

WAIKATO DISTRICT COUNCIL

Hearings of Submissions on the Proposed Waikato District Plan

Report and Decisions of Independent Commissioners

Decision Report 14: Residential Zone

17 January 2022

Commissioners

Dr Phil Mitchell (Chair)

Mr Paul Cooney (Deputy Chair)

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1 Introduction

1. Hearing 10 related to all the submissions received by the Waikato District Council (Council) on the Residential Zone provisions within the Proposed Waikato District Plan (PDP), including related provisions in the Urban Environment (Chapter 4) and Residential Zone (Chapter 16), as well as Definitions (Chapter 13) and Appendices and Schedules (Section D).
2. The purpose of the provisions located in Chapters 4 and 16 is to set the parameters in which activities, buildings and subdivision can occur in the Residential Zone. It ensures that residential development and land use activities in this zone are enabled in a coherent and consistent manner.
3. The Residential Zone applies to the residential areas within the district's towns (Tuakau, Pōkeno, Te Kauwhata, Raglan, Huntly and Ngaaruawaahia) and the smaller towns (Meremere, Taupiri, Gordonton, Horotiu, Te Kowhai, Whatawhata, Matangi and Rangiriri). The purpose of the Residential zone is to accommodate primarily residential and complementary activities, such as home occupations, childcare centres, health care facilities. For the main towns, the location of the Residential Zone and the activities within the zone also support the nearby Business and Business Town Centre Zones.

2 Hearing Arrangement

4. The hearing was held in person on 25 and 26 February 2020 in Council's offices at 15 Galileo Street, Ngaaruawaahia. All of the relevant information pertaining to this hearing (i.e., section 42A reports, legal submissions and evidence) is contained on Council's website.
5. The Panel heard from the following parties on the Residential Zone provisions of the PDP:

Submitter organisation	Attendee at the hearing
Council	Alan Matheson and Louise Allwood (co-authors of section 42A report)
Kāinga Ora	Daniel Sadlier (legal counsel) Alex Devine (legal counsel) Philip Stickney (planning) Cameron Wallace (urban design)

	Philip Osborne (economics)
Te Kauwhata Lands Ltd	Dr Joan Forret and Pervinder Kaur (legal counsel) Ian McAlley Stephen Gascoigne (planning)
Pokeno Village Holdings	Chris Scrafton
Hamilton City Council	Laura Gault
Waikato Regional Council	Miffy Foley
Horticulture NZ	Vance Hodgson
Terra Firma Resources Ltd	Lucy Smith
Hynds Pipes	Chanel Hargraves
Waka Kotahi New Zealand Transport Agency	Tanya Running
Sandra Ellmers	In person
Fire and Emergency New Zealand	Craig Sharman
Ports of Auckland	Mark Arbuthnot
Whaingaroa Housing	Fiona McNabb Hannah Palmer (planning)
Annie Chen Shui, CSL Trust and Top End Properties	Peter Fuller (legal counsel) David Gibbs (urban design) Sir William Birch (proposal overview)

	James Oakley (planning)
Simon Upton	In person
Isabelle and Spencer Wheeler	In person
Shaun McGuire	In person
Waikare Golf Club	Patricia Gutry
Perry Group	Aaron Collier

6. Although they did not attend the hearing, written material and/or evidence was filed by the following parties:
- a. A joint statement from Vodafone New Zealand Ltd, Chorus New Zealand Ltd and Spark New Zealand Trading Ltd;
 - b. Leigh Shaw for The Surveying Company (TSC);
 - c. Bevan Houlbrooke on behalf of Greig Metcalfe;
 - d. Alec Duncan on behalf of the Ministry of Education;
 - e. Mark Tollemache on behalf of Havelock Village Ltd, including a rebuttal statement;
 - f. Tim Lester on behalf of Blue Wallace Surveyors Ltd;
 - g. Chanel Hargrave on behalf of Campbell Tyson;
 - h. Jeremy Brydon on behalf of Counties Power;
 - i. Nicola Rykers on behalf of Synlait Milk Ltd; and
 - j. Stephen Chiles on behalf of Waka Kotahi New Zealand Transport Agency (Waka Kotahi).

3 Overview of issues raised in Submissions

7. In the section 42A report, Mr Matheson and Ms Allwood set out the full list of submissions received pertaining to the Residential Zone provisions. In brief, the key matters of relief sought by the submitters relate to:¹
- (a) Crime Prevention Through Environmental Design (CPTED) – inclusion of policies and provisions requiring compliance with national guidelines for CPTED;
 - (b) Emergency service facilities – objectives, policies and provisions to cater for these activities;
 - (c) Retirement villages – amendments to policies, an enabling activity status, relaxed maximum height, removal of minimum net site area, removal of public transport requirement and amendments to outdoor living courts;
 - (d) Reverse sensitivity – inclusion of policies and setbacks to address reverse sensitivity, particularly where the Residential Zone adjoins Rural and Industrial Zones, including existing industrial activities, intensive farming and general farming/horticulture activities. A number of submissions were also received in relation to the Harrisville Motocross Track.
 - (e) Earthworks provisions – to remove or increase setback requirements, alter maximum volume and areas and alterations to importing ‘cleanfill’;
 - (f) Sign provisions – to exclude any type of signage on Heritage Items and Maaori Sites of Significance, change the number and size and durations of real estate signs;
 - (g) Building height and daylight admission – amendments to the daylight angle and height, seeking to increase the maximum height limit, and the location where height is measured from;
 - (h) Building coverage – changes to the maximum building coverage (primarily seeking to increase it);
 - (i) Road setbacks – to alter road setbacks, including for indicative roads and setbacks from state highways and how indicative roads are dealt with once formed;
 - (j) Building setbacks – to include new building setbacks from the Rural Zone, intensive farming activities and railway corridors. Submissions relate primarily to reverse sensitivity;

¹ Section 42A Report Hearing 10: Residential Zones, dated 20 January 2020, Paragraph 28.

