 2021. The graph in the following page shows the information from November 2022 to June 2023.

From November 2022 to July 2023, 53 resource consents were sought for buildings within the Residential Environment which exceeded 30% Building Coverage. Similar to the data in the PC39 Section 32, some of these consents were for multiple properties however this latest data does not provide a count of the actual dwellings.



What this data does illustrate is that TDC continues to receive applications for residential development with a Building Coverage which is greater than 30%. Discussions with resource consent staff indicate that they are expecting this trend to continue.

**7.d Could you clarify what the permitted building coverage is for High Density Residential? Are there any other variations of building coverage for the other residential zones that are listed on Figure 1 page 4 of the s42A?**

The permitted Building Coverage for High Density Residential is 50% as per Development Control – Performance Standard 4a.1.1.ii.

All Residential Environment coverage standards (as referenced in Figure 1 of the PC39 S42A report) are set out in the table below.

TDP Residential Zone	Maximum Building Coverage	Notes
Residential	30%	TDP performance standard 4a.1.1.i Proposed to move to 35% through PC39
High Density Residential	50%	TDP performance standard

TDP Residential Zone	Maximum Building Coverage	Notes
		4a.1.1.ii
Low Density Residential (including Kinloch Low Density)	5%	TDP performance standard 4a.1.1.iii
Kinloch Residential Area	a. a. 25% b. b. 30% within a <u>Height Restricted Area</u>	TDP performance standard 4a.1.1.iv
Kinloch Rural Residential Area	2.5%	TDP performance standard 4a.1.1.v
Neighbour-hood Shops	50%	TDP performance standard 4a.1.1.vi
Nukuhau General Residential	30%	Introduced via private plan change and Proposed to move to 35% through PC39
Nukuhau Medium Density Residential	55%	Introduced via private plan change
Lake Ohakuri Development Zone	Varies from 20% (lake Forest Cluster) to 40% (Village Core and Row House)	The full range of typology based coverage standards is set out in 4a.5.2 of the TDP
Pukawa C Development Zone	180m <sup>2</sup> Inclusive of accessory building)	Set out in <u>Appendix 2 of the TDP</u>
Properties with site specific coverage requirements. (i.e. through consent notices)	Varies dependant on consent notice.	Refer to property files for individual property.

**7.e In relation to 'Issue 2' in the s42A – Retention of green spaces and impermeable surfaces, is there any standard (such as the stormwater standard - 4a.1.23) in the District Plan rules that controls the minimum amount of green space on an allotment (paragraph 47 refers)? In other words, are there any bulk and location standards that control the minimum amount of green space in the Residential Environment?**

There are no standards in the plan that require green spaces. There is reference to landscaping in assessment criteria 4a.8.6.b.iii but nothing that specifically directs minimum amounts of green spaces on site. My statement in paragraph 47 would have better referred to permeable areas rather than green spaces and I acknowledge that as such could have been misleading.

Stormwater standard 4a.1.23.i requires all stormwater from building and impermeable surfaces to be disposed of on site to meet a 10 year return period of 1 hour duration (45mm). For residential developments this generally means through the use of soakage pits (for stormwater from buildings) and impermeable surfaces (for stormwater from hard surfaces). Resource consent applications which are unable to meet 4a.1.23.i are Discretionary Activities under rule 4a.2.9.

**7.f Could you explain how the Total Coverage rule (4a.1.3) as it is worded manages the amount of impermeability on an allotment.**

Further to my response to question 7.e. and on review of the application of the Total Coverage standard, 4a.1.3 governs the maximum amount of impermeable surfaces to meet the standards in the TDP in relation to vehicle movements, parking and Building Coverage. This standard does not set a maximum coverage of impermeable surfaces for a site. I acknowledge that this was inferred in my response in paragraph 47 of my Section 42A Report, and is incorrect.

It is likely to expect that a larger building on site will also have a larger amount of impermeable surfaces (paths, decks and other landscaping etc) associated with it.

It is possible, although unlikely, for a residential site to be covered in impermeable surfaces (i.e. concrete, paving and low decks etc) provided that the portion of surfaces associated with movements, parking and building coverage does not exceed 50% of the area of the site. I note that any stormwater that flows from those surfaces would still have to be disposed of on-site which would require soakage or permeable areas, i.e. green space or gravel areas etc, to dispose of the stormwater.

It should be noted that the proposed increase in Building Coverage does not mean an increase in the Total Coverage of a residential site. As noted in my S42a, the Total Coverage standards are not proposed to be changed. The proposed increase in Building Coverage will however have the effect of increasing the proportion of impermeable surfaces considered by that standard which comprise of buildings. This is set out in the following Table.

