

BEFORE THE ENVIRONMENT COURT OF NEW ZEALAND ENV-2022-AKL-0000
AUCKLAND REGISTRY
I MUA I TE KOOTI TAIAO O AOTEAROA
TAMAKI MAKAUROU ROHE

In the Matter	of the Resource Management Act 1991 (Act)
And	
In the Matter	of an appeal under clause 14 of the First Schedule of the Act with respect to decisions on the Proposed Waikato District Plan
Between	Blue Wallace Surveyors Limited
	Appellant
And	Waikato District Council
	Respondent

**Notice of Appeal against Decisions on the Proposed Waikato District Plan on
behalf of Blue Wallace Surveyors Limited**

Dated 1 March 2022

Jeremy Brabant
Barrister
Level 4, Vulcan Building Chambers
PO Box 1502, Shortland St
Auckland City
021 494 506
Email: jeremy@brabant.co.nz

To The Registrar
 Environment Court
 Auckland

1. Blue Wallace Surveyors Limited (**BWSL**) appeals against part of a decision of the Waikato District Council (**WDC**) on the Proposed Waikato District Plan (**PWDP**).
2. BWSL is a Hamilton based firm of surveyors, engineers, and planners with over 20 years' experience in land development matters within the Waikato region. BWSL has a particular interest in resource management planning and land development throughout the district and has proactively engaged with the residential provisions of the PWDP.
3. BWSL made a submission on the Proposed Plan (Submitter number 662).
4. BWSL is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
5. BWSL received notice of the decision on 17 January 2022.
6. The decision was made by WDC.
7. The parts of the decision that BWSL is appealing against is:
 - a. The decision of WDC to rezone land at 108 Horotiu Bridge Road, 38 Washer Road, 54 Washer Road and 60 Washer Road Horotiu (**Site**) General Residential Zone (**GRZ**) (and the consequential removal of provision for multi-unit development for the Site).
 - b. The decision to create a new GRZ which does not include provision for multi-unit development.
 - c. The decision not to retain the Residential Zone (**RZ**) as notified, including provision for multi-unit development.

Grounds of Appeal

8. BWSL's grounds for appeal include:
- a. BWSL's submission:
 - i. Sought to further enable multi-unit development in the notified RZ which, as notified, was the sole residential zone for the Waikato District.
 - ii. Generally supported the notified restricted discretionary opportunity to develop and subdivide multi-unit sites (notified rules 16.1.3(RD1) and 16.4.4(RD1)) within the RZ.
 - iii. Sought to reduce the notified minimum net site per residential unit from 300m² to 200m² to allow for efficient residential intensification without the need for a more onerous development assessment.
 - iv. In essence supported provision in the Plan for a medium density outcome for appropriate sites within the RZ which would include the Site (108 Horotiu Bridge Road, 38 Washer Road, 54 Washer Road and 60 Washer Road).
 - b. The decision found (inter alia) that:
 - i. Submissions on the PWDP to introduce an additional residential zone enabling higher density living opportunities within existing town centres close to existing or future public transport stations were accepted.¹ Accordingly, it inserted a new Medium Residential Zone (**MRZ**).
 - ii. On the basis that the MRZ would apply to the central areas of the main towns within the district, the decision did "not consider it appropriate to continue to provide for multi-unit development throughout the remainder of the Residential Zone."² Accordingly, the decision removed rules 16.1.3(RD1) and 16.4.5(RD1) from the (renamed) GRZ and the restricted discretionary activity status for those activities.

¹ Decisions Report 15: Medium Density Residential Zone.

² Decisions Report 14: Residential Zone at 49.

- iii. The GRZ now provides that more than 1 residential unit within a site is a discretionary activity (Rule GRZ-S2).
 - iv. The zoning of the Site³ is GRZ, which has materially different provisions from the zone provisions applying to the Site as notified (and as previously applied to the Site under the Operative Plan provisions).
- c. The decision not to provide for multi-unit development on the Site through provisions the same as, or of similar effect to, notified rules 16.1.3(RD1) and 16.4.4(RD1)) does not appropriately give effect to all applicable higher order planning instruments or align with and satisfy relevant provisions of the RMA, including ss 31, 32 and 72-76.
- d. It is appropriate that multi-unit development should be enabled on the Site through provisions the same as, or of similar effect to, notified rules 16.1.3(RD1) and 16.4.4(RD1)). Accordingly, the Site is most appropriately zoned MRZ or alternatively the provisions of the GRZ (either generally or specifically in relation to the Site) should be amended to incorporate provisions the same as, or of similar effect to, notified rules 16.1.3(RD1) and 16.4.4(RD1). These changes are supported for reasons which include:
- i. The zoning provisions applying to the Site fail to appropriately reflect the environment surrounding the Site and nature of the Site. In that regard, relevant matters include:
 - 1. By reference to the Operative District Plan, the existing built form on the Site and surrounds, and approved resource consents within the surrounding environment, the environment reflects and/or is appropriate for medium density development. By way of example, comprehensive residential development has been consented for 38 and 60 Washer Road, with these consents in the process of being given effect to.

³ Decisions Report 15: Medium Density Residential.

2. The Site has historically been subject to a residential zoning which provided for a level of multi-unit or medium density development, being a “Comprehensive Residential Development” provided for under the Operative District Plan.
 3. The Site is in immediate proximity to public infrastructure and services, including the State Highway, a school, bike trails and a dog exercise park.⁴
-
- ii. The decision fails to appropriately respond to the realities of intensification and urbanisation within the Waikato District which is not limited to larger towns or centres and can appropriately occur in other locations such as the Site.
 - iii. The decision fails to provide for increased housing choice and housing supply in smaller towns and areas that are, or can be, adequately serviced by public transport and infrastructure.
 - iv. The decision imposes an unnecessarily onerous consenting requirement for multi-unit development for sites within the GRZ that can demonstrate adequate infrastructure servicing, access to transportation networks, or proximity to a range of local amenities and services.
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- e. The application of the new MRZ to the Site or the reinstatement of provisions (in the GRZ) the same as, or of similar effect to, notified rules 16.1.3(RD1) and 16.4.4(RD1)) is appropriate and will achieve the relief sought in BWSL’s submission as:
 - i. The Site is suitable for multi-unit or medium density development.
 - ii. The amendments sought will support the efficient future growth of Horotiu and the wider Waikato District.
 - iii. Restricted discretionary plan provisions will ensure the appropriate development of multi-unit sites.

⁴ For example: Horotiu Playcentre, Go Bananas Childcare Horotiu, Horotiu Primary School, Te Awa Cycleway.

iv. The environment within which the Site is located can appropriately support medium residential density as:

1. The Site and surrounding sites have already been, or could under the Operative District Plan zoning, be developed to achieve a medium residential outcome.
2. Current consented surrounding development includes 38 Washer Road (23 dwellings, average lot size 300m²) and 60 Washer Road (12 dwellings, average lot size 300m²).
3. To the south of the Site, and on the opposite side of Horotiu Bridge Road, is Horotiu Primary School. The Site is also in proximity to the Te Awa cycleway/walkway which traverses the Waikato River,⁵ being accessible from the Site via the road and footpath on the opposite side of Horotiu Bridge Road. Horotiu Industrial Park is approximately 400m to the south-east on the opposite side of Great South Road.
4. The Site is proximate to transport infrastructure. The nearest pair of bus stops are located approximately 700 m west of 38 Washer Road on Great South Road. These stops are serviced by Bus 21 the Northern Connector which connects Huntly to Hamilton through Horotiu. Pedestrian footpaths as approved under the existing land use consents for 38 and 60 Washer Road enable pedestrian connectivity to these bus stops.
5. It is in close proximity to a range of care and education facilities including the Horotiu Playcentre, Go Bananas Childcare Horotiu, Horotiu Primary School.

v. The developer of the Site is currently in the late stages of negotiating an infrastructure agreement with WDC. As part of that agreement the developer proposes to construct a new wastewater treatment solution, with the proposed pump station and rising main to be located on land

⁵ Which stretches along the Waikato River from Ngaruawahia in the north to Karapiro in the south.

within 108 Horotiu Bridge Road, to service the Site and surrounding residential catchment beyond the Site. Investment in infrastructure on this scale is reliant on a medium density outcome being achieved.

9. More generally, in addition to the reasons given above, the decision to decline the relief sought in BWSL's submission:
 - a. Fails to promote the sustainable management of the natural and physical resources WDC's district and does not achieve the purpose of the Act;
 - b. Is contrary to Part 2 and other provisions of the Act; and
 - c. Does not provide for the reasonably foreseeable needs of future generations.
10. Adoption of the relief sought by BWSL would be appropriate because:
 - a. It would assist WDC to carry out its functions so as to achieve the purpose of the Act;
 - b. It would appropriately implement the PWDP policies in an efficient and effective way, in a location that can sustain medium residential density;
 - c. It would give effect to the relevant higher order documents including the National Policy Statement on Urban Development 2020 and the Waikato Regional Policy Statement;
 - d. It accords with the National Planning Standards; and
 - e. The amendments sought by BWSL promote the sustainable management of the natural and physical resources of the Waikato District and does not offend any matters of national importance in sections 6, 7, and 8 of the Act.

Relief Sought

11. BWSL seeks the following relief:
 - a. That the decisions to decline the relief sought by BWSL be cancelled;
 - b. That the relief sought in BWSL's submission be accepted by either:

- i. Application of the new MRZ to the Site; or
 - ii. The reinstatement of provisions the same as, or of similar effect to, notified rules 16.1.3(RD1) and 16.4.4(RD1)) - either generally in the GRZ or specifically in relation to the Site.
 - c. Any other similar, consequential, or other relief as is necessary to address the issues raised in BWSL's appeal; and
 - d. Costs.
12. The following documents are attached to this notice:
- a. A copy of BWSL's submission on the Proposed Plan (**Attachment A**);
 - b. A copy of the relevant part of the decision (**Attachment B**); and
 - c. A list of names and addresses of the persons to be served with a copy of this notice (**Attachment C**).

Signature:

Blue Wallace Surveyors Limited by its
authorised agent:



Jeremy Brabant

Date:

1 March 2022

Address for service: Jeremy Brabant
Level 4, Vulcan Building Chambers
Cnr Queen Street and Vulcan Lane
PO Box 1502, Shortland St
Auckland

Mobile: 021 494 506

Email: jeremy@brabant.co.nz

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

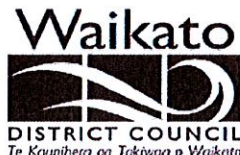
Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Act.

You may apply to the Environment Court under section 281 of the Act for a waiver of the above timing or service requirements (*see* form 38).

Advice

If you have any questions about this notice, contact the Environment Court in Auckland.

Attachment A



Proposed Waikato District Plan Submission form

RMA Form 5

ECM Project: DPRPh5-03
ECM #
Submission #
Customer #
Property #

To submit electronically please go to: www.waikatodistrict.govt.nz/pdp

Closing date for submissions: 5pm on Tuesday 9 October 2018

Submitter details: (please note that the (*) are required fields and must be completed)


First name*: <u>Tim</u>	Last name*: <u>Lester</u>
Organisation: <u>Blue Wallace Surveyors Ltd</u>	
On behalf of: <u>Blue Wallace Surveyors Ltd</u>	
Postal address*: <u>PO Box 38</u>	
Suburb:	Town/City*: <u>Hamilton</u>
Country: <u>New Zealand</u>	Postal code*: <u>3240</u>
Daytime phone:	Mobile: <u>021 993 223</u>
Email address*: <u>tim.lester@bluewallace.co.nz</u>	
Please tick your preferred method of contact* <input checked="" type="checkbox"/> Email <input type="checkbox"/> Postal	
Correspondence to* <input type="checkbox"/> Submitter <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Both	
Trade competition and adverse effects:* <input type="checkbox"/> I could <input checked="" type="checkbox"/> I could not gain an advantage in trade competition through this submission.	
Note: If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part I of Schedule I of the Resource Management Act 1991.	
Would you like to present your submission in person at a hearing? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> I do NOT wish to speak in support of my submission and ask that this submission be fully considered. If others make a similar submission I will consider presenting a joint case with them at the hearing (do not tick if you would not consider a joint case). <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Please complete the following for every submission point:
Provision number (e.g. 22.4.1.2 P2(a)):
Physical address of the property concerned (if relevant to your submission): <i>See attached</i>
Do you: <input type="checkbox"/> Support <input type="checkbox"/> Oppose <input type="checkbox"/> Neutral

The decision I would like is:
<i>See attached</i>

My reasons for the above are:
<i>See attached</i>

Please return this form **no later than 5pm on 9 October 2018** to:
 Waikato District Council, 15 Galileo Street, Private Bag 544, Ngaruawahia 3742, or e-mail: districtplan@waide.govt.nz

Signed:  Date: *9/10/2018*

(A signature is not required if you make your submission by electronic means)

PRIVACY ACT NOTE: Please note that all information provided in your submission will be used to progress the process for this proposed district plan, and may be made publicly available.



