

IN THE ENVIRONMENT COURT
AT AUCKLAND

I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU

Decision [2023] NZEnvC 135

IN THE MATTER OF an appeal under clause 14 of the First
Schedule of the Resource Management
Act 1991

BETWEEN TE WHAKAKITENGA O
WAIKATO INCORPORATED
(ENV-2022-AKL-00033)

Appellant

AND WAIKATO DISTRICT COUNCIL
Respondent

Court: Environment Judge S M Tepania sitting alone under s 279 of the
Act
Last case event: 19 May 2023
Date of Order: 3 July 2023
Date of Issue: 3 July 2023

CONSENT ORDER

A: Under section 279(1)(b) of the Resource Management Act 1991, the
Environment Court, by consent, orders that:

- (1) the appeal is allowed subject to the agreed clean version of the
amended plan provisions as set out in **Appendix A** to this order; and

Te Whakakitenga o Waikato Incorporated v Waikato District Council – Topic 8 - Hopuhopu
zone



(2) the appeal is otherwise dismissed.

B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] This proceeding concerns an appeal by Te Whakakitenga o Waikato Inc (**the Appellant**) against the decisions of the Waikato District Council (**the Respondent**) on the Proposed Waikato District Plan (**PDP**). It relates to provisions that are to apply to the Appellant's land in Hopuhopu, north of Ngaaruawaahia (**the Hopuhopu site**).

Background

[2] The Appellant is the governing body for Waikato-Tainui and has responsibility for managing its assets.

Submission and PDP decision

[3] The Appellant made submissions and a further submission on the PDP seeking the introduction of a new Hopuhopu Special Purpose Zone (**HOPZ**) for the Hopuhopu site (**the submission**).

[4] On 17 January 2022, an Independent Hearing Panel on behalf of the Respondent made a decision accepting the relief sought in the submission, and setting out definitions, objectives, policies, and rules to apply within the HOPZ (**the Decision**).

Appeal

[5] The Appellant subsequently filed this appeal seeking changes to the definitions and rules set out in the Decision.

[6] The appeal has been assigned to Topic 8 – Hopuhopu Zone.

[7] No other person has given notice of an intention to become a party under section 274 of the Act.

Agreement reached

[8] Since the appeal was filed, the parties have engaged in constructive discussions and have reached an agreement on changes that will resolve both this appeal and Topic 8 in their entirety.

[9] The parties have agreed to amendments to the Interpretation-Definitions chapter in Part 1, the district-wide EW – Earthworks and ML - Maaori Land chapters in Part 2, and the HOPZ chapter in Part 3 of the PDP. The agreed amendments can be seen in Appendix B to this order, additions marked as underlined and deletions as ~~strikethrough~~.

Section 32AA analysis

[10] Section 32AA of the Act requires a further evaluation for any changes to a proposal since the initial section 32 evaluation report and the decision.

[11] The parties prepared a section 32AA evaluation of the appropriateness of the agreed amendments. The parties consider that these amendments are the most appropriate way to give effect to the objectives of the HOPZ, which are as follows:

- (a) Waikato-Tainui are able to promote their spiritual, educational, cultural, social, economic, and environmental interests, well-being, and associations in accordance with tikanga Maaori, in a tribal hub within a place of historic, symbolic, and cultural importance to Waikato-Tainui in the zone;
- (b) the role of Hopuhopu as the headquarters of Waikato-Tainui and the site of the Waikato-Tainui Endowed College is recognised and strengthened;
- (c) development of the zone is of a character and scale that reflects its river setting and is compatible with the special nature of Hopuhopu as the headquarters of Waikato-Tainui;

- (d) the use and development of the Hopuhopu site for a range of activities is facilitated and enabled whilst ensuring adverse effects of activities are avoided, remedied, or mitigated;
- (e) recognise the special nature of Te Wherowhero title as treaty settlement land which is held for the benefit of all Waikato-Tainui; and
- (f) infrastructure to support development is provided in an integrated and comprehensive manner and in place at the time of development.

[12] The reasons for this view are set out in detail in the section 32AA evaluation that was provided as part of the Joint Memorandum, but can be summarised as follows:

- (a) the parties consider that the agreed amendments are the most efficient and effective option because they ensure consistency across the PDP while also accounting for the zone-specific objectives, policies, and activities;
- (b) there is no additional cost associated with the agreed amendments, and the benefits include simplified administration of the PDP, and reduced cost of consenting. There are cultural and economic benefits associated with allowing the newly defined activities to occur without the need for resource consent whilst appropriately managing adverse effects; and
- (c) the parties consider that the risks of not acting include activities anticipated within the HOPZ, and consistent with its objectives and policies, not being able to occur because of uncertainty and the technical operation of specific definitions and related rules.

Consideration

[13] In making this order the Court has read and considered:

- (a) the notice of appeal dated 27 February 2022; and
- (b) the Joint Memorandum dated 19 May 2023.

[14] The Court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits. The Court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order; and
- (b) all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.

[15] The Court is satisfied that the changes sought are within the scope of the Appellant's submissions and appeal.

Order

[16] Therefore, the Court orders, by consent, that:

- (a) the appeal is allowed subject to the agreed clean version of the amended plan provisions as set out in **Appendix A** to this order;
- (b) the appeal is otherwise dismissed;
- (c) this consent order resolves Topic 8 – Hopuhopu Zone in its entirety; and
- (d) there is no order as to costs.



S M Tepania
Environment Judge



Appendix A

Interpretation

Definitions

For the purposes of the defined terms, words in the singular include the plural and words in the plural include the singular.

Where the defined word is an activity, unless otherwise stated in the rules, the activity includes the building the activity occurs within and any ancillary activities that are integral to the day-to-day operation of the defined term.

The Council indicates a long vowel sound in written te reo Maaori by using double vowels (instead of a macron, i.e., ā ē ī ō ū). Double vowels are the preferred standard used by Waikato-Tainui, the iwi authority in the Waikato District and Council has adopted double vowels to acknowledge the iwi preference.

Terms	Definition
Maaori purpose activity	Means the use of Maaori land and/or buildings on Maaori land, and land and/or buildings within the HOPZ – Hopuhopu zone, for one or more of any of the following activities: (a) Marae; (b) Papakaainga; (c) Papakaainga building; (d) Papakaainga housing development; (e) Cultural event; (f) Urupaa; (g) Tuaahu; (h) Waharoa; (i) Church; (j) Hauora; (k) Koohanga; (l) Conference centre and facilities; (m) Waananga; (n) Recreation facilities; (o) Papa taakaro.
Manuwhiri accommodation (Hopuhopu)	Means, in the HOPZ – Hopuhopu zone, land and/or buildings used for accommodating visitors, and includes any ancillary activities.
Noise rating level	Means any or all of the following: (a) Buildings used for residential activities, including boarding establishments, retirement villages, papakaainga housing development, visitor accommodation, manuwhiri accommodation, and other buildings used for residential accommodation but excluding camping grounds; (b) Marae and marae complex;

	<ul style="list-style-type: none"> (c) Hospitals; (d) Teaching areas and sleeping rooms in an education facility; (e) Places of assembly.
Pakihi Maaori (Hopuhopu)	<p>Means, in the HOPZ – Hopuhopu zone, the operation of a commercial activity from a residential unit that is:</p> <ul style="list-style-type: none"> (a) Undertaken or operated by at least one resident of the residential unit; and (b) Is incidental to the use of the residential unit for a residential activity.
Papakaainga housing development	<p>Means a residential development for a Tangata Whenua group or organisation residing in the Waikato district to support living on Maaori land, or within the HOPZ – Hopuhopu zone, for members of the iwi group or organisation.</p>
Recreation activity (Hopuhopu)	<p>Means any non-motorised indoor or outdoor passive or active leisure, sports, games or recreational pursuits and buildings in the HOPZ – Hopuhopu zone for participants and/or spectators, whether or not they are undertaken for profit or reward or for which no charge is made, includes such activities on or in water or land, or in the air, and includes but is not limited to:</p> <ul style="list-style-type: none"> (a) Sports fields; (b) Walking, running and cycling tracks; (c) Courts; (d) Swimming pools; (e) Gyms; (f) Training or education; (g) Club Days and practise activities; (h) Outdoor skate parks and playgrounds; (i) Informal Recreation; (j) Outdoor Pursuits; (k) Amenity or conservation planting; (l) Children’s play areas; (m) Shelters; (n) Public toilets; or (o) Accessory buildings necessary for maintenance.
Sensitive land use	<p>Means all or any of the following:</p> <ul style="list-style-type: none"> (a) An educational facility, including a childcare facility, waananga and koohanga reo, (b) A residential activity, including papakaainga building, rest home, retirement village, visitor accommodation, manuhiri accommodation, home stay; (c) Health facility or hospital; (d) Place of assembly.

Part 2: District-wide matters / Historical and cultural values / ML – Maaori land

ML - Maaori land

Advice notes:

(1) For the purpose of the Maaori Land chapter, the land within the HOPZ – Hopuhopu zone is excluded.

(2) Council encourages Maaori Land Trusts to prepare a Concept Management Plan as part of their land planning, to assist shareholders to overcome the barriers of consents and funding grants from other agencies. A Concept Management Plan is a 'Best Practice Planning Tool' that was introduced by the Te Kete Paaraha Mo Nga Papakainga Ki Waikato (Waikato Maaori Housing Toolkit).

