

# **WAIKATO DISTRICT COUNCIL**

## **Hearings of Submissions on the Proposed Waikato District Plan**

### **Report and Decisions of Independent Commissioners**

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#### **Decision Report 17: Village Zone**

**17 January 2022**

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#### **Commissioners**

Dr Phil Mitchell (Chair)

Mr Paul Cooney (Deputy Chair)

Mr Dynes Fulton

Ms Linda Te Aho

Ms Janet Gibb

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## 1 Introduction

- 1.1 Hearing 6 related to all the submissions received by the Waikato District Council (Council) on the Village Zone provisions within the Waikato Proposed District Plan (PDP). This hearing specifically related to the Village Zone objectives and policies (Chapter 4.3), and the rules controlling land use activities, land use effects, building form, and subdivision in the Village Zone (Chapter 24).

## 2 Hearing Arrangement

- 2.1 The hearing was held on Monday 16 December 2019 at the Council Offices, 15 Galileo Street, Ngaruawahia. All of the relevant information pertaining to this hearing including the section 42A reports, legal submissions and evidence is contained on Council's website.
- 2.2 We heard from the following parties on the Village Zone provisions of the PDP:

Submitter organisation	Attendee at the hearing
Council	Jonathan Cleese (author of section 42A report on the policy framework and subdivision rules) Kelly Cattermole (author of section 42A report on land use rules)
Horticulture New Zealand	Vance Hodgson
Hamilton City Council	Loren Brown
Horotiu Properties	Pervinder Kaur (legal counsel)
Greig Metcalfe	Bevan Houlbrooke
Jeff Bodley	In person
New Zealand Historic Places Trust (now Heritage New Zealand Pouhere Taonga)	Carolyn McAlley
KiwiRail	Lauren Eaton (legal counsel) Pam Butler

Glen Soroka on behalf of the Pakau Trust	Julian Dawson (legal counsel)
Vineyard Properties	Julian Dawson (legal counsel) John Rowe Adam Marsh
Thorntree Orchards	Sir William Birch
Steven and Teresa Hopkins	Sir William Birch
Kiwi Tykes	Martin Glover
Terra Firma Resources Ltd	Lucy Smith
Ministry of Education	Keith Frenz
Fulton Hogan	Nevil Hegley
Ngati Tamaoho	Lucie Rutherford
Waka Kotahi New Zealand Transport Agency	Tanya Running
Fire and Emergency New Zealand	Craig Sharman Blair Kiely

2.3 Although they did not attend the hearing, written material and/or evidence was filed by the following parties:

- a) Waikato Regional Council (WRC) identified their support for the recommendations set out in the section 42A reports regarding the policy framework and Rule 24.4.2, which limits subdivision in greenfield Village Zoned areas in Tuakau and Te Kowhai until reticulated services are available.
- b) Transpower New Zealand Limited confirmed their acceptance of a number of section 42A report recommendations and noted that the majority of their wider

concerns would be addressed in detail in the separate hearing on the Infrastructure Chapter. They reiterated their position expressed in earlier hearings that rather than duplicate provisions relating to the national grid across all zone chapters, a more efficient structure would be to have such rules in a single place with cross-referencing (if necessary), with their preferred structure also achieving alignment with the National Planning Standards.

- c) The Department of Corrections confirmed that they were supportive of the outcome of 'community corrections activities' being a discretionary activity in the Village Zone, with the submitter putting forward associated rule amendments to make that outcome clearer.
- d) Align Limited on behalf of Counties Power Limited confirmed that the submitter either accepted or agreed with the section 42A report recommendations on their submission and further submission points.
- e) The Surveying Company Limited confirmed their support for the section 42A report recommendations regarding the rules controlling earthworks, minor dwellings, and daylight admission.
- f) Fransiska (Siska) Falconer provided a statement setting out the cultural significance of Rāhui Pōkeka (Huntly) and Taupiri Mountain. She sought that these values be recognised through township naming and reducing traffic volumes in close proximity to the Taupiri Mountain urupā.

### **3 Overview of issues raised in Submissions**

- 3.1 In the section 42A reports, Mr Jonathan Clease and Mr Kelly Cattermole set out the full list of submissions received pertaining to the Village Zone subdivision and land use provisions respectively.
- 3.2 In brief, the key matters of relief sought in evidence by the submitters related to the purpose of the Village Zone and how it is to be applied to greenfield growth areas. A particular focus was the permitted minimum lot sizes for unserviced areas, and the manner in which such density can be increased in the event that reticulated infrastructure is provided at a later date.
- 3.3 A number of submitters sought that their currently Rural Zoned properties be rezoned Village Zone. Whilst their primary relief was to be considered as part of our separate decisions on rezoning, the manner in which the Village Zone policy framework references specific townships where greenfield Village Zoned growth is anticipated, and the manner in which the accompanying rules provide for transitional density, was a focus for this hearing.
- 3.4 We note that apart from some relatively discrete evidence on specific activities and the signage rules, there was little evidence presented seeking amendments to the land use

rule package recommendations put forward in Mr Cattermole's section 42A report. Apart from the larger debate on how the subdivision rules provide for transitional density in greenfield areas, there was likewise little evidence seeking to further amend the subdivision rules recommended by Mr Clease.

#### **4 Overview of evidence**

- 4.1 This section summarises the key matters raised by submitters, in the order in which they appeared during the hearing.
- 4.2 Mr Vance Hodgson presented evidence on behalf of Horticulture New Zealand. His main concern was the potential for new greenfield Village Zoned areas to result in reverse sensitivity effects on established horticultural activities, with particular emphasis on the highly versatile soils around Tuakau. He confirmed that he was largely in agreement with the amendments recommended in the section 42A reports. He also confirmed his agreement that greenfield rezoning effects on the productive use of versatile soils was a matter more appropriately addressed through structure plans and rezoning hearings than via a setback requirement in the Village Zone subdivision rules. However, Mr Hodgson did note that consideration of reverse sensitivity should remain a matter of discretion in the subdivision consent process.
- 4.3 Ms Loren Brown presented evidence on behalf of Hamilton City Council (HCC). She identified that HCC's primary concern about the Village Zone was it being used as a mechanism for enabling large lot greenfield development. This was especially the case for townships such as Te Kowhai that are near Hamilton and where there is uncertainty regarding the timely provision of reticulated services. She supported the recommendations in the section 42A reports regarding both better articulation of the role of the Village Zone at a policy level and the introduction of rules to prevent subdivision below Rural Zone density until reticulated services were in place.
- 4.4 Ms Pervinder Kaur provided legal submissions on behalf of Horotiu Properties Limited. The submitter owns a 7.5ha property at Horotiu bounded by Sullivan Road, River Road, and Horotiu Bridge Road. She stated that the submitter is seeking to have the property rezoned from Rural to Village Zone, due to its small size, unsuitability for productive rural activities, and close proximity to Hamilton. Whilst the focus of the submission addressed the merits of rezoning the block, Ms Kaur sought that the policy and rule framework for the Village Zone enabled private reticulated servicing solutions and provided for subdivision to Residential Zone densities (or at least less than 1,000m<sup>2</sup>), when services are in place.
- 4.5 Mr Bevan Houlbrooke presented planning evidence on behalf of Mr Greig Metcalfe. Mr Metcalfe has an interest in a 68ha property on the southwestern edge of Te Kowhai. This block is zoned Rural Zone in the Operative Waikato District Plan (ODP), and as notified, the PDP changed this to Village Zone. Mr Houlbrooke supported a Village Zone for this block and likewise supported the transitional density rules in the notified PDP whereby subdivision to a lot size of 3,000m<sup>2</sup> was permitted where there was no reticulated water and wastewater reticulation; while retaining the ability for subsequent

further subdivision down to 1,000m<sup>2</sup> minimum lot sizes in the event that reticulated water and wastewater services were provided. He also sought that the policy and rule framework provide for private wastewater package plants as a reticulated solution. Mr Houlbrooke further opposed the recommendations in the section 42A subdivision report that would prevent the transitional density approach and, instead, restrict subdivision until reticulated services were available and a structure plan was in place.

- 4.6 Mr Houlbrooke identified more detailed concerns regarding the Obstacle Limitation Surfaces associated with Te Kowhai airfield<sup>1</sup> and the permitted extent of real estate signage. He also sought that retirement villages be allowed in the Village Zone as either a permitted activity, or, failing that, as a discretionary activity (rather than a non-complying activity as recommended in the section 42A landuse report).
- 4.7 Mr Jeff Bodley provided a verbal presentation regarding his submission that sought the rezoning of his property on the outskirts of Te Kauwhata from Rural Zone to Village Zone.
- 4.8 Ms Carolyn McAlley presented evidence on behalf of Heritage New Zealand Pouhere Taonga (Heritage NZ). She confirmed that she supported the recommendations in the section 42A subdivision report regarding Heritage NZ's submission. She also raised concerns with the recommendations in the section 42A landuse report and sought amendments to the rules controlling both signage and earthworks on heritage sites.
- 4.9 Ms Lauren Eaton (legal counsel) presented legal submissions and Ms Pam Butler presented planning evidence on behalf of KiwiRail Holdings Limited. Ms Butler confirmed her support for a number of section 42A report recommendations relating to building setbacks, subdivision and earthworks rules. She sought further amendments to the rules controlling signage, and the matters of discretion applicable to building setbacks from the rail corridor.
- 4.10 Mr Julian Dawson provided legal submissions on behalf of Glen Soroka and the Pakau Trust, who sought the introduction of a 'Transferable Title Right' (TTR) mechanism into the PDP. Mr Dawson explained that the TTR concept involves the protection of (typically rural) land with high ecological value in exchange for the ability to create additional titles somewhere else. Mr Dawson emphasised that the TTR concept relied on the ability to 'land' these rights on a receiver property, which was not necessarily on the same property as the protected ecological area (but which could be). Mr Dawson stated that the TTR concept is fundamentally different from the Conservation Lot concept contained within the Franklin section of the ODP which enables additional lots to be created only on the same property. Mr Dawson saw the Village Zone as being a potential 'landing place' for TTR lots, and therefore sought that the Village Zone policy and rule framework provide for this.

