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WAIKATO DISTRICT COUNCIL

Hearings of Submissions on the Proposed Waikato District Plan

Report and Decisions of Independent Commissioners

Decision Report 24: Future Urban Zone

17 January 2022

Commissioners

Dr Phil Mitchell (Chair)

Mr Paul Cooney (Deputy Chair)

Mr Dynes Fulton

Ms Linda Te Aho

Ms Jan Sedgewick

Ms Janet Gibb

Mr Weo Maag

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1 Introduction

- 1.1 A number of submissions on the notified PDP sought greater direction regarding urban growth management and the integration of such growth with the provision of infrastructure. Submissions also sought the inclusion of structure plans, staging, and alternatives to live zoning including the use of deferred zones or similar overlays to signal the additional steps required prior to the confirmation of urban zones.
- 1.2 The development of this 'new' zone arose out of two hearings. Firstly, Mr Jonathan Cleese, the section 42A report author for the Village Zone (Hearing 6), recommended development of a Future Urban Zone (FUZ) in response to the concerns raised in submissions about the two tier management of growth in the Village Zone which had different provisions for Tuakau and Te Kowhai to enable intensification. Secondly, there were a number of submissions challenging the live zoning of growth areas and seeking inclusion of a mechanism in the Proposed Waikato District Plan (PDP) to identify areas for growth while not allowing for development until appropriate infrastructure could be provided. In response to these submissions, Mr Cleese prepared a thematic report¹ proposing the introduction of a FUZ and included a suite of provisions for submitters to consider and address in their evidence. This issue was addressed as part of the Zone Extents Hearings (Hearing 25). Mr Cleese then drafted a second section 42A report which considered evidence on the concept of the FUZ and the provisions, recommending inclusion of the new zone in the PDP.²
- 1.3 This decision report records the evidence of the submitters who sought more active growth management in the PDP, and our findings on these. We have focused this decision report on the concept of a FUZ and the provisions for such a zone, while the spatial extent is discussed in detail in our decisions on zoning for the relevant towns and villages.

2 Hearing Arrangements

- 2.1 The hearing on this topic was held on 24 June 2021 via Zoom. All of the relevant information pertaining to this hearing including the section 42A report, legal submissions and evidence is contained on the Waikato District Council (Council) website.
- 2.2 The Panel heard from the following parties with respect to a FUZ:

¹ Section 42A report for Hearing 25: Zone Extents – Future Urban Zone and Residential Medium Density Zone, Jonathan Cleese, dated 26 January 2021.

² Section 42A report for Hearing 25: Zone Extents – Thematic Issues, Future Urban Zone and Medium Density Residential Zone, Jonathan Cleese, dated 16 April 2021.

| Submitter | Attendee at the hearing |
|--|---|
| Council | Jonathan Clease (author of the Section 42A report on the Future Urban Zone) |
| Peter and Janette Middlemiss | In person |
| Tainui Group Holdings | Douglas Allan (legal counsel) |
| Genesis Energy Limited | Richard Matthews |
| Thorn tree Orchards, Cindy and Tony Young and Parkmere Farms | Nick Grala |
| Ohinewai Lands Ltd | Matthew Twose |
| Hamilton City Council | Laura Galt |
| Waikato Regional Council | Miffy Foley |

3 Overview of issues raised in Submissions

- 3.1 In the section 42A report, Mr Clease set out the full list of submissions received pertaining to more active management of growth. The key focus of the submissions was the need for clear identification of future growth areas and integration of these with existing development so that the new greenfield growth areas are logically connected to the adjacent urban area. The submissions sought integration of growth areas with infrastructure, primarily comprising the three waters networks (water supply, wastewater and stormwater) and the roading network. Fourteen submission points were received that sought greater direction regarding urban growth management and the integration of such growth with the provision of infrastructure. Submissions also sought the inclusion of structure plans, staging, and alternatives to live zoning, including the use of deferred zones or similar overlays, to signal the additional steps that were required prior to the confirmation of urban zones.
- 3.2 In response to these submissions, Mr Clease recommended inclusion of a FUZ and a corresponding suite of objectives, policies and rules into the PDP.