(3) As part of the building consent process, an applicant seeking to build on Maaori Freehold Land or Maaori Customary Land may be required to provide:

(a) a Licence to Occupy, where the land is vested in trustees whose authority is defined in a Trust Order and/or a Maaori Incorporation;

(b) a lease, or an Occupation Order of the Māori Land Court, where a Trust Order or Maaori Incorporation does not exist.

Part 2: District-wide matters / General district-wide matters / EW – Earthworks

EW – Earthworks

HOPZ – Hopuhopu zone

EW-R47	Earthworks – general	
HOPZ – Hopuhopu zone	<p>(1) Activity status: PER Where:</p> <p>(a) Except as otherwise specified in Advice note 1 and 2 below:</p> <ul style="list-style-type: none"> (i) Ancillary rural earthworks provided they are not within a kauri root zone; (ii) A farm quarry where the volume of aggregate extracted does not exceed 1000m³ in any single consecutive 12 month period and provided they are not within a kauri root zone. <p>(b) Earthworks ancillary to a conservation activity must meet the following standards:</p> <ul style="list-style-type: none"> (i) Sediment resulting from the earthworks is managed on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths; and (ii) Provided they are not within a kauri root zone. 	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values and landscape effects; (b) Volume, extent and depth of earthworks; (c) Nature of fill material; (d) Contamination of fill material or clean fill; (e) Location of the earthworks to waterways, significant indigenous vegetation and habitat; (f) Compaction of the fill material; (g) Volume and depth of fill material; (h) Geotechnical stability; (i) Flood risk, including natural water flows and established drainage paths; (j) Land instability, erosion and sedimentation; (k) Effects on the safe, effective and efficient operation, maintenance and upgrade of infrastructure, including access; (l) Proximity to underground services and service connections; and (m) The risk of earthworks exacerbating Kauri dieback disease.
EW-R48	Earthworks – general	
HOPZ – Hopuhopu zone	<p>(1) Activity status: PER Where:</p> <p>(a) With the exception of earthworks for the activities listed in EW-R47 and EW-R49, earthworks across the whole of the HOPZ – Hopuhopu zone must meet all of the following standards:</p> <ul style="list-style-type: none"> (i) Cumulatively, do not exceed a volume of more than 2000m³ and an area of more than 4000m² over any single 	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values and landscape effects; (b) Volume, extent and depth of earthworks; (c) Nature of fill material; (d) Contamination of fill material or clean fill;

	<p>consecutive 12 month period of which imported fill material or cleanfill does not exceed a total volume of 1,000m³ in any single consecutive 12 month period;</p> <p>(ii) The total depth of any excavation or filling (excluding drilling) does not exceed;</p> <p>(1) 1m above or below natural ground level, if within 1m from any site boundary; or</p> <p>(2) 3m above or below natural ground level with a maximum slope of 1:2 (1 vertical to 2 horizontal), if setback 1m or more from any site boundary;</p> <p>(iii) 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);</p> <p>(iv) Earthworks are setback 5m horizontally from any waterway, open drain or overland flow path;</p> <p>(v) Areas exposed by earthworks are stabilised to avoid runoff within 1 month and any remaining bare ground re-vegetated to achieve 80% ground cover within 2 months of the completion of the earthworks or finished with a hardstand surface;</p> <p>(vi) Sediment resulting from the earthworks is managed on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths;</p> <p>(vii) Do not divert or change the nature of natural water flows, water bodies or established drainage paths;</p>	<p>(e) Location of the earthworks to waterways, significant indigenous vegetation and habitat;</p> <p>(f) Compaction of the fill material;</p> <p>(g) Volume and depth of fill material;</p> <p>(h) Geotechnical stability;</p> <p>(i) Flood risk, including natural water flows and established drainage paths;</p> <p>(j) Land instability, erosion and sedimentation;</p> <p>(k) Effects on the safe, effective and efficient operation, maintenance and upgrade of infrastructure, including access;</p> <p>(l) Proximity to underground services and service connections; and</p> <p>(m) The risk of earthworks exacerbating Kauri dieback disease.</p>
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	(viii) Earthworks must not result in the site being unable to be serviced by gravity sewers; and (ix) Provided they are not within a kauri root zone.	
EW-R49	Earthworks – general	
HOPZ – Hopuhopu zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Earthworks for the purpose of creating a building platform (including the use of imported fill material) that is:</p> <p>(i) Subject to an approved building consent;</p> <p>(ii) The earthworks occur wholly within the footprint of the building;</p> <p>(iii) Provided they are not within a kauri root zone;</p> <p>(iv) For the purposes of this rule, the footprint of the building extends 1.8m from the outer edge of the outside wall; and</p> <p>(v) For the purposes of this rule, this exemption does not apply to earthworks associated with retaining walls/structures which are not required for the structural support of the building.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity values and landscape effects;</p> <p>(b) Volume, extent and depth of earthworks;</p> <p>(c) Nature of fill material;</p> <p>(d) Contamination of fill material or clean fill;</p> <p>(e) Location of the earthworks to waterways, significant indigenous vegetation and habitat;</p> <p>(f) Compaction of the fill material;</p> <p>(g) Volume and depth of fill material;</p> <p>(h) Geotechnical stability;</p> <p>(i) Flood risk, including natural water flows and established drainage paths;</p> <p>(j) Land instability, erosion and sedimentation;</p> <p>(k) Effects on the safe, effective and efficient operation, maintenance and upgrade of infrastructure, including access;</p> <p>(l) Proximity to underground services and service connections; and</p> <p>(m) The risk of earthworks exacerbating Kauri dieback disease.</p>

Advice Note 1: The Hopuhopu Archaeological Site map below (Figure 19) indicates an area which contains Maaori-made soils and possible borrow pits. Heritage New Zealand Pouhere Taonga should be contacted regarding development in this area and an archaeological assessment to determine the need for an archaeological authority. The Heritage New Zealand Pouhere Taonga Act 2014 protects both recorded and unrecorded archaeological sites.

Advice Note 2: The ‘Indicative Borrow Pit and Maaori-Made Soils’ area also coincides with an area known to have contained alligator weed. The Waikato Regional Pest Management Plan 2014-2024 contains rules which relate to the management of alligator weed.

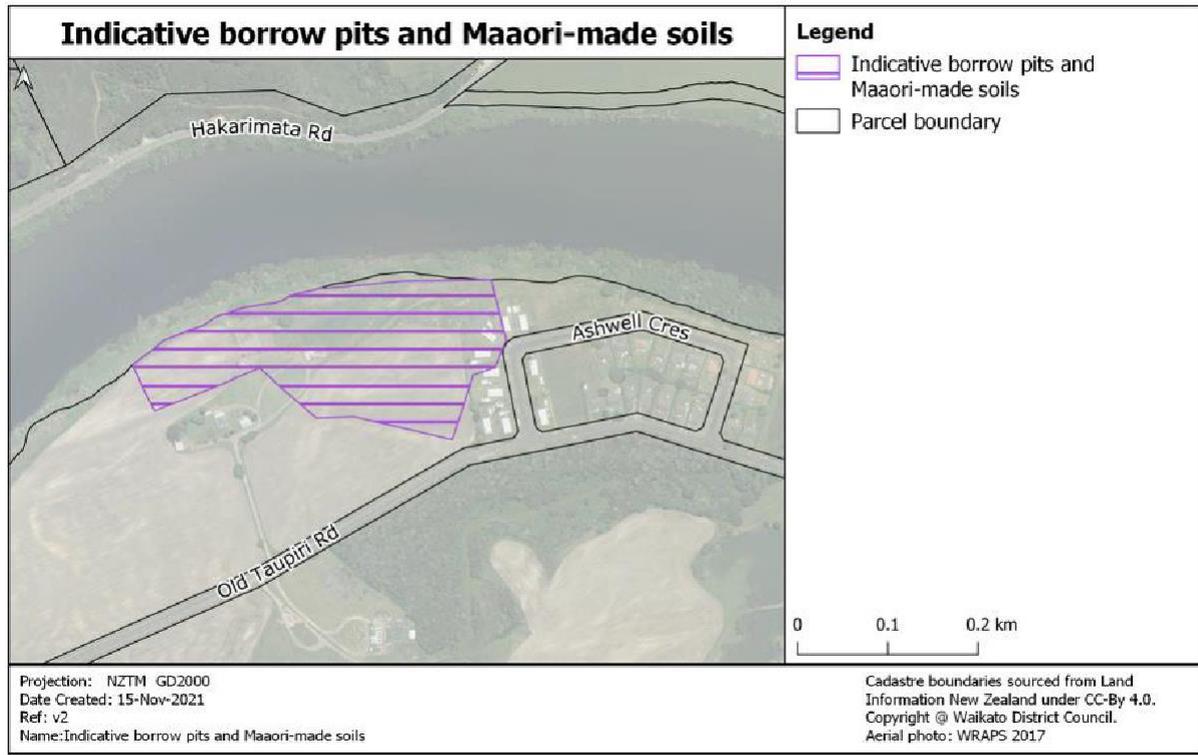


Figure 19 – Indicative borrow pits and Maaori-made soils

Part 3: Area-specific matters / Zones / Special purpose zones / HOPZ – Hopuhopu zone

HOPZ – Hopuhopu zone

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

Purpose

The Hopuhopu site comprises 138ha. This land, a former army base, was returned to Waikato-Tainui in 1993 by the Crown. The site is held in Te Wherowhero title for the benefit of all Waikato-Tainui. Waikato-Tainui established a complex including the Waikato-Tainui College for Research and Development (also known as the endowed college) along with residential, administrative, business, sports and other activities. This significant resource has historic, symbolic, and cultural importance to Waikato-Tainui, who wish to develop the land as a tribal hub for the benefit of all their people. Issues for development include limitations on three waters infrastructure and the capacity of the road network.