Property Size	30% Building Coverage		35% Building Coverage	
	Maximum Permitted Building Coverage	Maximum Permitted Total Coverage	Maximum Permitted Building Coverage	Maximum Permitted Total Coverage
900m <sup>2</sup>	270m <sup>2</sup>	450m <sup>2</sup>	315m <sup>2</sup>	450m <sup>2</sup>
600m <sup>2</sup>	180m <sup>2</sup>	300m <sup>2</sup>	210m <sup>2</sup>	300m <sup>2</sup>
400m <sup>2</sup>	120m <sup>2</sup>	200m <sup>2</sup>	140m <sup>2</sup>	200m <sup>2</sup>

**7.g Could you provide an update as to where PC1 to the Waikato RPS is in the process – is it fully operative? And if not, how much weight should be attributed to it?**

Proposed Change 1 was publicly notified in October 2022 and the period for making submissions on the plan change closed on 16 December 2022.

Further submissions closed on 15th February 2023.

The hearing for WRPS Change 1 was held on 8 and 9 May 2023. The hearing is now closed and the Hearing Panel is currently preparing the decision. As decisions have yet to be publicly notified and resolved, PC1 is not as yet fully operative.

The objectives and policies of PC1 do need to be had regard to as per s74(2) (a) (i) however more weight should be accorded to the operative provisions of the RPS which PC39 must give effect to as per s75(3) (c) of the RMA.

## 7.h Do you consider that PC39 gives effect to the NPS-UD? How?

Section 2.1.2 of the PC39 S32 document sets out the following when considering how PC39 gives effect to the NPS-UD:

*The National Policy Statement for Urban Development (NPS-UD) came into force on 20 August 2022. It is the government's policy direction to ensure sufficient development capacity and well-functioning urban environments to meet the different needs of people and communities.*

*PC39 gives effect to the National Policy Statement on Urban Development (NPS-UD) by enabling a variety of homes that meet the needs, in terms of type, price, and location, of different households. The plan change is responding to the changing housing needs of the community while enabling and efficient use of the urban land resource in accordance with Policy 1 of the NPS-UD.*

While I generally agree with that assessment, I am of the view that there are other relevant provisions in the NPS-UD which PC-39 is giving effect to. In undertaking this assessment I am mindful of the scope of PC39 in that it is limited to a change in a Building Coverage standard within the Residential Environment only. On this basis, it is important not to draw the bow back too far when considering what provisions could be relevant and just look at those which are directly relevant to PC39. Taupō District is a NPS-UD Tier 3 local authority. This is a relevant factor in identifying what provisions are directly relevant to PC39.

**NPS-UD Objective 4** directs that New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations. Resource consent data have shown that over time there has been, a demand for an increase in the permitted building coverage within the Taupō district Residential Environment.

Given the discussion in my wider response, **NPS-UD Policy 1 (f)** is also relevant as it relates to ensuring that stormwater is able to still be managed on site. Concern about this matter was raised in submissions and has been discussed in my S42a report and this memo.

I do consider **NPS-UD Policy 5 (b)** of particular relevance to PC39. Policy 5 relates to Tier 3 urban environment and requires district plans to enable heights and density of urban form commensurate with the greater of relative demand for housing and business use in that location. As it relates to PC39, consent data has indicated demand for a greater density of development within the residential environment. PC39 has proposed to increase the building coverage standard from 30% to 35% to respond to this demand.

**NPS-UD Policy 6 (i)** requires decision makers to have particular regard to the fact that the planned urban form may involve significant change to an area. Those changes may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types. NPS-UD Policy 6 (ii) requires consideration to be given to whether the changes are not, of themselves, an adverse effect. In this instance PC39 is affirming a change in amenity which has been emerging through development at a higher coverage than currently permitted by the TDP. As noted in the submissions, there are concerns from some submitters about the effect that this change will have on the amenity of the Residential Environment. There has not been a detailed assessment of the impact of the proposed change on the amenity of this environment, however it is not considered by TDC that PC-39 will result in significant change to an area as it is reflecting current development trends and emerging housing densities.

On the basis of my assessment above and that contained in the Section 32 it is my view that PC39 does give effect to the NPS-UD to the extent the scope of the plan change allows.

8. The s42A says that there is a clear connection between the resource management issue underpinning this plan change and the policies to address those issues (para 68). To the extent that this may be covered in the s32 assessment, what are the objectives and policies of the District Plan that PC39 will give effect to? We would appreciate this be provided in the form of a wiring diagram or table that links the objectives to policies and ultimately links the policies to the standard being amended?

The following boxed text sets out the relevant provisions in the TDP which provide direction to the development and amendments to the Development Control Performance Standards.

The provisions provide a clear link between an Objectives, policy and method that seek to maintain and enhance the amenity of the Residential Environment. Policy 3a.2.1 requires the bulk of activities to be controlled to ensure that activities are consistent with a residential scale of development. In the case of PC39 the Maximum Building Coverage standard is proposed to be amended to better meet the direction in Policy 3a.2.1