4 Overview of evidence

- 4.1 Mr Peter Middlemiss attended the hearing and spoke of his concern that a single Rural Zone was not representative of the different environments and characteristics of the rural land in the Waikato District. He expressed concern that the 20ha limit on rural subdivision means that options for development for his site are limited, despite being surrounded by numerous smaller landholdings. He supported the use of three or four different zones in the rural areas that are more reflective of the physical characteristics of the land and what it can be best used for.
- 4.2 Mr Richard Matthews presented evidence on behalf of Genesis Energy Limited. He supported the inclusion of a FUZ, and in particular a new policy that urban development is to be undertaken in accordance with a structure plan that must show: “[h]ow potential conflicts between new residential areas and existing industry, regional infrastructure, mineral extraction, or intensive farming operations will be mitigated including the use of setbacks, open space, or large lots to create a buffer area” (refer to new Policy 1.4(a)(xi) Structure Plans as recommended by Mr Cleese). He also sought identification of the potential for reverse sensitivity effects as a matter to which the Council restricts its discretion for subdivision applications in the FUZ (general subdivision, boundary relocations and development consolidation lots).
- 4.3 Mr Nick Grala addressed the FUZ provisions in the context of the hearing on the zoning of Pokeno. While he supported the general intent of the FUZ provisions, he identified several issues as described below:³
- a) He questioned whether the objectives and policies are there to guide where the FUZ should be located, or whether they are there to manage how the FUZ will be used once it is in place, or both. His preference was for the objectives and policies on the management of the FUZ and the direction of where it should be located to remain within Chapter 4 or the Strategic Directions chapter, rather than the FUZ chapter.
 - b) The provisions conflate the interim use of the FUZ with providing guidance to any subsequent plan changes that may seek a residential zoning. Mr Grala considered that if there is a desire by either Council or us to provide guidance on what needs to be achieved to enable a residential zoning, be it requirements like infrastructure connection or what information the plan change should include, then this guidance should be located elsewhere in the PDP rather than within the FUZ chapter.
 - c) The addition of a policy to control land use given that Policy 2 as recommended by Mr Cleese, only relates to subdivision. He considered this to be necessary as

³ Evidence in chief of Nicholas Grala on behalf of Thorntree Orchards, Cindy and Tony Young and Parkmere Farms, Paragraphs 40-44, dated 17 February 2021.

certain land uses have the potential to compromise urban development from occurring in the future (even if no subdivision is involved).

- 4.4 Mr Grala also stated his preference for the objectives and policies that were promoted by Pokeno Village Holdings Limited as part of the hearings for Topic 3: Strategic Objectives. These were based on the objectives and policies for the FUZ contained within the Auckland Unitary Plan. He considered these objectives and policies to be concise and focused on the purpose of the FUZ.
- 4.5 Mr Matthew Twose presented evidence on behalf of Ohinewai Lands Limited and considered that establishing a new set of FUZ provisions was essential in order for the PDP to give effect to the National Policy Statement on Urban Development (NPS-UD).⁴ Ms Laura Galt presented evidence on behalf of Hamilton City Council and expressed support for the introduction of a FUZ for similar reasons.⁵
- 4.6 Ms Miffy Foley presented evidence on behalf of Waikato Regional Council (WRC) and supported the introduction of a FUZ and the requirement for a structure plan to be in place for this. She considered that the inclusion of provisions in the PDP requiring structure plans and confirmation that infrastructure can be provided for, prior to a plan change to confirm the long-term urban zoning for the growth area, would give effect to Waikato Regional Policy Statement (RPS) Policy 6.1, Implementation Method 6.1.7 and Policy 6.3. Ms Foley considered that this would allow for proactive decision making about the potential location, form and function of future development.⁶

5 Panel Decisions

- 5.1 We note that fourteen primary submission points were received seeking greater direction on growth management. These submissions were considered in a comprehensive section 42A report, rebuttal and closing statement prepared by Mr Clease who recommended inclusion of a FUZ and attendant objectives, policies and rules.
- 5.2 We have structured our decision below into two parts:
- a) The need for a FUZ; and
 - b) The FUZ provisions.

⁴ Evidence in chief of Matthew Twose on behalf of Ohinewai Lands Limited, Paragraph 15, dated 17 February 2021.

⁵ Evidence in chief of Laura Galt on behalf of Hamilton City Council, Paragraph 53, dated 10 March 2021.

⁶ Evidence in chief of Miffy Foley on behalf of Waikato District Council, Paragraph 12.4, dated 10 March 2021.