Objectives

HOPZ-O1 Purpose of the zone.

Waikato-Tainui are able to promote their spiritual, educational, cultural, social, economic, and environmental interests, well-being, and associations in accordance with tikanga Maori, in a tribal hub within a place of historic, symbolic, and cultural importance to Waikato-Tainui in the zone.

HOPZ-O2 Role of Hopuhopu.

The role of Hopuhopu as the headquarters of Waikato-Tainui and the site of the Waikato-Tainui Endowed College is recognised and strengthened.

HOPZ-O3 Development.

Development of the zone is of a character and scale that reflects its river setting and is compatible with the special nature of Hopuhopu as the headquarters of Waikato-Tainui.

HOPZ-O4 Use and development.

The use and development of the Hopuhopu site for a range of activities is facilitated and enabled whilst ensuring adverse effects of activities are avoided, remedied, or mitigated.

HOPZ-O5 Te Wherowhero.

Recognise the special nature of Te Wherowhero title as treaty settlement land which is held for the benefit of all Waikato-Tainui.

HOPZ-O6 Infrastructure.

Infrastructure to support development is provided in an integrated and comprehensive manner and in place at the time of development.

Policies

All precincts

HOPZ-P1 Hopuhopu precincts.

- (1) Provide for a range of compatible activity types in appropriate locations by defining specific precincts within the zone, being:
- (a) PREC8 – Hopuhopu residential precinct providing for predominantly residential activities;
 - (b) PREC9 – Hopuhopu education and conference precinct providing for predominantly educational and conference facilities;
 - (c) PREC10 – Hopuhopu business precinct providing for predominantly business activities;
 - (d) PREC11 – Hopuhopu open space precinct providing for predominantly open space, used for recreational and rural activities; and
 - (e) PREC12 – Hopuhopu mixed use precinct providing for predominantly mixed use activities.

HOPZ-P2 Built form.

- (1) Promote well-designed built form that:
- (a) Responds to the characteristics and qualities of the area and provides for tikanga Maaori;
 - (b) Promotes development that is sympathetic to and celebrates cultural and historic values;
 - (c) Provides for a highly-connected network of pedestrian and cycle ways within each precinct and linking to the wider Hopuhopu area;
 - (d) Promotes vehicle and pedestrian safety; and
 - (e) Creates strong visual and physical links to the Waikato River.

HOPZ-P3 Cultural activities.

Provide for a range of cultural activities to occur.

HOPZ-P4 Character.

Encourage attractive character with generous on-site open space, landscaping, screening and street planting.

HOPZ-P5 Cultural events and temporary events.

Enable cultural events, and temporary events and associated temporary structures provided any adverse effects are managed.

HOPZ-P6 Servicing.

Require habitable buildings to connect to public reticulated network networks for wastewater and potable water with adequate capacity; and require all development to provide land drainage and stormwater disposal either through a reticulated network or in accordance with the EIT – Energy, infrastructure and transport section.

HOPZ-P7 Adverse effects.

- (l) Minimise adverse effects on the environment and surrounding area by:
- (a) Identifying defined precincts as a means of separating incompatible activities;
 - (b) Ensuring that height, bulk and building scale are in keeping with the amenity values of the area;
 - (c) Maintaining the amenity values of neighbouring zones and sites through mechanisms such as setbacks from boundaries and height limits;
 - (d) Requiring the bulk and location of development to maintain sunlight access and privacy, and to minimise visual dominance effects on adjoining sites;
 - (e) Requiring that noise levels measured within any other site in any other zone must meet the permitted noise levels for that zone;
 - (f) Requiring that any signage is compatible with the Precinct within which it is located, does not detract from the visual amenity of the surrounding environment, and does not distract, confuse or obstruct motorists, pedestrians and other road users;
 - (g) Minimising the adverse effects of sediment and stormwater runoff from earthworks;
 - (h) Ensuring the safe and efficient operation and functioning of the transport network and internal access to facilities;
 - (i) Ensuring there is sufficient open space in each precinct to provide for landscaping and on-site stormwater disposal; and
 - (j) Ensuring that the design of buildings supports good urban design, particularly when visible from Old Taupiri Road and the Waikato River.

HOPZ-P8 Industrial development.

Avoid industrial development in precincts: PREC8, PREC9, PREC11 and PREC12.

HOPZ-P9 Land use transport integration.

Provide for the integration of land use with transport infrastructure.

PREC8 – Hopuhopu residential precinct policies

PREC8-P1 Use and development.

Provide for the use and development of land for a range of residential and cultural activities.

PREC8-P2 Design of residential units.

Allow for flexibility in the layout and design of residential units and activities to enable tikanga Maaori to be incorporated.

PREC8-P3 Building form and layout.

(l) Building forms and layout of residential development:

- (a) Provides for a highly-connected network of pedestrian and cycle ways linking to the wider Hopuhopu area;

- (b) Creates a distinct neighbourhood that reflects the special nature of Hopuhopu;
- (c) Provides for a range of types and densities of residential units, up to one unit per 450m²;
- (d) Provides for good street outlook/surveillance to contribute to safety;
- (e) Promotes vehicle and pedestrian safety; and
- (f) Promotes development that is sympathetic to and celebrates cultural and historic values.

PREC8-P4 Non-residential activities.

Limit non-residential activities to a scale that is compatible with residential amenity.

PREC9 – Hopuhopu education and conference precinct policies

PREC9-P1 Activities.

Provide for the use and development of a range of educational facilities, community facilities, conference facilities and ancillary activities, recognising and strengthening the role of the Endowed College as a Waikato-Tainui academic and research college drawing on maatauranga Maaori and indigenous knowledge systems, within a national and international community of scholars.

PREC9-P2 Health facilities.

Enable the use and development of health facilities including in a way which recognises tikanga Maaori.

PREC9-P3 Accommodation.

Provide for the use and development of manuhiri accommodation and other accommodation ancillary to educational, community and conference activities.

PREC9-P4 Commercial activities.

Limit commercial activities to activities ancillary to a community facility, an educational facility, or a conference centre.

PREC9-P5 Building form and layout.

Building forms and layout of development promotes development that is sympathetic to local amenity and celebrates cultural and historic values.

PREC10 – Hopuhopu business precinct policies

PREC10-P1 Development.

Development of commercial activities, light industrial activities, and offices is carried out in a way and at a scale that complements and supports the role of business and industrial centres in the District, whilst meeting needs of the Waikato-Tainui community.

PREC10-P2 Employment opportunities.

Provide for employment opportunities through a range of activities.

PREC10-P3 Recreational and health facilities.

Enable the use and development of recreational and health facilities including in a way which recognises tikanga Maaori.

PREC10-P4 Manuwhiri accommodation.

Provide for the use and development of manuwhiri accommodation.

PREC11 – Hopuhopu open space precinct policies

PREC11-P1 Open space character.

Maintain the predominant open space character of PREC11 – Hopuhopu open space precinct in the scale, design, type and location of any development.

PREC11-P2 Use and development.

Enable the use and development of facilities for farming activities including plant nurseries; and recreation, educational and industry training activities compatible with the open space character of PREC11 – Hopuhopu open space precinct.

PREC11-P3 Commercial, office, and industrial activities.

Avoid commercial, office, and industrial activities in PREC11 – Hopuhopu open space precinct, except for activities ancillary to farming activities, plant nurseries, recreation, educational and industry training.

PREC11-P4 Residential activities.

Avoid residential activities in PREC11 – Hopuhopu open space precinct.

PREC11-P5 Reverse sensitivity.

Avoid activities that will result in reverse sensitivity effects and/or conflict with permitted activities outside the precinct, including motorised recreation.

PREC12 – Hopuhopu mixed use precinct policies

PREC12-P1 Use and development.

(1) Enable the use and development of mixed use activities and for kaumaatua housing, in a way which:

- (a) Ensures the exercise of tikanga Maaori, including in the design and layout of buildings, facilities and activities; and
- (b) Enhances the Waikato-Tainui relationship with the Waikato River.

PREC12-P2 Commercial activities and offices.

Development of commercial activities and offices is limited, to retain space for other enabled activities in PREC12 – Hopuhopu mixed use precinct, and is carried out in a way and at a scale that complements and supports the role of business and industrial

centres throughout the District, whilst meeting needs of the Waikato-Tainui community.

PREC12-P3 Retail.

Provide for small-scale retail activities.

Rules

Advice note:

Additional consent may be required for subdivision and change of use where contaminated soil is reasonably likely to harm human health, under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

For the purpose of the Maori Land chapter, the land within the HOPZ – Hopuhopu zone is excluded.