**Blue Wallace
Surveyors Ltd.**

Our Ref: 18067
Client: Blue Wallace Surveyors Ltd

9 October 2018

Waikato District Plan Review Team

Waikato District Council

Private Bag 544

Ngaruawahia 3742

New Zealand

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- Registered Land & Engineering Surveyors
- Land Development Consultants
- Resource Management Planners
- Members of the Consulting Surveyors of New Zealand 
- Registered Professional Surveyors

Phone 07 839 7799

Transmittal via e-mail: districtplan@waidc.govt.nz

Attention: District Plan Review Team

RE: Submission by Blue Wallace Surveyors Ltd on the Proposed Waikato District Plan

To Whom it may concern,

Please find attached a Submission lodged by Blue Wallace Surveyors Ltd in regard to the notified Proposed Waikato District Plan (PWDP).

Submitter details are as follows:

Organisation	Blue Wallace Surveyors Ltd
Attention	Tim Lester
Email	tim.lester@bluewallace.co.nz
Phone No.	021993223
Postal Address	PO Box 38, Hamilton 3240
I am not a person who could gain an advantage in trade competition through this submission.	
I wish to be heard	Yes

Blue Wallace Surveyors Ltd (Blue Wallace) is a Hamilton based firm of Surveyors, Engineers and Planners with over 20 years' experience in land development matters within the Waikato Region.

Blue Wallace deals primarily with resource management planning, land development engineering design and cadastral surveying to private individuals, local body authorities, companies and developers.

Blue Wallace has had a close working relationship with the Waikato District Council – particularly in the areas of subdivisions in the District. As a consequence, we feel that it is important to be meaningfully engaged with the PWDP development so as to provide our perspective on current and future subdivision and land use regulation in the Waikato District.

As a result of Blue Wallace's land development interest in the district, the following set of PWDP submissions have been prepared for Council's consideration.

Blue Wallace has provided a number of specific submissions which relay support, support in part, or opposition to the notified draft provisions of the PWDP. Such submissions reflect our own professional judgement on land development matters, as well as being reflective of the commercial reality of land development that ensure that we can act as efficiently and effectively as possible for our broad range of Clients.

Whilst we have attempted to be as robust as possible in the following table of submission points, it is nonetheless important to realise that the individual points raised in this submission are not exhaustive; and that Blue Wallace will add to these points as the PWDP review process unfolds (i.e., through the further submission stage etc.).

Whilst each of the submission points are self-explanatory in their reasons and decisions sought, we contend a more detailed reasoning to the decisions sought can, and will, be provided during the hearing phase of the process; hence, Blue Wallace wish to be heard in support of the submissions below.

Any conformation of the points raised in the submission below can be made to Blue Wallace Surveyors Ltd via tim.lester@bluewallace.co.nz.

Regards



Tim Lester

For Blue Wallace Surveyors Ltd

Submission points

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
Chapter 13: Definitions			
1	Record of Title <i>Means a Computer Freehold Register (also referred to as a Certificate of Title).</i>	Support	The Submitter supports this definition given that it reflects the most recent terminology within the LT Survey Act 2017 (in force November 2018).
2	Site <i>Means:</i> <ol style="list-style-type: none"> any area of land comprised in one Record of Title, or two or more Records of Title linked pursuant to s37 of the Building Act 1991, or s75 of the Building Act 2004, or s220 of the Resource Management Act 1991; in the case of land developed under the Unit Titles Act 2010, the area comprised in a principal unit or accessory unit excluding any common property; in the case of cross-leases, the area for exclusive use comprised within the cross-lease, excluding any common property. 	Support in part	<p>The submitter generally supports the proposed definition for a 'Site'. Notwithstanding his general support, the submitter seeks that land recently subdivided be considered a Site without obtaining a record of title.</p> <p>Such a 'Site' could be defined as:</p> <p><u>5. Subdivided land that requires no further consent from Council.</u></p> <p>Such a definition is successfully applied in the Operative Hamilton City District Plan in instances where land use consent is required for a recently subdivided allotment, and where for instance sections of policy notations do not affect the newly created allotment (i.e., a new front allotment does not contain a mapped Gully Hazard Area planning feature – where the rear allotment, not subject to land use consent, does).</p> <p>Such provision will enable land use consents to be assessed based on their merits as opposed to irrelevant planning notations.</p>
Chapter 4: Urban Environment			

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
3	<p>4.1 Strategic Direction</p> <p>4.1.1 Objective – Strategic</p> <p><i>(a) Liveable, thriving and connected communities that are sustainable, efficient and co-ordinated.</i></p> <p><i>(b) An additional 13,300 - 17,500 dwellings are created during the period 2018 - 2045.</i></p>	Support in part	<p>The Submitter supports in part this objective as it sets a worthy goal regarding future urban residential development across the district.</p> <p>The objective stresses a dwelling quantum which will act as a rigid formula being applied across the district over a timeframe that does not correspond with the 'life' of the proposed district plan (i.e., 10 years).</p> <p>Experience has been that setting a specifically quantified target for residential growth is problematic when unknown variables are considered – rather, the best means to strategically provide for residential growth is based on market conditions (demand).</p> <p>The proposed objective (sub-clause b) should be amended or removed to enable adaptability.</p> <p>An amended subclause should be made as follows:</p> <p>(b) An additional 13,300 – 17,500 dwellings are created during the period 2018 – 2045 <u>to reflect market demands.</u></p>
4	<p>4.1.3 Policy - Location of development</p> <p><i>(a) Subdivision and development of a residential, commercial and industrial nature is to occur within towns and villages where infrastructure and services can be efficiently and economically provided.</i></p> <p><i>(b) Locate urban growth areas only where they are consistent with the Future Proof Strategy Planning for Growth 2017.</i></p>	Support in part	<p>The submitter agrees with this policy to the extent that residential urban growth is to occur in a logical pattern that is reflective of a well-considered urban growth strategy.</p> <p>The Submitter considers that the proposed wording of the policy sub-clauses (a) and (b) are too restrictive – and need not state that 'only' urban growth be enabled within the 2017 Future Proof Strategy.</p> <p>Whilst urban growth within the strategically identified areas is implicit – limiting growth to the 2017 iteration of the strategy in the PWDP is limiting and will result in future drafting fixes over the life of</p>

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
			<p>the district plan (as an example - Blue Wallace understand that Council's Blueprinting exercise is addressing this matter as well).</p> <p><i>(a) Subdivision and development of a residential, commercial and industrial nature is to occur within <u>and adjacent to</u> towns and villages where infrastructure and services can be efficiently and economically provided.</i></p> <p><i>(b) Locate urban growth areas only where they are consistent with <u>the relevant Strategic Growth documents for the district Future Proof Strategy Planning for Growth 2017</u>.</i></p>
5	<p>4.1.7 Objective – Character of towns</p> <p><i>(a) Development in the Residential, Village, Industrial and Business zones is attractive, connected and reflects the existing character of towns.</i></p>	Support in part	<p>The Submitter considers that the objective is worded in such a way that potentially is confusing for plan users.</p> <p>As currently stated the objective is encouraging of development within the Residential, Village, Industrial and Business zones; however, the statement "...reflects the existing character..." is not analogous with development and growth.</p> <p>Growth is not always possible to undertake without altering existing character; hence, a more appropriate policy subclause would read:</p> <p><i>(a) Development in the Residential, Village, Industrial and Business zones is attractive, connected and reflects the existing character of towns.</i></p>
6	<p>4.1.14 Policy – Taupiri</p> <p>(a) Taupiri is developed to recognise:</p> <p>(i) The changes that may result from the completion of the Waikato</p>	Support in part	<p>The Submitter supports in part Policy 4.1.14 as it relates specifically to the Taupiri Township.</p>

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
	<p>Expressway including the increased demand for housing;</p> <p>(ii) Future roads, parks, pedestrian and cycle networks are developed in accordance with the Taupiri section of the <i>Ngaaruawaahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai & Glen Massey Structure Plan</i>;</p> <p>(iii) The future development area of Taupiri is to the south of the existing village;</p> <p>(iv) Infill and redevelopment of existing sites occurs.</p>		<p>The policy is appropriate regarding the effect of the Waikato Express on Taupiri's existing character – and furthermore, the effect resulting from increased residential land use that will ensue from the Taupiri/Huntly bypass.</p> <p>Inconsideration of the above Policy 4.1.14(a)(i) should remain as proposed.</p> <p>Regarding the second subclause of Policy 14.1.14 – the Submitter disagrees with the proposed wording as a demonstrable issue arises regarding overt design limitations being imposed on development from high-level strategic plan mapping.</p> <p>The Submitter considers that, at best, structure planning is used for conceptual consideration of how and where growth areas are to function in the context of the wider area and in coordination with high-level urban growth strategies.</p> <p>The policy subject to this submission point currently directs development within the Taupiri area to be in accordance with the <i>Ngaaruawaahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai & Glen Massey Structure Plan</i>. Such wording of the policy gives too much design weighting to a Structure Plan Map that has not been prepared in consideration of natural and physical features contained within the Taupiri area covered by the Structure Plan Map.</p> <p>Land contained within the structure plan area map, for Taupiri, is defined by significant gully networks, Waikato River flood protection, cultural significance etc. As a consequence – an over-adherence to the high-level design outcomes as envisioned in the Structure Plan Map will not represent sustainable management of natural and</p>

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
			<p>physical resources, and furthermore will result in development that inappropriate for the area.</p> <p>In consideration of the above, the following amendments are sought:</p> <p><i>(ii) Future roads, parks, pedestrian and cycle networks are developed in <u>general</u> accordance with the Taupiri section of the Ngaruawahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai & Glen Massey Structure Plan, as well as in consideration of site specific natural and physical features;</i></p>
7	<p>4.1.15 Policy – Ngaruawahia</p> <p><i>(a) Ngaruawahia is developed to ensure:</i></p> <p><i>(i) Existing intensive farming and industrial activities are protected from the effects of reverse sensitivity when locating new residential development;</i></p> <p><i>(ii) That future residential development is not located within the intensive farming setbacks from the two operating poultry farms until such time that the two poultry farms within the residential growth areas of Ngaruawahia cease to exist;</i></p> <p><i>(iii) Areas marked for future business expansion are managed so that the existing adjoining residential amenity is not compromised;</i></p> <p><i>(iv) Future neighbourhood centres, roads, parks, pedestrian and cycle networks are developed in</i></p>	Support in part	<p>The Submitter supports Policy 4.1.15 regarding residential expansion in the Ngaruawahia Township.</p> <p>As provided for in the applicable planning maps (as proposed), residential growth to the north of the township, in the vicinity of Starr Road, represents a sensible approach given connectivity to transportation corridors, transport integration, and developable land integration with existing residential land use to the south.</p> <p>The land surrounding Starr Road – proposed to be rezoned from Rural to Residential contains an area that has been used in the past for intensive farming activities (a poultry farm); this intensive land use has not yet been discontinued (but is under contract to be terminated), and consequently will not be constrained under sub-clause (ii) of the policy.</p> <p>The flat developable nature of the land in and surrounding Starr Road will integrate with residential land use to the south west, and therefore represents an efficient zone change reflective of urban development demand for the township.</p>

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
	<p><i>accordance with the Ngaruawahia section of the Ngaaruawaahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai & Glen Massey Structure Plan; and</i></p> <p><i>(v) Infill and redevelopment of existing sites occurs.</i></p>		<p>Notwithstanding the above support, the Submitter seeks the following amendments to subclause iv of Policy 4.1.15:</p> <p><i>(iv)Future neighbourhood centres, roads, parks, pedestrian and cycle networks are developed in <u>general</u> accordance with the Ngaruawahia section of the Ngaaruawaahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai & Glen Massey Structure Plan, <u>as well as in consideration of site specific natural and physical features</u>; and</i></p> <p>...</p> <p>The reasons for the submission are described in the submission point above.</p>
8	<p>4.1.17 Policy - Te Kowhai</p> <p><i>(a) The scale and density of residential development in the Te Kowhai Village Zone achieves:</i></p> <p><i>(i)lower density (3,000m²sections) where the development can be serviced by on site non-reticulated wastewater, water and stormwater networks; or</i></p> <p><i>(ii)higher density (1,000m² sections) where the development can be serviced by public reticulated wastewater, water and stormwater networks;</i></p> <p><i>(b) Open space character, feeling of spaciousness and connections to the rural landscape and walkways that are maintained and extended to new areas.</i></p>	Support in full	<p>The submitter is in general support of the proposed development direction in the PWDP for Te Kowhai.</p> <p>In particular, the submitter contends that development surrounding an ancillary to the Te Kowhai air field is appropriate, and the densities proposed align with future growth in the village.</p> <p>The submitter seeks the policy is retained.</p>