- (k) Setbacks from waterbodies – exclusions for maimais and setbacks to be required from named rivers/streams;
- (l) Land use activities – in relation to the rules pertaining to prohibited, permitted, restricted discretionary, discretionary, and non-complying activities. The matters generally submitted on related to:
 - activity status becoming less restrictive;
 - home stays and boarding houses requiring registration;
 - provision of show homes as a permitted activity;
 - more or less restrictive conditions for activities (such as multi-unit development);
 - more flexibility for development at Puketirini;
 - provision of education facilities; and
 - more controls around home occupations.
- (m) Housing options – in relation to the provisions relating to housing options, such as dwellings, minor dwellings and multi-unit developments. Many were seeking to create more enabling higher density provisions within the PDP, largely around the removal or reduction in minimum net site areas and provisions for two or more dwellings on a site as a permitted activity;
- (n) Outdoor living courts – to reduce the minimum dimension and living court requirements, change to living court orientation, and changes in activity status;
- (o) Service courts – to reduce the minimum area and dimensions and alteration of the activity status from discretionary to restricted discretionary where the permitted activity rules cannot be met;
- (p) Affordable housing - generally seeking the incorporation of affordable housing provisions into the plan;
- (q) Medium Residential Housing Area – the creation of an additional residential zone or area enabling medium density housing;
- (r) Noise – address drafting errors and update the metrics of the standards, with two others seeking specific provisions for noise associated with education facilities and intensive farming;
- (s) Subdivision – the majority of submissions sought amendments to correct drafting or grammatical errors. There are also a number of submissions that sought the subdivision provisions of the Operative District Plan – Franklin Section be included and reduction in minimum dimensions for subdivided lots. Other submissions sought the inclusion of subdivision for infrastructure; and
- (t) Drafting errors and/or similar grammatical/consistency errors.

3.1 Overview of evidence

8. This section summarises the key matters raised by submitters at the hearing, in the order in which they appeared.
9. Mr Daniel Sadlier presented legal submissions on behalf of Kāinga Ora - Homes and Communities (Kāinga Ora), focussing on the key matters sought in the relief sought being: a lack of alignment between higher level policy and lower order provisions and rules within the PDP; the appropriateness of the proposed Medium Density Residential Zone (MDRZ) and the proposal by the section 42A reporting planners with respect to the drafting of a revised set of MDRZ provisions; and building setbacks from the rail corridor and state highway network.
10. Mr Philip Osborne provided economic evidence in support of the relief sought by Kāinga Ora. With reference to the higher order directions and objectives of the PDP, he identified the importance of enabling a competitive environment in which the market could provide intensified housing to enable the achievement of urban consolidation outcomes. In his view, the MDRZ was more likely to achieve these outcomes than the Residential Zone. He concluded that the provisions as proposed by Kāinga Ora would better meet the objectives of the PDP from an economic perspective.
11. Mr Cameron Wallace presented urban design evidence in support of the relief sought by Kāinga Ora. While Mr Wallace supported the overall strategic direction of the PDP, he concluded that in practice the provisions of the Residential Zone will perpetuate a status quo approach to managing growth in a manner that is inconsistent with good urban design practice and the strategic direction of the PDP. In his view, the provisions proposed by Kāinga Ora would better meet the objectives of the PDP from an urban design perspective.
12. Mr Philip Stickney presented planning evidence in support of the relief sought by Kāinga Ora. Mr Stickney's evidence identified a misalignment between the strategic directions and associated objectives, which seek "forward looking" outcomes, and the zone-specific policy framework and provisions, which essentially seek retention of the status quo. In this context, he considered the introduction of a MDRZ to be appropriate, necessary and entirely consistent with the higher order planning documents and would also be supported from a section 32 perspective. Mr Stickney's evidence also provided a detailed overview of the specific zone provisions sought by Kāinga Ora. He concluded that from a planning perspective the provisions proposed by Kāinga Ora would better meet the objectives of the PDP.
13. Dr Joan Forret and Ms Pervinder Kaur presented legal submissions on behalf of Ian McAlley (Te Kauwhata Land Ltd (TKL)), the owner of 16.5 hectares of land within the Te Kauwhata West Residential Zone. Dr Forret stated that the PDP did not contain a structure plan for the subject area and on that basis, she submitted that specific reference to Te Kauwhata West should be removed and that the area be fully

integrated into the general Residential Zone, particularly as there is no policy support for the separation and no supporting section 32 analysis for treating the land differently from other adjoining residential areas. In addition, she opposed the requirement to comply with a 'future' structure or master plan in the Residential Zone provisions generally on the basis that such references created unacceptable uncertainty.

14. Mr Stephen Gascoigne presented planning evidence on behalf of TKL. He considered that there is no evidential support for a separate set of provisions applying to Te Kauwhata West and nor is there any need for the Te Kauwhata West Residential Area overlay to be identified in the planning maps. He concluded that the use of the general Residential Zone provisions is a more appropriate method of managing residential subdivision and development in the Te Kauwhata West area and would be a more efficient and effective way of giving effect to the strategic objectives and policies of the PDP. Mr Gascoigne's evidence also provided a detailed overview of the relief sought in respect of Chapters 4.2 – Urban Environment and 16 – Residential Zone to ensure the use of residentially zoned land is not inappropriately constrained through the protection of landscapes, vistas and viewshafts that are unsupported by a landscape assessment.
15. In addition, Mr Gascoigne provided supplementary planning evidence in response to questions raised by us relating to the timeline of planning and Environment Court decisions; and the changes in circumstances that would support the application of the general Residential Zone rules to the Te Kauwhata Land Ltd site.
16. Mr Christopher Scrafton presented planning evidence on behalf of Pokeno Village Holdings Ltd, which covered provisions relating to building height; multi-unit development and a MDRZ; earthworks; and the Pokeno Structure Plan. In particular, he considered that enabling multi-unit development in the Residential Zone, albeit as a restricted discretionary activity, is problematic. Mr Scrafton considered that the wide, spatial application of the Residential Zone across the district could lead to resource consents being granted for multi-unit development in areas which are not best suited for this housing typology. Mr Scrafton therefore favoured a more targeted approach to enabling differing and more intense housing typologies within the district that focus on identifying the most appropriate locations for such development. For example, a MDRZ could be applied to urban areas serviced with the appropriate infrastructure including social services, amenities, and close to employment.
17. Ms Laura Galt presented planning evidence on behalf of Hamilton City Council (HCC). Ms Galt noted that HCC supported any increased density within existing towns to achieve the principles of the Waikato Regional Policy Statement (RPS) and the Future Proof Growth Strategy 2009, including the 2017 review (Future Proof). She also considered that the amendment sought to Policy 4.2.17 will ensure that it clearly identifies the areas with public reticulation and that a greater range of housing types is

encouraged in these areas, which was consistent with the directive of the (then draft) National Policy Statement for Urban Development 2020 (NPS-UD).