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<sup>1</sup> Our findings on this matter are set out in our separate decision report 26 regarding Te Kowhai airfield and associated OLS and acoustic insulation rules

- 4.11 Mr Dawson separately presented legal submissions on behalf of Vineyard Road Properties Limited. His submissions included statements from Mr Adam Marsh (owner), and Mr John Rowe (surveyor). He advised that Vineyard Road is a new subdivision on the outskirts of Te Kauwhata, which is zoned Country Living Zone in both the ODP and the PDP and is partially developed. The submitters sought that the undeveloped portion of the site be rezoned to Village Zone (with an accompanying reduction in minimum lot size) and sought that the Village Zone policy and rule framework enable a minimum lot size of 2,000m<sup>2</sup> in the Vineyard Road Stage 3 area.
- 4.12 Sir William Birch appeared on behalf of both Thorntree Orchards and Steven and Teresa Hopkins. Both submitters own large blocks of rural land on the outskirts of Pōkeno. Sir William focussed on the merits of both blocks being rezoned from Rural Zone to Village Zone. He presented indicative subdivision layouts that showed how these sites could be integrated with Pōkeno and how large lots could be formed as an initial stage, whilst maintaining the potential for further infill subdivision in the event that reticulated services became available. Mr Birch opposed the section 42A subdivision report recommendations that the policy and rule framework should prevent subdivision until reticulated services were available.
- 4.13 Mr Martin Glover, a further submitter, was opposed to the relief sought by Vineyard Properties Limited to rezone their land in Te Kauwhata from Country Living Zone to Village Zone. Mr Glover stated that he had recently purchased a site in this development and had built a home, with a key reason for the purchase being the amenity anticipated from neighbouring lots being developed at low densities (5,000m<sup>2</sup> minimum). He was concerned that this amenity would be lost and questioned the ability for additional households to be adequately serviced.
- 4.14 Ms Lucy Smith provided evidence on behalf of Terra Firma Resources Limited. The submitter is seeking to have land at Weavers Crossing and Puketirini, on the outskirts of Huntly, rezoned from Rural Zone to Village Zone. If successful with their rezoning, the submitters sought through this hearing to have reference to Puketirini included in the policy and rule framework recommended in the section 42A subdivision report for the greenfield Village Zone areas. A key outcome sought by Ms Smith was the ability to develop at 3,000m<sup>2</sup> minimum lot sizes without reticulated services and then for further subdivision to 1,000m<sup>2</sup> lot sizes to be possible once reticulation became available.
- 4.15 Mr Keith Frentz presented evidence on behalf of the Ministry of Education. His focus was on the degree to which education activities are provided for in the Village Zone. He sought that such activities be a restricted discretionary activity, consistent with the activity status sought for these activities across other zones.
- 4.16 Ms Lucie Rutherford provided evidence for Ngati Tamaoho. Her focus was on the need to maintain the health of waterways and to minimise sediment runoff from large scale earthworks and urbanisation. She sought that the Village Zone not be used on steep land or in close proximity to waterways.



- 4.17 Ms Tanya Running presented evidence on behalf of Waka Kotahi New Zealand Transport Agency (Waka Kotahi). Her evidence focused on the detailed working of the policy and rules for managing signage and potential effects on transport safety. She reiterated that Waka Kotahi sought that building setbacks and acoustic insulation for sensitive activities be required for proposals that sought to locate close to the State Highway network. Ms Running also noted that this matter was likely to be addressed in more detail in Hearing 25D Infrastructure.
- 4.18 Mr Craig Sharman (planning), and Mr Blair Kiely (fire officer) presented evidence on behalf of Fire and Emergency New Zealand (FENZ). Mr Sharman set out the role and responsibilities of FENZ and confirmed his support (subject to minor amendments regarding hours of operation) for the section 42A landuse report recommendation to make emergency services training and management *activities* permitted in the Village Zone. He separately sought that emergency services training and management *facilities* be a discretionary (or ideally restricted discretionary) activity in the Village Zone, consistent with a similar activity status sought in other zones. He also sought that an exemption be provided to the building height rule to enable hose drying towers up to 15m in height.
- 4.19 Mr Sharman then addressed the need for the subdivision rules to require an adequate supply of water and access for firefighting purposes being available, in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008. He noted that such relief was also sought through Chapter 14 Infrastructure and Energy of the PDP, and that this was a requirement in all zones.

## 5 Panel Decisions

- 5.1 We note that there were 1316 primary submission points received on the Village Zone provisions. These were considered in two comprehensive section 42A reports, rebuttal, and associated opening and closing statements prepared by Mr Jonathan Cleese (policy framework and subdivision rules) and Mr Kelly Cattermole (land use provisions) who recommended a number of amendments. We have structured our decision into sections which largely reflect the key topics raised by submitters.
- 5.2 We do not attempt to address every submission point individually and instead focus on them thematically by reference to the key changes sought by submitters. In general, we note that there was relatively little evidence raising concerns with the rule package (both land use and subdivision). We also note that our decisions on the Village Zone are closely related to our findings on the introduction of a Future Urban Zone (FUZ) and on site-specific submissions seeking rezoning from Rural Zone to Village Zone.

### Overall approach to the Village Zone provisions

- 5.3 The key overarching themes that emerged from the submitter evidence are as follows:
- a) The need to clearly identify the purpose of the Village Zone and the appropriateness (or not) of its application to new greenfield growth areas;

- b) The geographic extent of greenfield growth areas referenced in the policy and rule package;
- c) The appropriate minimum lot size and other development controls;
- d) Whether further subdivision of sites not having reticulated water and wastewater services could be contemplated if/when reticulated services became available; and
- e) Specific amendments to the activity, signage, and building setback rules.

### **Objectives and Policies**

- 5.4 All of the objectives and policies relating to the Village Zone are contained within Chapter 4 'The Urban Environment'. In our consideration of the submissions on the objectives and policies, we have paid careful attention to the zone descriptions set out in the National Planning Standards, the policy direction set out in the Waikato Regional Policy Statement (RPS), the National Policy Statement on Urban Development, the National Policy Statement for Freshwater Management, and the National Environmental Standards relating to infrastructure and forestry. We have also had regard to the relevant provisions of the Waikato-Tainui Environmental Plan, Tai Tumu, Tai Pari, Tai Ao and the Maniapoto Environmental Management Plan - Ko Ta Maniapoto Mahere Taiao.
- 5.5 While we have considered every submission in our deliberations, where we have rejected submissions that sought amendments to the objectives, policies, or rules we have not necessarily addressed them individually, but record here that they have been rejected for one or more of the following reasons:
- a) It is not the most appropriate way to achieve the purpose of the Resource Management Act 1991 (RMA) (in the case of objectives);
  - b) It is not the most appropriate way to achieve the objectives (in the case of policies and/or rules); or
  - c) It does not give effect to the relevant national policy statements and/or the RPS.

### **Zone Description and Purpose**

- 5.6 The notified PDP does not include general zone descriptions, and while we recognise that such zone descriptions do not in themselves carry statutory weight, we nonetheless consider that they have value because they provide a succinct 'plain English' indication of what the zone is intending to achieve. We have therefore included zone descriptions at the start of each set of zone-specific objectives and policies. This approach is consistent with the National Planning Standards.

5.7 The lack of a clear purpose or outcome sought for the Village Zone was at the core of many of the issues presented in submissions and evidence. We recognise at the outset that the Village Zone policy framework sits within Chapter 4 and therefore forms part of the 'Urban Environment'. As such, it is readily differentiated from the 'Rural Environment' which has its policy framework in Chapter 5 and where the Country Living Zone provisions are located. This creates a clear distinction between the more rural outcomes anticipated through larger lifestyle blocks in the Country Living Zone, and the more urban outcomes anticipated for the Village Zone.

5.8 By way of overview, there are three distinct contexts where the Village Zone applies in the PDP as notified, namely:

- a) Small, relatively isolated existing rural settlements;
- b) Specific areas within or adjacent to larger townships that already have some form of non-rural related operative zoning (such as Country Living Zone, Village Zone, or Rural Residential Zone), and that are in various stages of development; and
- c) Large greenfield blocks on the edge of larger townships, and where there are varying levels of access to reticulated infrastructure.

5.9 We address each of these in turn below.

### **Existing small settlements**

5.10 There are numerous small settlements dotted across Waikato District. Typically, they are long-established, provide some limited housing, community, and commercial opportunities and act as a focal point for rural communities. These settlements have an overtly non-rural purpose and should continue to be zoned Village Zone. As the names suggest, these areas are small settlements (i.e. villages) located in otherwise rural areas.<sup>2</sup>

5.11 We therefore see the core role of the Village Zone as providing an appropriate policy and rule framework for the Waikato District's smaller settlements. These settlements (and therefore Village Zone locations) include the following:

- a) Otatau;

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<sup>2</sup> The term "Village Zone" is not included in the National Planning Standard (NPS) meaning that the Village Zone will need to change to align with the NPS requirements. The NPS contains a suite of zone descriptions that are to be used and we have determined that the closest NPS equivalent is the 'Settlement Zone' which the NPS defines as: "*areas used predominantly for a cluster of residential, commercial, light industrial and/or community activities that are located in rural areas or coastal environments*".

- b) Mercer;
- c) Mangatangi;
- d) Maramarua;
- e) Ohinewai;
- f) Te Hoe;
- g) Orini;
- h) Whitikahu;
- i) Matangi;
- j) Horongara point;
- k) Glen Massey;
- l) Glen Afton;
- m) Waikowai;
- n) Naike;
- o) Port Waikato;
- p) Onewhero; and
- q) Pukekawa.

5.12 In keeping with our separate decisions on Strategic Directions and when considering urban development across the Waikato District generally, we consider that these settlements are not areas where significant further urban growth is anticipated or provided for. They are also relatively isolated from employment opportunities and many core services.

5.13 The Village Zone for these settlements will enable the existing level of activity and will limit growth opportunities to modest infilling of larger sections if they are of sufficient size to accommodate septic tanks and a spacious rural village character is maintained. We note that the minimum lot size for unserviced locations in the notified PDP was 3,000m<sup>2</sup>. We agree with the recommendation in the section 42A report that this should be reduced to 2,500m<sup>2</sup> to provide a clear distinction between the more urban village outcomes for

these areas relative to the 'lifestyle' purpose of the Country Living Zone, which have a 5,000m<sup>2</sup> minimum.

- 5.14 Given their isolated and unserviced locations, we consider that these settlements are generally inappropriate locations for retirement villages and therefore have not provided a permitted pathway for such activities.

### **Existing large lot zoned areas in townships**

- 5.15 The ODP contains several discrete areas located within, or immediately adjacent to, some of the Waikato District's larger townships, that are typically zoned Country Living Zone (in the Waikato section), or Rural Residential or Village Zone (in the Franklin section). Some examples include the areas immediately north of Tuakau and Te Kowhai, the area east of State Highway 1 in Pokeno, and the Vineyard Road area in Te Kauwhata. Because they have had an operative zoning for a number of years, these areas are in various stages of development and, on the ground, are characterised by a mix of recently established new housing set within extensive gardens, and rural paddocks that are yet to be developed.

- 5.16 We are satisfied that such areas are intended to function as a suburban catchment of these larger townships. As such, they are not 'villages' in either character nor purpose and are very different from the small, more isolated, settlements discussed above. We recognise that such areas have existing development rights which owners will have incorporated into their plans and, in some cases, will have already invested considerable sums in preparing for development. Therefore, if we were to 'down-zone' the undeveloped parts of these areas to (say) a Rural Zone that would raise considerable natural injustice issues for landowners. The contrary view is that buyers of new sections told us that they had designed and built their family homes with the expectation of continued spacious amenity, such that 'up-zoning' to (say) Residential Zone would result in a significant change in character and amenity.