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
	<p>(c) Placement of dwellings to protect the future ability to increase density should public reticulated wastewater and water networks become available.</p> <p>(d) Future roads, parks, pedestrian and cycle networks are developed in accordance with the Te Kowhai section of the Ngaaruawaahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai & Glen Massey Structure Plan.</p>		
9	<p>4.2 Residential Zone</p> <p>4.2.1 Objective – Residential Character</p> <p>(a) Residential character of the Residential Zone is maintained.</p>	Support in full	<p>The Submitter supports this objective as an appropriate unambiguous high-level statement in the PWDP regarding development within residential areas – and furthermore provides a suitable policy context.</p> <p>The Submitter seeks the objective is retained as currently worded.</p>
10	<p>4.2.2 Policy – Character</p> <p>(a) Ensure residential development in the Residential Zone:</p> <p>(i) Provides road patterns that follow the natural contour of the landform;</p> <p>(ii) Promotes views and vistas from public spaces of the hinterland beyond; and</p> <p>(iii) Is an appropriate scale and intensity, and setback from the road frontages to provide sufficient open space for the planting of trees and private gardens.</p>	Support in full	<p>The Submitter supports Policy 4.2.2 regarding residential character.</p> <p>The Applicant notes that this policy does not align with several other policies currently proposed by Council as they relate to Structure Plans (in particular Policy 4.1.15 – Ngaruawahia, and Policy 4.1.14 – Taupiri).</p> <p>The Submitter acknowledges that urban growth needs to be considered in the context of a strategic plan – however, an appropriate level of flexibility is needed in structure plans to allow for on-site variable (i.e., topography) that may not have been adequately considered in the structure plan.</p>

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
11	<p>4.2.5 Policy – Setback: Side boundaries</p> <p><i>(a)Require development to have sufficient side boundary setbacks to provide for:</i></p> <p><i>(i) Planting;</i></p> <p><i>(ii) Privacy; and</i></p> <p><i>(iii) Sunlight and daylight.</i></p> <p><i>(b)Reduced side boundary setbacks occur only where it:</i></p> <p><i>(i) Enables effective development of sites where on-site topographic constraints occur; or</i></p> <p><i>(ii) Retains trees on the site.</i></p>	Support in part	<p>The submitter supports in part proposed Policy 4.2.5 as currently drafted as it provides a degree of flexibility in regard to side yard performance standards in the residential zone.</p> <p>Notwithstanding this support, the Submitter considers that a subclause (b) (iii) should be included so as to recognise the written approvals from affected parties (see section 87 of the RMA) – such as neighbouring land owners.</p> <p>The following amendment to Policy 4.2.5 is requested by the Submitter:</p> <p><i>(b)Reduced side boundary setbacks occur only <u>generally</u> where it:</i></p> <p><i>(i)Enables effective development of sites where on-site topographic constraints occur; or</i></p> <p><i>(ii)Retains trees on the site; <u>or</u></i></p> <p><i><u>(iii) Written approval for the encroachment has been provided by the abutting land owner.</u></i></p>
12	<p>4.2.12 Policy – Outdoor living court – Multi-unit development</p> <p><i>(a)Enable multi-unit development to provide usable and accessible outdoor living courts in alternative ways that reflects the outcomes of section 7 (private residential amenity) of Waikato District Council’s Multi-unit Development Urban Design Guidelines (Appendix 3.4), in particular by:</i></p> <p><i>(i)Maximising light access, views and privacy; and</i></p>	Support	<p>The submitter supports policy 4.2.12 as proposed and seeks that it is retained in the PWDP.</p> <p>The reason for this support is because it provides development flexibility in urban design.</p>

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
	<i>(ii) Maximising the use and amenity opportunities of the site through well designed internal layout.</i>		
13	4.2.14 Objective – Earthworks <i>(a) Earthworks facilitate subdivision, use and development.</i>	Support in full	<p>The Submitter supports Objective 4.2.14 in that subdivision development and assessment by Council is undertaken concurrently under the consents process – and furthermore, that this process is inclusive of earthworks.</p> <p>The Submitters seeks Policy 4.2.14 be retained as currently worded.</p>
14	4.2.16 Objective – Housing options <i>(a) A wide range of housing options occurs in the Residential Zones of Huntly, Ngaruawahia, Pokeno, Raglan, Te Kauwhata and Tuakau.</i> <i>(b) Residential zoned land near the Business Town Centre Zone and close to transport networks is used for higher density residential living with access to public transport and alternative modes of transport.</i>	Support in part	<p>The Submitter supports in part this proposed objective as it is considered important for high-level recognition in the District Plan for housing diversity.</p> <p>In order for the submitter to provide complete support for this Objective, it is requested that Taupiri is included, explicitly in the Objective.</p> <p>This inclusion is reasoned due to the increased residential density and urban growth in the village post the Waikato Expressway becoming active.</p> <p>As Taupiri is considered to be one of the District's growth areas, the following amendment is sought to Objective 4.2.16</p> <p><i>(a) A wide range of housing options occurs in the Residential Zones of Huntly, Ngaruawahia, Pokeno, Raglan, Te Kauwhata, <u>Taupiri</u> and Tuakau.</i></p>

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
4.7 Urban Subdivision and development			
15	4.7.1 Objective – Subdivision and Land Use Integration <i>(a) Subdivision layout and design facilitates the land use outcomes sought for the residential, business, industrial, reserve and specific purpose zones.</i>	Support	The Submitter supports in full proposed Objective 4.7.1 as it provides a suitable context in which urban development policies are to be derived.
16	4.7.2 Policy – Subdivision location and design <i>(a) Ensure subdivision, is located and designed to:</i> ... <i>(vii) Promote consistent grid layout.</i>	Support in part	<p>The Submitter supports in part proposed Policy 4.7.2 as it is considered that a grid layout is the most efficient subdivision design – hence, the current wording of the policy is considered redundant.</p> <p>Further to the above, the Submitter notes that subclause (viii) runs contrary to 4.7.3 “(vii) Promoting the street layout to reflect the underlying topography.</p> <p>In consideration of the above, the Submitter seeks the following amendment to proposed Policy 4.7.2</p> <p>...</p> <p><i>(vii) Promote consistent grid layout <u>where it suits character and topographical constraints.</u></i></p>
17	4.7.5 Policy – Servicing requirements <i>(a) Require urban subdivision and development to be serviced to a level that will provide for the anticipated activities approved in a structure plan, or otherwise anticipated within the zone, including through the provision of:</i> ... <i>(iii) Roads;</i>	Support in Part	<p>The Submitter supports in part proposed Policy 4.7.5 – with support limited due to an over-emphasis being placed on high-level structure plan detail.</p> <p>Structure plans are high-level strategic land development documents (e.g., are to provide an indicative planning framework for future development); and should not be used to prematurely constrain future land use (fluidity around servicing matters should be provided for in the district plan).</p>

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
			<p>The Submitter contends that not enough ground truthing has underpinned the district's structure plans – and once developments start being considered for more detailed design, conflicts arise where on-site natural and physical constraints emerge that were not adequately provided for on the higher-level structure plans.</p> <p>In consideration of past experiences, the Submitter seeks the following amendment to proposed Policy 4.7.5:</p> <p style="padding-left: 40px;">(a) <i>Require urban subdivision and development to be serviced to a level that will provide for the anticipated activities approved indicated in a structure plan, or otherwise anticipated within the zone, including through the provision of:</i></p> <p style="padding-left: 80px;">...</p> <p>As a more general note, the Submitter also seeks that Council structure plans avoid roads spanning different boundaries.</p>
Structure and master plans			
18	<p>4.7.14 Policy – Structure and master planning</p> <p>(a) <i>Ensure that development and subdivision within approved structure or master plan areas is integrated with the development pattern and infrastructure requirements specified in an approved structure or master plan.</i></p>	Support in part	<p>The Submitter acknowledges that master planning and structure plans provide an important strategic framework for development within the Waikato District; however, it is important to note that the function of high-level growth planning documents should not unreasonably constrain specific land use within the district via high-level design elements.</p> <p>Examples can be given where approved structure plans have specified the location of transportation corridors based only on abstract transportation modelling. There has been little to no on-site investigations as to the location of intersections or transportation corridors thus resulting in unreasonable constraints (i.e.,</p>

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
			<p>topographical) in which the land developer is compelled to overcome based on the structure plan.</p> <p>The Submitter supports Council's aim to integrate land use developments with preceding approved structure plans – however, seeks that appropriate flexibility is provided to account for specific on-site variables.</p> <p>Consequently, the following amendment is sought to Policy 4.7.14:</p> <p><i>(a) Ensure that development and subdivision within approved structure or master plan areas is integrated, where physically reasonable, with the general development pattern and infrastructure requirements specified conceptually provided for in an approved structure or master plan.</i></p> <p>The submitter seeks the above amendments verbatim, or alternatively words to the effect of the above.</p>
Chapter 5: Rural Environment			
19	<p>5.3 Rural Character and Amenity</p> <p>5.3.3 Policy – Industrial and commercial activities</p> <p><i>(a) Rural industries and services are managed to ensure they are in keeping with the character of the Rural Zone.</i></p> <p><i>(b) Avoid locating industrial and commercial activities in rural areas that do not have a genuine functional connection with the rural land or soil resource.</i></p>	Support in Part	<p>The submitter agrees that the rural industrial integrity of the Rural Zone is an important message to be contained within the PWDP.</p> <p>Notwithstanding this support, the Submitter considers that non-rural industries can operate in the rural zone where they abut infrastructure such as state highways.</p> <p>The Submitter considers that by recognising that the rural environment is influenced by non-rural infrastructure, that some non-rural activities can occur in the zone. A good example of this is in the case of a service station.</p>

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			<p>The following amendment, or alternative wording to the same effect, is sought to Policy 5.3.3:</p> <p><u>(c) Recognise that activities associated with non-rural infrastructure be provided for within the rural environment.</u></p>
Chapter 16: Residential Zone			
20	<p>5.6.3 Policy – Subdivision within the Country Living Zone</p> <p>(a) Subdivision, building and development within the Country Living Zone ensures that:</p> <p>(i) The creation of undersized lots is avoided where character and amenity are compromised;</p> <p>(ii) new lots are of a size and shape to enable sufficient building setbacks from any boundary;</p> <p>(iii) building platforms are sited to maintain the character of the Country Living Zone and are appropriately-positioned to enable future development;</p> <p>(iv) existing infrastructure is not compromised;</p> <p>(v) existing lawfully-established activities are protected from reverse sensitivity effects.</p>	Support in Part	<p>The Submitter supports in part Policy 5.6.3 as proposed, to the extent that country living zones may intensify (residentially), thus providing an element of future proofing into the zone.</p> <p>To appropriately enable effective use of the policy, the Submitter seeks a slight amendment so that, in appropriate instances, undersize allotments may be created. Consequently, the following amendment is sought:</p> <p>“ ...</p> <p>(a) Subdivision, building and development within the Country Living Zone ensures that:</p> <p>(i) The creation of undersized lots is avoided <u>discouraged</u> where character and amenity are compromised;</p> <p>...”</p> <p>The Submitter seeks the above amendment as the word ‘avoid’ is absolute and will restrict flexibility in subdivision design.</p>
Rules Chapter 16: Residential Zone			
21	<p>16.1.3 Restricted Discretionary Activities</p> <p>RD1</p>	Support in part	<p>The Submitter generally supports Rule 16.1.3 for Restricted Discretionary Activities as clear guidance is provided for regarding increasing residential density and infill development.</p>

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
	<i>(c)The minimum net site area per residential unit is 300m²;</i>		<p>This support is tempered by the RD criteria of having each unit having a minimum NSA of 300m².</p> <p>The Submitter considers that the area requirement for multi-unit developments be reduced to 200m² for each dwelling unit, as such an area will allow for efficient residential intensification without the need for a more onerous development assessment.</p> <p>Whilst many residential properties will be constrained in obtaining a 200m² NSA (in consideration of manoeuvrability, living court areas etc), a satisfactory urban design can be achieved on smaller allotments – and hence would provide a greater gateway for infill flexibility for the district.</p>
22	<p>16.2.4.1 Earthworks – General</p> <p>P2</p> <p><i>Earthworks for the purpose of creating a building platform for residential purposes within a site, using imported fill material must meet the following condition:</i></p> <p><i>(a) Be carried out in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development.</i></p>	Support in part	<p>The Submitter supports the permitted activity status for earthworks associated with building platforms.</p> <p>The Submitter seeks to amend the permitted activity rule by expanding the coverage to that of accessway formation as well.</p> <p>The sought amendment is as follows (or words to similar effect):</p> <p>P2</p> <p><i>Earthworks for the purpose of creating a building platform <u>and</u> <u>accessway</u> for residential purposes within a site, using imported fill material must meet the following condition:</i></p>
23	<p>16.3.5 Daylight admission</p> <p>P1</p> <p><i>Buildings must not protrude through a height control plane rising at an angle of 37 degrees</i></p>	Oppose	<p>The submitter requests that the permitted activity rule is expanded to have the daylight admission to be taken from 3m above ground level.</p>