18. Ms Miffy Foley presented planning evidence on behalf of Waikato Regional Council (WRC), which focussed on minimum setbacks from waterbodies for earthworks; the location of multi-unit development close to public transport; and allowing for intensification of subdivision adjoining the Business Town Centre Zones at Huntly, Ngaaruawaahia, Pōkeno, Raglan, Te Kauwhata and Tuakau. Overall, she stated that WRC would support a number of the recommendations made in the Residential Zone section 42A report but requested a small number of changes to better implement the regional direction.
19. Mr Vance Hodgson presented evidence on behalf of Horticulture New Zealand (HortNZ). He stated that rather than imposing a generic five-metre setback for all buildings, a better approach would be to strengthen policy and ensure reverse sensitivity is specifically addressed in the subdivision process. Similarly, he stated that imposing a 100-metre setback for 'sensitive land use' activities from a boundary with the Residential Zone is not the most efficient and effective provision, and that a robust subdivision assessment framework and structure planning process was a better resource management approach. In addition, he requested an explicit permitted activity status for Agriculture, Horticulture, Viticulture and Ancillary Farming Earthworks in the Residential Zone to acknowledge that there are areas of 'live' residentially-zoned highly productive land where the value of food production supports retaining rural activities until residential activity supersedes the current use. He was also of the view that a generic 10-metre buffer strip at the rural/urban interface was not an appropriate standard to introduce to the subdivision standards (as originally sought by HortNZ) and that it would be more appropriate to provide clear policy and subdivision assessment criteria.
20. Ms Lucy Smith presented evidence on behalf of Terra Firma Resources Ltd (TFR). TFR sought to relax provisions that would otherwise apply to their proposed residential development at Puketirini, which is the subject of a rezoning request on the PDP. The amendments sought to the Residential Zone provisions are intended to allow more flexibility for development at Puketirini in relation to the ability to establish community facilities; activities permitted to occur on undeveloped land; the ability to undertake commercial activities within a business overlay (if this is preferred to a Commercial Zone); and the hours of operation within a business overlay.
21. Ms Chanel Hargrave presented planning evidence on behalf of Hynds Pipe Systems Ltd (Hynds), being a heavy industrial activity within the Pōkeno area that utilises approximately 22 hectares of land. Hynds operates 24 hours a day, seven days a week, in order to manufacture and supply concrete construction materials. Hynds therefore had concerns about the reverse sensitivity effects that would result from some of the zoning included in the PDP, and from the re-zoning requests made by a number of submitters.

22. Hynds did not make specific submission points on the Residential Zone provisions, given that the notified PDP did not include any residential zoned land adjacent to the Hynds site. However, Ms Hargrave stated that as the issue of reverse sensitivity was raised in Hynds' submission, the evidence relating to the Residential Zone building setback and matters of discretion for subdivision addressed in evidence are within the scope of its submission. To this extent, she confirmed that Hynds supported the building setback provisions for sensitive land uses and the title boundary setbacks for subdivision from intensive farming and extractive industry activities. In addition, Hynds sought the inclusion of reverse sensitivity as a matter of discretion for subdivision. Overall, Ms Hargrave considered that a combination of methods, including compatible zoning, setback rules and discretion over reverse sensitivity, should be used to avoid and manage reverse sensitivity, giving effect to Policy 4.7.11.
23. Ms Tanya Running presented planning evidence on behalf of Waka Kotahi New Zealand Transport Agency (NZTA). Ms Running addressed a number of Residential Zone provisions, including those relating to signs, building setbacks, housing options, multi-unit development, and home occupations. Her submissions considered the impacts of these respective provisions on the need to provide safe and efficient state highways that meet the requirements of road users and communities.
24. With respect to the submission point seeking to increase the building setback for sensitive land uses from the Waikato Expressway to 35 metres, Ms Running relied on the (tabled) evidence provided by acoustician, Dr Stephen Chiles. Dr Chiles advised that the 25-metre setback in the PDP would not be adequate to manage the most significant noise effects. Ms Running was also supportive of a spatial zoning approach to higher density development to ensure that such housing typology occurs in locations where it can integrate effectively with public transport and alternative modes of transport. Similarly, she considered that the proposed permitted activity rules are enabling retirement villages to the potential detriment of the amenity and the traffic safety and efficiency in the Residential Zone and that likewise, heavy vehicle movements associated with home occupations should also be limited.
25. Ms Sandra Ellmers provided a verbal presentation in support of her and her husband's submission relating to a number of Residential Zone provisions. Their submissions particularly concerned enabling retirement village complexes to establish on smaller allotments, with an increased maximum building height. She also considered that the minimum site area for duplex units should be decreased to provide for a greater range of affordable housing, together with more enabling provisions for apartments, the relaxation of the associated bulk and location requirements for all forms of higher density living, and the provision of reserves and walkways within residential areas.
26. Mr Craig Sharman presented planning evidence on behalf of Fire and Emergency New Zealand (Fire and Emergency). Fire and Emergency sought to ensure that the PDP provides for their ability to undertake training activities for firefighters, including live fire

training and equipment training; to establish fire stations throughout the district to respond to population growth and to enable efficient responses to emergencies; and to arrive quickly at emergencies and to effectively fight fires. Mr Sharman addressed a number of specific submission points on the Residential Zone chapter to achieve these outcomes, including a new objective and amended policies relating to non-residential activities that contribute to the health, safety and wellbeing of the community; a permitted activity status for their training and management activities; a restricted discretionary status for emergency service facilities; and the ability to consider 'water supply for firefighting purposes' for multi-unit developments and as part of any residential subdivision.

27. Mr Mark Arbuthnot presented planning evidence on behalf of Ports of Auckland Ltd (POAL). Of key concern to POAL is the potential for reverse sensitivity effects to arise from the establishment of retirement villages and multi-unit developments in proximity to industrial-zoned land and activities. In response to these issues, Mr Arbuthnot reinforced that the proposed "no complaints" covenant rule for the Horotiu Acoustic Area is a valid planning tool available to Council that will achieve the purpose of the RMA. He also highlighted the need for the Horotiu Acoustic Area to apply to any multi-unit development proposed within this overlay, noting the section 42A report recommendation to remove the applicable land use standards would result in the Horotiu Acoustic Area rules having no effect. In addition, Mr Arbuthnot provided a supplementary statement of evidence in response to the late statement of evidence that was filed by Mr Collier on behalf of Perry Group Limited. Mr Arbuthnot's supplementary evidence reiterated his earlier evidence with respect to the appropriateness of the proposed "no complaints" covenant rule as it applies to residential intensification within Horotiu.
28. Following introductory comments by Ms McNabb, Ms Hannah Palmer presented planning evidence on behalf of the Whaingaroa Raglan Affordable Housing Project (WRAP). Ms Palmer addressed the appropriateness of including affordable housing provisions in the PDP and the associated relief sought by WRAP to give effect to this directive. The submission points presented by WRAP primarily focus on ensuring that Council has the ability to consider housing affordability when assessing resource consent applications (through objectives, policies and matters of discretion); and allowing efficient use of land by maximising site potential through reductions in building setbacks, decreasing the size of living courts and minimum floor area for multi-unit developments, and increasing the number of dwellings allowed on a site.
29. Mr Peter Fuller presented legal submissions on behalf of Annie Chen Shui, CSL Trust and Top End Properties. He stated that the submitters generally supported the proposed residential objectives, policies and rules, as they would be applied to the proposed urbanisation of the submitters' land at Pōkeno West, which is subject to a rezoning request. In particular, he highlighted that it was important that the provisions (as would be applied to Pōkeno West) provided flexibility to facilitate the provision of

more intensive residential development. He also considered that it was preferable for this flexibility to be provided through the consenting process and in response to individual applications that respond to site characteristics and market demand, rather than creating a range of different zones that can be somewhat “arbitrary” and out of step with development that is both commercially viable and meets the purpose of the RMA by the time a project is proposed.