Land use – activities

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

HOPZ-R1	Places of cultural significance	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a	
HOPZ-R2	Cultural event	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a	
HOPZ-R3	Recreation activity (Hopuhopu)	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a	
HOPZ-R4	Conservation activity	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a	
HOPZ-R5	Construction or alteration of a building for a sensitive land use	
(1) Activity status: PER Activity-specific standards: (a) The construction or alteration of a building for a sensitive land use that complies with all of the following standards: (i) It is set back a minimum of 10m from the centre of line of any electrical distribution or transmission lines, not	(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: (a) Effects on the amenity values of the site; (b) The risk of electrical hazards affecting the safety of people; (c) The risk of damage to property; and	

<p>associated with the National Grid, that operate at a voltage of up to 110kV; or</p> <p>(ii) It is set back a minimum of 12m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of 110kV or more.</p>	<p>(d) Effects on the operation, maintenance and upgrading of the electrical distribution or transmission lines.</p>
HOPZ-R6	Construction, demolition, addition, and alteration of a building or structure
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
HOPZ-R7	Hazardous waste storage, processing or disposal
Activity status: DIS	
HOPZ-R8	Transport depot
Activity status: DIS	
HOPZ-R9	Intensive farming
Activity status: DIS	
HOPZ-R10	Rural industry
Activity status: DIS	
HOPZ-R11	Correctional facility
Activity status: DIS	
HOPZ-R12	Any activity that is not listed as permitted, restricted discretionary or discretionary
Activity status: DIS	

Land use – activities for PREC8 – Hopuhopu residential precinct

PREC8-R1	Residential activity
	This includes occupation of a single residential unit for short term rental.
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
PREC8-R2	Papakaainga, Papakaainga building, and Papakaainga housing development
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
PREC8-R3	Kaumaatua housing (Hopuhopu)
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
PREC8-R4	Pakihi Maaori
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) It is wholly contained within a building except as provided for in (c) below;</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p>

<p>(b) The storage of materials or machinery associated with the Pakihi Maaori is either wholly contained within a building, or where outside occupies no more than 100m² per residential unit and is located where it is not visible from public roads;</p> <p>(c) No more than 2 people who are not permanent residents of the residential unit are employed at any one time;</p> <p>(d) Unloading and loading of vehicles or the receiving of customers or deliveries may only occur between 7:30am and 7:00pm on any day; and</p> <p>(e) Machinery may only be operated between 7.30am and 9.00 pm on any day.</p>	<p>(a) Duration and frequency;</p> <p>(b) Effects on traffic;</p> <p>(c) Effect on amenity values of nearby residential properties; and</p> <p>(d) Scale of the activity.</p>
PREC8-R5	Homestay
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) No more than 4 temporary residents in a residential unit.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) Duration and frequency;</p> <p>(b) Effects on traffic;</p> <p>(c) Effect on amenity values of nearby residential properties; and</p> <p>(d) Number of temporary residents;</p>

Land use – activities for PREC9 – Hopuhopu education and conference

PREC9-R1	Manuwhiri accommodation
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
PREC9-R2	Maaori purpose activity
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
PREC9-R3	Community facility
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
PREC9-R4	Educational facility including waananga, koohanga reo and kura kaupapa
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
PREC9-R5	Health facility including hauora
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>

Land use – activities for PREC10 – Hopuhopu business precinct

PREC10-R1	Manuwhiri accommodation	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a	
PREC10-R2	Maaori purpose activity	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a	
PREC10-R3	Recreation activity (Hopuhopu)	
(1) Activity status: PER Activity-specific standards: (a) The activity does not involve motorsport.	(2) Activity status where compliance not achieved: DIS	
PREC10-R4	Community facility	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a	
PREC10-R5	Whare taonga (museum)	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a	
PREC10-R6	Trade and industry training activity	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a	
PREC10-R7	Light industry	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a	
PREC10-R8	Commercial activity	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a	
PREC10-R9	Office	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a	
PREC10-R10	Health facility including hauora	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a	
PREC10-R11	Public transport facility	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a	

Land use – activities for PREC11 – Hopuhopu open space precinct

PREC11-R1	Recreation activity (Hopuhopu)	
(1) Activity status: PER Activity-specific standards: (a) The activity does not involve motorsport.		(2) Activity status where compliance not achieved: DIS
PREC11-R2	Maaori purpose activity	
(1) Activity status: PER Activity-specific standards: Nil.		(2) Activity status where compliance not achieved: n/a
PREC11-R3	Trade and industry training activity	
(1) Activity status: PER Activity-specific standards: Nil.		(2) Activity status where compliance not achieved: n/a
PREC11-R4	Crafting and carving workshop	
(1) Activity status: PER Activity-specific standards: Nil.		(2) Activity status where compliance not achieved: n/a
PREC11-R5	Plant nursery	
(1) Activity status: PER Activity-specific standards: (a) Any retail sales to the public occur from a single building limited to 50m ² of gross dedicated retail floor area.		(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: (a) Effects on traffic; (b) Hours and days of operation; (c) Noise levels; and (d) Site design, layout and amenity.
PREC11-R6	Farming	
(1) Activity status: PER Activity-specific standards: Nil.		(2) Activity status where compliance not achieved: n/a

Land use – activities for PREC12 – Hopuhopu mixed use precinct

PREC12-R1	Kaumaatua housing (Hopuhopu)	
(1) Activity status: PER Activity-specific standards: Nil.		(2) Activity status where compliance not achieved: n/a
PREC12-R2	Maaori purpose activity	
(1) Activity status: PER Activity-specific standards: Nil.		(2) Activity status where compliance not achieved: n/a
PREC12-R3	Community facility	
(1) Activity status: PER Activity-specific standards: Nil.		(2) Activity status where compliance not achieved: n/a

PREC12-R4	Whare taonga (museum)	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a	
PREC12-R5	Educational facility including waananga, koohanga reo and kura kaupapa	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a	
PREC12-R6	Commercial activity	
(1) Activity status: PER Activity-specific standards: (a) The activity occurs within PREC12 – Hopuhopu mixed use precinct and the combined total area of all retail activities in the Precinct does not exceed 400m ² of gross dedicated retail floor area.	(2) Activity status where compliance not achieved: DIS	
PREC12-R7	Office	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a	
PREC12-R8	Health facility including hauora	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a	

Land use – effects

HOPZ-S1	Outdoor storage	
(1) Activity status: PER Where: (a) Outdoor storage in all precincts except that in PREC10 – Hopuhopu business precinct and PREC12 – Hopuhopu mixed use precinct: (i) Outdoor storage of goods or materials must comply with all of the following standards: (1) HOPZ-S3 (Height) and HOPZ-S6 (Height in relation to boundary); and (2) Be fully screened from view from any: (a) Public road; (b) Public reserve; and (c) Adjoining site in another zone.	(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters: (a) Visual amenity; (b) Size and location of storage area; (c) Measures to mitigate adverse effects; and (d) Effects on loading and parking areas.	

Land use – building

HOPZ-S2	Number of residential units
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) The total number of residential units in PREC8 – Hopuhopu residential precinct does not exceed a residential unit yield equivalent to one residential unit per 450m² across the entirety of PREC8 – Hopuhopu residential precinct.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
HOPZ-S3	Height - building general
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) The maximum height of any building or structure, measured from the natural ground level immediately below that part of the structure, must not exceed:</p> <p>(i) 8m above ground level in PREC8 – Hopuhopu residential precinct;</p> <p>(ii) 12m above ground level in PREC9 – Hopuhopu education and conference precinct;</p> <p>(iii) 12m above ground level in PREC10 – Hopuhopu business precinct;</p> <p>(iv) 15m above ground level in in PREC11 – Hopuhopu open space precinct; and</p> <p>(v) 12m above ground level in PREC12 – Hopuhopu mixed use precinct.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Height of the building;</p> <p>(b) Design and location of the building;</p> <p>(c) Extent of shading on an adjoining site; and</p> <p>(d) Privacy on adjoining sites.</p>
HOPZ-S4	Height – floodlight
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Any floodlight must not exceed a maximum height of 12m, measured from the natural ground level.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
HOPZ-S5	Height of fences or walls
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Fences and walls along any zone boundary, road boundary, boundary of adjoining sites. or within building setbacks under HOPZ-S7 – HOPZ-S8 on a site, measured from the natural ground level immediately below that part of the structure, must be no higher than:</p> <p>(i) 1.2m if solid;</p> <p>(ii) 1.8m if the fence is:</p> <p>(1) Visually permeable for the full 1.8m height of the fence or wall;</p> <p>or</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Building materials and design;</p> <p>(b) Effects on amenity; and</p> <p>(c) Public space visibility.</p>