6 Need for a FUZ

- 6.1 We agree with Mr Clease that the inclusion of a FUZ is an effective tool for identifying a site (or area) that is appropriate, in principle, for development for urban purposes, but where the servicing and structure plans are not currently available. We further agree with Mr Clease that the FUZ is a more useful mechanism than simply retaining a rural zoning until such time as these matters are addressed. Such identification confirms that urbanisation is anticipated in the future and enables the appropriate infrastructure to be planned and funded.
- 6.2 The first objective of the NPS-UD is well-functioning urban environments that enable the community to provide for their social, economic, and cultural well-being. A key method in the NPS-UD for achieving this is the requirement that tier 1 Councils (which includes Council), provide, at the least, sufficient development capacity to meet expected demand for both housing and business needs over the short, medium, and long term. Implementation of this method requires Council to first determine the demand for housing and business purposes, and secondly, to provide for such capacity to be met through 'plan-enabled' and 'infrastructure-ready' land availability; with development of this land being feasible and reasonably expected to occur (i.e. be commercially plausible). Of particular note to this hearing is also Objective 6 which requires decisions by local authorities on urban development to be integrated with infrastructure planning and funding decisions, be responsive and have a medium to long term strategic focus. We consider that the inclusion of a FUZ in the PDP will help give effect to the NPS-UD and achieve the outcomes expressed in the objectives.
- 6.3 Similarly to the NPS-UD, Objective 3.12 of the RPS seeks that the development of urban environments is undertaken in an integrated and sustainable manner, with land use being coordinated with the provision of supporting infrastructure. Objective 3.12 also seeks to ensure that the growth of centres is undertaken in a manner that does not compromise a range of natural environment outcomes. This objective is to be achieved via a suite of policies, with Chapter 6 of the RPS being of particular relevance to urban environments. Policy 6.1 seeks that the development of the built environment occurs in a planned and coordinated manner and references the principles contained within Policy 6A. We agree with Mr Clease that the inclusion of a FUZ will give effect to the RPS and its objectives.
- 6.4 We further agree with Mr Clease that the FUZ generally aligns with the outcomes anticipated in the Waikato District Growth and Economic Development Strategy (Waikato 2070). In particular, we note that Section 5 of Waikato 2070 identifies the development of structure plans for greenfield growth areas in order to guide the development of these blocks as a key method of implementation.
- 6.5 We also note that the National Planning Standards description of the FUZ is:

Areas suitable for urbanisation in the future and for activities that are compatible with and do not compromise potential future urban use.

6.6 Overall, we consider that the inclusion of a FUZ as part of the suite of zones in the PDP will assist in giving effect to the objectives and policies in the NPS-UD and RPS regarding growth management and will allow for effective integration of urban growth with infrastructure. While we accept that it will necessitate a Schedule 1 Resource Management Act 1991 (RMA) process in order to rezone to a “live” zone, we consider the FUZ to be an effective mechanism to enable the progression of a more detailed design of the growth area to be progressed. This is as it will enable a process that includes community and iwi consultation and facilitates any detailed site-specific issues or constraints to be resolved.

7 FUZ Provisions

7.1 Having considered Mr Cleese’s analysis and the evidence from submitters, we agree that the introduction of a FUZ into the PDP is appropriate and will assist with giving effect to both the NPS-UD and the RPS. For the most part, we also agree with the suite of provisions that have been developed by Mr Cleese.

7.2 We agree with Mr Grala that the policies, in part, guide both where the FUZ should be located and the use and development that occurs within the FUZ. We also agree with Mr Grala that future plan changes (as anticipated in order to change from a FUZ to a live zone) will be assessed primarily against the strategic directions in the PDP and the direction provided for in higher order documents such as the NPS-UD and RPS. The policies that direct what will happen within the FUZ as a holding pattern are less important when considering plan changes, as the point of a plan change is to shift to a different set of outcomes enabled by whichever replacement zone is sought.

7.3 We further agree with Mr Grala’s point regarding the objectives and policies needing to address land use as well as subdivision and we have therefore amended the objectives and policies to provide guidance on land uses.