30. Mr Fuller also outlined that the main difference between the economic witnesses for Kāinga Ora and the submitters' economic expert, Mr Adam Thompson, is that Mr Thompson considers that there will be a lower uptake of intensification housing than has been assumed due to a range of commercial factors. Mr Thompson is therefore supportive of there being sufficient greenfield development opportunities to ensure that affordable housing is able to be provided.
31. Mr Alexander Gibbs presented urban design evidence on behalf of Annie Chen Shui, CSL Trust and Top End Properties. He was generally supportive of the Chapter 16 provisions as recommended in the section 42A report, although he noted instances where provisions were either lacking specificity or, in other cases, were not offering sufficient development flexibility. In those circumstances, he generally found that the submissions of others dealt well with those matters and provided support, especially the relief sought by Kāinga Ora.
32. A joint statement of evidence on behalf of Annie Chen Shui, CSL Trust and Top End Properties was filed by Sir William Birch (proposal overview) and Mr James Oakley (planner). They confirmed their support for the section 42A report recommendations regarding the objectives and policies of the Residential Zone, except for a minor change to Policy 4.2.26; and the recommended housing options and development controls. They also considered that the single Residential Zone is generally fit for purpose across the district, together with an enabling policy framework that will allow for more intensive subdivision which reduces the need for another residential zone. Notwithstanding, they stated that it was important that there is a diverse housing stock comprising typologies across the spectrum to cater to the different market preferences and price-points. To enable this, the submitters sought that the minimum net site area for Multi-Unit Development subdivision be reduced to 200m² from the 300m² which is currently proposed for multi-unit development.
33. Mr Simon Upton provided a verbal presentation in support of his submission opposing the extension of the Residential Zone in the notified PDP between Rangimarie and Saalbrey Roads, Ngaaruawaahia. In doing so, he referred to the outcomes sought in the Urban Environment and Residential Chapters, noting that under Policy 4.7.2, subdivision location and design should be “sympathetic to the natural and physical qualities and characteristics of the surrounding environment”. He also referred to the key attributes of residential subdivision Policy 4.7.3 regarding accessibility and

connectivity of public spaces and requested that these matters be applied to a reappraisal of the Residential Zone in this location.

34. Spencer and Isabelle Wheeler provided a verbal presentation in support of their submission regarding the lifting of the Raglan navigational beacon, which would in turn allow the current height restriction that runs through their 1920s bach to also be lifted. Mr & Mrs Wheeler therefore requested that the activity status for any building that obscures the sight line to the navigational beacon under Rule 16.1.1 be changed from prohibited to non-complying. We have already addressed this matter separately from this decision and do not address it further.
35. Mr Shaun McGuire provided a verbal presentation in support of his submission opposing the notified Residential Zone provisions on the basis that they are unnecessarily restrictive for greenfield development. In particular, he sought an increase in the permitted height limit to 8m; relaxed recession plane controls; and the ability to install on-site wastewater and stormwater treatment and disposal systems on residential allotments in Tuakau.
36. Ms Patricia Gutry presented a statement on behalf of Waikare Golf Club objecting to a proposed walkway through the golf course, which would have the effect of changing the current 18 hole course to a 9 hole course and causing significant economic loss to the Club. Ms Gutry therefore requested that the requirement for the walkway be removed from the PDP. We have decided to remove all indicative walkways from the Planning Maps as part of our Infrastructure and Energy decision (Decision Report 13), therefore we do not consider this matter further.
37. Mr Aaron Collier presented planning evidence on behalf of Perry Group Ltd. He outlined the nature of Perry Group's submissions on Chapter 16, which focused on ensuring that the plan provisions provided certainty in development outcomes. He then went on to focus on Perry Group's further submission opposing POAL's request to introduce a permitted standard to the Horotiu Acoustic Area overlay, which would require a restrictive no complaints covenant in favour of POAL. Overall, Mr Collier stated that he agreed with the section 42A authors that POAL's submission introduces a standard that is "not required if compliance with the permitted activity rule is achieved in the Industrial Zone". He therefore considered that the standard was unnecessary and should not be inserted into the PDP.

4 Panel Decisions

38. We note that 637 primary submission points were received on the Residential Zone provisions and these were considered in a comprehensive section 42A report prepared Mr Matheson and Ms Allwood. Mr Matheson also prepared rebuttal evidence recommending a number of additional changes. We have therefore focused our decision on the areas of contention and where the Panel has an alternative view to the recommendations of the section 42A authors. We have summarised our decisions on

all the Residential Zone provisions but to varying degrees of detail depending on how contentious the subject matter was.

39. Given the overlap between submitters on a number of outstanding issues before us, the following sub-sections have been grouped by issues. We also note that our decisions on the Residential Zone provisions are closely related to our findings on the introduction of a Medium Density Residential Zone (MDRZ).
40. Notwithstanding, we acknowledge that at the time of writing, the government has released the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill (the Bill). The Bill is designed to improve housing supply by enabling more medium density homes within those areas identified as a Tier 1 council, which includes Waikato District Council. The Bill is scheduled to be enacted in mid-December 2021.
41. While we are cognisant of the proposed legislative changes, we consider that it is appropriate that we determine the provisions of the Residential Zone based on the information and evidence that we have received to date. Our decisions will therefore provide a cohesive planning framework upon which the Council can later promulgate a plan change to align the district plan with the new medium density residential standards, once legislated.

4.1 Objectives and Policies

42. All of the objectives and policies relating to the Residential Zone are contained in 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 RPS, the NPS-UD, the National Policy Statement for Freshwater Management 2020 (NPS-FM), and the applicable National Environmental Standards. We have also had regard to the relevant provisions of the Waikato-Tainui Environmental Plan, Tai Tumu, Tai Pari, Tai Ao and Maniapoto Environmental Management Plan - Ko Ta Maniapoto Mahere Taiao.
43. 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 Act (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.

4.2 Zone Description and Purpose

44. 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.
45. The purpose of the notified Residential Zone aligns with that anticipated for a 'General Residential Zone' under the National Planning Standards, which has a broad description of "areas used predominantly for residential activities with a mix of building types, and other compatible activities". These outcomes are generally encapsulated within the following objectives of the PDP:

4.2.1 Objective – Residential Character

- (a) Residential character of the Residential Zone is maintained.