(2) Solid up to 1.2m and visually permeable between 1.2 and 1.8m.	
HOPZ-S6	Height in relation to boundary
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) A building or structure must not protrude through a height control plane rising at an angle of 45 degrees commencing at an elevation of 2.5m above ground level at every point of the zone boundary, a road boundary, or boundaries of adjoining sites.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) Height of the building;</p> <p>(b) Design and location of the building;</p> <p>(c) Admission of daylight and sunlight to the site and other site;</p> <p>(d) Privacy on any other site; and</p> <p>(e) Amenity values of the locality.</p>
HOPZ-S7	Building setbacks – All boundaries
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) A building must be set back a minimum of:</p> <p>(i) 3m from a road or zone boundary;</p> <p>(ii) 3m from the boundary of an adjoining site.</p> <p>(b) HOPZ-S7(1) does not apply to a structure that is not a building.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) Height, design and location of the building relative to the boundary;</p> <p>(b) Impacts on the privacy for adjoining site(s);</p> <p>(c) Impacts on amenity values, including main living areas, outdoor living space of adjoining land;</p> <p>(d) Landscaping and/or screening; and</p> <p>(e) Road network safety and efficiency.</p>
HOPZ-S8	Building setback - sensitive land use
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Any building for a sensitive land use must be set back a minimum of:</p> <p>(i) 15m from a regional arterial road;</p> <p>(ii) 300m from oxidation ponds that are part of a municipal wastewater treatment facility on another site;</p> <p>(iii) 30m from a municipal wastewater treatment facility where the treatment process is fully enclosed; and</p> <p>(iv) 300m from buildings or outdoor enclosures used for an intensive farming activity. This setback does not apply to sensitive activities located on the same site as the intensive farming activity.</p> <p>(b) HOPZ-S8(1) does not apply to a</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

structure that is not a building.	
HOPZ-S9	Building setback – water bodies
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Any building, other than provided for under HOPZ-S9(1)(b), must be set back a minimum of:</p> <p>(i) 32m from the margin of any wetland;</p> <p>(ii) 12m from the bank of any river with an average width of less than 3m;</p> <p>(iii) 32m from the bank of any river with an average width of 3m or more (other than the Waikato River);</p> <p>(iv) 28m from the banks of the Waikato River in PREC8 – Hopuhopu residential precinct;</p> <p>(v) 37m from the banks of the Waikato River in PREC10 – Hopuhopu business precinct and PREC12 – Hopuhopu mixed use precinct; and</p> <p>(vi) 10m from any artificial wetland.</p> <p>(b) A public amenity building, or maimai used for temporary waterfowl hunting purposes, of up to 25m² in size;</p> <p>(c) A pump shed (public or private) set back a minimum of 5m from any waterbody; and</p> <p>(d) HOPZ-S9(1) does not apply to a structure that is not a building.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) The size of the adjacent waterbody and the landscape, ecological, cultural and recreational values associated with it;</p> <p>(b) Erosion and sediment control measures;</p> <p>(c) The functional or operational need for the building to be located close to the waterbody; and</p> <p>(d) Effects on public access to the waterbody.</p>

Appendix B

Interpretation

Definitions

For the purposes of the defined terms, words in the singular include the plural and words in the plural include the singular.

Where the defined word is an activity, unless otherwise stated in the rules, the activity includes the building the activity occurs within and any ancillary activities that are integral to the day-to-day operation of the defined term.

The Council indicates a long vowel sound in written te reo Maaori by using double vowels (instead of a macron, i.e., ā ē ī ō ū). Double vowels are the preferred standard used by Waikato-Tainui, the iwi authority in the Waikato District and Council has adopted double vowels to acknowledge the iwi preference.

Terms	Definition
Maori purpose activity	Means the use of Maori land and/or buildings on Maori land, <u>and land and/or buildings within the HOPZ – Hopuhopu zone</u> , for one or more of any of the following activities: <ul style="list-style-type: none"> (a) Marae; (b) Papakaainga; (c) Papakaainga building; (d) <u>Papakaainga housing development</u>; (d)(e) Cultural event; (e)(f) Urupaa; (f)(g) Tuaahu; (g)(h) Waharoa; (h)(i) Church; (i)(j) Hauora; (j)(k) Koohanga; (k)(l) Conference centre and facilities; (l)(m) Waananga; (m)(n) Recreation facilities; (n)(o) Papa taakaro.
<u>Manuwhiri accommodation (Hopuhopu)</u>	<u>Means, in the HOPZ – Hopuhopu zone, land and/or buildings used for accommodating visitors, and includes any ancillary activities.</u>
Noise rating level	Means any or all of the following: <ul style="list-style-type: none"> (a) Buildings used for residential activities, including boarding establishments, , retirement villages, papakaainga housing development, visitor accommodation, <u>manuwhiri accommodation</u>, and other buildings used for residential accommodation but excluding camping grounds; (b) Marae and marae complex; (c) Hospitals;

	<p>(d) Teaching areas and sleeping rooms in an education facility;</p> <p>(e) Places of assembly.</p>
<u>Pakihi Maaori (Hopuhopu)</u>	<p><u>Means, in the HOPZ – Hopuhopu zone, the operation of a commercial activity from a residential unit that is:</u></p> <p>(a) <u>Undertaken or operated by at least one resident of the residential unit; and</u></p> <p>(b) <u>Is incidental to the use of the residential unit for a residential activity.</u></p>
Papakaainga housing development	<p>Means a comprehensive residential development for a Tangata Whenua group or organisation residing in the Waikato district to support traditional Maaori cultural living on Maaori land, <u>or within the HOPZ – Hopuhopu zone,</u> for members of the iwi group or organisation.</p>
<u>Recreation activity (Hopuhopu)</u>	<p><u>Means any non-motorised indoor or outdoor passive or active leisure, sports, games or recreational pursuits and buildings in the HOPZ – Hopuhopu zone for participants and/or spectators, whether or not they are undertaken for profit or reward or for which no charge is made, includes such activities on or in water or land, or in the air, and includes but is not limited to:</u></p> <p>(a) <u>Sports fields;</u></p> <p>(b) <u>Walking, running and cycling tracks;</u></p> <p>(c) <u>Courts;</u></p> <p>(d) <u>Swimming pools;</u></p> <p>(e) <u>Gyms;</u></p> <p>(f) <u>Training or education;</u></p> <p>(g) <u>Club Days and practise activities;</u></p> <p>(h) <u>Outdoor skate parks and playgrounds;</u></p> <p>(i) <u>Informal Recreation;</u></p> <p>(j) <u>Outdoor Pursuits;</u></p> <p>(k) <u>Amenity or conservation planting;</u></p> <p>(l) <u>Children’s play areas;</u></p> <p>(m) <u>Shelters;</u></p> <p>(n) <u>Public toilets; or</u></p> <p>(o) <u>Accessory buildings necessary for maintenance.</u></p>
Sensitive land use	<p>Means all or any of the following:</p> <p>(a) An educational facility, including a childcare facility, waananga and koohanga reo,</p> <p>(b) A residential activity, including papakaainga building, rest home, retirement village, visitor accommodation, <u>manuwhiri accommodation,</u> home stay;</p> <p>(c) Health facility or hospital;</p> <p>(d) Place of assembly.</p>

ML - Maaori land

Advice notes:

(1) For the purpose of the Maaori Land chapter, the land within the HOPZ – Hopuhopu zone is excluded.

~~(1)~~(2) Council encourages Maaori Land Trusts to prepare a Concept Management Plan as part of their land planning, to assist shareholders to overcome the barriers of consents and funding grants from other agencies. A Concept Management Plan is a 'Best Practice Planning Tool' that was introduced by the Te Kete Paaraha Mo Nga Papakainga Ki Waikato (Waikato Maaori Housing Toolkit).

~~(2)~~(3) As part of the building consent process, an applicant seeking to build on Maaori Freehold Land or Maaori Customary Land may be required to provide:

(a) a Licence to Occupy, where the land is vested in trustees whose authority is defined in a Trust Order and/or a Maaori Incorporation;

(b) a lease, or an Occupation Order of the Māori Land Court, where a Trust Order or Maaori Incorporation does not exist.

Part 2: District-wide matters / General district-wide matters / EW – Earthworks

EW – Earthworks

HOPZ – Hopuhopu zone

EW-R47	Earthworks – general	
HOPZ – Hopuhopu zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Except as otherwise specified in Advice note 1 and 2 below:</p> <p>(i) Ancillary rural earthworks provided they are not within a kauri root zone;</p> <p>(ii) A farm quarry where the volume of aggregate extracted does not exceed 1000m³ in any single consecutive 12 month period and provided they are not within a kauri root zone.</p> <p>(b) Earthworks ancillary to a conservation activity must meet the following standards:</p> <p>(i) Sediment resulting from the earthworks is managed on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths; and</p> <p>(ii) Provided they are not within a kauri root zone.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity values and landscape effects;</p> <p>(b) Volume, extent and depth of earthworks;</p> <p>(c) Nature of fill material;</p> <p>(d) Contamination of fill material or clean fill;</p> <p>(e) Location of the earthworks to waterways, significant indigenous vegetation and habitat;</p> <p>(f) Compaction of the fill material;</p> <p>(g) Volume and depth of fill material;</p> <p>(h) Geotechnical stability;</p> <p>(i) Flood risk, including natural water flows and established drainage paths;</p> <p>(j) Land instability, erosion and sedimentation;</p> <p>(k) Effects on the safe, effective and efficient operation, maintenance and upgrade of infrastructure, including access;</p> <p>(l) Proximity to underground services and service connections; and</p> <p>(m) The risk of earthworks exacerbating Kauri dieback disease.</p>
EW-R48	Earthworks – general	
HOPZ – Hopuhopu zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) With the exception of earthworks for the activities listed in EW-R47 and EW-R49, earthworks across the whole of the HOPZ – Hopuhopu zone must meet all of the following standards:</p> <p>(i) Cumulatively, do not exceed a volume of more than 2000m³ and an area of more than 4000m² over any single</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity values and landscape effects;</p> <p>(b) Volume, extent and depth of earthworks;</p> <p>(c) Nature of fill material;</p> <p>(d) Contamination of fill material or clean fill;</p>