8 Structure Plans

8.1 Despite structure plans being included in the Operative District Plan, we note that few of these plans were carried over into the PDP (with the exception of Rangitahi Peninsula which has its own zone and suite of provisions). We are aware that structure plans are likely to result from the rezoning of the FUZ into a live urban zone. We agree with Mr Cleese that the PDP would benefit from the inclusion of a policy and rule that applies to subdivision / development where a structure plan is incorporated into the PDP. This policy and rule would ensure subdivision is generally consistent with the relevant structure plan. One way to address this is by subjecting subdivision or land use consent applications, as a restricted discretionary activity, to certain standards regarding the applications alignment with the relevant structure plan. Where alignment is not achieved, the consent would then be subject to a full discretionary assessment. Given the restructure of the PDP into the National Planning Standards format, we consider this rule is most appropriately located in the District-wide Matters /

Subdivision chapters. This will effectively futureproof the PDP to include structure plans.

9 Conclusion

- 9.1 We accept the section 42A report and the evidence filed by the submitters which collectively form the section 32AA assessment which informed this decision. We consider that the inclusion of a FUZ, and its attendant objectives, are the most appropriate ways to meet the purpose of the RMA. We further consider that the package of policies and rules for the FUZ will assist in achieving the objectives, having considered the options available to us as well as the costs and benefits.
- 9.2 Overall, we are satisfied that the inclusion of a FUZ and its attendant provisions will provide a suitable framework for enabling comprehensive management of greenfield growth areas and will ensure that land uses and infrastructure are fully integrated.

For the Hearings Panel



Dr Phil Mitchell, Chair

Dated: 17 January 2022

Attachment I: Recommended text changes

Generic wording to be added to the general subdivision rule as follows:

| | |
|------------|--|
| <u>RDI</u> | <p>(a) <u>Subdivision that complies with all of the following standards:</u></p> <p>...</p> <p><u>The subdivision is in accordance with any applicable structure plan in appendix XX.</u></p> |
| <u>DI</u> | <p><u>Subdivision that does not comply with any standard in Rule RDI.</u></p> |

FUZ - Future urban zone

Purpose

The FUZ – Future urban zone identifies areas suitable for urbanisation in the future and provides for activities that are compatible with and do not compromise potential future urban use.

FUZ-O1

- a. Identify and protect areas adjacent to existing urban areas in order to enable future urban growth to occur in a comprehensive manner; and
- b. Future urban development is not compromised by premature subdivision, use or development.

FUZ-O2

Provide for the long-term expansion of urban areas that results in a connected and integrated urban form and that is able to be serviced by reticulated network infrastructure.

FUZ-PI – Transition to an urban zone

Use the FUZ – Future urban zone to maintain development potential until such time as a plan change is undertaken to confirm the long-term urban zoning for the area. Any such plan change is to include the following:

- a. Confirmation that transport infrastructure and reticulated water, stormwater, and wastewater services are able to be provided; and
- b. A structure plan prepared in accordance with FUZ-P5.

FUZ-P2 – Manage subdivision and activities within the FUZ – Future urban zone

- a. Manage activities to ensure that the ability to develop the area for urban purposes is not compromised; and
- b. Manage subdivision to ensure that future urban development is not compromised. This can include:

- (i) Avoiding the creation of additional lots that are smaller than 40ha, except where directly associated with utilities, network infrastructure, or a development consolidation lot;
- (ii) Enabling subdivision boundary adjustments and relocations; and
- (iii) Encouraging the consolidation of landholdings into single ownership to facilitate long-term comprehensive urban development by enabling the subdivision of an existing Record of Title to create one new title around an existing dwelling where the balance of the existing lot is subject to a consent notice on the Record of Title preventing further dwellings until such time as the FUZ – Future urban zone is rezoned to a long-term urban zoning.

FUZ-P3 – Use and development of land

Avoid use and development where:

- a. The scale and form of structures and buildings will hinder or prevent future urban development; or
- b. The efficient and effective operation of the local and wider transport network is compromised; or
- c. Significant upgrades, provisions or extension to the water, wastewater or stormwater networks are required; or
- d. The efficient provision of infrastructure is inhibited; or
- e. Reverse sensitivity effects will arise when urban development occurs; or
- f. The form or nature of future urban development is compromised.

FUZ-P4 – Retain Rural Character

- a. Retain rural character and land uses, residential unit density and character as anticipated in the GRUZ – General rural zone;
- b. Enable use and development consistent with the GRUZ – General rural zone;
- c. Avoid activities where they will compromise future urban development; and
- d. Avoid intensive farming, forestry, and extractive industry.