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
	<i>commencing at an elevation of 2.5m above ground level at every point of the site boundary.</i>		Increasing the parameter as sough will align the PWDP with other district plans in the region and hence provide a consistent standard for development and design professionals across the region. Greater housing choice will also be enabled.
24	<p>16.3.8 Service court</p> <p>P1</p> <p><i>(a)A service court must be provided for each dwelling and minor dwelling, each with all the following dimensions:</i></p> <p><i>(i)minimum area of 15m²; and</i></p> <p><i>(ii)contains a circle of at least 3m diameter.</i></p>	Support in Part	<p>The submitter agrees that a 15m² service court is an appropriate area for a residential dwelling and an area to provide for servicing needs.</p> <p>The Submitter does not agree that a 3m diameter shape factor is appropriate given that service areas should be discreet areas and hence located to the side or rear of a property. Having a 3m dimeter circle is not conducive to discreetly locating a service court – and by effect will require a 3m side or rear yard setback.</p> <p>A more appropriate dimension is for at least a 3m diagonal line that is no less than 1.5m in width.</p>
25	<p>16.3.9.3 Building setback – Waterbodies</p> <p>P1</p> <p><i>(a)Any building must be setback a minimum of:</i></p> <p><i>(i)23m from the margin of any;</i></p> <p><i>A.lake; and</i></p> <p><i>B.wetland;</i></p> <p><i>(ii)23m from the bank of any river (other than the Waikato and Waipa Rivers);</i></p> <p><i>(iii)28m from the margin of both the Waikato River and the Waipa River; and</i></p>	Oppose in part	<p>The Submitter opposes proposed Rule 16.3.9.3 in regard to a 23m setback from a wetland.</p> <p>A wetland as defined under the RMA is broad reaching- and hence covers an array of features each of which vary in scale and effect (i.e., an ephemeral water course has different attributes to that of a stream, river, manmade drainage channel).</p> <p>Having a nominal 23m setback applied to such a wide variation of water features is inappropriate and introduces significant inefficiencies (from a development perspective) which is contrary to Part 2 of the RMA and the sustainable management of natural and physical resources.</p>

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
	<i>(iv) 23m from mean high water springs.</i>		<p>Notwithstanding the above, as a 'lake' can constitute a large array of waterbodies, the Submitter contends that a starting point of 4ha be used in the PWDP before the setback applies.</p> <p>The Submitter seeks that Council amend Proposed Rule 16.3.9.3 as follows:</p> <p><i>(a) Any building must be setback a minimum of:</i></p> <p><i>(i) 23m from the margin of any;</i></p> <p><i>A. lake <u>over 4ha</u>; and</i></p> <p><i>B. wetland;</i></p> <p><i>(ii) 23m from the bank of any river (other than the Waikato and Waipa Rivers);</i></p> <p><i>(v) <u>10m from a managed wetland</u></i></p> <p>This submission applies to all other PWDP Zones where the wetland setback provision has been proposed. Along with all associated consequential amendments.</p>
26	<p>16.4.1 Subdivision – General</p> <p>RD1</p> <p><i>(a) Subdivision must comply with all of the following conditions:</i></p> <p><i>(i) Proposed lots must have a minimum net site area of 450m², except where the proposed lot is an access allotment or utility allotment or reserve to vest;</i></p>	Support in Part	<p>The Submitter generally supports the RD16.4.1 rule – however, the following amendments are sought:</p> <p><i>16.4.1 (a) (iii) Where roads are to be vested in Council, <u>and where practicable</u>, they must follow a grid layout;</i></p> <p>...</p>

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
	<p>(ii) Proposed lots must be able to connect to public-reticulated water supply and wastewater;</p> <p>(iii) Where roads are to be vested in Council, they must follow a grid layout;</p> <p>(iv) Where 4 or more proposed lots are proposed to be created, the number of rear lots do not exceed 15% of the total number of lots being created;</p> <p>(v) Where the subdivision is within a structure plan area, neighbourhood centres within the site are provided in accordance with that structure plan document.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <p>(i) Subdivision layout;</p> <p>(ii) Shape of lots and variation in lot sizes;</p> <p>(iii) Ability of lots to accommodate a practical building platform including geotechnical stability for building;</p> <p>(iv) Likely location of future buildings and their potential effects on the environment;</p> <p>(v) Avoidance or mitigation of natural hazards;</p> <p>(vi) Amenity values and streetscape landscaping;</p>		<p>16.4.1 (a)(v) Where the subdivision is within a structure plan area, neighbourhood centres within the site are provided in <u>general</u> accordance with that structure plan document.</p> <p>16.4.1 (b) (ix) Consistency with any relevant structure plan or master plan including the provision of neighbourhood parks, reserves and neighbourhood centres;</p> <p>Reasons for Submission:</p> <p>The Submitter has a long association with land use development within the Waikato Region – and hence appreciates efficient transportation corridor design for any given project.</p> <p>Grid road layouts are obviously the most efficient transportation design – and naturally will be incorporated whenever practicable to do so. However, when developing land for residential land use, natural features will need to be provided for, and hence could prevent a 'grid' layout being achieved.</p> <p>The above amendment is considered appropriate to recognise a grid roading layout is not always achievable.</p> <p>Amendment to 10.4.1(a)(v) is sought to enable development to occur based on on-site variables as opposed to strict adherence to high-level structure planning documents.</p> <p>The over reliance on structure plan detail has been addressed throughout this submission and is the reasoning behind the decision sought.</p>

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	<p>(vii) Consistency with the matters contained within Appendix 3.1 (Residential Subdivision Guidelines);</p> <p>(viii) Vehicle and pedestrian networks;</p> <p>(ix) Consistency with any relevant structure plan or master plan including the provision of neighbourhood parks, reserves and neighbourhood centres; and</p> <p>(x) Provision of infrastructure.</p>		
27	<p>16.4.4 Subdivision - Multi-unit development RD1</p> <p>(a) Multi-Unit development must comply with all of the following conditions:</p> <p>(i) An application for land use consent under Rule 16.1.3 (Multi-Unit Development) must accompany the subdivision or have been granted land use consent by Council;</p> <p>(ii) The Multi-Unit development is able to be connected to public wastewater and water reticulation;</p> <p>(iii) The minimum existing lot size where a new freehold (fee simple) lot is being created must be 300m² net site area.</p> <p>...</p>	Support in Part	<p>The Submitter supports in part proposed Rule 16.4.4 to the extent that appropriate Council design guidance on multi-unit developments is helpful from a development perspective.</p> <p>Notwithstanding this support, the Submitter seek that the minimum NSA for each unit be reduced to that similar to abutting territorial authorities. Such a reduction would require each unit to have a NSA of no less than 200m².</p> <p>The Submitter considers that there is plenty of physical evidence that can be provided to Council assuring that a 200m² NSA is suitable to house multi-unit developments.</p> <p>Allowing a smaller NSA will enable efficient use of land, particularly in regard to infill housing areas.</p>

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28	<p>16.4.13 Subdivision creating reserves</p> <p>RD1</p> <p><i>(a) Every reserve, including where a reserve is identified within a structure plan or master plan (other than an esplanade reserve), proposed for vesting as part of the subdivision, must be bordered by roads along at least 50% of its boundaries.</i></p> <p>....</p>	Oppose in Part	<p>The Submitter opposes proposed Rule 16.4.13 as it seeks to impose a development constraint that may not feasibly be possible or practicable.</p> <p>Whilst the Submitter agrees that in many instances, reserves should provide access from transportation corridors, on-site variables (topography, subdivision layout, security etc.) could mean that a 50% road frontage is not possible, thus defaulting the development to a higher order planning assessment.</p> <p>The Submitter understands that such a proposed standard is proposed (in part) to enable passive surveillance and maintenance access; however, in many instances a 50% road boundary is unrealistic with other design considerations available for CPTED principles (i.e., low fences etc.).</p> <p>In regard to the above, the following amendment is sought to Rule 16.4.13 as proposed:</p> <p><i>(a) Every reserve, including where a reserve is identified within a structure plan or master plan (other than an esplanade reserve), proposed for vesting as part of the subdivision, must be bordered by roads along at least 50% of its boundaries as much as is practicable.</i></p>
29	<p>16.4.16 Subdivision of land containing an Environmental Protection Area</p> <p>C1</p>	Support in Part	<p>The Submitter supports in part proposed Rule 16.4.16 as development within close proximity to delineated EPAs needs appropriate recognition to facilitate natural process and mitigate any potential adverse effects of development on such areas.</p> <p>Notwithstanding the above, the Submitter considers that from a developers' perspective a planting and management plan be</p>

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	<p><i>(a) Subdivision of land containing an Environmental Protection Area must comply with all of the following conditions:</i></p> <p><i>(i) Include a planting and management plan for the area, prepared by a suitably-qualified person, containing exclusively native species suitable to the area and conditions;</i></p> <p><i>(ii) Planting must be undertaken prior to the issue of the s224(c) certificate.</i></p>		<p>prepared and submitted to Council as a condition of consent (as opposed to be prepared as part of a consent application).</p> <p>Once the developer has the confidence of consent being issued for any particular project – detailed design plans can include the provision of landscape plans and planting specifications.</p> <p>The Submitter seeks the following amendment:</p> <p><i>(a) Subdivision of land containing an Environmental Protection Area must comply with all of the following <u>as</u> conditions <u>of consent</u>:</i></p> <p>....</p>
Chapter 22 Rural Zone			
30	<p>22.2.3.1 Earthworks – General</p> <p>P3</p> <p><i>(a) Earthworks for the purpose of creating a building platform for residential purposes within a site, using imported fill material must meet the following condition:</i></p> <p><i>(i) Be carried out in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development.</i></p>	Support in Part	<p>The Submitter supports the permitted activity rule for earthworks in part.</p> <p>The Submitter seeks that the permitted activity rule be amended to include earthworks associated with the construction of accessways to building platforms as this currently gets overlooked by many developers – and often triggers an unexpected land use consent.</p> <p>The Submitter contends that earthworks for accessways is inherent in subdivision consent – and has subsequently already been considered by Council on the basis of effects.</p> <p>Further to the above, the Submitter would like to point out that earthworks restrictions will still comply in regard to NZS 4431:1989 compliance.</p> <p>In consideration of the decision sought, and reasoning why, the following amendment is sought to P3:</p>

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			<p>(a) <i>Earthworks for the purpose of creating a building platform <u>and</u> <u>accessway</u> for residential purposes within a site, using imported fill material must meet the following condition:</i></p> <p>...</p>
31	<p>22.3.7.5 Building setback – water bodies</p> <p>P1</p> <p>(a) <i>Any building must be set back a minimum of:</i></p> <p>(i) <i>32m from the margin of any;</i></p> <p>A. <i>Lake; and</i></p> <p>B. <i>Wetland;</i></p> <p>(ii) <i>23m from the bank of any river (other than the Waikato River and Waipa River);</i></p> <p>(iii) <i>28m from the banks of the Waikato River and Waipa River; and</i></p> <p>(iv) <i>23m from mean high water springs.</i></p>	Oppose in Part	<p>The Submitter opposes the arbitrary use in the PWPD of the generic term ‘wetland’ when requiring setbacks.</p> <p>Wetlands are defined in the RMA as:</p> <p><i>“wetland includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions”.</i></p> <p>Such all-encompassing terminology is inappropriate for use within the PWDP as it will have a significant impact on land development that may not carry any reasonable environmental benefit (i.e., a man-made swale or drainage channel).</p> <p>The Submitter seeks that setbacks for man-made stormwater infrastructure and / or modified waterbodies (managed wetlands) be identified under all applicable waterbody setback rules be 10m.</p> <p>Notwithstanding the above, as a ‘lake’ can constitute a large array of waterbodies, the Submitter contends that a starting point of 4ha be used in the PWDP before the setback applies.</p> <p>In consideration of the above, the following amendment is sought:</p> <p>22.3.7.5 Building setback – water bodies</p> <p>P1</p> <p>(a) <i>Any building must be set back a minimum of:</i></p>

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
			<p>(i) 32m from the margin of any;</p> <p>A. Lake <u>over 4ha</u>; and</p> <p>B. Wetland;</p> <p>(ii) 23m from the bank of any river (other than the Waikato River and Waipa River);</p> <p>(iii) 28m from the banks of the Waikato River and Waipa River; and</p> <p>(iv) 23m from mean high water springs.</p> <p><u>(v) 10m from a managed wetland</u></p>
32	<p>22.4.1.1 Prohibited subdivision</p> <p>PR1</p> <p><i>Any subdivision within the Urban Expansion Area involving the creation of any additional lot.</i></p>	Oppose	<p>The Submitter opposes proposed Rule 22.4.1.1 PR1 in its entirety.</p> <p>The Submitter appreciates that land within the Urban Expansion area is being preserved so as to enable future urban growth that is aligned with strategic agreements between Hamilton City Council (HCC) and the Waikato District Council; however, the use of prohibition to manage future use in the area is too 'heavy handed', and furthermore precludes a collaborative approach to land use management within the District between Council, developers and land owners.</p> <p>Urban expansion boundary across the country are subject to a higher level of land use management, whereby a well-considered and strategic concept land development plan can precede subdivision scheme plans - this is exemplified in HCC Peacocke Structure Plan Area (Stage 2).</p> <p>Market conditions and the rights of the landowners should not be unreasonably withheld through limited district plan provisions such as Prohibited Activity Rules (the submitter also notes that such an</p>