4.2.3 Objective – Residential built form and amenity

- (a) Maintain neighbourhood residential amenity values and facilitate safety in the Residential Zone.

4.2.9 Objective – On-site residential amenity

- (a) Maintain amenity values within and around dwellings and sites in the Residential Zone.

4.2.14 Objective – Earthworks

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

4.2.16 Objective – Housing options

- (a) A wide range of housing options occurs in the Residential Zones of Huntly, Ngaaruawaahia, Pokeno, Raglan, Te Kauwhata and Tuakau.
- (b) Residential zoned land near the Business Town Centre Zone and close to transport networks is used for higher density residential living with access to public transport and alternative modes of transport.

4.2.20 Objective – Maintain residential purpose

- (a) Residential activities remain the dominant activity in the Residential Zone.

46. While there were few submissions challenging these overarching objectives, it was apparent that there are differing views among submitters and the section 42A authors on the subject matter of residential intensification. The submitters and authors had differing views as to whether residential intensification should be enabled throughout the Residential Zone via a suite of multi-unit provisions, or through the introduction of a new MDRZ. If the latter, a new MDRZ should spatially identify where a higher

concentration of residential activities would better achieve a well-functioning urban environment.

47. We have determined that the inclusion of a MDRZ will give effect to the NPS-UD and the RPS, being the higher order planning documents. On that basis, we consider it important that a distinction is made between the outcomes sought for the MDRZ compared to the wider Residential Zone. The comparatively lower density anticipated in the Residential Zone is also a key determinant for setting the associated character, built form and amenity outcomes for the zone, which is necessary for creating a cohesive suite of provisions that work together to achieve the anticipated outcomes. As such, we consider that it is appropriate to amend Objectives 4.2.1 and 4.2.16 to reflect that while a range of housing typologies are anticipated within all Residential Zones, the density of development will be lower than that enabled in the MDRZ, which is designed to allow for higher density and mixed-use developments close to transport hubs, town centres and community hubs. The remaining objectives are considered appropriate within this context and the merits of specific policies and rules are discussed in further detail below as relevant to the identified issue.

4.3 Housing options

48. The PDP approach was not to zone specific areas for higher-density residential development. Rather, its approach was to provide for multi-unit development as a restricted discretionary activity throughout the zone and to set out a policy framework that supported development of higher density in areas where the policy criteria were met (such as connected to public services, well-served by transport and in close proximity to town centres). As set out above (and discussed in detail in the MDRZ decision), we have found that this ‘pepper-potting’ approach is not the most efficient or effective way to provide for residential intensification.
49. On the basis that a MDRZ is to be applied to the central areas of the main towns within the district, we do not consider that it is appropriate to continue to provide for multi-unit development throughout the remainder of the Residential Zone. In our view, the character of the Residential Zone needs to be distinguishable from that of the MDRZ and this is most effectively achieved through limiting residential density to one dwelling per site, while also enabling the establishment of a minor dwelling. We were also not provided with any compelling evidence as to why the 450m² subdivision minimum net site area should be varied in light of the potential change in approach with respect to providing for medium density development. However, we agree with evidence of TSC that the minimum net site area for a minor dwelling should be reduced from 900m² to 600m² to provide greater flexibility to accommodate smaller residential units, while maintaining a built form that is reflective of a low-density living environment.
50. Overall, we agree with a number of submitters, including the expert evidence presented on behalf of Havelock Village Ltd, Kāinga Ora, Pokeno Village Holdings Ltd and WRC, that this package of provisions will better achieve the desired character for

the wider residential area, with multi-unit development instead being directed to those areas that can support this level of intensification.

4.4 Te Kauwhata West

51. TKL submitted that there was no evidential support for a separate set of provisions applying to Te Kauwhata West and nor is there any need for the Te Kauwhata West Residential Area overlay to be identified on the Planning Maps. The submitter therefore sought for the general Residential Zone to replace the bespoke provisions that are currently included in the Operative District Plan, some of which have subsequently been incorporated into the PDP. The Surveying Company (TSC) and Campbell Tyson also sought to reduce the 875m² minimum average net site area requirement in the Te Kauwhata West Residential Area to 700m² and identified that while elements of the Te Kauwhata Structure Plan have been carried over into the PDP, the Structure Plan does not exist within the PDP.
52. In considering these requests, we accept that the current suite of provisions were developed prior to the NPS-UD, which provides overarching support for increasing densities within existing urban areas. We are also mindful that the specific outcomes sought in the Te Kauwhata Structure Plan are encapsulated within both the Council and Environment Court decisions on Variation 13, and embodied within Policies 4.1.12 and 4.7.13 of the PDP. However, we agree with Mr Gascoigne that there is an absence of evidential support for a separate set of provisions applying to the Te Kauwhata West Residential Area, with only a general reference in Policy 4.7.13(b) to achieving minimum lot sizes and recognising views of natural features and landscapes. We are therefore comfortable that the use of the general Residential Zone provisions is a more appropriate method of managing residential subdivision and development in the Te Kauwhata West Residential Area.

4.5 Reverse sensitivity

53. We heard from a number of submitters seeking amendments to the PDP to address potential reverse sensitivity effects. We are also mindful of the direction from the RPS to:
- a. Minimise land use conflicts, including minimising potential for reverse sensitivity (Objective 3.12(g));
 - b. Avoid or minimise the potential for reverse sensitivity (Policy 4.4);
 - c. Avoid or minimise the potential for reverse sensitivity effects (Implementation Method 4.4.1); and
 - d. Discourage new sensitive activities (Implementation Method 6.1.2).
54. We agree with Mr Hodgson for HortNZ, who sought to strengthen the policy and subdivision assessment framework to ensure that reverse sensitivity effects were specifically addressed prior to the establishment of the sensitive activity, rather than

imposing generic building setbacks. Therefore, we have included a new Policy 4.2.10 to complement 'Urban subdivision and development' Policy 4.7.11, as follows:

4.2.10 Policy- Reverse Sensitivity

(a) Avoid or minimise the potential for reverse sensitivity through:

- (i) the use of building setbacks, the design of subdivisions and development;
- (ii) acoustic insulation requirements for noise sensitive activities.