FUZ-P5 – Structure Plans

Urban subdivision and development is to be in accordance with a structure plan that has been incorporated into the District Plan through a plan change process. The structure plan must include the following elements:

- a. Key roading connections, collector road alignment, and public transport facilities;
- b. Key pedestrian / cycle linkages where these routes are separate from road or open space corridors;
- c. Land to be set aside for stormwater basins;
- d. The measures necessary to mitigate natural hazards, geotechnical issues, or soil contamination;
- e. Land to be set aside for public open space;

- f. How any existing natural, ecological, or landscape values will be maintained or enhanced;
- g. How any significant historic or cultural values will be maintained or enhanced;
- h. The general location of local commercial / community hubs and schools (if proposed);
- i. The general location of more intensive pockets of medium density residential development (if any);
- j. For residential developments, demonstrate the minimum yield to be achieved;
- k. How potential conflicts between new residential areas and existing industry, regional infrastructure, mineral extraction, or intensive farming operations will be mitigated including by the use of setbacks, open space, or large lots to create a buffer area; and
- l. Any staging necessary to ensure development achieves a good urban form and is able to be serviced.

FUZ-O3 - Emergency services

Recognise the essential support role of emergency services training and management activities and their important contribution to the health, safety and wellbeing of people.

FUZ-P6 - Emergency services facilities and activities

Enable the development, operation and maintenance of emergency services training and management facilities and activities within the zone.

FUZ: Future Urban Zone

(1) The rules that apply to activities in the FUZ – Future urban zone are contained in **Rule xx.1 Land Use – Activities.**

(2) The rules that apply to subdivision in the FUZ – Future urban zone are contained in **Rule xx.1.**

(3) The activity status tables and standards in the following chapters also apply to activities in the FUZ – Future urban zone:

14 Infrastructure and Energy; and

15 Natural Hazards and Climate Change (Placeholder).

(4) The following symbols are used in the tables:

PR - Prohibited activity

P - Permitted activity

C - Controlled activity

RD - Restricted discretionary activity

D - Discretionary activity

NC - Non-complying activity

Land Use – Activities

FUZ-RI – Prohibited activities

| | |
|------------|--|
| <u>PRI</u> | <u>There are no prohibited activities.</u> |
|------------|--|

FUZ-R2 – Permitted Activities

(1) The following activities are permitted activities if they meet all of the following:

(a) Activity-specific standards;

(b) Land Use – Effects rules in GRUZ – General rural zone Rule 22.2; and

(c) Land Use – Building rules in GRUZ – General rural zone Rule 22.3.

| Activity | | Activity specific standards |
|-----------------|--|--|
| P1 | Farming | Nil |
| P2 | <u>A Marae Complex or Papakainga Housing Development on Maaori Freehold Land or on Maaori Customary Land</u> | Relevant provisions have been addressed in Decision Report 6: Tangata Whenua |
| P3 | <u>A temporary event</u> | <ul style="list-style-type: none"> (a) <u>The event occurs no more than 6 times per consecutive 12 month period;</u> (b) <u>The duration of each event is less than 72 hours;</u> (c) <u>The event may operate between 7.30am to 8:30pm Monday to Sunday;</u> (d) <u>Temporary structures are:</u> <ul style="list-style-type: none"> (i) <u>erected no more than 2 days before the event occurs; and</u> (ii) <u>removed no more than 3 days after the end of the event.</u> (e) <u>The site is returned to its previous condition no more than 3 days after the end of the event; and</u> (f) <u>There is no direct site access from a national route or regional arterial road.</u> |
| P4 | <u>Cultural event on Maaori Freehold Land containing a Marae Complex</u> | Relevant provisions have been addressed in Decision Report 6: Tangata Whenua |
| P5 | <u>A home-business</u> | <ul style="list-style-type: none"> (a) <u>It is wholly contained within a building;</u> (b) <u>The storage of materials or machinery associated with the home business is either wholly contained within a building, or where outside, occupies no more than 100m² of site area and is located where it is not visible from other sites or public roads;</u> (c) <u>No more than 2 people who are not permanent residents of the site are employed at any one time;</u> (d) <u>Unloading and loading of vehicles or the receiving of customers or deliveries only occur after 7:00am and before 7:00pm on any day;</u> (e) <u>Machinery can be operated after 7:30am and up to 7:00pm on any day; and</u> (f) <u>The home business shall not occupy more than 200m² in total within buildings and outdoor storage areas.</u> |
| P6 | Produce stall | Nil |
| P7 | Home stay | (a) <u>Have no more than 5 guests.</u> |