	<p>consecutive 12 month period of which imported fill material or cleanfill does not exceed a total volume of 1,000m³ in any single consecutive 12 month period;</p> <p>(ii) The total combined depth of any excavation (excluding drilling) or filling (excluding drilling) does not exceed 3m above or below natural ground level;</p> <p>(1) <u>1m above or below natural ground level, if within 1m from any site boundary; or</u></p> <p>(2) <u>3m above or below natural ground level with a maximum slope of 1:2 (1 vertical to 2 horizontal), if setback 1m or more from any site boundary;</u></p> <p>(iii) Take place on land with a maximum slope of 1:2 (1 vertical to 2 horizontal);</p> <p>(iv) Earthworks are setback a minimum of 1.5m from all site and zone boundaries;</p> <p><u>(iii) 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);</u></p> <p>(iv) Earthworks are setback 5m horizontally from any waterway, open drain or overland flow path;</p> <p>(v) Areas exposed by earthworks are stabilised to avoid runoff within 1 month and any remaining bare ground re-vegetated to achieve 80% ground cover within 2 months of the completion of the earthworks or finished with a hardstand surface;</p> <p>(vi) Sediment resulting from the earthworks is managed on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways,</p>	<p>(e) Location of the earthworks to waterways, significant indigenous vegetation and habitat;</p> <p>(f) Compaction of the fill material;</p> <p>(g) Volume and depth of fill material;</p> <p>(h) Geotechnical stability;</p> <p>(i) Flood risk, including natural water flows and established drainage paths;</p> <p>(j) Land instability, erosion and sedimentation;</p> <p>(k) Effects on the safe, effective and efficient operation, maintenance and upgrade of infrastructure, including access;</p> <p>(l) Proximity to underground services and service connections; and</p> <p>(m) The risk of earthworks exacerbating Kauri dieback disease.</p>
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	<p>open drains or overland flow paths;</p> <p>(vii) Do not divert or change the nature of natural water flows, water bodies or established drainage paths;</p> <p>(viii) Earthworks must not result in the site being unable to be serviced by gravity sewers; and</p> <p>(ix) Provided they are not within a kauri root zone.</p>	
EW-R49	Earthworks – general	
HOPZ – Hopuhopu zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Earthworks for the purpose of creating a building platform (including the use of imported fill material) that is:</p> <p>(i) Subject to an approved building consent;</p> <p>(ii) The earthworks occur wholly within the footprint of the building;</p> <p>(iii) Provided they are not within a kauri root zone;</p> <p>(iv) For the purposes of this rule, the footprint of the building extends 1.8m from the outer edge of the outside wall; and</p> <p>(v) For the purposes of this rule, this exemption does not apply to earthworks associated with retaining walls/structures which are not required for the structural support of the building.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity values and landscape effects;</p> <p>(b) Volume, extent and depth of earthworks;</p> <p>(c) Nature of fill material;</p> <p>(d) Contamination of fill material or clean fill;</p> <p>(e) Location of the earthworks to waterways, significant indigenous vegetation and habitat;</p> <p>(f) Compaction of the fill material;</p> <p>(g) Volume and depth of fill material;</p> <p>(h) Geotechnical stability;</p> <p>(i) Flood risk, including natural water flows and established drainage paths;</p> <p>(j) Land instability, erosion and sedimentation;</p> <p>(k) Effects on the safe, effective and efficient operation, maintenance and upgrade of infrastructure, including access; and</p> <p>(l) Proximity to underground services and service connections; and</p> <p>(m) The risk of earthworks exacerbating Kauri dieback disease.</p>

Advice Note 1: The Hopuhopu Archaeological Site map below (Figure 19) indicates an area which contains Maaori-made soils and possible borrow pits. Heritage New Zealand Pouhere Taonga should be contacted regarding development in this area and an archaeological assessment to determine the need for an archaeological authority. The Heritage New Zealand Pouhere Taonga Act 2014 protects both recorded and unrecorded archaeological sites.

Advice Note 2: The 'Indicative Borrow Pit and Maaori-Made Soils' area also coincides with an area known to have contained alligator weed. The Waikato Regional Pest Management Plan 2014-2024 contains rules which relate to the management of alligator weed.

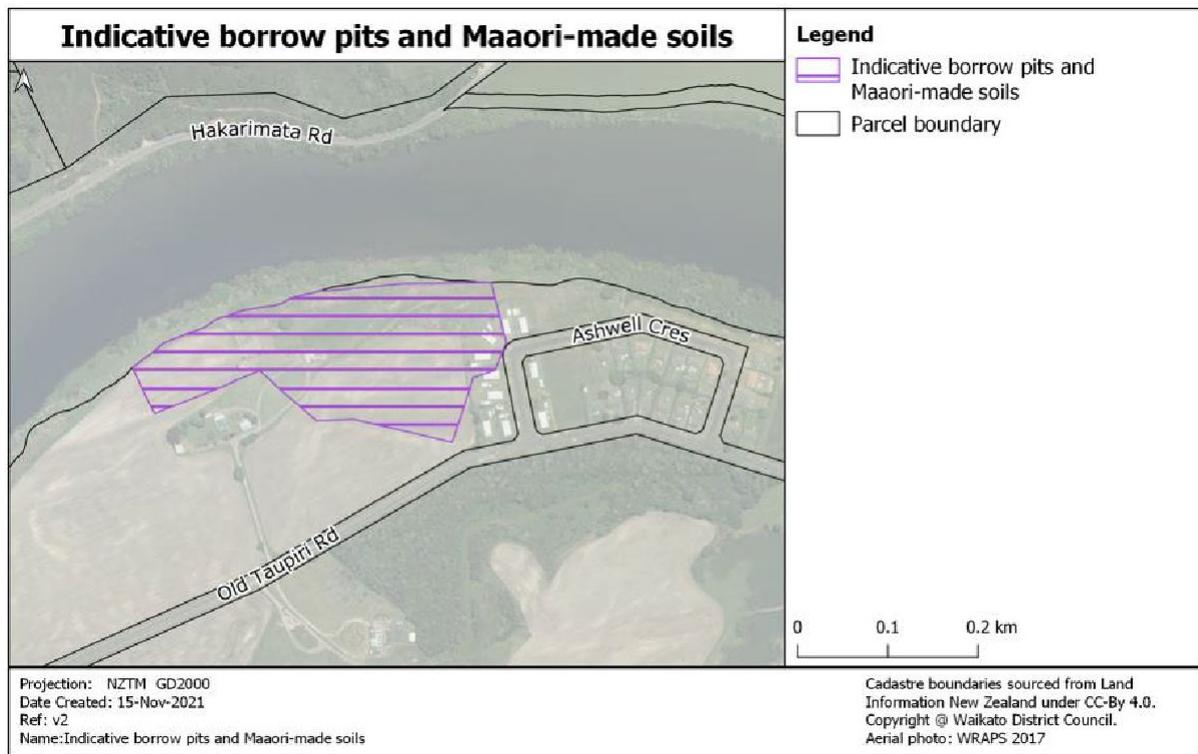


Figure 19 – Indicative borrow pits and Maaori-made soils

HOPZ – Hopuhopu zone

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

Purpose

The Hopuhopu site comprises 138ha. This land, a former army base, was returned to Waikato-Tainui in 1993 by the Crown. The site is held in Te Wherowhero title for the benefit of all Waikato-Tainui. Waikato-Tainui established a complex including the Waikato-Tainui College for Research and Development (also known as the endowed college) along with residential, administrative, business, sports and other activities. This significant resource has historic, symbolic, and cultural importance to Waikato-Tainui, who wish to develop the land as a tribal hub for the benefit of all their people. Issues for development include limitations on three waters infrastructure and the capacity of the road network.

Objectives

HOPZ-O1 Purpose of the zone.

Waikato-Tainui are able to promote their spiritual, educational, cultural, social, economic, and environmental interests, well-being, and associations in accordance with tikanga Maori, in a tribal hub within a place of historic, symbolic, and cultural importance to Waikato-Tainui in the zone.

HOPZ-O2 Role of Hopuhopu.

The role of Hopuhopu as the headquarters of Waikato-Tainui and the site of the Waikato-Tainui Endowed College is recognised and strengthened.

HOPZ-O3 Development.

Development of the zone is of a character and scale that reflects its river setting and is compatible with the special nature of Hopuhopu as the headquarters of Waikato-Tainui.

HOPZ-O4 Use and development.

The use and development of the Hopuhopu site for a range of activities is facilitated and enabled whilst ensuring adverse effects of activities are avoided, remedied, or mitigated.

HOPZ-O5 Te Wherowhero.

Recognise the special nature of Te Wherowhero title as treaty settlement land which is held for the benefit of all Waikato-Tainui.

HOPZ-O6 Infrastructure.

Infrastructure to support development is provided in an integrated and comprehensive manner and in place at the time of development.

Policies

All precincts

HOPZ-P1 Hopuhopu precincts.

- (1) Provide for a range of compatible activity types in appropriate locations by defining specific precincts within the zone, being:
- (a) PREC8 – Hopuhopu residential precinct providing for predominantly residential activities;
 - (b) PREC9 – Hopuhopu education and conference precinct providing for predominantly educational and conference facilities;
 - (c) PREC10 – Hopuhopu business precinct providing for predominantly business activities;
 - (d) PREC11 – Hopuhopu open space precinct providing for predominantly open space, used for recreational and rural activities; and
 - (e) PREC12 – Hopuhopu mixed use precinct providing for predominantly mixed use activities

HOPZ-P2 Built form.