55. In addition, we agree that reverse sensitivity effects should be included as a matter of discretion in Subdivision Rule 16.4.1, as recommended by Mr Matheson in his rebuttal evidence and supported by Ms Hargrave on behalf of Hynds.
56. The setbacks from the rail corridor and the state highway network could also be considered in the context of reverse sensitivity and were raised in the evidence of number of submitters, including Kāinga Ora, Waka Kotahi, Vodafone New Zealand Ltd, Chorus New Zealand Ltd, Spark New Zealand Trading Ltd, Synlait Milk Ltd and Kiwi Rail. We have found that the five-metre setback requirement from the railway corridor is appropriate to minimise potential reverse sensitivity effects on KiwiRail's operations. We note however that this setback only applies to new buildings and building alterations, and excludes poles, lines and other network utility infrastructure provided for in Chapter 14 of the PDP, as well as telecommunications equipment provided for in the NESTF. Similarly, we are satisfied that the remaining building setbacks for sensitive activities recommended in the section 42A report will avoid or minimise potential reverse sensitivity effects, including the 25-metre setback from the designated boundary of the Waikato Expressway. With respect to the latter, we note that Waka Kotahi has the ability to designate a wider area to increase this buffer, if required.
57. The Horotiu Acoustic Area overlay is another planning tool used in the PDP to minimise the potential for reverse sensitivity effects on activities within the Horotiu Industrial Park. As notified, Rule 16.3.10 requires that any new, or addition or alteration to a building used for a noise sensitive activity within the Horotiu Acoustic Area is designed and constructed to achieve the internal design sound level specified in the corresponding appendix. In addition to this requirement, POAL requested that noise sensitive activities are also subject to a restrictive 'no-complaint' covenant in favour of POAL, a proposition that was opposed by Perry Group Ltd. While we consider that it is appropriate that the PDP addresses potential reverse sensitivity effects on the Horotiu Industrial Park, we are satisfied that the requirement for internal acoustic insulation for noise sensitive activities within the identified overlay is the most efficient and effective means of achieving the outcomes sought by the relevant policy framework, including new Policy 4.2.10 outlined above, without the need for imposing additional costs associated with a third-party legal encumbrance.

4.6 Non-residential activities

58. HortNZ sought the inclusion of a permitted activity status for agriculture, horticulture, viticulture and ancillary farming earthworks in the Residential Zone to enable the land to continue to be used for rural purposes until such time as it is developed for residential activities. Mr Hodgson's evidence provided an example of horticultural activities around Buckland Road in Tuakau to illustrate where this could be an issue, however he did not assess other potential growth areas.
59. In addressing this matter, we note that while activities such as horticulture, viticulture, ancillary farming earthworks or other types of more intensive agricultural activities may be appropriate in Residential Zones, there is also the potential for reverse sensitivity effects to arise from the adjoining urban area. Any of these types of activities that are currently undertaken on undeveloped residentially-zoned land are also able to rely on 'existing use rights'. In the absence of specific evidence addressing potential 'activity specific conditions' or further refinement of the broad types of rural activities sought, we do not consider that it is appropriate to expand the list of permitted activities to include those sought by HortNZ.
60. TFR sought to amend the Residential Zone provisions to allow more flexibility for development at Puketirini in relation to the ability to establish community facilities; activities permitted to occur on undeveloped land; the ability to undertake commercial activities within a business overlay; and the hours of operation within a business overlay. We note that these matters were considered as part of the rezoning request for Puketirini in Hearing 25, the result being that there is no need to amend the Residential Zone provisions in the manner requested by TFR.
61. Fire and Emergency sought to include a new objective and amended policies relating to non-residential activities that contribute to the health, safety and wellbeing of the community; a permitted activity status for their training and management activities; a restricted discretionary status for emergency service facilities; and the ability to consider 'water supply for firefighting purposes' for multi-unit developments and as part of any residential subdivision. We acknowledge the critical role of emergency service facilities and the need for them to be located in the communities they serve. We therefore wish to enable these facilities and training activities while managing adverse effects on the surrounding character and amenity.
62. We have included an objective and policy to provide recognition of the role of emergency services in the community. We are also comfortable with Mr Matheson's recommended changes to permit 'emergency services training and management activities' (subject to a new definition); and that 'emergency service facilities' themselves are a restricted discretionary activity to enable an assessment of potential adverse effects on the receiving environment.
63. Fire and Emergency also sought that Subdivision Rule 16.4.1 (General) be amended to require all new lots to be connected to a water supply that is sufficient for firefighting

purposes, with applications becoming a discretionary activity where such supply is not available. We agree that the “provision for new infrastructure and the operation, maintenance, upgrading and development of existing infrastructure including water supply for firefighting purposes” is an appropriate condition of all subdivision applications within the Residential Zone to provide for the health, safety and wellbeing of the community.

4.7 Retirement villages, home occupations and educational facilities

64. Garth and Sandra Ellmers sought to relax the permitted activity conditions for the establishment of retirement villages, while POAL were concerned that such activities could generate reverse sensitivity effects in proximity to industrial activities. Waka Kotahi also advised that additional controls were necessary to address potential effects on traffic safety and efficiency.
65. Subject to the exceptions identified below, we are satisfied that the permitted activity conditions for retirement villages provide an appropriate level of flexibility to enable this form of residential development, while managing potential adverse effects on the surrounding environment. To this extent, we note that any retirement village established within the Horotiu Acoustic Area overlay is subject to the acoustic insulation requirements of Rule 16.3.10 as a ‘noise sensitive activity’. Based on our earlier decision that the installation of acoustic insulation is sufficient to minimise the potential for reverse sensitivity effects on the Horotiu Industrial Park, we are satisfied that the same principle also applies to retirement villages.
66. However, in addressing potential effects on traffic safety and efficiency, we agree with Waka Kotahi that an inappropriately located, scaled or designed retirement village, including any related signage, could adversely affect people’s health and safety, and surrounding amenity values. It is not clear to us why other activities establishing in the Residential Zone are limited to 100 vehicle movements per day as a permitted activity (Rule 14.12.1 P4(1)(a)), whereas there is no ability to assess and determine the level of effect of a retirement village activity and that it is suitable for its proposed location. As such, we have determined that conditions (g)(i) and (i)(i) to Rule 16.1.2 P3 should be deleted.
67. Waka Kotahi have also raised concerns that while home occupations are subject to the traffic generation condition in Rule 14.12.1 P4(1)(a), such activities should not involve heavy vehicles and that any proposal to do so should be subject to a new restricted discretionary rule. In considering this matter, we are mindful that while some home occupations have the potential to cause adverse environmental effects, we are comfortable that the parameters contained in both the home occupation and traffic generation permitted activity standards will sufficiently limit the scale of any home occupation activity, without imposing additional restrictions.

68. The Ministry of Education supported the section 42A report authors' recommendation to change the activity status of 'education facilities' in the Residential Zone to restricted discretionary, rather than being subject to the default non-complying activity status for activities not otherwise provided for. We agree with the Ministry that the majority of education facilities should be located within residential areas and constitute essential social infrastructure to support residential areas. However, such facilities also have the potential to create adverse effects, particularly in terms of amenity and traffic generation, and therefore a restricted discretionary activity status is considered appropriate. We also note that Mr Duncan's evidence states that he accepts the section 42A authors' recommendation that a specific noise standard for educational facilities is unnecessary; we record that we concur with this conclusion.