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
			<p>activity status is grossly inefficient to remove in the case where rural land is unexpectedly required by Council inside the life of the PWDP). Rather, a collaborative approach between all parties should be supported by the territorial authority whilst aligning with their primary objective in serving the Waikato District's local communities in a fair and reasonable manner.</p> <p>In consideration of the above sentiment, the Submitter seeks that the Prohibited subdivision rule 22.4.1.1 is removed; and is further replaced by a cascading objective, policy and rule set whereby subdivision of Rural and Country Living Zone land within the Urban Expansion Area is a Non-complying Activity and will be subject to an approved Concept Plan of development.</p>
33	<p>22.4.1.1 Prohibited subdivision</p> <p>PR2</p> <p><i>(a) Subdivision of a Record of Title issued prior to 6 December 1997, which results in more than one additional lot being located on high class soil.</i></p>	Oppose	<p>The Submitter has worked within the Waikato District's land development sector for over 20 years and is fundamentally opposed to Council's use of prohibition as a land management tool.</p> <p>There is an acknowledgement that subdivision of the district's rural resource needs to be carefully and responsibly managed by Council; however, such management is poorly provisioned in the PWDP</p> <p>The submitter contends that a non-complying activity rule is more appropriate.</p>
34	<p>22.4.1.1 Prohibited subdivision</p> <p>PR3</p> <p><i>(a) Subdivision of a Record of Title issued after 6 December 1997, which results in any additional lot being located on high class soil.</i></p>	Oppose	<p>The Submitter has worked within the Waikato District's land development sector for over 20 years and is fundamentally opposed to Council's use of prohibition as a land management tool.</p> <p>There is an acknowledgement that subdivision of the district's rural resource needs to be carefully and responsibly managed by Council; however, such management is poorly provisioned in the PWDP</p>

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
			The submitter contends that a non-complying activity rule is more appropriate.
35	<p>22.4.1.2 General subdivision</p> <p>RD1</p> <p><i>(a) Subdivision must comply with all of the following conditions:</i></p> <p><i>(i) The Record of Title to be subdivided must have issued prior to 6 December 1997;</i></p> <p><i>(ii) The Record of Title to be subdivided must be at least 20 hectares in area;</i></p> <p><i>(iii) The proposed subdivision must create no more than one additional lot, excluding an access allotment.</i></p> <p><i>(iv) The additional lot must have a proposed area of between 8,000m² and 1.6 ha;</i></p> <p><i>(v) Land containing high class soil (as determined by a Land Use Capability Assessment prepared by a suitably qualified person) must be contained within the boundaries of only two lots as follows:</i></p> <p><i>A. one lot must contain a minimum of 80% of the high class soil; and</i></p> <p><i>B. the other lot may contain up to 20% of high class soil.</i></p>	Support in Part	<p>Notwithstanding the above submissions - regarding the use of prohibition in the district's land use management - the Submitter also seeks to lessen the minimum rural residential lot size (in the Rural Zone) from the 8,000m² as proposed to 3,000m².</p> <p>The Submitter wishes to relay to Council landowners concerns regarding the Rural Zone subdivision design standards, and how this affects large farming succession planning, whereby landowners who wish to retain their dwellings and rural amenity but are no longer able to continue with the labour-intensive commitment to productive land use.</p> <p>By enabling greater flexibility in the area quantum for rural subdivision, retiring farmers can more effectively retain their rural lifestyle, without the more onerous requirement to occupy and maintain land parcels above their means or capacity.</p> <p>In consideration of the above reason for a lessened rural minimum lot size, the following amendment is sought to proposed Rule 22.4.1.2:</p> <p><i>(iv) The additional lot must have a proposed area of between 3,000m² and 1.6 ha;</i></p>

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
36	<p>22.4.1.4 Boundary relocation</p> <p>RD1</p> <p><i>(a)The boundary relocation must:</i></p> <p><i>(i)Relocate a common boundary or boundaries between two existing Records of Title that existed prior to 18 July 2018;</i></p> <p><i>(ii)The Records of Title must form a continuous landholding;</i></p> <p><i>(iii)Not result in any additional lot;</i></p> <p><i>(iv)Create one lot of at least 8000m² in area.</i></p>	Support in Part	<p>The Submitter supports proposed Rule 22.4.1.4 to the extent that there is no longer the requirement for boundaries subject to the proposed rule need to be under that same ownership.</p> <p>The Submitter seeks to amend proposed Rule 22.4.1.4 in so that it aligns with the above submission point – in particular enabling property boundaries to be relocated around a minimum allotment size of 3,000m².</p> <p>The Submitter seeks the following amendment to Rule 22.4.1.4:</p> <p><i>(iv)Create one lot of at least 83000m² in area.</i></p> <p>The reason for the amendment is so that greater flexibility in the area quantum for rural subdivision and allowing more effectively for retiring farmers to retain their rural lifestyle, without the more onerous requirement to occupy and maintain land parcels above their means or capacity.</p>
37	<p>22.4.1.5 Rural Hamlet Subdivision</p> <p>RD1</p> <p><i>(a)Subdivision to create a Rural Hamlet must comply with all of the following conditions:</i></p> <p><i>(i)It results in 3 to 5 proposed lots being clustered together;</i></p> <p><i>(ii)All existing Records of Title form one continuous landholding;</i></p> <p><i>(iii)Each proposed lot has a minimum area of 8,000m².</i></p>	Support in part	<p>The Submitter supports in part proposed Rule 22.4.1.5 Rural Hamlet Subdivision to the extent that it will allow for appropriate rural communities to be comprehensively designed under the PWDP boundary relocation provisions.</p> <p>The Submitter seeks to amend proposed Rule 22.4.1.5 Rural Hamlet Subdivision RD1 as follows:</p> <p><i>(iii) Each proposed lot has a minimum area of 83,000m².</i></p> <p>The reason for the amendment is so that greater flexibility in the area quantum for Hamlet boundary relocation subdivision and allowing more effectively for retiring farmers to retain their rural</p>

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
	<p><i>(iv)Each proposed lot has a maximum area of 1.6ha;</i></p> <p><i>(v)The proposed balance lot has a minimum area of 20ha; and</i></p> <p><i>(vi)It does not create any additional lots beyond the number of existing Records of Title.</i></p>		lifestyle, without the more onerous requirement to occupy and maintain land parcels above their means or capacity.
38	<p>22.4.1.6 Conservation lot subdivision</p> <p>RD1</p> <p><i>(a)The subdivision must comply with all of the following conditions:</i></p> <p><i>(i)The lot must contain a contiguous area of existing Significant Natural Area either as shown on the planning maps or as determined by an experienced and suitably qualified ecologist in accordance with the table below:</i></p> <p>...</p>	Support in Part	<p>The Submitter supports in part proposed Rule 22.4.1.6 Conservation lot subdivision RD1 as contiguous areas of land containing ecological significance should not be fragmented, nor should spatially separate areas of land containing ecological significance be considered as one area due to non-connectivity.</p> <p>Notwithstanding the above, the Submitter considers that land immediately abutting ecologically significant Natural Area that due to landform/topography or other shared environmental attribute (i.e., wetness etc.) should also be used - to an appropriate degree – to calculate conservation allotment provisions.</p> <p>The land abutting significant natural areas are often sharing of habitat criteria of the abutting areas – and hence should be recognised by the PWDP has holding inherent ecological values (i.e., a section of gully network).</p> <p>In consideration of the above rationale, the following amendment to proposed <u>Rule 22.4.1.6 Conservation lot subdivision RD1</u> is sought:</p> <p><i>(a)The subdivision must comply with all of the following conditions:</i></p> <p><i>(i)The lot must contain a contiguous area of existing Significant Natural Area, or environmental conditions favourable to extending a Significant Natural Area, either as shown on the planning maps or as</i></p>

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
			<p><i>determined by an experienced and suitably qualified ecologist in accordance with the table below:</i></p> <p>...</p> <p>The reason for the above submission point is for Council to appreciate a landowner's ability to rehabilitate peripheral areas of Significant Natural Areas under the conservation allotment provisions.</p> <p>Such an amendment will have a measurable, positive, environmental effect that can be managed in perpetuity.</p>
39	<p>22.4.4 Subdivision - Road frontage</p> <p>RD1</p> <p><i>(a) Every proposed lot as part of the subdivision with a road boundary, other than proposed lot containing an access or utility allotment right of way or access leg must have a width along the road boundary of at least 60m.</i></p>	Support in Part	<p>The Submitter supports in part proposed Rule 22.4.4 Subdivision - Road frontage RD1.</p> <p>Support for this proposed rule is tempered to the effect that a 60m width may not always be appropriate in the event that the actual or potential adverse effects on traffic safety are less than minor.</p> <p>The Submitter contends that a more meaningful road frontage dimension be provided through an assessment of the existing and proposed traffic effect of any given development, as well as the criteria contained within the district plan detailing the required sight visibility and operational speed environment (as well as vehicle separation distances).</p> <p>The Submitter considers that the proposed frontage rule is superfluous, as engineering criteria adherence alone should be used to regulate road frontage widths.</p> <p>As a consequence of the above, the Submitter seeks the removal of 22.4.4 Subdivision - Road frontage RD1(a).</p>

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
40	<p>22.4.9 Subdivision - Building platform</p> <p>RD1</p> <p><i>(a) Subdivision, other than an access or utility allotment, must provide a building platform on the proposed lot that:</i></p> <p><i>(i) Has an area of 1,000m² exclusive of boundary setbacks;</i></p> <p><i>(ii) Has an average gradient not steeper than 1:8;</i></p> <p><i>(iii) Is certified by a geotechnical engineer as geotechnically stable;</i></p> <p><i>(iv) Has vehicular access in accordance with Rule 14.12.1 P1 (Transportation)</i></p> <p><i>(v) Is not subject to inundation in a 2% AEP storm or flood event;</i></p> <p><i>(vi) a dwelling could be built on as a permitted activity in accordance with Land Use - Building Rules in Rule 22.3.</i></p>	Support in Part	<p>The Submitter is in general support of the PWDP providing design guidance on the subdivision process – such as the location and dimension for building platforms.</p> <p>The Submitter does not support the PWDP requiring that a 1,000m² building envelope as this presents an excessively conservative development footprint.</p> <p>The Submitter seeks that proposed rule 22.4.9 Subdivision - Building platform RD1(a)(i) be amended as follows:</p> <p><i>(i) Has an area of 1,000m² <u>500m²</u> exclusive of boundary setbacks;</i></p> <p>The reason for the sought amendment is so that overly restrict design criteria are removed from the PWDP and that more adaptive solutions can be considered by the developer without the need for an expanded assessment matters through Council's unrestricted discretion.</p>
Chapter 23: Country Living Zone			
41	<p>23.2.3.1 Earthworks – General</p> <p>P1</p> <p><i>(a) Earthworks within a site for:</i></p> <p><i>(i) Ancillary rural earthworks; or</i></p>	Support in Part	<p>The Submitter supports the permitted activity rule for earth works in part.</p> <p>The Submitter seeks that the permitted activity rule be amended to include earthworks associated with the construction of accessways</p>

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
	<p><i>(ii)Construction and/or maintenance of tracks, fences or drains; or</i></p> <p><i>(iii)A building platform for a residential activity including an accessory building.</i></p>		<p>to building platforms as this currently gets overlooked by many developers – and often triggers an unexpected land use consent.</p> <p>The Submitter contends that earthworks for accessways is inherent in subdivision consent – and has subsequently already been considered by Council on the basis of effects.</p> <p>Further to the above, the Submitter would like to point out that earthworks restrictions will still comply in regard to NZS 4431:1989 compliance.</p> <p>In consideration of the decision sought, and reasoning why, the following amendment is sought to 23.2.3.1 Earthworks – General P1(a)(iii):</p> <p><i>(b) (iii)A building platform <u>and accessway</u> for a residential activity including an accessory building....</i></p>
42	<p>23.2.3.1 Earthworks – General</p> <p>P2</p> <p><i>(a)Earthworks within a site for purposes other those contained in P1 (excluding the importation of fill material) must meet all of the following conditions:</i></p> <p><i>(i)Do not exceed a volume of more than 250m³ and an area of more than 1000m² within a site over any single 12 month period;</i></p> <p><i>(ii)The total depth of any excavation or filling does not exceed 1.5m above or below ground level;</i></p>	Support in Part	<p>The Submitter notes that a 250m³ limit is the same as for the residential zone.</p> <p>Given the different activities undertaken for rural residential purposes (in relation to scale), an increase in the limit to 500m³ is considered appropriate.</p> <p>The Submitter notes that a soil disturbing quantum would be better to align with the provisions of the Waikato Regional Plan.</p> <p>The Submitter seeks that in rural environments, a 0.5m setback for earthworks is more appropriate from a boundary. A 1.5m setback is too restrictive, particularly in cases such as a swale is required.</p> <p>The following amendments are sought to the permitted Country Living Zone earthworks rule:</p>