- (1) Promote well-designed built form that:
- (a) Responds to the characteristics and qualities of the area and provides for tikanga Maaori;
 - (b) Promotes development that is sympathetic to and celebrates cultural and historic values;
 - (c) Provides for a highly-connected network of pedestrian and cycle ways within each precinct and linking to the wider Hopuhopu area;
 - (d) Promotes vehicle and pedestrian safety; and
 - (e) Creates strong visual and physical links to the Waikato River.

HOPZ-P3 Cultural activities.

Provide for a range of cultural activities to occur.

HOPZ-P4 Character.

Encourage attractive character with generous on-site open space, landscaping, screening and street planting.

HOPZ-P5 Cultural events and temporary events.

Enable cultural events, and temporary events and associated temporary structures provided any adverse effects are managed.

HOPZ-P6 Servicing.

Require habitable buildings to connect to public reticulated network networks for wastewater and potable water with adequate capacity; and require all development to provide land drainage and stormwater disposal either through a reticulated network or in accordance with the EIT – Energy, infrastructure and transport section.

HOPZ-P7 Adverse effects.

- (l) Minimise adverse effects on the environment and surrounding area by:
- (a) Identifying defined precincts as a means of separating incompatible activities;
 - (b) Ensuring that height, bulk and building scale are in keeping with the amenity values of the area;
 - (c) Maintaining the amenity values of neighbouring zones and sites through mechanisms such as setbacks from boundaries and height limits;
 - (d) Requiring the bulk and location of development to maintain sunlight access and privacy, and to minimise visual dominance effects on adjoining sites;
 - (e) Requiring that noise levels measured within any other site in any other zone must meet the permitted noise levels for that zone;
 - (f) Requiring that any signage is compatible with the Precinct within which it is located, does not detract from the visual amenity of the surrounding environment, and does not distract, confuse or obstruct motorists, pedestrians and other road users;
 - (g) Minimising the adverse effects of sediment and stormwater runoff from earthworks;
 - (h) Ensuring the safe and efficient operation and functioning of the transport network and internal access to facilities;
 - (i) Ensuring there is sufficient open space in each precinct to provide for landscaping and on-site stormwater disposal; and
 - (j) Ensuring that the design of buildings supports good urban design, particularly when visible from Old Taupiri Road and the Waikato River.

HOPZ-P8 Industrial development.

Avoid industrial development in precincts: PREC8, PREC9, PREC11 and PREC12.

HOPZ-P9 Land use transport integration.

Provide for the integration of land use with transport infrastructure.

PREC8 – Hopuhopu residential precinct policies

PREC8-P1 Use and development.

Provide for the use and development of land for a range of residential and cultural activities.

PREC8-P2 Design of residential units.

Allow for flexibility in the layout and design of residential units and activities to enable tikanga Maaori to be incorporated.

PREC8-P3 Building form and layout.

(l) Building forms and layout of residential development:

- (a) Provides for a highly-connected network of pedestrian and cycle ways linking to the wider Hopuhopu area;

- (b) Creates a distinct neighbourhood that reflects the special nature of Hopuhopu;
- (c) Provides for a range of types and densities of residential units, up to one unit per 450m²;
- (d) Provides for good street outlook/surveillance to contribute to safety;
- (e) Promotes vehicle and pedestrian safety; and
- (f) Promotes development that is sympathetic to and celebrates cultural and historic values.

PREC8-P4 Non-residential activities.

Limit non-residential activities to a scale that is compatible with residential amenity.

PREC9 – Hopuhopu education and conference precinct policies

PREC9-P1 Activities.

Provide for the use and development of a range of educational facilities, community facilities, conference facilities and ancillary activities, recognising and strengthening the role of the Endowed College as a Waikato-Tainui academic and research college drawing on maatauranga Maori and indigenous knowledge systems, within a national and international community of scholars.

PREC9-P2 Health facilities.

Enable the use and development of health facilities including in a way which recognises tikanga Maori.

PREC9-P3 Accommodation.

Provide for the use and development of ~~visitor~~ manuwhiri accommodation and other accommodation ancillary to educational, community and conference activities.

PREC9-P4 Commercial activities.

Limit commercial activities to activities ancillary to a community facility, an educational facility, or a conference centre.

PREC9-P5 Building form and layout.

Building forms and layout of development promotes development that is sympathetic to local amenity and celebrates cultural and historic values.

PREC10 – Hopuhopu business precinct policies

PREC10-P1 Development.

Development of commercial activities, light industrial activities, and offices is carried out in a way and at a scale that complements and supports the role of business and industrial centres in the District, whilst meeting needs of the Waikato-Tainui community.

PREC10-P2 Employment opportunities.

Provide for employment opportunities through a range of activities.

PREC10-P3 Recreational and health facilities.

Enable the use and development of recreational and health facilities including in a way which recognises tikanga Maaori.

PREC10-P4 ~~Visitor~~ Manuwhiri accommodation.

Provide for the use and development of ~~visitor~~ manuwhiri accommodation.

PREC11 – Hopuhopu open space precinct policies

PREC11-P1 Open space character.

Maintain the predominant open space character of PREC11 – Hopuhopu open space precinct in the scale, design, type and location of any development.

PREC11-P2 Use and development.

Enable the use and development of facilities for farming activities including plant nurseries; and recreation, educational and industry training activities compatible with the open space character of PREC11 – Hopuhopu open space precinct.

PREC11-P3 Commercial, office, and industrial activities.

Avoid commercial, office, and industrial activities in PREC11 – Hopuhopu open space precinct, except for activities ancillary to farming activities, plant nurseries, recreation, educational and industry training.

PREC11-P4 Residential activities.

Avoid residential activities in PREC11 – Hopuhopu open space precinct.

PREC11-P5 Reverse sensitivity.

Avoid activities that will result in reverse sensitivity effects and/or conflict with permitted activities outside the precinct, including motorised recreation.

PREC12 – Hopuhopu mixed use precinct policies

PREC12-P1 Use and development.

(1) Enable the use and development of mixed use activities and for kaumaatua housing, in a way which:

- (a) Ensures the exercise of tikanga Maaori, including in the design and layout of buildings, facilities and activities; and
- (b) Enhances the Waikato-Tainui relationship with the Waikato River.

PREC12-P2 Commercial activities and offices.

Development of commercial activities and offices is limited, to retain space for other enabled activities in PREC12 – Hopuhopu mixed use precinct, and is carried out in a way and at a scale that complements and supports the role of business and industrial

centres throughout the District, whilst meeting needs of the Waikato-Tainui community.

PREC12-P3 Retail.

Provide for small-scale retail activities.

Rules

Advice note:

Additional consent may be required for subdivision and change of use where contaminated soil is reasonably likely to harm human health, under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

For the purpose of the Maaori Land chapter, the land within the HOPZ – Hopuhopu zone is excluded.

Land use – activities

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

HOPZ-R1	Places of cultural significance	
(1) Activity status: PER Activity-specific standards: Nil.		(2) Activity status where compliance not achieved: n/a
HOPZ-R2	Cultural event	
(1) Activity status: PER Activity-specific standards: Nil.		(2) Activity status where compliance not achieved: n/a
HOPZ-R3	Informal recreation <u>Recreation activity (Hopuhopu)</u>	
(1) Activity status: PER Activity-specific standards: Nil.		(2) Activity status where compliance not achieved: n/a
HOPZ-R4	Conservation activity	
(1) Activity status: PER Activity-specific standards: Nil.		(2) Activity status where compliance not achieved: n/a
HOPZ-R5	Construction or alteration of a building for a sensitive land use	
(1) Activity status: PER Activity-specific standards: (a) The construction or alteration of a building for a sensitive land use that complies with all of the following standards: (i) It is set back a minimum of 10m from the centre of line of any electrical distribution or transmission lines, not		(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: (a) Effects on the amenity values of the site; (b) The risk of electrical hazards affecting the safety of people; (c) The risk of damage to property; and

<p>associated with the National Grid, that operate at a voltage of up to 110kV; or</p> <p>(ii) It is set back a minimum of 12m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of 110kV or more.</p>	<p>(d) Effects on the operation, maintenance and upgrading of the electrical distribution or transmission lines.</p>
HOPZ-R6	Construction, demolition, addition, and alteration of a building or structure
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
HOPZ-R7	Hazardous waste storage, processing or disposal
Activity status: DIS	
HOPZ-R8	Transport depot
Activity status: DIS	
HOPZ-R9	Intensive farming
Activity status: DIS	
HOPZ-R10	Rural industry
Activity status: DIS	
HOPZ-R11	Correctional facility
Activity status: DIS	
HOPZ-R12	Any activity that is not listed as permitted, restricted discretionary or discretionary
Activity status: DIS	

Land use – activities for PREC8 – Hopuhopu residential precinct

PREC8-R1	Residential activity
	This includes occupation of a single residential unit for short term rental.
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
PREC8-R2	Papakaainga, and Papakaainga building, <u>and Papakaainga housing development</u>
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
PREC8-R3	Kaumaatua housing (Hopuhopu)
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
PREC8-R4	Home business Pakihi Maaori
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) It is wholly contained within a building except as provided for in (c) below;</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p>