4.8 Bulk and location requirements

69. There were a number of submitters that sought a range of amendments to various bulk and location requirements for permitted activities. Having reviewed this evidence, we are satisfied that the amendments recommended in the section 42A report (as updated through the rebuttal evidence), will provide a level of amenity and functionality that is appropriate to a low-density living environment.

4.9 Earthworks

70. Pokeno Village Holdings Ltd have raised concerns regarding the section 42A recommended amendment to Rule 16.2.4.1 (P1(a)(i)), which would increase the earthworks setback from one and a half metres to five metres and also apply the setback to include "any infrastructure", not just waterways, open drains or overland flow paths as referred to in the rule. Mr Scafton's evidence also provided an illustration of the implications of the recommended rule, including a five-metre setback from any road reserve, water, stormwater and wastewater pipelines; and power and communications on a residential property.
71. We agree with Mr Scafton that this amendment is unnecessarily onerous and it would likely to be difficult for a landowner to accurately identify the location of all infrastructure services on their property in order to ascertain compliance, particularly for domestic-related earthworks, such as gardening or erecting fence posts. We are also mindful that earthworks are otherwise required to be set back one and a half metres from all boundaries, including the road boundary, where most services are likely to be located and that other instruments, such as easements and designations are available to protect infrastructure, where necessary. On this basis, we do not consider that the inclusion of the term "infrastructure" in Rule 16.2.4.1 (P1(a)(i)) and related Policy 4.2.15(b) is the most efficient or effective means of managing the potential effects of earthworks.
72. WRC requested that the permitted activity standards for earthworks in all zones be amended to provide for a minimum five-metre distance from any waterbody or

overland flow path to align with the permitted rule in the Waikato Regional Plan as a 'precautionary approach'. On the basis of the amendments to Rule 16.2.4.1 P1(a)(vii) relating to the stabilisation and revegetation of earthworks, we do not consider that it is necessary to apply a precautionary approach of widening the setback from waterways when such works are already subject to compliance with relevant regional rule requirements.

4.10 Signs

73. Waka Kotahi sought changes to Policy 4.4.7 - Managing the adverse effects of signs, on the basis that illuminated, flashing or moving signs on roads (with a speed limit of over 50km) have the potential to reduce the safety and efficiency of state highways (and roads in general) and that such effects should be avoided. While we agree that potential adverse effects on traffic safety need to be considered, we are satisfied that this can be achieved through a restricted discretionary activity status (in accordance with Rules 16.2.7.1 and 16.2.7.2). On this basis, we are satisfied that Policy 4.4.7 should refer to 'discouraging', rather than 'avoiding' signs that may generate adverse effects from illumination, light spill, flashing, moving or reflection.
74. Waka Kotahi also requested some minor amendments to the Rule 16.2.7.2 P1 Signs - Effects on traffic regarding reference to the maximum number of words, symbols or graphics on a sign, which we note Mr Matheson agreed with in his rebuttal evidence (albeit with slightly different wording). We agree with this amendment, however we prefer NZTA's suggested text that includes reference to 'graphics'.
75. Greig Metcalfe requested changes to Rule 16.2.7.1 P3 to insert additional permitted activity requirements to provide greater control over real estate signs in the Residential Zone. Considering the temporary nature of real estate signs and that they are anticipated to occur within a residential environment, we are not satisfied that additional controls on the dimensions and duration of such signs are necessary.

4.11 Rezoning requests

76. A number of submitters, including Havelock Village Ltd, Blue Wallace Surveyors Ltd, Kāinga Ora, Pokeno Village Holdings Ltd, TFR, Annie Chen Shui, CSL Trust and Top End Properties and Simon Upton sought amendments to the Residential Zone provisions to provide better alignment with their submissions to rezone land in the PDP. These matters have been specifically considered in the context of Hearing 25: Rezoning and as such our decisions on those submission points should be referred to in relation to any subsequent changes to the Residential Zone provisions.

5 Conclusion

77. The Panel accepts and or rejects the section 42A reports and the evidence filed by the submitters for the reasons provided in this Decision, collectively forming the section 32AA assessment informing this Decision.

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78. Overall, the Panel is satisfied that the Residential Zone provisions as amended will provide a suitable framework for managing the ongoing use and development of the Residential Zone whilst managing any adverse effects.

For the Hearings Panel



Dr Phil Mitchell, Chair

Dated: 17 January 2022

4.2 GRZ – General Residential Zone

GRZ – General Residential Zone Description

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

4.2.1 Objective – Residential Character

- (a) The low-density residential character of the Residential Zone is maintained.

4.2.2 Policy – Character

- (a) Ensure residential development in the ~~Residential Zone~~:
 - (i) Provides road patterns that follow the natural contour of the landform;
 - (ii) Promotes views and vistas from public spaces of the hinterland beyond; and
 - (iii) Is an appropriate scale and intensity, and setback from the road frontages to provide sufficient open space for the planting of trees and private gardens.

4.2.3 Objective – Residential built form and amenity

- (a) Maintain neighbourhood residential amenity values and facilitate safety in the ~~Residential Zone~~.

4.2.4 Policy – Front setback

- (a) Ensure buildings are designed and set back from roads by:
 - (i) Maintaining the existing street character including the predominant building setback from the street;
 - (ii) Allowing sufficient space for the establishment of gardens and trees on the site; and
 - (iii) Providing for passive surveillance to roads and avoiding windowless walls to the street.

4.2.5 Policy – Setback: Side boundaries

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

4.2.6 Policy – Height

- (a)) Ensure building height is complementary to the low rise character of the ~~Residential Zone~~.

4.2.7 Policy – Site Coverage and Permeable Surfaces

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

4.2.8 Policy – ~~Excessive Building~~ scale

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

4.2.9 Objective – On-site residential amenity

- (a) Maintain amenity values within and around dwellings and sites in the ~~Residential Zone~~.

4.2.10 Policy- Reverse Sensitivity

- (a) Avoid or minimise the potential for reverse sensitivity by managing the location and design of sensitive activities through:
 - (i) the use of building setbacks;
 - (ii) the design of subdivisions and development;
 - (iii) acoustic insulation requirements for noise sensitive activities.

4.2.11 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.~~
- (b) Require the height, bulk and location of development to maintain sunlight access and privacy, and to minimise visual dominance effects on adjoining sites.
- (c) Maintain and enhance attractive open space character of residential areas by ensuring that development is compatible in scale to surrounding activities and structures and has ~~generous~~ on-site landscaping, screening and street planting.