- 5.17 There is therefore a degree of tension between the need to appropriately recognise the 'on the ground' reality of these partially developed areas, against the need for clear zone purpose and role, as articulated in the Village Zone objectives and policies. The lack of reticulated services for several of these areas prevents a change at this point to a more intensive option such as a Residential Zone.

- 5.18 For the reasons set out in our separate decision on Te Kauwhata, we have retained a Country Living Zone for the Vineyard Road area.

- 5.19 The Tuakau north<sup>3</sup> and Pokeno East blocks are large, and contain both substantial areas of recently built large lots and larger areas that are yet to be developed. The land ownership in both areas is relatively fragmented, which has led to the current as-built areas being pepper-potted across the area. This existing on-the-ground reality has made

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<sup>3</sup> The area south of Barnaby Road and Percy Graham Drive.

developing a split zoning (between say FUZ and Country Living Zone) challenging. It also means that recent homeowners have developed with a clear expectation regarding the large lot amenity and character of the surrounding area.

5.20 We have ultimately decided to keep things simple. The Tuakau and Pokeno blocks have a long-established zoning that permits large lot development. We have therefore retained this outcome in the form of the Village Zone, noting that this is the most efficient and effective zone from the suite of zone options available to us in the notified PDP. We have also provided a specific objective and supporting policy for these areas to recognise their distinguishing characteristics for the Village Zone more generally.<sup>4</sup> We consider these areas to be very much exceptions that are reflective of the legacy development rights provided by the ODP, rather than being representative of what is now a preferred, more intensive form of serviced urban development in the larger townships.

5.21 Given that these areas are currently unserviced, we have maintained a consistent approach to density as with the smaller settlements, namely a minimum lot size of 2,500m<sup>2</sup>. In the event that these areas are serviced in the future, then Council (or landowners) have the option of progressing a plan change to seek a more intensive zoning, such as Residential Zone, or retaining the land as a large lot area if such retrofitting proves to be problematic.

### **New greenfield growth areas**

5.22 The focus of the majority of the evidence presented to us was on the application of the Village Zone to new greenfield growth areas. In the PDP as notified, these areas were either proposed to be rezoned from Rural Zone to Village Zone (for example Te Kowhai south and Tuakau fringe) or were Rural Zoned areas that were the subject of submissions seeking rezoning.

5.23 We have set out our thinking on growth management in both our decision on Strategic Directions, and in our decisions on rezoning around the various townships. In general, we have rejected submissions seeking rezoning from Rural Zone to Village Zone as we do not consider this aligns with creating a consolidated urban form. Nor is it appropriate to locate new households in areas that are not readily accessible to services, reticulated water-related infrastructure, and public transport.

5.24 In short, we do not consider the Village Zone, with an associated outcome of very low density suburban expansion around the fringes of larger townships, to be an appropriate method for providing for urban growth. Additional capacity is better provided in such locations at Residential Zone densities, provided those areas are able to be serviced and can be well-integrated with the adjacent urban area in accordance with a specific

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<sup>4</sup> In doing so we note that our decisions on the PDP text are to be reformatted to align with the National Planning Standards. As such we anticipate that these areas will be relabelled as a 'Large Lot Residential Zone' with the specific objective and policy for these areas carried over and a rule package that is otherwise identical to the Village (Settlement) Zone.

structure plan. This reasoning is why we have, for example, zoned an area between Harrisville Road and Barnaby Road in Tuakau from Village Zone, as shown in the PDP as notified, to Residential Zone given that this area is able to be serviced.

- 5.25 Given that a number of the new greenfield Village Zoned areas shown in the PDP were unable to connect to reticulated services, the PDP included a transitional approach to density, whereby unserviced subdivision could occur at 3,000m<sup>2</sup> minimums. Further intensification to 1,000m<sup>2</sup> minimums is then permitted once servicing becomes available.
- 5.26 We consider the transitional approach to subdivision (i.e. whereby further subdivision may occur if/when servicing becomes available) is problematic. We are satisfied, on the evidence, that it will be challenging to retrofit unserviced low density developments with reticulated infrastructure in a cost-effective manner; especially when home owners have already invested in, for example, stand-alone wastewater disposal systems. Roding, footpaths, and community facilities are likewise challenging to design and 'right-size' to meet both initial low-density needs and then retrofit as higher densities occur gradually over time. We likewise were not convinced that alternative servicing solutions, such as privately owned package wastewater treatment plants, are an effective or sustainable long-term solution. We instead consider that they increase the risk of future liability for both the Council and communities if maintenance and upgrading is not properly undertaken by the landowner.
- 5.27 Given the above, we asked Council officers to consider alternative approaches to securing future urban growth opportunities for areas that are otherwise suitable for urbanisation, but where servicing is uncertain. This direction, in parallel with the need to respond to submissions seeking similar outcomes, were considered in a later Hearing 25 on Rezoning. As set out in our separate decision on rezoning matters, we have determined that there is merit in adding a FUZ to the suite of zoning options available in the PDP. We have then applied this zone to a number of greenfield areas adjacent to the larger townships.
- 5.28 The introduction of a FUZ enables the following outcomes:
- a) Land that is suitable, in principle, for urban development is able to be identified;
  - b) interim land use and subdivision that would compromise the efficient future development of that land is able to be managed;
  - c) Once the provision of reticulated services is able to be confirmed (either through being programmed in the Council's Long Term Plan or through private developer agreements with Council), a more detailed plan change process is able to be undertaken to confirm the most appropriate 'live' zoning; and
  - d) For large blocks and/or blocks in multiple ownership, a plan change can also introduce a structure plan to ensure future development is approximately integrated with the adjacent township.

- 5.29 We have determined that large growth areas should be serviced by reticulated infrastructure, such that where such services are not programmed or plausibly able to be delivered within a short-medium timeframe, the land should remain zoned Rural Zone and not be developed as large serviced lots. We recognise that in order for infrastructure to be programmed, it is necessary to signal the geographic locations where future growth is anticipated. This can be done by use of a FUZ, while non-district plan instruments such as the Waikato 2070 growth strategy, are also available. Once servicing is confirmed, these areas should then be developed to Residential Zone densities (unless there is some site-specific reason for requiring lower density).
- 5.30 Of particular relevance to the Village Zone decision, we have applied the FUZ to a number of greenfield areas that were shown as a Village Zone in the PDP as notified. These include large areas to the north of Tuakau and to the south of Te Kowhai. We have likewise applied it to the Thorntree Orchards block in Pokeno who sought Village Zoning and then amended their relief in the later rezoning hearings to seek FUZ.
- 5.31 The introduction of a FUZ, means that the Village Zone role can be focussed on providing for small settlements in rural areas. Growth of large greenfield blocks adjacent to townships is managed through the FUZ, with subsequent live zoning likely to be through the Residential Zone.

### **Conclusions regarding zone purpose**

- 5.32 The development of the FUZ has enabled us to refine and focus the objectives and policies for the Village Zone. It has likewise enabled us to delete the transitional subdivision density provisions which we found to be problematic. The Village Zone now has a clear focus on enabling the ongoing use of long-established small settlements. These areas are generally not serviced with reticulated infrastructure and are not in locations where further substantive urban growth is anticipated. As such, further intensification opportunities are limited through the retention of a 2,500m<sup>2</sup> minimum lot size.
- 5.33 New greenfield growth areas adjacent to the larger townships have either been rezoned to Residential Zone (where services are available), or to FUZ, where the land will remain at rural densities until such time as services are confirmed and a plan change is undertaken to develop the area to Residential Zone density.
- 5.34 There are several pockets of existing large lot developments adjacent to the larger townships that have been enabled through the ODP and that are partially built out. We have retained the existing approach to enabling large lot development for these sites to reflect the partially developed on-the-ground reality of these areas, their existing character and amenity (and associated expectations of new homeowners), and in most instances, the lack of reticulated services.
- 5.35 In addition to refining the policies concerning zone role and purpose, we have also made a number of consequential minor amendments to the policies regarding amenity and built form outcomes. These amendments are to improve the readability and direction of



these provisions without changing their substance. The amendments also reflect a consistent drafting style that we have adopted across the policy frameworks for all zones.

### **Site-specific rezoning**

5.36 We heard from the following parties seeking that their land be rezoned to Village Zone:

- a) Horotiu Properties Limited (Horotiu – east bank);
- b) Greig Metcalfe (southwest Te Kowhai);
- c) Jeff Bodley (Te Kauwhata);
- d) Vineyard Properties Limited (Te Kauwhata);
- e) Terra Firma Resources Limited (Huntly/ Puketirini);
- f) Thorntree Orchards (Pōkeno); and
- g) Steven and Theresa Hopkins (Pōkeno).

5.37 Our substantive findings on these sites are set out in our decisions on rezoning. For this decision, the key matter requiring determination is the wording of the Village Zone policy framework, and in particular, the inclusion of additional townships within the policy enabling greenfield growth and associated transitional densities. We are not pursuing the transitional approach to subdivision, which in combination with the introduction of a FUZ, means that reference to these additional townships or sites in the policy framework is unnecessary.

### **Transferable Title Rights**

5.38 Our separate decision on the Rural Zone provisions sets out our findings on the matter of TTRs. We simply record here that we have decided not to pursue this concept and, as such, amendments to the Village Zone provisions to accommodate TTR are not needed.

### **Criteria to inform rezoning decisions**

5.39 As set out above, Horticulture New Zealand presented evidence regarding the reverse sensitivity risk posed by new Village Zoned areas being located adjacent to rural land containing high class soils, particularly in the area adjacent to Tuakau. Ms Lucie Rutherford on behalf of Ngati Tamaoho emphasised the need to consider land contour (steepness) and proximity to waterways in determining appropriate locations for Village Zoning.

5.40 We have been particularly mindful of these matters in reaching our decisions on the location of the Village Zone in our decisions on rezoning. The need to maintain versatile soils where possible was, in particular, a key matter that has informed our decisions on rezoning in the area surrounding Tuakau.

### **Non-residential activities**

5.41 The Department of Corrections sought that 'community corrections facilities', as defined through the Department's submissions on the Definitions (heard in Hearing 5), be a fully discretionary activity within the Village Zone. This approach in activity status is consistent with the status sought for such activities in the Residential Zone (and differentiates from the permitted activity status sought in commercial and industrial zones). We note that the definition does not include any custodial elements and therefore no residents are to be detained on-site. We agree that such facilities should not be permitted in the Village Zone, given their potential scale and character and the need for specific proposals to be assessed on a case-by-case basis. We likewise consider that such facilities, if appropriately designed and located, may be appropriate, and therefore consider that a non-complying status is overly restrictive. We therefore agree that fully discretionary status is appropriate.