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
	<p>(iii)Earthworks are set back 1.5m from any boundary;</p> <p>(iv)Areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;</p> <p>(v)Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls;</p> <p>(vi)Do not divert or change the nature of natural water flows, water bodies or established drainage paths.</p>		<p>(i)Do not exceed a volume of more than 250<u>500</u>m³ and an area of more than 1000m² within a site over any single 12 month period;</p> <p>...</p> <p>(iii)Earthworks are set back 10<u>0.5</u>m from any boundary;</p>
43	<p>23.3.7.5 Building setback - Waterbodies</p> <p>P1</p> <p>(a)Any building must be set back a minimum of:</p> <p>(i)23m from the margin of any;</p> <p>A.lake; and</p> <p>B.wetland;</p>	Oppose	<p>The Submitter opposes the arbitrary use in the PWPD of the generic term ‘wetland’ when requiring setbacks.</p> <p>Wetlands are defined in the RMA as:</p> <p><i>“wetland includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions”.</i></p> <p>Such all-encompassing terminology is inappropriate for use within the PWDP as it will have a significant impact on land development in the Country Living Zone that may not carry any reasonable environmental benefit (i.e., a man-made swale or drainage channel).</p> <p>The Submitter seeks that setbacks for man-made stormwater infrastructure and / or modified waterbodies (managed wetlands) be identified under all applicable waterbody setback rules be 10m.</p>

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
			<p>As a 'lake' can constitute a large array of waterbodies, the Submitter contends that a starting point of 4ha be used in the PWDP before the setback applies.</p> <p>In consideration of the above, the following amendment is sought:</p> <p>23.3.7.5 Building setback – Waterbodies P1</p> <p><i>(a) Any building must be set back a minimum of:</i></p> <p><i>(i) 23m from the margin of any;</i></p> <p><i>A. Lake <u>over 4ha</u>; and</i></p> <p><i>B. Wetland;</i></p> <p><i>(ii) 23m from the bank of any river (other than the Waikato River and Waipa River);</i></p> <p><i>(iii) 28m from the banks of the Waikato River and Waipa River; and</i></p> <p><i>(iv) 23m from mean high water springs.</i></p> <p><i><u>(v) 10m from a managed wetland</u></i></p>
44	<p>23.4.1 Prohibited subdivision</p> <p>PR1</p> <p><i>Any subdivision within Hamilton's Urban Expansion Area involving the creation of any additional lot.</i></p>	Oppose	<p>The Submitter opposes proposed Rule 23.4.1 PR1 in its entirety.</p> <p>The Submitter appreciates that land within the Urban Expansion area is being preserved so as to enable future urban growth that is aligned with strategic agreements between Hamilton City Council (HCC) and the Waikato District Council; however, the use of prohibition to manage future use in the area is too 'heavy handed', and furthermore precludes a collaborative approach to land use management within the District between Council, developers and land owners.</p>

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
			<p>Urban expansion boundaries across the country are subject to a higher level of land use management, whereby a well-considered and strategic concept land development plan can precede subdivision scheme plans - this is exemplified in HCC Peacocke Structure Plan Area (Stage 2).</p> <p>Market conditions and the rights of the landowners should not be unreasonably withheld through limited district plan provisions such as Prohibited Activity Rules. Rather, a collaborative approach between all parties should be supported by the territorial authority whilst aligning with their primary objective in serving the Waikato District's local communities in a fair and reasonable manner.</p> <p>In consideration of the above sentiment, the Submitter seeks that the Prohibited subdivision rule 23.4.1 is removed; and is further replaced by a cascading objective, policy and rule set whereby subdivision of Country Living Zone land within the Urban Expansion Area is a Non-complying Activity and will be subject to an approved Concept Plan of development.</p>
45	<p>23.4.2 General Subdivision</p> <p>RD1</p> <p><i>(a) Subdivision must comply with all of the following conditions:</i></p> <p><i>(i) All proposed lots must have a net site area of at least 5000m².</i></p>	Support in Part	<p>The Submitter contends that a rural residential allotment should provide flexibility for the different kinds of activities in the Country Living Zone. As a consequence, allotments down to an area of 3,000m² should be provided for to allow such flexibility as a restricted discretionary activity.</p> <p>In consideration of the above reason, the following amendment is sought to Rule 23.4.2 RD1</p> <p><i>(i) All proposed lots must have a net site area of at least 53,000m².</i></p>

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
46	<p>23.4.3 Subdivision within identified areas</p> <p>D1</p> <p>(a) Subdivision of any lot containing any these areas:</p> <p>(i) High Natural Character Area;</p> <p>(ii) Outstanding Natural Character Area;</p> <p>(iii) Outstanding Natural Landscape;</p> <p>(iv) Outstanding Natural Feature;</p> <p>(v) Significant Amenity Landscape dune;</p> <p>(vi) Coal Mining Area;</p> <p>(vii) Aggregate Resource Area;</p> <p>(viii) Aggregate Extraction Area.</p>	Support in Part	<p>The submitter seeks that the discretionary activity trigger 'Coal Mining Area' be removed given that such an overlay applies to a large area of land, with the degree of influence being inconsistent across large land holdings across the district.</p> <p>A more appropriate consideration will be for the Coal Mining Policy Area to be assessed by Council as a matter of limited discretion given the variable nature of the impact the overlay will hold over affected landowners.</p> <p>In consideration of the above, the following amendment is sought to 23.4.3 D1</p> <p>...</p> <p>(vi) Coal Mining Area;</p> <p>...</p>
47	<p>23.4.8 Subdivision - Building platform</p> <p>RD1</p> <p>(a) Subdivision, other than an access allotment or utility allotment, must provide a building platform on the proposed lot that:</p> <p>(i) has an area of 1000m² exclusive of boundary setbacks;</p> <p>(ii) has an average gradient no steeper than 1:8;</p> <p>(iii) has vehicular access in accordance with Rule 14.12.1 P1 Infrastructure Chapter 14;</p>	Support in Part	<p>The Submitter is in general support of the PWDP providing design guidance on the subdivision process – such as the location and dimension for building platforms.</p> <p>The Submitter does not support the PWDP requiring that a 1,000m² building envelope as this presents an excessively conservative development footprint.</p> <p>The Submitter seeks that proposed rule 23.4.8 Subdivision - Building platform RD1 (a)(i) be amended as follows:</p> <p>(i) Has an area of 1,000m² <u>500m²</u> exclusive of boundary setbacks;</p>

Submission Point	Proposed Provision	Submission	Comment: Decision Requested and Reasons
	<p><i>(iv) is certified by a geotechnical engineer as geotechnically stable;</i></p> <p><i>(v) is not subject to inundation in a 2% AEP storm or flood event;</i></p> <p><i>(vi) a dwelling could be built on as a permitted activity in accordance with Rule 23.3.</i></p>		<p>The reason for the sought amendment is so that overly restrict design criteria are removed from the PWDP and that more adaptive solutions can be considered by the developer without the need for an expanded assessment matters through Council's unrestricted discretion.</p>
Chapter 24: Village Zone			
48	<p>24.3.6.3 Building setback - Waterbodies</p> <p>P1</p> <p><i>(a) A building must be set back a minimum of 30 from:</i></p> <p><i>(i) the margin of any:</i></p> <p><i>A. Lake;</i></p> <p><i>B. Wetland; and</i></p> <p><i>C. River bank, other than the Waikato River and Waipa River.</i></p>	Oppose	<p>The Submitter opposes the arbitrary use in the PWDP of the generic term 'wetland' when requiring setbacks.</p> <p>Wetlands are defined in the RMA as:</p> <p><i>"wetland includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions".</i></p> <p>Such all-encompassing terminology is inappropriate for use within the PWDP as it will have a significant impact on land development in the Village Zone that may not carry any reasonable environmental benefit (i.e., a man-made swale or drainage channel).</p> <p>The Submitter seeks that setbacks for man-made stormwater infrastructure and / or modified waterbodies (managed wetlands) be identified under all applicable waterbody setback rules be 10m.</p> <p>As a 'lake' can constitute a large array of waterbodies, the Submitter contends that a starting point of 4ha be used in the PWDP before the setback applies.</p> <p>In consideration of the above, the following amendment is sought:</p> <p>24.3.6.3 Building setback - Waterbodies</p>

<i>Submission Point</i>	<i>Proposed Provision</i>	<i>Submission</i>	<i>Comment: Decision Requested and Reasons</i>
			<p>P1</p> <p><i>(a) A building must be set back a minimum of 30 from:</i></p> <p><i>(i) the margin of any:</i></p> <p><i>A. Lake <u>over 4ha</u>;</i></p> <p><i>B. Wetland; and</i></p> <p><i>C. River bank, other than the Waikato River and Waipa River.</i></p> <p><i><u>D. 10m from a managed wetland</u></i></p>

The Submitter seeks to be heard in support of the above submission points

GRZ – General residential zone

The relevant district-wide chapter provisions apply in addition to this chapter.

Purpose

The purpose of the GRZ – General residential zone is to provide predominantly for residential activities with a mix of building types, and other compatible activities. The zone applies to the residential areas within the District's main towns (Tuakau, Pokeno, Te Kauwhata, Raglan, Huntly and Ngauruawahia) and the smaller towns (Meremere, Taupiri, Gordonton, Horotiu, Te Kowhai, Whatawhata, Matangi and Rangiriri).

Objectives

- GRZ-O1 Residential character.
 The low-density residential character of the zone is maintained.
- GRZ-O2 Residential built form and amenity.
 Maintain neighbourhood residential amenity values and facilitate safety in the zone.
- GRZ-O3 On-site residential amenity.
 Maintain amenity values within and around dwellings and sites in the zone.
- GRZ-O4 Housing options.
 A range of housing options occurs in the zone to meet the needs of the community in a suburban setting.
- GRZ-O5 Maintain residential purpose.
 Residential activities remain the dominant activity in the zone.
- GRZ-O6 Adverse effects of land use and development.
 The health, safety and well-being of people, communities and the environment are protected from the adverse effects of land use and development.

Policies

- GRZ-P1 Character.
- (1) Ensure residential development in the zone:
- (a) Provides road patterns that follow the natural contour of the landform;
 - (b) Promotes views and vistas from public spaces of the hinterland beyond; and
 - (c) Is an appropriate scale and intensity, and setback from the road frontages to provide sufficient open space for the planting of trees and private gardens.
- GRZ-P2 Front setback.
- (1) Ensure buildings are designed and set back from roads by:

- (a) Maintaining the existing street character including the predominant building setback from the street;
- (b) Allowing sufficient space for the establishment of gardens and trees on the site; and
- (c) Providing for passive surveillance to roads and avoiding windowless walls to the street.

GRZ-P3 Setback side boundaries.

- (1) Require development to have sufficient side boundary setbacks to provide for:
 - (a) Planting;
 - (b) Privacy; and
 - (c) Sunlight and daylight.
- (2) Reduced side boundary setbacks occur only where it:
 - (a) Enables effective development of sites where on-site topographic constraints occur; or
 - (b) Retains trees on the site.

GRZ-P4 Height.

Ensure building height is complementary to the low rise character of the zone.

GRZ-P5 Site coverage and permeable surfaces.

- (1) Ensure all sites have sufficient open space to provide for landscaping, on-site stormwater disposal, parking, and vehicles manoeuvring by maintaining maximum site coverage requirements for buildings in the zone.
- (2) Ensure a proportion of each site is maintained in permeable surfaces in order to ensure there is sufficient capacity to enable disposal of stormwater.

GRZ-P6 Building scale.

Facilitate quality development by ensuring buildings are a complementary height, bulk and form for the site, and are in keeping with the amenity values of the street.

GRZ-P7 Reverse sensitivity.

- (1) Avoid or minimise the potential for reverse sensitivity by managing the location and design of sensitive activities through:
 - (a) The use of building setbacks;
 - (b) The design of subdivisions and development; and
 - (c) Acoustic insulation requirements for noise sensitive activities.

GRZ-P8 Daylight and outlook.

- (1) Maintain adequate daylight and enable opportunities for passive solar gain.
- (2) Require the height, bulk and location of development to maintain sunlight access and privacy, and to minimise visual dominance effects on adjoining sites.