| | | |
|-----|--|---|
| P8 | <u>Equestrian Centre</u> | <u>Nil</u> |
| P9 | <u>Horse Training Centre</u> | <u>Nil</u> |
| P10 | <u>Visitors' Accommodation</u> | (a) <u>Have no more than 5 guests; and</u> (b) <u>Be within a building that was existing as at 17 January 2022.</u> |
| P11 | <u>Residential</u> <u>P11 includes occupation of a single residential unit for short term rental.</u> | <u>Nil</u> |
| P12 | <u>Emergency services training and management activities</u> | <u>Nil</u> |
| P13 | <u>Conservation activity</u> | <u>Nil</u> |
| P14 | <u>Childcare</u> | (a) <u>Have no more than four non-resident children.</u> |
| P15 | <u>Forestry where limited to the harvesting of existing forests</u> | (a) <u>Be undertaken in accordance with the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 (NES). Where compliance is not achieved with the permitted activity standards in the NES, then the activity is subject to the activity status as set out in the NES.</u> |
| P16 | <u>Buildings, structures and sensitive land use within the National Grid Yard on existing sites as of 18 July 2018</u> | (a) <u>Within National Grid Yard:</u> (i) <u>Building alterations and additions to an existing building or structure that does not involve an increase in the building height or footprint; or</u> (ii) <u>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; or</u> (iii) <u>Non-habitable buildings or structures for farming activities in rural zones including accessory structures and yards for milking/dairy sheds (but not including any intensive farming buildings, commercial greenhouses and milking/dairy sheds); or</u> (iv) <u>Non-habitable horticultural buildings; or</u> (v) <u>Artificial crop protection and support structures (excluding commercial greenhouses and Pseudomonas syringae pv. Actinidiae (Psa) disease control structures);</u> (vi) <u>Fences less than 2.5m in height, measured from the natural ground level immediately below the structure; and</u> (vii) <u>Minor structures associated with farming activity that are not situated within 12m of the outer visible foundation of any National Grid tower or 10m of the outer visible foundation of a National Grid tower, including: fences, gates, stock exclusion structures, cattle-stops, stock underpasses, stock bridges and culvert crossings, and drinking water supply pipelines, troughs, and water storage tanks.</u> |

| | | |
|-------------------|---|--|
| | | <p>(b) <u>All buildings or structures permitted by FUZ-R2-PI6 must:</u></p> <p>(i) <u>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</u></p> <p>(ii) <u>Locate a minimum 12m from the outer visible foundation of any National Grid support structure foundation and associated stay wire, unless it is:</u></p> <p>(1) <u>A building or structure where Transpower has given written approval in accordance with clause 2.4.1 of the NZECP; or</u></p> <p>(2) <u>Fences less than 2.5m in height, measured from the natural ground level immediately below the structure, and located a minimum of 5m from the nearest National Grid support structure foundation; or</u></p> <p>(3) <u>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</u></p> <p>(iii) <u>Not permanently physically impede existing vehicular access to a National Grid support structure;</u></p> <p>(c) <u>Artificial crop protection structures and support structures between 8m and 12m from a pole support structure but not a tower and any associated guy wire that:</u></p> <p>(i) <u>Meet the requirements of the NZECP 34:2001 ISSN 0114-0663 for separation distances from the conductor;</u></p> <p>(ii) <u>Are no higher than 2.5m;</u></p> <p>(iii) <u>Are removable or temporary, to allow a clear working space of at least 12 metres from the pole when necessary for maintenance and emergency repair purposes;</u></p> <p>(iv) <u>Allow all-weather access to the pole and a sufficient area for maintenance equipment, including a crane.</u></p> |
| <p><u>P17</u></p> | <p><u>Construction or alteration of a building for a sensitive land use</u></p> | <p>(a) <u>The construction or alteration of a building for a sensitive land use that complies with all of the following standards:</u></p> <p>(i) <u>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</u></p> <p>(ii) <u>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.</u></p> |

The following tracked change text has no legal status. Its sole purpose is to help submitters understand the Hearing Panel's changes to the notified provisions. Our formal decision, which is in the National Planning Standard format, can be found on the Waikato District Council website.