<p>(b) The storage of materials or machinery associated with the Pakihi Maaori home business is either wholly contained within a building, or where outside occupies no more than 100m² per residential unit and is located where it is not visible from public roads;</p> <p>(c) No more than 2 people who are not permanent residents of the residential unit are employed at any one time;</p> <p>(d) Unloading and loading of vehicles or the receiving of customers or deliveries may only occur between 7:30am and 7:00pm on any day; and</p> <p>(e) Machinery may only be operated between 7.30am and 9.00 pm on any day.</p>	<p>(a) Duration and frequency;</p> <p>(b) Effects on traffic;</p> <p>(c) Effect on amenity values of nearby residential properties; and</p> <p>(d) Scale of the activity.</p>
PREC8-R5	Homestay
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) No more than 4 temporary residents in a residential unit.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) Duration and frequency;</p> <p>(b) Effects on traffic;</p> <p>(c) Effect on amenity values of nearby residential properties; and</p> <p>(d) Number of temporary residents;</p>

Land use – activities for PREC9 – Hopuhopu education and conference

PREC9-R1	Visitor Manuwhiri accommodation
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
PREC9-R2	Marae complex Maaori purpose activity
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
PREC9-R3	Community facility
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
PREC9-R4	Educational facility including waananga, koohanga reo and kura kaupapa
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
PREC9-R5	Conference centre and facilities
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p>	<p>(2) Activity status where compliance not achieved: n/a</p>

Nil.	
PREC9-R65	Health facility including hauora
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a

Land use – activities for PREC10 – Hopuhopu business precinct

PREC10-R1	Visitor Manuwhiri accommodation
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC10-R2	Marae complex Maaori purpose activity
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC10-R3	Organised r Recreation activity (Hopuhopu)
(1) Activity status: PER Activity-specific standards: (a) The activity does not involve motorsport.	(2) Activity status where compliance not achieved: DIS
PREC10-R4	Indoor recreation (Hopuhopu)
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC10-R54	Community facility
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC10-R65	Whare taonga (museum)
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC10-R7	Conference centre and facilities
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC10-R86	Trade and industry training activity
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC10-R97	Light industry
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC10-R108	Commercial activity

(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC10-R19	Office
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC10-R210	Health facility including hauora
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC10-R311	Public transport facility
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a

Land use – activities for PREC11 – Hopuhopu open space precinct

PREC11-R1	Organised Recreation activity (Hopuhopu)
(1) Activity status: PER Activity-specific standards: (a) The activity does not involve motorsport.	(2) Activity status where compliance not achieved: DIS
PREC11-R2	Indoor recreation (Hopuhopu) Maori purpose activity
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC11-R3	Trade and industry training activity
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC11-R4	Crafting and carving workshop
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC11-R65	Plant nursery
(1) Activity status: PER Activity-specific standards: (a) Any retail sales to the public occur from a single building limited to 50m ² of gross dedicated retail floor area.	(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: (a) Effects on traffic; (b) Hours and days of operation; (c) Noise levels; and (d) Site design, layout and amenity.

PREC11-R76	Farming
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a

Land use – activities for PREC12 – Hopuhopu mixed use precinct

PREC12-R1	Kaumaatua housing (Hopuhopu)
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC12-R2	Marae complex <u>Maaori purpose activity</u>
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC12-R3	Community facility
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC12-R4	Whare taonga (museum)
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC12-R5	Conference centre and facilities <u>Educational facility including waananga, koohanga reo and kura kaupapa</u>
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC12-R6	Commercial activity
(1) Activity status: PER Activity-specific standards: (a) The activity occurs within PREC12 – Hopuhopu mixed use precinct and the combined total area of all retail activities in the Precinct does not exceed 400m ² of gross dedicated retail floor area.	(2) Activity status where compliance not achieved: DIS
PREC12-R7	Office
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
PREC12-R8	Health facility including hauora
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a

Land use – effects

HOPZ-S1	Outdoor storage
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Outdoor storage in all precincts except that in PREC10 – Hopuhopu business precinct and PREC12 – Hopuhopu mixed use precinct:</p> <p>(i) Outdoor storage of goods or materials must comply with all of the following standards:</p> <p>(1) HOPZ-S3 (Height) and HOPZ-S6 (Height in relation to boundary); and</p> <p>(2) Be fully screened from view from any:</p> <p>(a) Public road;</p> <p>(b) Public reserve; and</p> <p>(c) Adjoining site in another zone.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Visual amenity;</p> <p>(b) Size and location of storage area;</p> <p>(c) Measures to mitigate adverse effects; and</p> <p>(d) Effects on loading and parking areas.</p>

Land use – building

HOPZ-S2	Number of residential units
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) The total number of residential units in PREC8 – Hopuhopu residential precinct does not exceed a residential unit yield equivalent to one residential unit per 450m² across the entirety of PREC8 – Hopuhopu residential precinct.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
HOPZ-S3	Height - building general
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) The maximum height of any building or structure, measured from the natural ground level immediately below that part of the structure, must not exceed:</p> <p>(i) 8m above ground level in PREC8 – Hopuhopu residential precinct;</p> <p>(ii) 12m above ground level in PREC9 – Hopuhopu education and conference precinct;</p> <p>(iii) 12m above ground level in PREC10 – Hopuhopu business precinct;</p> <p>(iv) 15m above ground level in in PREC11 – Hopuhopu open space precinct; and</p> <p>(v) 12m above ground level in PREC12 – Hopuhopu mixed use precinct.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Height of the building;</p> <p>(b) Design and location of the building;</p> <p>(c) Extent of shading on an adjoining site; and</p> <p>(d) Privacy on adjoining sites.</p>
HOPZ-S4	Height – floodlight

<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Any floodlight must not exceed a maximum height of 12m, measured from the natural ground level.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
<p>HOPZ-S5 Height of fences or walls</p>	
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Fences and walls along any zone boundary, road boundary, boundary of adjoining sites. or within building setbacks under HOPZ-S7 – HOPZ-S8 on a site, measured from the natural ground level immediately below that part of the structure, must be no higher than:</p> <p>(i) 1.2m if solid:</p> <p>(ii) 1.8m if the fence is:</p> <p>(1) Visually permeable for the full 1.8m height of the fence or wall; or</p> <p>(2) Solid up to 1.2m and visually permeable between 1.2 and 1.8m.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) Building materials and design;</p> <p>(b) Effects on amenity; and</p> <p>(c) Public space visibility.</p>
<p>HOPZ-S6 Height in relation to boundary</p>	
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) A building or structure must not protrude through a height control plane rising at an angle of 45 degrees commencing at an elevation of 2.5m above ground level at every point of the zone boundary, a road boundary, or boundaries of adjoining sites.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) Height of the building;</p> <p>(b) Design and location of the building;</p> <p>(c) Admission of daylight and sunlight to the site and other site;</p> <p>(d) Privacy on any other site; and</p> <p>(e) Amenity values of the locality</p>
<p>HOPZ-S7 Building setbacks – All boundaries</p>	
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) A building must be set back a minimum of:</p> <p>(i) 3m from a road or zone boundary;</p> <p>(ii) 3m from the boundary of an adjoining site.</p> <p>(b) HOPZ-S7(1) does not apply to a structure that is not a building.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) Height, design and location of the building relative to the boundary;</p> <p>(b) Impacts on the privacy for adjoining site(s);</p> <p>(c) Impacts on amenity values, including main living areas, outdoor living space of adjoining land;</p> <p>(d) Landscaping and/or screening; and</p> <p>(e) Road network safety and efficiency.</p>
<p>HOPZ-S8 Building setback - sensitive land use</p>	

<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Any building for a sensitive land use must be set back a minimum of: <ul style="list-style-type: none"> (i) 15m from a regional arterial road; (ii) 300m from oxidation ponds that are part of a municipal wastewater treatment facility on another site; (iii) 30m from a municipal wastewater treatment facility where the treatment process is fully enclosed; and (iv) 300m from buildings or outdoor enclosures used for an intensive farming activity. This setback does not apply to sensitive activities located on the same site as the intensive farming activity. (b) HOPZ-S8(1) does not apply to a structure that is not a building. 	<p>(2) Activity status where compliance not achieved: DIS</p>
<p>HOPZ-S9 Building setback – water bodies</p>	
<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Any building, other than provided for under HOPZ-S9(1)(b), must be set back a minimum of: <ul style="list-style-type: none"> (i) 32m from the margin of any wetland; (ii) 12m from the bank of any river with an average width of less than 3m; (iii) 32m from the bank of any river with an average width of 3m or more (other than the Waikato River); (iv) 28m from the banks of the Waikato River in PREC8 – Hopuhopu residential precinct; (v) 37m from the banks of the Waikato River in PREC10 – Hopuhopu business precinct and PREC12 – Hopuhopu mixed use precinct; and (vi) 10m from any artificial wetland. (b) A public amenity building, or maimai used for temporary waterfowl hunting purposes, of up to 25m² in size; (c) A pump shed (public or private) set back a minimum of 5m from any waterbody; and (d) HOPZ-S9(1) does not apply to a structure that is not a building. 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) The size of the adjacent waterbody and the landscape, ecological, cultural and recreational values associated with it; (b) Erosion and sediment control measures; (c) The functional or operational need for the building to be located close to the waterbody; and (d) Effects on public access to the waterbody.