5.42 FENZ sought that emergency services training and management activities be permitted in the Village Zone. We agree that such activities have a long-established and necessary role in the safety and wellbeing of the community. We consider that emergency services training and management facilities should be a restricted discretionary activity, as permitted status is not appropriate due to the range in the scale and nature of such facilities. We consider that the relevant matters for assessment of site-specific proposals relate primarily to neighbour amenity and, as such, lend themselves to restricted, rather than full discretionary, status.

5.43 FENZ separately sought that an exemption be provided to the building height rule to enable hose drying towers up to 15m in height. We agree that the exemption to the height rule is appropriate, given the specific functional requirements of such towers and the important role these facilities play in community wellbeing. We note that daylight admission rules remain in play which will assist in locating any such towers towards the centre of sites and away from internal boundaries with neighbours, which in combination with the restricted discretionary rule trigger for facilities, means that appropriate controls are in place to manage potential effects on neighbour amenity.

5.44 Mr Greig Metcalfe sought to enable the establishment of retirement villages in the Village Zone. Given our above decisions that the focus of the Village Zone is to be on the smaller settlements, with large greenfield blocks such as Mr Metcalfe's Te Kowhai landholdings to be in the FUZ, we do not consider retirement villages to be appropriate as a permitted or anticipated activity in the small settlements. These settlements are relatively isolated, generally unserviced, and are in locations where large retirement complexes are potentially out of keeping with the established character. We have separately decided to provide for retirement villages in the Residential Zone and we have likewise made

several site-specific exceptions for established retirement villages in the Rural Zone. We consider that the Residential Zone is a far more appropriate location for such facilities given the provision of reticulated infrastructure and proximity to services and public transport.

### **Signage Rules**

5.45 We have amended the signage rules for signs on heritage buildings/sites, near rail crossings, and adjacent to the State Highway network so they are consistent across the various zones. We have likewise adopted a consistent approach to the matters of discretion for building setbacks in relation to the rail corridor.

## **6 Conclusion**

6.1 The Panel accepts the section 42A reports and the evidence filed by the submitters, collectively forming the section 32AA assessment informing this decision.

6.2 Overall, the Panel is satisfied that the Village Zone provisions, as amended (in **Attachment 1**), will provide a suitable framework for managing the ongoing use and development of the Village Zone whilst managing any adverse effects.

**For the Hearings Panel**



**Dr Phil Mitchell, Chair**

**Dated: 17 January 2022**

## Attachment I: Changes to plan provisions

### **Settlement Zone Description<sup>1</sup>**

The Settlement Zone covers small settlements located within rural areas. These areas comprise of a cluster of residential dwellings and in some cases may also include small-scale community facilities. Due to the zone's lack of reticulated infrastructure and distance from employment, community facilities, and public transport, opportunities for further growth are limited.

### **Large Lot Residential Zone Description**

The Large Lot Residential Zone covers areas on the outskirts of Tuakau, Pokeno, and Te Kowhai that have a history of large lot residential development and that are used predominantly for residential activities and buildings, such as detached houses on lots larger than those of the General Residential Zone. These areas have an existing spacious character and are generally subject to other constraints (primarily infrastructure provision) to more intensive development.

#### **4.3.1 Objective – Settlement Zone character**

(a) Maintain the existing low density character of the Settlement Zone and limit further urban growth.

#### **4.3.2 Policy – Character**

(a) Buildings and activities within the Settlement Zone are designed, located, scaled and serviced in a manner that maintains the existing low density character.

#### **4.3.3 Policy – Infrastructure**

(a) Require activities within the Settlement Zone to be self-sufficient in the provision of on-site water supply and wastewater and stormwater disposal, unless a reticulated supply is available.

#### **4.4.1 Objective – Large Lot Residential Zone character**

(a) Within the Large Lot Residential Zones in Tuakau, Pokeno, and Te Kowhai, maintain a low density character with minimum lot sizes of at least 2,500m<sup>2</sup>.

#### **4.4.2 Policy - Character**

(a) Within the Large Lot Residential Zones in Tuakau, Pokeno, and Te Kowhai, maintain a low density character.

#### **4.4.3 Policy – Future development – Tuakau, Pokeno, and Te Kowhai**

(a) In Tuakau, Pokeno, and Te Kowhai, buildings, access, and lot boundaries are located to enable future subdivision and development in the event that reticulated water, stormwater, and wastewater infrastructure become available and a plan change to rezone to a higher density is in place.

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<sup>1</sup> The Village zone will be relabelled as a 'Settlement Zone' and 'Large Lot Residential Zone' in accordance with the NPS and depending on the location of specific areas

#### **4.3.1 Objective – Village Zone character**

~~(a) The character of the Village Zone is maintained.~~

#### **4.3.2 Policy – Character**

~~(a) Buildings and activities within the Village Zone are designed, located, scaled and serviced in a manner that:~~

~~(i) Is low density;~~

~~(ii) Maintains the semi-rural character;~~

~~(iii) Recognises lower levels of infrastructure and the absence of Council wastewater services.~~

~~(b) Require activities within the Village Zone to be self-sufficient in the provision of on-site water supply, wastewater and stormwater disposal, unless a reticulated supply is available.~~

#### **4.3.3 Policy – Future development – Tuakau and Te Kowhai**

~~(a) Buildings and access are located in a position to enable future subdivision and development in Tuakau and Te Kowhai when infrastructure and services become available.~~

~~(b) Ensure buildings are positioned in a manner that provides for transition from large lots to smaller lots in Tuakau and Te Kowhai.~~

The following objectives and policies are to be duplicated for the Settlement Zone and the Large Lot Residential Zone, with the 'Village Zone' references updated respectively to match the new zone names.

#### **4.3.4 Objective – Village built form and amenity**

(a) Neighbourhood residential amenity values in the Village Zone are maintained.

#### **4.3.5 Policy – Building Setbacks**

(a) Maintain existing and promote new vistas and views between buildings in the Village Zone when viewed from a road.

#### **4.3.6 Policy – Front setback character**

- (a) Maintain the ~~existing~~ open character of streets through the use of setbacks.

#### **4.3.7 Policy – Excessive building scale**

- (a) ~~Enable~~ Development shall only ~~to~~ exceed height, bulk and form standards ~~only~~ where it is in keeping with, and does not detract from, the amenity values of the street.

#### **4.3.8 Policy – Residential amenity and function**

- (a) Limit the establishment of non-residential activities in the Village Zone except where they:
- (i) ~~They~~ have a functional need to locate within the Village Zone; or
  - (ii) Provide for the health and well-being of the community, including emergency services.

#### **4.3.9 Policy – Height of buildings**

- (a) Ensure building height does not result in loss of privacy or cause over shadowing on adjoining sites or detract from the amenity of the area.

#### **4.3.10 Policy – Daylight and outlook**

- (a) ~~Maintain adequate daylight and enable opportunities for passive solar gain by providing for the progressive reduction in the height of buildings the closer they are located to a boundary, except a road boundary.~~
- (b) Require the height, bulk and location of development to maintain sunlight access and privacy, and to minimise visual dominance effects on adjoining sites.

#### **4.3.11 Policy – Maintain residential function**

- (a) Restrict the establishment of non-residential, commercial or industrial activities, unless the activity has a strategic or operational need to locate within the Village Zone, and does not compromise the effects of such activities on the character and amenity of the neighbourhood.

#### **4.3.12 Policy – Non-residential activities**

- (a) Ensure that the design and ~~scope~~ scale of non-residential activities and associated buildings:
- (i) Maintain residential character including by considering the scale and design of buildings and their location on the site, and on-site parking and vehicle manoeuvring areas; ~~and~~
  - (ii) ~~Mitigate~~ Minimise adverse effects related to traffic generation, access, noise, vibration, outdoor storage of materials and light spill; ~~and, to the extent that they minimise adverse effects on Village Zone character and amenity, and the surrounding transport network.~~
  - (iii) Encourage designs that conform to the principles of Crime Prevention Through Environmental Design (CPTED) where appropriate.

#### **4.3.13 Policy – Existing non-residential activities**

- (a) Enable existing non-residential activities to continue and support their redevelopment and expansion, provided they do not have ~~a~~ significant adverse effects on the character and amenity of Village Zone.

#### **4.3.14 Objective – Earthworks**

- (a) Earthworks facilitate subdivision, use and development.

#### **4.3.15 Policy - Earthworks**

- (a) Manage the effects of earthworks to ensure that:
- (i) Erosion and sediment loss is ~~are~~ avoided or mitigated;
  - (ii) Changes to natural water flows and established drainage paths are avoided or mitigated; and
  - (iii) Adjoining properties and public services are protected.
- (b) Ensure any fill material brought to site is suitable for its purpose;
- (c) Manage the amount of land being disturbed at any one time to avoid, remedy or mitigate adverse construction noise, vibration, odour, dust, lighting and traffic effects;
- (d) Subdivision and development occurs in a manner that maintains fundamental shape, contour and landscape characteristics; and
- (e) The ground is geo-technically sound and remains safe and stable for the duration of the intended land use.

### **4.4 General Residential and Village, Medium Density Residential, Settlement and Large Lot Residential Zones - Noise, lighting, outdoor storage, signs and odour**

#### **4.4.1 Objective – Adverse effects of land use and development**

- (a) The health, safety and well-being of people, communities and the environment are protected from the adverse effects of land use and development.

#### **4.4.2 Policy – Noise**

- (a) The adverse effects of noise on residential amenity are minimised by:
- (i) Ensuring that the maximum sound levels are compatible with the surrounding residential environment;
  - (ii) Limiting the timing and duration of noise-generating activities, including construction and demolition activities;
  - (iii) Maintaining appropriate setback distances between high noise environments and sensitive land uses and noise-sensitive activities;
  - (iv) Managing the location of sensitive land uses, particularly in relation to lawfully established high noise generating activities; and
  - (v) Requiring acoustic insulation where sensitive land uses activities and noise-sensitive activities are located within high noise environments.

#### **4.4.3 Policy – Artificial outdoor lighting**

- (a) Provide for artificial outdoor lighting to enable night time work, farming activities, recreation activities, outdoor living, transport and security;
- (b) Manage the adverse effects of glare and lighting to adjacent sites;
- (c) Ensure artificial outdoor lighting is installed and operated so that light spill does not compromise the safe operation of the transport network.

#### **4.4.4 Policy – Outdoor storage**

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

#### **4.4.5 Policy – Objectionable odour**

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

#### **4.4.6 Policy – Signage**

- (a) Provide for the establishment of signs where they are directly associated with the activity carried out on the site on which they are located; ~~and~~
- (b) Recognise that public information signs provide a benefit to community well-being and support infrastructure and commercial and community activities; and
- (c) Provide for signage that is compatible with the character and sensitivity of the residential environment.