| | | |
|-----|--|-----|
| P18 | <u>Emergency services training and management activities</u> | Nil |
| P19 | <u>Additions and alterations to an existing emergency service facility</u> | Nil |
| P20 | <u>Construction, demolition, additions or alterations to a building</u> | Nil |

FUZ-R3 Restricted Discretionary Activities

(1) The activities listed below are restricted discretionary activities.

| <u>Activity</u> | | <u>Matters of Discretion</u> |
|------------------------|---|--|
| <u>RDI</u> | <u>Emergency service facilities</u> | <p><u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> (a) <u>Effects on amenity of the locality.</u> (b) <u>Effects on character.</u> (c) <u>Road efficiency and safety.</u> (d) <u>Building design.</u> (e) <u>Site layout and design; and</u> (f) <u>Privacy on other sites.</u> |
| <u>RD11</u> | <u>Construction or alteration of a building for a sensitive land use that does not comply with FUZ-R2-P17</u> | <p><u>Council's discretion shall be restricted to the following matters:</u></p> <ul style="list-style-type: none"> a. <u>Effects on the amenity values of the site:</u> b. <u>The risk of electrical hazards affecting the safety of people;</u> c. <u>The risk of damage to property; and</u> <p><u>Effects on the operation, maintenance and upgrading of the electrical distribution or transmission lines.</u></p> |

FUZ-R4 Discretionary Activities

(1) The activities listed below are discretionary activities.

| | |
|-----------|---|
| <u>D1</u> | <u>Any permitted activity that does not comply with one or more of the activity specific standards in FUZ-R2.</u> |
| <u>D2</u> | <u>Educational facilities.</u> <u>D2 does not apply to childcare.</u> |
| <u>D3</u> | <u>Community facilities.</u> |
| <u>D4</u> | <u>A dog or cat boarding, daycare, breeding or training establishment.</u> |
| <u>D5</u> | <u>Any other activity that is not listed as Prohibited, Permitted, Restricted Discretionary or Non-complying.</u> |

FUZ-R5 Non-Complying Activities

(l) The activities listed below are non-complying activities.

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| <u>NC1</u> | (a) <u>intensive farming;</u> (b) <u>storage, processing or disposal of hazardous waste;</u> (c) <u>correctional facility;</u> (d) <u>quarrying activities;</u> (e) <u>industrial activity, including rural industry;</u> (f) <u>commercial activity, including rural commercial;</u> (g) <u>agricultural and horticultural research facilities;</u> (h) <u>motorised sport and recreation;</u> (i) <u>transport depot;</u> (j) <u>waste management facility; and</u> (k) <u>forestry and afforestation not otherwise provided for in FUZ-R2 P15.</u> |
| <u>NC2</u> | <u>Buildings, structures and sensitive land use within the National Grid Yard on sites existing as of 18 July 2018 that do not comply with Rule FUZ-R2-P16</u> |
| <u>NC3</u> | <u>Any new building for a sensitive land use, or addition to an existing building that involves an increase in the building envelope or height for a sensitive land use, within the National Grid Yard</u> |
| <u>NC4</u> | <u>Any change of use of an existing building to a sensitive land use within the National Grid Yard</u> |
| <u>NC5</u> | <u>The establishment of any new sensitive land use within the National Grid Yard</u> |
| <u>NC6</u> | <u>Dairy/milking sheds (excluding accessory structures and buildings), commercial greenhouses, Pseudomonas syringae pv. Actinidiae (Psa) disease control structures, or buildings for intensive farming within the National Grid Yard</u> |

Drafting note: FUZ provisions to duplicate the General Rural Zone Land Use – Effects and Land Use – Building rules.

Subdivision

Drafting note: FUZ provisions to duplicate the prohibited subdivision activities set out in the General Rural Zone.

Drafting note: FUZ provisions to duplicate the Rural Zone Rules 22.4.1.2 to 22.4.1.3.