- (3) Maintain and enhance attractive open space character of residential areas by ensuring that development is compatible in scale to surrounding activities and structures and has on-site landscaping, screening and street planting.

GRZ-P9 Outdoor living space – residential units.
Require outdoor living spaces to be accessible and usable.

GRZ-P10 Outdoor living space – retirement villages.
Require outdoor living spaces or communal outdoor living spaces to be usable and accessible.

GRZ-P11 Housing types.
Enable a variety of housing types in the zone where it is connected to public reticulation, including minor residential units and retirement villages.

GRZ-P12 Retirement villages.

- (1) Provide for the establishment of new retirement villages and care facilities that:
- (a) Offer a diverse range of housing types, including care facilities, for the particular needs and characteristics of older people;
 - (b) Promote visual integration with the street scene, neighbourhoods and adjoining sites;
 - (c) Are comprehensively designed and managed and offer a variety of accommodation and accessory services that meet the needs of residents, including those requiring care or assisted living;
 - (d) Recognise that housing and care facilities for older people can require higher densities;
 - (e) Provide high quality on-site amenity;
 - (f) Integrate with local services and facilities, including public transport; and
 - (g) Connect to alternative transport modes to the LLRZ – Large lot residential zone, SETZ – Settlement zone, MRZ – Medium density residential zone, GRZ – General residential zone, TCZ – Town centre zone, LCZ – Local centre zone or COMZ – Commercial zone.
- (2) Enable alterations and additions to existing retirement villages that:
- (a) Promote visual integration with the street scene, neighbourhoods and adjoining sites;
 - (b) Recognise that housing and care facilities for older people can require higher densities;
 - (c) Provide high quality on-site amenity; and
 - (d) Integrate with local services and facilities, including public transport and alternative transport modes.

GRZ-PI3 Maintain residential purpose.

Restrict the establishment of commercial or industrial activities, unless the activity has a strategic or operational need to locate within a residential zone, and the effects of such activities on the character and amenity of residential zones are insignificant.

GRZ-PI4 Bankart Street and Wainui.

Provide for the ongoing change in the mixture of residential and commercial activities bordering identified commercial areas at Raglan.

GRZ-PI5 Non-residential activities.

(1) Maintain the zone for residential activities by:

- (a) Ensuring the number of non-residential activities are not dominant within a residential block;
- (b) Ensuring non-residential activities are in keeping with the scale and intensity of development anticipated by the zone and contribute to the amenity of the neighbourhood;
- (c) Enabling non-residential activities that provide for the health, safety and well-being of the community and that service or support an identified local need;
- (d) Avoiding the establishment of new non-residential activities on rear sites, or sites located on cul-de-sacs, or that have access to national routes, regional arterial roads and arterial roads; and
- (e) Ensuring that the design and scope of non-residential activities and associated buildings:
 - (i) Maintain residential character including the scale and design of buildings and their location on the site, and on-site parking and vehicle manoeuvring areas; and
 - (ii) Mitigate adverse effects related to traffic generation, access, noise, vibration, outdoor storage of materials and light spill, to the extent that they minimise adverse effects on residential character and amenity and the surrounding transport network.

(2) Enable existing non-residential activities to continue and support their redevelopment and expansion provided they do not have a significant adverse effect on the character and amenity of the zone.

GRZ-PI6 Home businesses.

(1) Provide for home businesses to allow flexibility for people to work from their homes.

(2) Manage the adverse effects on residential amenity through limiting home businesses to a scale that is compatible with the level of amenity anticipated in the residential environment.

GRZ-PI7 Neighbourhood centres in structure plan areas.

(1) Provide for new neighbourhood centres within structure plan areas or master plan areas, that:

- (a) Are for the daily retail and service needs of the community; and

- (b) Are located within a walkable catchment.

GRZ-PI8 Outdoor storage.

- (a) The adverse visual effects of outdoor storage are mitigated through screening or landscaping.

GRZ-PI9 Objectionable odour.

- (1) Ensure that the effects of objectionable odour do not detract from the amenity of other sites.
- (2) Maintain appropriate setback distances between new sensitive land uses and existing lawfully established activities that generate objectionable odour.

Rules

Land use – activities

In addition to the activity-specific standards listed below, permitted activities must also comply with all relevant Land-use effects standards and Land-use building standards in this chapter, as well as the standards in Part 2 / District-wide matters / General district-wide matters.

GRZ-RI	Residential activity, unless specified below This includes occupation of a single residential unit for short term rental.	
(1) Activity status: PER Activity-specific standards: Nil.		(2) Activity status where compliance not achieved: n/a
GRZ-R2	A new retirement village or alterations to an existing retirement village	
(1) Activity status: PER Activity-specific standards: <ul style="list-style-type: none"> (a) The site or combination of sites where the retirement village is proposed to be located has a minimum net site area of 3ha; (b) The site is either serviced by or within 400m walking distance of public transport; (c) The site is connected to public water and wastewater infrastructure; (d) Minimum outdoor living space or balcony area and dimensions: <ul style="list-style-type: none"> (i) Apartment – 10m² area with minimum dimension horizontal and vertical of 2.5m; (ii) Studio unit or 1 bedroom unit – 12.5m² area with minimum dimension horizontal and vertical of 2.5m; or (iii) 2 or more bedroomed unit – 15m² area with minimum dimension horizontal and vertical of 2.5m; (e) Minimum service court is either: 		(2) Activity status where compliance not achieved: DIS

<ul style="list-style-type: none"> (i) Apartment – Communal outdoor space (ie no individual service courts required); or (ii) All other units – 10m² for each unit; (f) Building height does not exceed 8m, measured from the natural ground level immediately below the structure, except for 15% of the total building coverage, where buildings may be up to 10m high; and (g) The following land use – building standards do not apply: <ul style="list-style-type: none"> (i) GRZ-S2 (Residential units); (ii) GRZ-S4 – GRZ-S6 (Building Height); (iii) GRZ-S14 – GRZ-S15 (Outdoor living space); (iv) GRZ-S16 (Service Court). 	
GRZ-R3	Home business
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <ul style="list-style-type: none"> (a) It is wholly contained within a building; (b) The storage of materials or machinery associated with the home business are either wholly contained within a building or are screened so as not to be visible from a public road or neighbouring residential property; (c) No more than 2 people who are not permanent residents of the site are employed at any one time; (d) Unloading and loading of vehicles or the receiving of customers or deliveries only occur between 7:30am and 7:00pm on any day; (e) Machinery may only be operated between 7:30am and 9pm on any day. 	<p>(2) Activity status where compliance not achieved: DIS</p>
GRZ-R4	Community facility
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
GRZ-R5	Neighbourhood park
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
GRZ-R6	Home stay
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <ul style="list-style-type: none"> (a) No more than 4 temporary residents. 	<p>(2) Activity status where compliance not achieved: DIS</p>
GRZ-R7	Neighbourhood centre

<p>(1) Activity status: PER Activity-specific standards: (a) Must be within an area identified in a Council approved Structure Plan or Master Plan.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
GRZ-R8	Commercial activity
<p>(1) Activity status: PER Activity-specific standards: (a) Must be within the Bankart Street and Wainui Road Business Overlay Area.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
GRZ-R9	Childcare facility
<p>(1) Activity status: PER Activity-specific standards: (a) For up to 4 children that are not permanent residents of the household unit.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
GRZ-R10	Buildings, structures and sensitive land uses within the National Grid Yard in sites existing as of 18 July 2018
<p>(1) Activity status: PER Activity-specific standards: (a) Within the National Grid Yard: (i) Building alterations and additions to an existing building or structure for a sensitive land use that does not involve an increase in the building height or footprint; (ii) New, or additions to existing buildings or structures that are not for a sensitive land use; (iii) Infrastructure (other than for the reticulation and storage of water for irrigation purposes) undertaken by a network utility operator as defined in the Resource Management Act 1991 (iv) Fences less than 2.5m in height, measured from the natural ground level immediately below. (b) All buildings or structures permitted by Rule GRZ-R10(1)(a) must: (i) Comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663 under all National Grid transmission line operating conditions; and (ii) Locate a minimum of 12m from the outer visible foundation of any National Grid support structure and associated stay wire, unless it is one of the following:</p>	<p>(2) Activity status where compliance not achieved: NC</p>

<p>(1) A building or structure where Transpower has given written approval in accordance with clause 2.4.1 of the NZECP34:2001 ISSN 0114-0663;</p> <p>(2) Fences less than 2.5m in height, measured from the natural ground level immediately below, and located a minimum of 5m from the nearest National Grid support structure foundation;</p> <p>(3) Network utilities (other than for the reticulation and storage of water for irrigation purposes) or any part of electricity infrastructure undertaken by a network utility operator as defined in the Resource Management Act 1991, that connects to the National Grid; and</p> <p>(iii) Not permanently physically impede existing vehicular access to a National Grid support structure.</p>	
GRZ-R11	Construction or alteration of a building for a sensitive land use
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) The construction or alteration of a building for a sensitive land use that complies with all of the following standards:</p> <p>(i) It is set back a minimum of 10m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of up to 110kV; or</p> <p>(ii) It is set back a minimum of 12m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of 110kV or more.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) Effects on the amenity values of the site;</p> <p>(b) The risk of electrical hazards affecting the safety of people;</p> <p>(c) The risk of damage to property; and</p> <p>(d) Effects on the operation, maintenance and upgrading of the electrical distribution or transmission lines.</p>
GRZ-R12	Construction, demolition, addition, and alteration of a building or structure
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>Nil</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
GRZ-R13	<p>Educational facilities</p> <p>This excludes childcare facilities.</p>

<p>(1) Activity status: RDIS</p> <p>Activity-specific standards:</p> <p>Nil</p> <p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) The extent to which it is necessary to locate the activity in the GRZ - General residential zone; (b) Reverse sensitivity effects of adjacent activities; (c) The extent to which the activity may adversely impact on the transport network; (d) The extent to which the activity may adversely impact on the streetscape and the amenity of the neighbourhood; (e) The extent to which the activity may adversely impact on the noise environment. 	<p>(2) Activity status where compliance not achieved: n/a</p>
GRZ-R14	The establishment of any new sensitive land use within the National Grid Yard
(1) Activity status: NC	
GRZ-R15	Any new building within the Huntly North Wetland specific control identified on the planning maps
(1) Activity status: NC	
GRZ-R16	Any activity that is not listed as prohibited, permitted, restricted discretionary or discretionary.
(1) Activity status: NC	
GRZ-R17	Any building, structure, objects or vegetation that obscure the sight line of the Raglan navigation beacons for vessels entering Whaingaroa (Raglan Harbour) (refer to APP8 – Raglan navigation beacon).
(1) Activity status: PR	

Land use – effects

GRZ-S1	Servicing and hours of operation – Bankart Street and Wainui Road Business Overlay Area
<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) The loading and unloading of vehicles and the receiving of customers and deliveries associated with a commercial activity within the Bankart Street and Wainui Road Business Overlay Area shall occur between 7.30am and 6:30pm. 	<p>(2) Activity status where compliance not achieved: DIS</p>

Land use – building

GRZ-S2	Residential unit
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(1) Activity status: PER Where: (a) One residential unit within a site.		(2) Activity status where compliance not achieved: DIS
GRZ-S3	Minor residential unit	
(1) Activity status: PER Where: (a) One minor residential unit contained within a site must comply with all of the following standards: (i) The net site area is 600m ² or more; and (ii) The gross floor area shall not exceed 70m ² .		(2) Activity status where compliance not achieved: DIS
GRZ-S4	Height – building general	
(1) Activity status: PER Where: (a) The maximum height of any building or structure, measured from the natural ground level immediately below the structure, shall not exceed 8m; (b) Chimneys not exceeding 1m in width and finials shall not exceed a maximum height of 10m measured from the natural ground level immediately below the structure; (c) The maximum height of a hose drying tower on a Fire and Emergency fire station site, measured from the natural ground level immediately below the structure, shall not exceed 15m.		(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: (a) Extent of overshadowing and shading of adjoining sites, particularly internal and external living spaces; (b) Loss of privacy through overlooking adjoining sites; (c) Whether development on the adjoining sites (such as separation by land used for vehicle access, the provision of screening) reduces the need to protect the adjoining site from overlooking; and (d) Design (such as high windows) and location of the building.
GRZ-S5	Height – building and vegetation in a battlefield view shaft area	
(1) Activity status: PER Where: (a) The maximum height of a building, structure or vegetation above ground level within a battlefield view shaft as shown on the planning maps, shall not exceed 5m.		(2) Activity status where compliance not achieved: DIS
GRZ-S6	Height – buildings, structures or vegetation – Raglan Navigation Beacon Height Restriction Plane	
(1) Activity status: PER Where: (a) A building, structure or vegetation that is located beneath, but does not intrude into, the Raglan Navigation Beacon Height Restriction Plane, as defined in APP8 – Raglan navigation beacon, provided that: (i) A Registered Surveyor has certified, in writing, that the building, structure or		(2) Activity status where compliance not achieved: n/a