#### **4.4.7 Policy – Managing the adverse effects of signs**

- (a) The location, colour, content, and appearance of signs ~~directed at, or visible to, road users~~ ~~traffic~~ is controlled to ensure signs do not adversely affect ~~distract, confuse or obstruct motorists, pedestrians and other road users; and~~
- (b) Discourage signs that generate adverse effects from illumination, ~~light spill, flashing, moving, or reflection.~~

#### **4.4.8 Objective - 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.

#### **4.4.9 Policy - Emergency services facilities and activities**

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

The following rules are to be duplicated for the Settlement Zone and the Large Lot Residential Zone, with the 'Village Zone' references updated respectively to match the new zone names.



## Chapter 24: Village Zone - Rules

- (1) The rules that apply to activities in the Village Zone are contained in Rule 24.1 Land Use – Activities, Rule 24.2 Land Use – Effects, Rule 24.3 Land Use – Building.
- (2) The rules that apply to subdivision in the Village Zone are contained in Rule 24.4 and the relevant rules in 14 Infrastructure and Energy; and 15 Natural Hazards and Climate Change (Placeholder).
- (3) The activity status tables and standards in the following chapters also apply to activities in the Village zone:
  - 14 Infrastructure and Energy;
  - 15 Natural Hazards and Climate Change (Placeholder).
- (4) The following symbols are used in the tables:
  - (a) PR Prohibited activity
  - (b) P Permitted activity
  - (c) C Controlled activity
  - (d) RD Restricted discretionary activity
  - (e) D Discretionary activity
  - (f) NC Non-complying activity

### 24.1 Land Use - Activities

#### 24.1.1 Permitted Activities

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

Activity-specific standards:

- (a) Land Use – Effects rules in Rule 24.2 (unless the activity rule and/or ~~activity-specific conditions standards~~ identify a ~~condition standard(s)~~ that does not apply);
- (b) Land Use – Building rules in Rule 24.3 (unless the activity rule and/or ~~activity-specific conditions standards~~ identify a ~~condition standard(s)~~ that does not apply);
- ~~(c) Activity specific conditions.~~

Activity		Activity-specific <del>Conditions Standards</del>
PI	Residential activity, unless specified below.	Nil
<b>P2 - A Marae Complex or Papakaainga Housing Development on Maaori Freehold Land or on Maaori Customary Land.</b> The provisions notified under this heading are addressed in Decision Report 6: Tangata Whenua.		
P3	Home <del>occupation-business</del>	(a) It is wholly contained within a building; (b) The storage of materials or machinery associated with the home occupation are wholly contained within a building; (c) No more than 2 people who are not permanent residents of the site are employed at any one time;

		<p>(d) Unloading and loading of vehicles or the receiving of customers or deliveries only occur after 7:30am and before 7:00pm on any day; <u>and</u></p> <p>(e) Machinery <del>may</del> <u>can only</u> be operated after 7:30am and up to 9:00pm on any day.</p>
P4	Temporary event	<p>(a) The event occurs no more than 3 times per calendar year;</p> <p>(b) It <del>may</del> <u>operates only</u> between 7.30am to 8:30pm <del>Monday to Sunday on any day;</del></p> <p>(c) Temporary structures are:</p> <p>(i) erected no more than 2 days before the event occurs; and</p> <p>(ii) removed no more than 3 days after the end of the event;</p> <p>(d) The site is returned to its previous condition no more than 3 days after the end of the event; <u>and</u></p> <p>(e) There is no direct site access from a national route or regional arterial road.</p>
P5	Community <del>activity</del> <u>facility</u>	Nil
P6	Neighbourhood park	Nil
P7	Home stay	<p>(a) No more than 4 <u>temporary home stay</u> residents;</p> <p><del>(b) No more than 2 people who are not permanent residents of the site are employed at any one time.</del></p>
P8	Farming	Nil
P9	<u>Emergency services training and management activities</u>	<u>Nil</u>
P10	<u>Additions and alterations to an existing emergency service facility</u>	<u>Nil</u>
P11	<u>Buildings, structures and sensitive land uses within the National Grid Yard in sites existing as of 18 July 2018</u>	<p>(a) <u>Within the National Grid Yard:</u></p> <p>(i) <u>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;</u></p> <p>(ii) <u>New, or additions to existing buildings or structures that are not for a sensitive land use;</u></p> <p>(iii) <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</u></p> <p>(iv) <u>Fences less than 2.5m in height, measured from the natural ground level immediately below.</u></p> <p>(b) <u>All buildings or structures permitted by Rule 24.1.1 P11 must:</u></p> <p>(i) <u>Comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663</u></p>

		<p><u>under all National Grid transmission line operating conditions; and</u></p> <p>(ii) <u>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:</u></p> <p>(1) <u>A building or structure where Transpower has given written approval in accordance with clause 2.4.1 of the NZECP34:2001 ISSN 0114-0663;</u></p> <p>(2) <u>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;</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><u>(iii) Not permanently physically impede existing vehicular access to a National Grid support structure.</u></p>
P12	<u>Construction or alteration of a building for a sensitive land use</u>	<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>
P13	<u>Construction, demolition, addition, and alteration of a building or structure</u>	<u>Nil</u>

### **24.1.2 Restricted Discretionary Activities**

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

(2) Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table:

<u>RD1</u>	<u>Educational facilities.</u>
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	<p><u>Council's discretion shall be restricted to the following matters:</u></p> <ul style="list-style-type: none"> <li>(a) <u>The extent to which it is necessary to locate the activity in the Village Zone;</u></li> <li>(b) <u>Reverse sensitivity effects of adjacent activities;</u></li> <li>(c) <u>The extent to which the activity may adversely impact on the transport network;</u></li> <li>(d) <u>The extent to which the activity may adversely impact on the streetscape and the amenity of the neighbourhood, with particular regard to the bulk of the buildings; and</u></li> <li>(e) <u>The extent to which the activity may adversely impact on the noise environment.</u></li> </ul>
RD2	<p><u>Construction of emergency service facilities.</u></p> <p><u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> <li>(a) <u>Effects on amenity of the locality.</u></li> <li>(b) <u>Effects on character.</u></li> <li>(c) <u>Road efficiency and safety.</u></li> <li>(d) <u>Building design.</u></li> <li>(e) <u>Site layout and design; and</u></li> <li>(f) <u>Privacy on other sites.</u></li> </ul>
RD3	<p><u>Construction or alteration of a building for a sensitive land use that does not comply with Rule 24.1.1 P12</u></p> <p><u>Council's discretion shall be restricted to the following matters:</u></p> <ul style="list-style-type: none"> <li><u>a. Effects on the amenity values of the site;</u></li> <li><u>b. The risk of electrical hazards affecting the safety of people;</u></li> <li><u>c. The risk of damage to property; and</u></li> <li><u>d. Effects on the operation, maintenance and upgrading of the electrical distribution or transmission lines.</u></li> </ul>

### 24.1.23 Discretionary Activities

(I) The activities listed below are discretionary activities.

D1	Any permitted activity that does not comply with <del>one or more of the an</del> "Activity-Specific Condition Standards' in Rule 24.1.1 or 24.1.2.
D2	<u>Community corrections facilities.</u>
D2	<del>Any permitted activity that does not comply with Land Use Effects Rule 24.2 or Land Use Building Rule 24.3 unless the activity status is specified as controlled, restricted discretionary or non-complying.</del>
D3	Any activity that is not listed as Permitted, Restricted Discretionary or Discretionary

### 24.1.34 Non Complying Activities

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

NC1	<del>Any activity that is not listed as Permitted, Restricted Discretionary or Discretionary.</del>
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<u>NC2</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>NC3</u>	<u>Buildings, structures and sensitive land use within the National Grid Yard in sites existing as of 18 July 2018 that do not comply with Rule 24.1.1 P11</u>

## 24.2 Land Use – Effects

### 24.2.1 Noise

- (1) ~~Rules 24.2.1 and 24.2.2 provide the permitted noise levels for noise generated by land use activities.~~
- (1) Rule 24.2.1 Noise – General provides permitted noise levels in the Village Zone.
- (2) Rule 24.3.2 Noise – Construction provides the noise limits generated by construction activities.

#### 24.2.1.1 Noise – General

P1	Farming noise, and noise generated by emergency generators and emergency sirens.
P2	(a) Noise measured within any other site in the Village Zone must not exceed: <ul style="list-style-type: none"> <li>(i) 50dB (L<sub>Aeq</sub>), 7am to 7pm, every day;</li> <li>(ii) 45dB (L<sub>Aeq</sub>), 7pm to 10pm, every day; and</li> <li>(iii) 40dB (L<sub>Aeq</sub>) and 65dB (L<sub>Amax</sub>), 10pm to 7am the following day.</li> </ul> <p>(b) <u>Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 “Acoustics Measurement of Environmental Sound”; and</u></p> <p>(c) <u>Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 “Acoustic Environmental noise”.</u></p>
P3	<del>(a) Noise levels must be measured in accordance with the requirements of NZS 6801:2008 “Acoustics-Measurement of Environmental Sound”; and</del> <del>(b) Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 “Acoustic Environmental noise”.</del>
D1	Noise that does not comply with Rule 24.2.1 P1, P2 <del>or P3</del> .

#### 24.2.1.2 Noise – Construction

P1	(a) Construction noise must <del>not exceed</del> <del>meet</del> the limits in NZS 6803:1999 (Acoustics – Construction Noise); and (b) Construction noise must be measured and assessed in accordance with the requirements of NZS6803:1999 ‘Acoustics – Construction Noise’.
RD1	(a) Construction noise that does not comply with Rule 24.2.1.2 P1. (b) Council’s discretion is restricted to the following matters: <ul style="list-style-type: none"> <li>(i) Effects on amenity values;</li> <li>(ii) Hours and days of construction;</li> <li>(iii) Noise levels;</li> <li>(iv) Timing and duration; and</li> <li>(v) Methods of construction.</li> </ul>

### 24.2.3 Glare and artificial light spill

PI	<p>(a) Illumination from glare and light spill must not exceed 10 lux measured horizontally and vertically at any other site; <u>and</u></p> <p>(b) Rule 24.2.3 PI (a) does not apply to streetlights, navigation lights, traffic signals or from vehicles or equipment used in farming activities.</p>
RD1	<p>(a) Illumination that does not comply with Rule 24.2.3 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Effects on amenity values;</li> <li>(ii) Light spill levels on other sites;</li> <li>(iii) Road safety;</li> <li>(iv) Duration and frequency;</li> <li>(v) Location and orientation of the light source; and</li> <li>(vi) Mitigation measures.</li> </ul>

### 24.2.4 Earthworks

(1) Rule 24.2.4.1 – General, provides the permitted rules for earthwork activities for the Residential Village Zone.

This rule does not apply in those areas specified in rules 24.2.4.2, 24.2.4.3 and 24.2.4.4.

(2) There are specific standards for earthworks within:

- (a) Rule 24.2.4.2 – Maaori Sites and Maaori Areas of Significance;
- (b) Rule 24.2.4.3 – Significant Natural Areas; and
- (c) Rule 24.2.4.4 – Landscape and Natural Character Areas.