- (a) *Rule 22.4.1.3 – Subdivision of Maaori Freehold Land*
- (b) *Rule 22.4.2 Title boundaries (natural hazard area, contaminated land, significant amenity landscape, notable trees, intensive farming and aggregate extraction areas).*
- (c) *Rule 22.4.3 Title boundaries, SNA's heritage items*
- (d) *Rule 22.4.4 Road frontage*
- (e) *Rule 22.4.5 Subdivision within identified area*
- (f) *Rule 22.4.6 Subdivision of land containing all or part of an Environmental Protection Area*
- (g) *Rule 22.4.7 Esplanade Reserve and Esplanade strips*
- (h) *Rule 22.4.8 Subdivision of land containing heritage items*
- (i) *Rule 22.4.9 Subdivision – building platform*

FUZ-R6 General subdivision

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| RDI | <p>(a) Subdivision must comply with all of the following standards:</p> <p>(i) The Record of Title to the allotment to be subdivided must be a minimum of 80 ha in area and both the balance allotment and the new additional allotment must be a minimum of 40 hectares in area.</p> <p>(b) An exception to (a) is provided in Rule XX.4.1.4 where the creation of one additional allotment is to enable consolidation of landholdings to facilitate future urban development.</p> <p>(c) Council's discretion is restricted to the following matters:</p> <p>(i) Subdivision layout and design including dimensions, shape and orientation of the proposed allotment;</p> <p>(ii) Potential for reverse sensitivity effects;</p> <p>(iii) Extent of earthworks including earthworks for the location of building platforms and accessways;</p> <p>(iv) The provision of infrastructure, including water supply for firefighting purposes, where practicable; and</p> <p>(v) Effects on future urban development potential.</p> |
| NCI | General subdivision that does not comply with any of the standards of Rule FUZ-R6 RDI. |

FUZ-R7 Boundary adjustment

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| RDI | <p>(a) The boundary adjustment must comply with all of the following standards:</p> <p>(i) Relocate a common boundary or boundaries between two existing Records of Title;</p> <p>(ii) The Records of Title must form a continuous landholding; and</p> <p>(iii) Create one allotment of at least 1,000m² in area.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Subdivision layout and design including dimension, shape and orientation of the proposed allotment;</p> <p>(ii) Potential for reverse sensitivity effects;</p> <p>(iii) The provision of infrastructure, including water supply for firefighting purposes, where practicable; and</p> <p>(iv) Effects on future urban development potential.</p> |
| DI | A boundary adjustment that does not comply with any of the standards of Rule FUZ-R7 RDI. |

FUZ-R8 Development Consolidation Lot

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| RDI | <p>(a) Subdivision to create one additional allotment must comply with all of the following standards:</p> <p>(i) The Record of Title to be subdivided must have been issued prior to 17 January 2022;</p> <p>(ii) The Record of Title to be subdivided must have a net area that is greater than 20ha;</p> <p>(iii) The proposed subdivision must create no more than one additional Record of Title;</p> <p>(iv) The additional Record of Title must contain a lawfully established residential unit existing as at 17 January 2022;</p> <p>(v) The additional Record of Title must have a net site area between 1,000m² and 1ha; and</p> <p>(vi) A consent notice or encumbrance must be registered on the Record of Title for the balance large lot that prevents the construction of any additional residential units on the balance large lot title until such time as a plan change has been undertaken and the site has an operative urban zone.</p> |
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| | <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout and design including dimension, shape and orientation of the proposed allotment; (ii) Potential for reverse sensitivity effects; (iii) The provision of infrastructure, including water supply for firefighting purposes, where practicable; and (iv) Effects on future urban development potential. |
| NCI | A subdivision that does not comply with any of the standards of Rule FUZ-R8 RDI. |

FUZ-R9 Subdivision of land within the National Grid Corridor

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| RDI | <p>(a) The subdivision of land within the National Grid Corridor that complies with all of the following standards:</p> <ul style="list-style-type: none"> (i) All resulting allotments must be able to demonstrate that they are capable of accommodating a building platform for the likely principal building(s) and any building(s) for a sensitive land use located outside of the National Grid Yard, other than where the allotments are for roads, access ways or infrastructure; and (ii) The layout of allotments and any enabling earthworks must ensure that physical access is maintained to any National Grid support structures located on the allotments, including any balance area. <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of the National Grid; (ii) The ability to provide a complying building platform outside of the National Grid Yard; (iii) The risk of electrical hazards affecting public or individual safety, and the risk of property damage; (iv) The nature and location of any vegetation to be planted in the vicinity of National Grid transmission lines. (v) The risk to the structural integrity of the National Grid; (vi) The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity on and amenity and nuisance effects of the National Grid asset. |
| NCI | Any subdivision of land within the National Grid Corridor that does not comply with one or more of the standards of Rule 22.4.10 RDI. |