GRZ-S6 is Operative

<p>vegetation does not intrude into the Raglan Navigation Beacon Height Restriction Plane; and</p> <p>(ii) This certification is provided to Council prior to the commencement of any works.</p>	
PREC4-S1	Height – buildings or structures adjoining Hilltop parks within PREC4 – Havelock precinct
<p>(3) Activity status: PER</p> <p>Where:</p> <p>(a) A building or structure with a maximum height not exceeding 5m, measured from the natural ground level immediately below that part of the structure, where it is located within 50m (horizontal distance) of the boundary of the Hilltop parks identified on the Havelock precinct plan in APP14 – Havelock precinct plan.</p>	<p>(4) Activity status where compliance not achieved: DIS</p>
GRZ-S7	Fences or walls – road boundaries and OSZ – Open space zone boundaries
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Fences and walls between the applicable building setbacks under GRZ-S17 – GRZ- on a site and any road and OSZ – Open space zone boundaries shall comply with all of the following standards, measured from the natural ground level immediately below the structure:</p> <p>(i) Be no higher than 1.2m if solid;</p> <p>(ii) Be no higher than 1.8m if:</p> <p>(iii) visually permeable for the full 1.8m height of the fence or wall; or</p> <p>(iv) solid up to 1.2m and visually permeable between 1.2 and 1.8m.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Building materials and design;</p> <p>(b) Effects on amenity; and</p> <p>(c) Public space visibility.</p>
GRZ-S8	Fences or walls – road boundaries and OSZ – Open space zone boundaries
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Any fences or walls erected within the applicable building setbacks under GRZ-S17 – GRZ-S23 on common boundaries of the GRZ – General residential zone and RLZ – Rural lifestyle zone, between Wayside Road and Travers Road, Te Kauwhata, shall be of a rural-type post and wire or post and rail.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Building materials and design;</p> <p>(b) Effects on amenity; and</p> <p>(c) Public space visibility.</p>
GRZ-S9	Height in relation to boundary
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Buildings or structures shall not protrude through a height control plane rising at an angle of 45 degrees commencing at an</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p>

<p>elevation of 2.5m above ground level at every point of the site boundary.</p>	<p>(a) Height of the building; (b) Design and location of the building; (c) Extent of shading on adjacent any other sites; (d) Privacy on another any other sites; and (e) Effects on amenity values and residential character.</p>
GRZ-S10	Building coverage
<p>(1) Activity status: PER Where: (a) The total building coverage shall not exceed 40%; (b) GRZ-S10(1)(a) does not apply: (i) To a structure that is not a building; or (ii) Eaves of a building that project less than 750mm horizontally from the exterior wall of the building.</p>	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: (a) Whether the balance of open space and buildings will maintain the character and amenity values anticipated for the zone; (b) Visual dominance of the street resulting from building scale; and (c) Management of stormwater flooding, nuisance or damage to within the site.</p>
GRZ-S11	Building coverage
<p>(1) Activity status: PER Where: (a) Within the Te Kauwhata Ecological Residential Area as identified on the planning maps, the total building coverage shall not exceed 35%.</p>	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: (a) Whether the balance of open space and buildings will maintain the character and amenity values anticipated for the zone; (b) Visual dominance of the street resulting from building scale; and (c) Management of stormwater flooding, nuisance or damage to within the site.</p>
GRZ-S12	Building coverage
<p>(1) Activity status: PER Where: (a) Within the Bankart Street and Wainui Road Business Overlay Area as identified on the planning maps, total building coverage shall not exceed 50%.</p>	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: (a) Whether the balance of open space and buildings will maintain the character and amenity values anticipated for the zone; (b) Visual dominance of the street resulting from building scale; and (c) Management of stormwater flooding, nuisance or damage to within the site.</p>
GRZ-S13	Impervious surfaces
<p>(1) Activity status: PER Where: (a) The impervious surfaces of a site shall not exceed 70%.</p>	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: (a) Site design, layout and amenity; and</p>

		(b) The risk of flooding, nuisance or damage to the site or other buildings and sites.
GRZ-S14	Outdoor living space	
(1) Activity status: PER Where: <ul style="list-style-type: none"> (a) An outdoor living space shall be provided for each residential unit that meets all of the following standards: <ul style="list-style-type: none"> (i) It is for the exclusive use of the occupants of the residential unit; (ii) It is readily accessible from a living area of the residential unit; (iii) When located on the ground floor, it has a minimum area of 80m² and a minimum dimension of 4m in any direction; and (iv) When located on a balcony of an above ground apartment building, it must have a minimum area of 15m² and a minimum dimension of 2m in any direction. 		(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> (a) The extent to which the space is useable and contributes to the feeling of spaciousness; (b) Access to sunlight; (c) Privacy of adjoining residential sites; (d) Accessibility to and convenience of the space for occupiers; and (e) Whether the size and quality of communal outdoor living space in the development or other public open space compensates for any reduction in the private space.
GRZ-S15	Outdoor living space	
(1) Activity status: PER Where: <ul style="list-style-type: none"> (a) An outdoor living space shall be provided for each minor residential unit that meets all of the following standards: <ul style="list-style-type: none"> (i) It is for the exclusive use of the occupants of the minor residential unit; (ii) It is readily accessible from a living area of the minor residential unit; (iii) When located on the ground floor it has a minimum area of 40m² and a minimum dimension of 4m in any direction; (iv) When located on a balcony of an above ground apartment building, it must have a minimum area of 15m² and a minimum dimension of 2m in any direction. 		(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> (a) The extent to which the space is useable and contributes to the feeling of spaciousness; (b) Access to sunlight; (c) Privacy of adjoining residential sites; (d) Accessibility to and convenience of the space for occupiers; and (e) Whether the size and quality of communal outdoor living space in the development or other public open space compensates for any reduction in the private space.
GRZ-S16	Service court	
(1) Activity status: PER Where: <ul style="list-style-type: none"> (a) A service court shall be provided for each residential unit and minor residential unit, either as two separate areas or one combined area, each with all the following dimensions: 		(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> (a) The convenience and accessibility of the spaces for building occupiers;

<ul style="list-style-type: none"> (i) Storage of waste and recycling bins – minimum area of 3m² and minimum dimension of 1.5m; and (ii) Washing line – minimum area of 5m² and minimum dimension of 2m. 	<ul style="list-style-type: none"> (b) The adequacy of the space to meet the expected requirements of building occupiers; and (c) Adverse effects on the location of the space on visual amenity from the street or adjoining sites.
GRZ-S17	Building setbacks – all boundaries
<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) The finished external walls (excluding eaves) of a building shall be set back a minimum of: <ul style="list-style-type: none"> (i) 3m from the road boundary; (ii) 1.3m from the edge of an indicative road (as demonstrated on a structure plan or planning maps); (iii) 1.5m from every boundary other than a road boundary; and (iv) 1.5m from every vehicle access to another site. (b) GRZ-S17(1)(a) does not apply to a structure which is not a building. 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Road network safety and efficiency; (b) Reverse sensitivity effects; (c) Adverse effects on amenity; (d) Streetscape; (e) Potential to mitigate adverse effects; (f) Daylight admission to adjoining properties; and (g) Effects on privacy at adjoining sites.
GRZ-S18	Building setbacks – all boundaries
<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) The finished external walls (excluding eaves) of a non-habitable building can be set back less than 1.5m from a boundary, where: <ul style="list-style-type: none"> (i) The total length of all buildings within 1.5m of the boundary does not exceed 6m; and (ii) The building does not have any windows or doors on the side of the building facing the boundary. 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Road network safety and efficiency; (b) Reverse sensitivity effects; (c) Adverse effects on amenity; (d) Streetscape; (e) Potential to mitigate adverse effects; (f) Daylight admission to adjoining properties; and (g) Effects on privacy at adjoining sites.
GRZ-S19	Building setbacks – all boundaries
<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) A garage shall be set back behind the front façade of the residential unit where the residential unit and garage are on a site that has frontage to a road. 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Road network safety and efficiency; (b) Reverse sensitivity effects; (c) Adverse effects on amenity; (d) Streetscape; (e) Potential to mitigate adverse effects; (f) Daylight admission to adjoining properties; and (g) Effects on privacy at adjoining sites.
GRZ-S20	Building setback – sensitive land use

<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Any new building or alteration to an existing building for a sensitive land use shall be set back a minimum of: <ul style="list-style-type: none"> (i) 5m from the designated boundary of the railway corridor; (ii) 15m from the boundary of a national route or regional arterial; (iii) 25m from the designated boundary of the Waikato Expressway; (iv) 300m from the edge of oxidation ponds that are part of a municipal wastewater treatment facility on another site; (v) 30m from a municipal wastewater treatment facility where the treatment process is fully enclosed; and (vi) 300m from the boundary of the Alstra Poultry intensive farming activities located on River Road and Great South Road, Ngaaruawaahia. 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Road network safety and efficiency; (b) On-site amenity values; (c) Odour, dust and noise levels received at the notional boundary of the building; (d) Mitigation measures; and (e) Potential for reverse sensitivity effects.
GRZ-S2I	Building setback – sensitive land use located outside the Amenity Setback specific control in Tuakau
<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Any new building or alteration to an existing building for a sensitive land use shall be located outside the Amenity Setback specific control identified on the planning maps. 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) On-site amenity values; (b) Odour, dust and noise levels received at the notional boundary of the building; (c) Timing and duration of noise received at the notional boundary of the building; and (d) Potential for reverse sensitivity effects
PREC4-S2	Building setback – sensitive land use within PREC4 – Havelock precinct
<p>(3) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Any new building or alteration to an existing building for a sensitive land use within the PREC4 – Havelock precinct that is located outside the Pōkeno Industry Buffer identified on the planning maps. 	<p>(4) Activity status where compliance not achieved: NC</p>
GRZ-S22	Building setback – water bodies
<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Any building must shall be setback a minimum of: 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p>

<ul style="list-style-type: none"> (i) 23m from the margin of any; <ul style="list-style-type: none"> (1) lake; and (2) wetland; (ii) 23m from the bank of any river (other than the Waikato and Waipa Rivers); (iii) 28m from the margin of both the Waikato River and the Waipa River; and (iv) 23m from mean high water springs. (v) 10m from any artificial wetland. (b) A public amenity of up to 25m² or a pump shed (public or private), within any building setback identified in GRZ-S22(1)(a). 	<ul style="list-style-type: none"> (a) Effects on the landscape, ecological, cultural and recreational values of the adjacent water body; (b) Adequacy of erosion and sediment control measures; (c) The functional or operational need for the building to be located close to the waterbody; (d) Effects on public access to the waterbody; (e) Effects on the amenity of the locality; and (f) Effects on natural character values.
GRZ-S23	Building setback – Environmental Protection Area
<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) A building shall be set back a minimum of 3m from an Environmental Protection Area. 	<p>(2) Activity status where compliance not achieved: DIS</p>
GRZ-S24	Building – Horotiu Acoustic Area (identified on the planning maps)
<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Construction, addition to or alteration of a building for a noise sensitive activity within the Horotiu Acoustic Area shall be designed and constructed to achieve the internal design sound level specified in APPI – Acoustic insulation, Table 22 – Internal design sound levels 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) On-site amenity values; (b) Noise levels received at the notional boundary of the building; (c) Timing and duration of noise received at the notional boundary of the building; and (d) Potential for reverse sensitivity effects.
PREC4-S3	Building design – sensitive land use with PREC4 – Havelock precinct
<p>(3) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Any new building or alteration to an existing building for a sensitive land use located outside the Pōkeno Industry Buffer but within the 40 dB L_{Aeq} noise contour shown on the planning maps that is designed and constructed so that internal noise levels do not exceed 25 dB L_{Aeq} in all habitable rooms. (b) Provided that if compliance with clause (a) above requires all external doors of the building and all windows of these rooms to be closed, the building design and construction as a minimum: 	<p>(4) Activity status where compliance not achieved: DIS</p>

<p>(i) Is mechanically ventilated and/or cooled to achieve an internal temperature no greater than 25°C based on external design conditions of dry bulb 25.1 °C and wet bulb 20.1 °C.</p> <p>(ii) Includes either of the following for all habitable rooms on each level of a dwelling:</p> <p>(1) Mechanical cooling installed; or</p> <p>(2) A volume of outdoor air supply to all habitable rooms with an outdoor air supply rate of no less than:</p> <p>(a) 6 air changes per hour for rooms with less than 30% of the façade area glazed;</p> <p>(b) 15 air changes per hour for rooms with greater than 30% of the façade area glazed;</p> <p>(c) 3 air changes per hour for rooms with facades only facing south (between 120 degrees and 240 degrees) or where the glazing in the façade is not subject to any direct sunlight.</p> <p>(iii) Provides relief for equivalent volumes of spill air.</p> <p>(iv) All is certified by a suitably qualified and experienced person.</p>	
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Appendix C

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