#### 24.2.4.1 Earthworks - General

PI	<p>(a) Earthworks (excluding the importation of fill material) within a site must meet all of the following <del>condition standard</del>:</p> <ul style="list-style-type: none"> <li>(i) Be located more than 1.5 m horizontally from any waterway, open drain or overland flow path;</li> <li>(ii) Not exceed a volume of more than <del>2350</del>350m<sup>3</sup>;</li> <li>(iii) Not exceed an area of more than 1,000m<sup>2</sup> over any single consecutive 12 month period;</li> <li>(iv) The total depth of any excavation or filling does not exceed 1.5m above or below ground level;</li> <li>(v) The slope of the resulting cut, filled areas or fill batter face in stable ground, does not exceed a maximum of 1:2 (1 vertical to 2 horizontal);</li> <li>(vi) Earthworks are set back <u>at least</u> 1.5m from all boundaries;</li> <li>(vii) Areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;</li> <li>(viii) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; <u>and</u></li> <li>(ix) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.</li> </ul>
P2	<p>(a) Earthworks for the purpose of creating a building platform for residential purposes within a site, using imported fill material, must meet the following <del>condition standard</del>:</p> <ul style="list-style-type: none"> <li>(i) Be carried out in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development.</li> </ul>

P3	<p>(a) Earthworks for purposes other than creating a building platform for residential purposes within a site, using imported fill material, must meet all of the following <del>conditions</del> <u>standards</u>:</p> <ul style="list-style-type: none"> <li>(i) Not exceed a total volume of 20m<sup>3</sup>;</li> <li>(ii) Not exceed a depth of 1.5m;</li> <li>(iii) The slope of the resulting filled area in stable ground must not exceed a maximum slope of 1:2 (1 vertical to 2 horizontal);</li> <li>(iv) Fill material is setback <u>at least</u> 1.5m from all boundaries;</li> <li>(v) Areas exposed by filling are revegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;</li> <li>(vi) Sediment resulting from the filling is retained on the site through implementation and maintenance of erosion and sediment controls; <u>and</u></li> <li>(vii) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.</li> </ul>
RDI	<p>(a) Earthworks that do not comply with Rule 24.2.4.1 P1, P2 or P3.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Amenity values and landscape effects;</li> <li>(ii) Volume, extent and depth of earthworks;</li> <li>(iii) Nature of fill material;</li> <li>(iv) Contamination of fill material;</li> <li>(v) Location of the earthworks to waterways, significant indigenous vegetation and habitat;</li> <li>(vi) Compaction of the fill material;</li> <li>(vii) Volume and depth of fill material;</li> <li>(viii) Protection of the Hauraki Gulf Catchment Area;</li> <li>(ix) Geotechnical stability;</li> <li>(x) Flood risk, including natural water flows and established drainage paths; <u>and</u></li> <li>(xi) Land instability, erosion and sedimentation.</li> </ul>
NCI	Earthworks including the importation of cleanfill to a site.

#### 24.2.4.2 Earthworks for Maaori Sites and Maaori areas of Significance

The provisions notified under this heading are addressed in Decision Report 7: Maaori Sites and Areas of Significance.

#### 24.2.4.3 Earthworks – within Significant Natural Areas

The provisions notified under this heading are addressed in Decision Report 9: Significant Natural Areas.

#### 24.2.4.4 Earthworks – Landscape and Natural Character Areas

The provisions notified under this heading are addressed in Decision Report 10: Landscapes.

#### 24.2.5 Hazardous substances

**The provisions notified under this heading are addressed in Decision Report 11: Hazardous Substances and Contaminated Land.**

#### **24.2.6 Notable trees**

**The provisions notified under this heading are addressed in Decision Report 8: Historic Heritage.**

#### **24.2.7 Signs**

- 1) Rule 24.2.7.1 Signs – General provides permitted standards for any sign, including real estate signs, across the entire Residential Zone.
- 2) Rule 24.2.7.2 Signs – Effects on traffic apply specific standards for signs that are directed at road users.



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.

#### **24.2.7.1 Signs – General**

P1	A public information sign erected by a government agency.
P2	<p>(a) A sign must comply with the following <del>conditions</del> <u>standards</u>:</p> <ul style="list-style-type: none"> <li>(i) It is the only sign on the site;</li> <li>(ii) The sign is wholly contained on the site;</li> <li>(iii) The sign does not exceed 0.25m<sup>2</sup>;</li> <li>(iv) The sign height does not exceed 2m;</li> <li>(v) The sign is not illuminated;</li> <li>(vi) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials;</li> <li>(vii) The sign is set back at least 50m from a state highway and the Waikato Expressway;</li> <li><del>(viii) The sign does not project over road reserve;</del></li> <li>(ix) The sign is not attached to a tree identified in Schedule 30.2 Notable Trees, except for the purpose of identification; and</li> <li>(x) The sign is not attached to a heritage item listed in Schedule 30.1 (Heritage Items) except for the purpose of identification and interpretation;</li> <li>(xi) The sign is not attached to a Maaori site of significance listed in Schedule 30.3 (Maaori Sites of Significance) except for the purpose of identification and interpretation; <u>and</u></li> <li>(xii) The sign relates to: <ul style="list-style-type: none"> <li>A. Goods or services available on the site; or</li> <li>B. A property name sign.</li> </ul> </li> </ul>
P3	<p>(a) A real estate 'for sale' sign relating to the site on which it is located must comply with all of the following <del>conditions</del> <u>standards</u>:</p> <ul style="list-style-type: none"> <li>(i) There is no more than + 3 signs per <u>agency site of which</u>: <ul style="list-style-type: none"> <li><u>(A) There is no more than 1 sign per agency measuring 600mm x 900mm;</u></li> <li><u>(B) There is no more than 1 sign measuring 1800mm x 1200mm; and</u></li> <li><u>(C) There is no more than 1 real estate header sign measuring 1800mm x 1200mm.</u></li> </ul> </li> <li>(ii) The sign is not illuminated; and</li> <li>(iii) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials.</li> <li><del>(i) The sign does not project into or over road reserve.</del></li> </ul>
P4	<u>Official sign</u>
P5	<u>Signs that are located within a building or that are not visible from a road or adjoining site.</u>

RDI	<p>(a) A sign that does not comply with Rule 24.2.7.1, P1, P2 or P3.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Amenity values;</li> <li>(ii) Character of the locality;</li> <li>(iii) Effects on traffic safety;</li> <li>(iv) Glare and artificial light spill;</li> <li>(v) Content, colour and location of the sign; <del>and</del></li> <li>(vi) Effects on notable trees;</li> <li>(vii) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign;</li> <li>(viii) Effects on cultural values of any Maaori site of significance; <u>and</u></li> <li>(ix) Effects on notable architectural features of the building.</li> </ul>
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#### 24.2.7.2 Signs – Effects on traffic

PI	<p>(a) Any sign directed at road <u>or rail</u> users must <u>comply with the following standards</u>:</p> <ul style="list-style-type: none"> <li>(i) Not imitate the content, colour or appearance of any traffic control sign;</li> <li>(ii) Be located at least 60m from controlled intersections, pedestrian crossings and any other sign;</li> <li>(iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections <u>or at a level rail crossing</u>;</li> <li><del>(iv) Be able to be viewed by drivers for at least 130m;</del></li> <li>(v) Contain no more than 40 characters and no more than 6 symbols;</li> <li>(vi) Have lettering that is at least 150mm high; <u>and</u></li> <li>(vii) Be located at least 130m from a site entrance, where the sign directs traffic to the entrance.</li> </ul>
DI	Any sign that does not comply with Rule 24.2.7.2 P1.

#### 24.2.8 Indigenous vegetation clearance inside a Significant Natural Area

The provisions notified under this heading are addressed in Decision Report 9: Significant Natural Areas.

### 24.3 Land Use - Building

#### 24.3.1 Dwelling Residential units

PI	One <del>dwelling residential unit</del> within a <u>Record of Title site</u> .
DI	A <del>dwelling residential unit</del> that does not comply with Rule 24.3.1 P1.

#### 24.3.2 Minor ~~dwelling residential units~~

PI	<p>(a) One minor <del>dwelling residential unit up to 70m<sup>2</sup> gross floor area</del> <u>contained within the site a Record of Title must comply with all of the following conditions standards</u>;</p> <p><del>(b)</del> (i) The net site area is 1000m<sup>2</sup> or more; <u>and</u></p> <p>(ii) The gross floor area shall not exceed 70m<sup>2</sup>.</p>
DI	A minor <del>dwelling residential unit</del> that does not comply with Rule 24.3.2 P1.

### 24.3.3 Height

- (1) Rules 24.3.3.1 and 24.3.3.2 provide permitted height for buildings, structures or vegetation.
- (2) Rule 24.3.3.1 Height – Building general provides permitted height limits across the entire Village Zone.
- (3) Rule 24.3.3.2 Height - Buildings, structures and vegetation within an airport obstacle limitation surface provides height limits for specific activities within this area.

#### 24.3.3.1 Height - Building general

P1	<del>The maximum height of a building must not exceed 7.5m.</del> <u>(a) A building or structure measured from the natural ground level immediately below that part of the structure that does not exceed a height of 7.5m.</u> (b) <u>Chimneys not exceeding 1m in width and finials shall not exceed a maximum height of 9.5m measured from the natural ground level immediately below the structure.</u>
P2	<del>The maximum height of a hose drying tower in association with an emergency services training and management facility must not exceed 15m.</del> <u>A hose drying tower in association with an emergency services training and management facility measured from the natural ground level immediately below that part of the structure that does not exceed a height of 15m.</u>
D1	A building <u>or structure</u> that does not comply with Rule 24.3.3.1 P1 <u>or P2</u> .

#### 24.3.3.2 Height - Buildings, structures or vegetation within an airport obstacle limitation surface

The provisions notified under this heading are addressed in Decision Report 26: Te Kowhai Airpark Zone.

#### 24.3.4 Daylight admission Height in relation to boundary

P1	<del>A building must not protrude through a height control plane rising at an angle of 37 <u>45</u> degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.</del> <u>A building or structure that does not project beyond a 45 degree height control plane measured from a point 2.5m above natural ground level along the boundary of a site.</u>
RD1	(a) A building that does not comply with Rule 24.3.4 P1. (b) Council's discretion is restricted to the following <u>matters</u> : (i) Height of the building; (ii) Design and location of the building; (iii) <del>Extent of shading on adjacent sites; of shading on any other sites;</del> (iv) Privacy on other sites; and (v) <del>Effects on a</del> <u>Amenity values and residential character of the locality.</u>

### 24.3.5 Building coverage

PI	<p>On a lot connected to public wastewater and a water supply, the <del>total</del> building coverage must not exceed 40%.</p> <p><u>Rule 24.3.5 PI does not apply:</u></p> <p>(a) <u>To a structure that is not a building; or</u></p> <p>(b) <u>To eaves of a building that project less than 750mm horizontally from the exterior wall of the building.</u></p>
P2	<p>On a lot not connected to public wastewater and a water supply, the <del>total</del> building coverage must not exceed 20%.</p> <p><u>Rule 24.3.5 P2 does not apply:</u></p> <p>(a) <u>To a structure that is not a building; or</u></p> <p>(b) <u>To eaves of a building that project less than 750mm horizontally from the exterior wall of the building.</u></p>
DI	A <del>b</del> Building coverage that does not comply with Rules 24.3.5 PI or P2.

### 24.3.6 Building setbacks

- (1) Rules 24.3.6.1 to 24.3.6.3 provide the permitted building setback distances for buildings from site boundaries, specific land use activities and environmental features.
- (2) Rule 24.3.6.1 Building setbacks – all boundaries provides permitted building setback distances from all boundaries on any site within the Village Zone. Different setback distances are applied based on the type of building.
- (3) Rule 24.3.6.2 Building setback - sensitive land use provides permitted setback distances for any building containing a sensitive land use from specified land use activities.
- (4) Rules 24.3.6.3 Building setback – water bodies provides permitted setback distances from a lake, wetland, river and coast.

#### 24.3.6.1 Building setbacks – all boundaries

PI	<p>(a) Any building must be setback a minimum of:</p> <ol style="list-style-type: none"> <li>(i) 3m from a road boundary;</li> <li>(ii) 1.3m from <u>the centreline of</u> an indicative road;</li> <li>(iii) 1.5m from every boundary other than a road boundary; <del>and</del></li> <li>(iv) 1.5m from every vehicle access to another site; <u>and</u></li> <li>(v) <u>any new buildings or alterations to an existing building must be setback 5m from any designated railway corridor boundary.</u></li> </ol> <p>(b) <u>Despite Rule 24.3.6.1(a)(ii), this rule shall not apply where the indicative road has been formed, is open to the public and has been vested to Council.</u></p> <p><u>Rule 24.3.6.1 PI does not apply to a structure which is not a building.</u></p>
P2	<p>(a) A non-habitable building may be set back less than 1.5m from a boundary, where:</p> <ol style="list-style-type: none"> <li>(i) The total length of all buildings within 1.5m of the boundary does not exceed 6m; and</li> <li>(ii) The non-habitable building does not have any windows or doors on the side of the building facing the boundary.</li> </ol> <p><u>Rule 24.3.6.1 P2 does not apply to a structure which is not a building.</u></p>
P3	A garage must be set back further from the road than the façade of the front of the dwelling.
RD1	<p>(a) A building that does not comply with Rules 24.3.6.1 P1, P2 or P3.</p> <p>(b) Council's discretion is restricted to the following matters:</p>

	<ul style="list-style-type: none"> <li>(i) Road network safety and efficiency;</li> <li>(ii) Reverse sensitivity effects;</li> <li>(iii) Adverse effects on amenity;</li> <li>(iv) Streetscape;</li> <li>(v) Potential to mitigate adverse effects;</li> <li>(vi) Daylight admission to any adjoining site; <del>and</del></li> <li>(vii) Effects on privacy at any adjoining site;</li> <li>(viii) <u>The size, nature and location of the buildings on the site;</u></li> <li>(ix) <u>The extent to which the safety and efficiency of rail and road operations will be adversely affected; and</u></li> <li>(x) <u>Any characteristics of the proposed use that will make compliance unnecessary.</u></li> </ul>
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#### 24.3.6.2 Building setback – sensitive land use

PI	<ul style="list-style-type: none"> <li>(a) Any new building or alteration to an existing building for a sensitive land use must be set back a minimum of: <ul style="list-style-type: none"> <li>(i) 5m from the designated boundary of the railway corridor;</li> <li>(ii) 15m from the boundary of a national route or regional arterial;</li> <li>(iii) 25m from the designated boundary of the Waikato Expressway;</li> <li>(iv) 300m from the edge of oxidation ponds that are part of a municipal wastewater treatment facility on another site; <del>and</del></li> <li>(v) 30m from a municipal wastewater treatment facility where the treatment process is fully enclosed; <del>and</del></li> <li>(vi) <u>300m from the boundary of another site containing an intensive farming activity.</u></li> </ul> </li> </ul> <p><u>Rule 24.3.6.2 PI does not apply to a structure which is not a building.</u></p>
D1	Any building for a sensitive land use that does not comply with <del>in Rule conditions in</del> Rule 24.3.6.2 PI.

#### 24.3.6.3 Building setback – water bodies

PI	<ul style="list-style-type: none"> <li>(a) A building must be set back a minimum of <del>30</del> <u>23m</u> from: <ul style="list-style-type: none"> <li>(i) the margin of any: <ul style="list-style-type: none"> <li>A. Lake;</li> <li>B. Wetland; and</li> <li>C. River bank, other than the Waikato River and Waipa River.</li> </ul> </li> </ul> </li> </ul>
P2	A building must be set back at least <del>50</del> <u>28m</u> from a bank of the Waikato River and Waipa River.
<del>P3</del>	<del>A building must be set back a minimum of 10m from the bank of a perennial or intermittent stream.</del>
<del>P43</del>	<del>A public amenity of up to 25m<sup>2</sup>, or a pump shed (public or private) or maimai of up to 10m<sup>2</sup> within any building setback identified in Rule 24.3.6.3 P1, P2 or P3.</del>
D1	A building that does not comply with Rules 24.3.6.3 P1, P2, <del>or</del> <u>P3</u> <del>or</del> <del>P4</del> .

#### 24.3.7 Building - Airport Noise Outer Control Boundary

The provisions notified under this heading are addressed in Decision Report 26: Te Kowhai Airpark Zone.

#### 24.3.8 Historic Heritage

The provisions notified under this heading are addressed in Decision Report 8: Historic Heritage.

### 24.3.9 Buildings and structures in Natural Character Areas

D1	(a) Any building or structure that is located within any: <ul style="list-style-type: none"> <li>(i) Outstanding Natural Character Area; or</li> <li>(ii) High Natural Character Area.</li> </ul>
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### 24.4 Subdivision Rules

- (1) Rule 24.4.1 provides for subdivision density ~~and applies across~~ in the Village Zone.
- (2) The following rules apply to specific areas and/or activities:
- (a) ~~Rule 24.4.2 – Subdivision in Te Kowhai and Tuakau, applies to the Village Zone in these two areas.~~
- (b) Rules 24.4.1 ~~and 24.4.2 are~~ is also subject to compliance with the following subdivision controls:...

#### 24.4.1 Subdivision – General

RDI	<p>(a) Proposed lots must have a minimum net site area of <del>3000m<sup>2</sup></del> <u>2,500m<sup>2</sup></u>, except where the proposed lot is an access allotment, utility allotment or reserve to vest.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Shape, location and orientation of proposed lots;</li> <li>(ii) Matters referred to in the infrastructure chapter;</li> <li><del>(iii) Consistency with the matters, and outcomes sought, in Appendix 3.1 (Residential Subdivision Guidelines);</del></li> <li>(iv) Impacts on stormwater and wastewater disposal;</li> <li>(v) Impacts on Significant Natural Areas;</li> <li>(vi) Impacts on identified Maaori Sites of Significance; <del>and</del></li> <li>(vii) Roads and pedestrian networks;</li> <li>(viii) <u>The provision of water supply for firefighting where practicable;</u></li> <li>(ix) <u>The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of regionally significant infrastructure assets, or give rise to reverse sensitivity effects on existing land transport networks; and</u></li> <li>(x) <u>Within Tuakau, Pokeno, and Te Kowhai, whether indicative future lot boundaries demonstrate how the proposed lots can be subdivided in the future to achieve a gross density of a minimum of 10 households per hectare.</u></li> </ul>
D1	Subdivision that does not comply with <del>a condition of</del> Rule 24.4.1 RDI.

#### 24.4.2 Subdivision – Te Kowhai and Tuakau

RD1	<p>(a) Subdivision in Te Kowhai and Tuakau must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) Proposed lots not connected to public water and wastewater infrastructure must have a minimum net site area of 3000m<sup>2</sup>, except where the proposed lot is an access allotment, utility allotment, or reserve lot.</li> </ul> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Shape, location and orientation of proposed lots;</li> <li>(ii) Position of proposed building platforms and driveways to ensure future subdivision is not compromised;</li> <li>(iii) Matters referred to in the Infrastructure chapter;</li> <li>(iv) Consistency with the matters, and outcomes sought, in Appendix 3.1 (Residential Subdivision Guidelines);</li> <li>(v) Impacts on stormwater and wastewater disposal;</li> <li>(vi) Impacts on Significant Natural Areas;</li> <li>(vii) Impacts on identified archaeological sites and Maaori Sites of Significance;</li> <li>(viii) Roads and pedestrian networks.</li> </ul>
RD2	<p>(a) Subdivision in Te Kowhai and Tuakau must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) Proposed lots connected to public water and wastewater infrastructure must have a minimum net site area of 1,000m<sup>2</sup>, except where the proposed lot is an access allotment or reserve lot.</li> </ul> <p>(b) The Council's discretion shall be limited to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Shape, location and orientation of proposed lots;</li> <li>(ii) Position of proposed building platforms and driveways to ensure future subdivision is not compromised;</li> <li>(iii) Matters referred to in the Infrastructure chapter;</li> <li>(iv) Consistency with the matters and outcomes sought in Appendix 3.1 (Residential Subdivision Guidelines);</li> <li>(v) Impacts on stormwater and wastewater disposal;</li> <li>(vi) Impacts on Significant Natural Areas;</li> <li>(vii) Impacts on identified archaeological sites and Maaori Sites of Significance; and</li> <li>(viii) Roads and pedestrian networks.</li> </ul>
D1	Subdivision that does not comply with Rule 24.4.2 RD1, or RD2.

#### 24.4.3 Subdivision – Boundary Adjustments

C1	<p>(a) Boundary adjustments must comply with all of the following <del>conditions</del> <u>standards</u>:</p> <ul style="list-style-type: none"> <li>(i) The conditions specified in: <ul style="list-style-type: none"> <li>A. Rule 24.4.1 (Subdivision – General); <del>or</del></li> <li>B. <del>Rule 24.4.2 (Subdivision Te Kowhai and Tuakau).</del></li> </ul> </li> <li>(ii) Proposed lots must not generate any additional building infringements to those which legally existing prior to the boundary adjustment.</li> </ul> <p>(b) Council's control is reserved over the following matters:</p> <ul style="list-style-type: none"> <li>(i) Subdivision layout;</li> </ul>
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	(ii) Shape of lots and variation in lot sizes; <u>and</u> (iii) The provision of access to existing network infrastructure.
D1	Boundary adjustments that do not comply with Rule 24.4.3 C1.

#### 24.4.4 Subdivision – amendments to cross lease and flats plans and conversions

C1	(a) Conversion of a cross lease and flats plan to fee simple. (b) Council's control is reserved <del>to</del> <u>over</u> the following matters: (i) Effect on existing buildings; (ii) Site layout and design; <u>and</u> (iii) Compliance with building rules.
C2	(a) Amendment or update to a cross lease flats plan including additions or alterations to any buildings, and areas for exclusive use by an owner or owners. (b) The Council's control shall be <del>limited to</del> <u>reserved over</u> the following matters: (i) Purpose of the boundary adjustment; (ii) Effect on existing buildings; (iii) Site layout and design of a cross lease or flats plan; <u>and</u> (iv) Compliance with permitted building rules.
D+	<del>Any conversion of a cross lease flats plan or amendment or update to a cross lease flats plan that does not comply with Rule 24.4.4 C1 or C2.</del>

#### Rule 24.4.5 Title boundaries – ~~Existing Buildings natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities, aggregate extraction areas~~

RDI	<del>(a) Subdivision of land containing contaminated land, notable trees and intensive farming activities and aggregate extraction areas must comply with all of the following conditions:</del> <del>(i) (a) The boundaries of every proposed lot with existing buildings must demonstrate compliance with the following building rules (other than where any non-compliance existed lawfully prior to the subdivision) relating to:</del> <del>A (i) Daylight admission (Rule 24.3.4);</del> <del>B (ii) Building coverage (Rule 24.3.5);</del> <del>C (iii) Building setbacks (Rule 24.3.6);</del> <del>(ii) The boundaries of every proposed lot must not divide the following:</del> <del>A. A natural hazard area;</del> <del>B. Contaminated land;</del> <del>C. Significant Amenity Landscape; or</del> <del>D. Notable tree.</del> <del>(iii) The boundaries of every proposed lot must be setback by 300m from any area operating an intensive farming activity.</del> (b) Council's discretion is restricted to the following matters:
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	<ul style="list-style-type: none"> <li>(i) Landscape values;</li> <li>(ii) Amenity values and character;</li> <li>(iii) Reverse sensitivity; <u>and</u></li> <li>(iv) Effects on existing buildings.</li> <li><del>(v) Effects on natural hazard areas;</del></li> <li><del>(vi) Effects on contaminated land;</del></li> <li><del>(vii) Effects on any notable tree;</del></li> <li><del>(viii) Effects on an intensive farming activity.</del></li> </ul>
DI	Subdivision that does not comply with Rule 24.4.5 RD1.

**Rule 24.4.6 Title boundaries – Significant Natural Areas and heritage items, archaeological sites, sites of significance to Maaori, notable trees**

RD1	<ul style="list-style-type: none"> <li>(a) The boundaries of every proposed lot must not divide the following: <ul style="list-style-type: none"> <li>(a) Significant Natural Area.</li> <li><del>(b) A Maaori Site of Significance as listed in Schedule 30.3; or</del></li> <li><del>(c) A Maaori Area of Significance as listed in Schedule 30.4.</del></li> </ul> </li> <li>(b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> <li>(i) Effects on Significant Natural Areas;</li> <li><del>(ii) Effects on any Maaori Area of Significance; and</del></li> <li><del>(iii) Effects on any Maaori Sites of Significance; <u>and</u></del></li> <li>(ii) <u>Effects on notable trees.</u></li> </ul> </li> </ul>
<del>NCI</del> DI	Subdivision that does not comply with Rule 24.4.5 RD1.

**Rule 24.4.7 Title boundaries – Maaori sites and Maaori areas of significance to Maaori**

The provisions notified under this heading are addressed in Decision Report 7: Maaori Sites and Areas of Significance.

**Rule 24.4.8 Subdivision of land containing heritage items**

The provisions notified under this heading are addressed in Decision Report 8: Historic Heritage.

**Rule 24.4.9 Title boundaries – High Natural Character Area, Outstanding Natural Character Area**

DI	<ul style="list-style-type: none"> <li>Subdivision of any land containing any of the following areas: <ul style="list-style-type: none"> <li>(i) <u>High Natural Character Area;</u></li> <li>(ii) <u>Outstanding Natural Character Area</u></li> </ul> </li> </ul>
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#### 24.4.9 Road Frontage

RDI	<p><del>(a) Every proposed lot as part of the subdivision with a road boundary, other than a proposed lot containing other than any access allotment, utility allotment, right of way or access leg, must have a width along the road boundary of at least 20m.</del></p> <p><u>(a) Every proposed lot must have at least 20m frontage to a road boundary, except where the proposed lot is an access allotment, utility allotment, or a right of way or access leg is provided.</u></p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Safety and efficiency of vehicle access and road network; and</li> <li>(ii) Amenity values and <del>rural</del> <u>low density village</u> character.</li> </ul>
DI	Subdivision that does not comply with Rule 24.4.9 RDI.

#### 24.4.10 Building Platform

RDI	<p><del>(a) Every proposed lot, other than a new lot specifically for access, utility allotment &amp; access allotment an access allotment, utility allotment, or reserve allotment, must be capable of containing a building platform upon which a dwelling could be sited as a permitted activity, with the building platform being contained within either of the following dimensions:</del></p> <ul style="list-style-type: none"> <li><del>(i) a circle with a diameter of at least 18m 15m exclusive of the yards boundary setbacks required in Rule 24.3.6.1; or</del></li> <li><del>(ii) a rectangle of at least 200m<sup>2</sup> with a minimum dimension of 12m exclusive of yards the boundary setbacks required in Rule 24.3.6.1.</del></li> </ul> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Subdivision layout;</li> <li>(ii) Shape of allotments;</li> <li>(iii) Ability of allotments to accommodate a practical building platform;</li> <li>(iv) Likely location of future buildings and their potential effects on the environment;</li> <li>(v) Avoidance or mitigation of natural hazards;</li> <li>(vi) Geotechnical suitability for building; <u>and</u></li> <li>(vii) Ponding areas and primary overland flow paths.</li> </ul>
DI	Subdivision that does not comply with Rule 24.4.10 RDI.

#### 24.4.11 Subdivision Creating Reserves

RDI	<p><del>(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.</del></p> <p><u>(a) Every reserve, including where a reserve is identified within a structure plan or master plan, and is proposed for vesting for recreation purposes as part of the</u></p>
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	<p><u>subdivision, must be bordered by roads along at least 20% of its boundaries (other than an esplanade reserve or local purpose reserve for walkway purposes).</u></p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) The extent to which the proposed reserve aligns with the principles of Council's Parks Strategy, Playground Strategy, Public Toilets Strategy and Trails Strategy;</p> <p>(ii) Consistency with any relevant structure plan or master plan;</p> <p>(iii) Reserve size and location;</p> <p>(iv) Proximity to other reserves;</p> <p>(v) The existing reserve supply in the surrounding area;</p> <p>(vi) Whether the reserve is of suitable topography for future use and development;</p> <p>(vii) Measures required to bring the reserve up to Council standard prior to vesting;</p> <p>(viii) The type and standard of boundary fencing; <u>and</u></p> <p>(ix) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of existing infrastructure assets.</p>
DI	Subdivision that does not comply with Rule 24.2.11 RDI.

#### **24.4.12 Subdivision of Esplanade Reserves and Esplanade Strips**

RDI	<p>(a) Subdivision of an esplanade reserve or strip at least 20m wide (or other width stated in Appendix 4 (Esplanade Priority Areas)) that is required to be created from every proposed lot shall vest in Council where <u>any of the following situations apply</u>:</p> <p>(i) <del>less than 4ha and</del> within 20m of:</p> <p>A. Mean high water springs;</p> <p>B. The bank of any river whose bed has an average width of 3m or more; or</p> <p>C. A lake whose bed has an area of 8ha or more; <del>or</del></p> <p><del>(ii) more than 4ha;</del></p> <p><del>(iii) or more than 20m from mean high water springs or a water body identified in Appendix 4 (Esplanade Priority Areas).</del></p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) The type of esplanade provided reserve or strip;</p> <p>(ii) Width of the esplanade reserve or strip;</p> <p>(iii) Provision of legal access to the esplanade reserve or strip;</p> <p>(iv) Matters provided for in an instrument creating an esplanade strip or access strip;</p> <p>(v) Works required prior to vesting any reserve in the Council, including pest plant control, boundary fencing and the removal of structures and debris;</p> <p>(vi) <u>Layout and design in regard to effects on the operation, maintenance, upgrading and development of existing infrastructure assets; and</u></p> <p>(vii) <u>Topography, the location of existing buildings, or alternative methods of securing ecological protection, that would justify a reduction in width or not requiring esplanade reserves or strips to be taken.</u></p>
DI	Subdivision that does not comply with Rule 24.4.12 RDI.

#### **24.4.13 Subdivision of land containing mapped off-road walkways**

RD1	<p><del>(a) Subdivision where walkways shown on the planning maps are to be provided as part of the subdivision must comply with all of the following conditions:</del></p> <ul style="list-style-type: none"> <li><del>(i) The walkway, is at least 3 metres wide and is designed and constructed for shared pedestrian, an cycle use riding, as per Rule 14.12.1 P8 (Transportation);</del></li> <li><del>(ii) The walkway, is generally in accordance with the walkway, route shown on the planning maps;</del></li> <li><del>(iii) The walkway, is shown on the plan of subdivision and vested in Council.</del></li> </ul> <p><del>(b) Council's discretion is restricted to the following matters:</del></p> <ul style="list-style-type: none"> <li><del>(i) Alignment of the walkway;</del></li> <li><del>(ii) Drainage in relation to the walkway;</del></li> <li><del>(iii) Standard of design and construction of the walkway;</del></li> <li><del>(iv) Land stability;</del></li> <li><del>(v) Amenity matters including batter slopes;</del></li> <li><del>(vi) Connection to reserves.</del></li> </ul>
DI	Subdivision that does not comply with Rule 24.4.13 RD1.

#### **25.4.14 Subdivision of land within the National Grid Corridor**

<u>RD1</u>	<p>(a) <u>The subdivision of land within the National Grid Corridor that complies with all of the following standards:</u></p> <ul style="list-style-type: none"> <li><u>(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</u></li> <li><u>(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.</u></li> </ul> <p>(b) <u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> <li><u>(i) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of the National Grid;</u></li> <li><u>(ii) The ability to provide a complying building platform outside of the National Grid Yard;</u></li> <li><u>(iii) The risk of electrical hazards affecting public or individual safety, and the risk of property damage;</u></li> <li><u>(iv) The nature and location of any vegetation to be planted in the vicinity of National Grid transmission lines.</u></li> <li><u>(v) The risk to the structural integrity of the National Grid;</u></li> <li><u>(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.</u></li> </ul>
<u>NCI</u>	<u>Any subdivision of land within the National Grid Corridor that does not comply with one or more of the standards of Rule 25.4.14 RD1.</u>