4.2.12 Policy – Outdoor living ~~court~~ space – ~~Dwelling~~ Residential units

- (a) Require outdoor living ~~courts~~ spaces to be accessible and usable.

4.2.13 Policy – ~~Outdoor living court~~ – ~~Multi-unit development~~

- ~~(a) Enable multi-unit development to provide usable and accessible outdoor living courts in alternative ways that reflects the outcomes of section 7 (private residential amenity) of Waikato District Council's Multi-unit Development Urban Design Guidelines (Appendix 3.4), in particular by:~~
 - ~~(i) Maximising light access, views and privacy; and~~
 - ~~(ii) Maximising the use and amenity opportunities of the site through well designed internal layout.~~

4.2.14 Policy – Outdoor living ~~court~~ space – Retirement villages

- (a) Require outdoor living ~~courts~~ spaces or communal outdoor living ~~courts~~ spaces to be usable and accessible.

4.2.15 Objective – Earthworks

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

4.2.16 Policy - Earthworks

- (a) Manage the effects of earthworks to ensure that:
 - (i) Erosion and sediment loss is avoided or mitigated;
 - (ii) Changes to natural water flows and established drainage paths are mitigated;
 - (iii) Adjoining properties and public services are protected; ~~and~~
 - (iv) The importation of cleanfill is avoided in the ~~Residential Zone~~; and
 - (v) Adverse effects on historic heritage are avoided.
- (b) Earthworks are designed and undertaken in a manner that ensures the stability and safety of surrounding land, buildings and structures.
- (c) Manage the amount of land being disturbed at any one time to avoid, remedy or mitigate adverse construction noise, vibration, dust, lighting and traffic effects.
- (d) Subdivision and development occurs in a manner that maintains fundamental shape, contour and landscape characteristics.
- (e) Manage the geotechnical risks to ensure the ground remains sound, safe and stable for the intended land use.

4.2.17 Objective – Housing options

- ~~(a) A wide range of housing options occurs in the Residential Zones of Huntly, Ngaruawahia, Pokeno, Raglan, Te Kauwhata and Tuakau to meet the needs of the community in a suburban setting.~~

- (b) ~~Residential zoned land near the Business Town Centre Zone and close to transport networks is used for higher density residential living with access to public transport and alternative modes of transport.~~

4.2.18 Policy – Housing types

- (a) Enable a variety of housing types in the Residential Zone where it is connected to public reticulation, including minor residential units and :
 - (i) ~~Integrated residential development such as low-rise apartments and multi-unit development; and~~
 - (ii) retirement villages.

4.2.19 Policy – Multi-unit development

- (a) ~~Ensure multi-unit residential subdivision and development is designed in a way that:~~
 - (i) ~~provides a range of housing types;~~
 - (ii) ~~Addresses and integrates with adjacent residential development, town centres and public open space;~~
 - (iii) ~~Addresses and responds to the constraints of the site, including topography, natural features and heritage values;~~
 - (iv) ~~Supports an integrated transport network, including walking and cycling connections to public open space network; and~~
 - (v) ~~Maintains the amenity values of neighbouring sites.~~
- (b) ~~Encourage developments that promote the outcomes of the Waikato District Council's Multi-unit Development Urban Design Guidelines (Appendix 3.4), in particular section 3 (site and context analysis), section 4 (movement, access and parking), section 5 (neighbourhood character), section 6 (street and public realm interface), and section 8 (communal open spaces and landscape treatment), in particular by:~~
 - (i) ~~Responding to the immediate urban and built form;~~
 - (ii) ~~Designing and locating development to support connection to the surrounding context and local amenities;~~
 - (iii) ~~Promoting the safe movement of pedestrians and vehicles on site;~~
 - (iv) ~~Ensuring design is contextually appropriate and promotes local characteristics to contribute to community identity;~~
 - (v) ~~Designs that respond to and promote the public interface by the provision of:~~
 - A. ~~Streets and public places;~~
 - B. ~~Pedestrian safety and amenity.~~
 - C. ~~Side setbacks; and~~
 - D. ~~Variation in roof form.~~
 - (vi) ~~Ensuring a communal outdoor living court is provided where private individual outdoor living courts are limited.~~

4.2.20 Policy – Retirement villages

- (a) Provide for the establishment of new retirement villages and care facilities that:
 - (i) Offer a diverse range of housing types, including care facilities, for the particular needs and characteristics of older people;
 - (ii) Promote visual integration with the street scene, neighbourhoods and adjoining sites;
 - (iii) Are comprehensively designed and managed and offer a variety of accommodation and accessory services that meet the needs of residents, including those requiring care or assisted living;
 - (iv) Recognise that hHousing and care facilities for older people can require higher densities;
 - (v) Provide high quality on-site amenity;
 - (vi) Integrate with local services and facilities, including public transport; and
 - (vii) Connect to alternative transport modes to ~~Village, Residential or Business~~ LLRZ – Large lot residential, SETZ – Settlement, MRZ – Medium density residential, GRZ – General residential, TCZ – Town Centre, LCZ – Local centre zone or COMZ – Commercial Zones.

- (b) Enable alterations and additions to existing retirement villages that:
 - (i) Promote visual integration with the street scene, neighbourhoods and adjoining sites;
 - (ii) Recognise that housing and care facilities for older people can require higher densities;
 - (iii) Provide high quality on-site amenity; and
 - (iv) Integrate with local services and facilities, including public transport and alternative transport modes.

4.2.21 Objective – Maintain residential purpose

- (a) Residential activities remain the dominant activity in the ~~Residential~~ Zone.

4.2.22 Policy – Maintain residential purpose

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

4.2.23 Policy – Bankart Street and Wainui

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

4.2.24 Policy – Non-residential activities

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

4.2.25 Policy – Home ~~occupations~~ businesses

- (a) Provide for home ~~occupations~~ businesses to allow flexibility for people to work from their homes.
- (b) Manage the adverse effects on residential amenity through limiting home ~~occupations~~ businesses to a scale that is compatible with the level of amenity anticipated in the residential environment.

4.2.26 Policy – Temporary events

- (a) Enable temporary events and associated temporary structures, provided any adverse effects on the residential environment are managed by:
 - (i) Limits on the timing, number and duration of events; and
 - (ii) ~~Meeting~~ Limiting noise generated by the temporary events to the permitted noise limits for the zone.

4.2.27 Policy – Neighbourhood centres in structure plan areas

- (a) Provide for new neighbourhood centres within structure plan areas or master plan areas, that:
 - (i) Are for the daily retail and service needs of the community; and
 - (ii) Are located within a walkable catchment.

4.4 GRZ – General residential, MRZ – Medium density residential, LLRZ – Large Lot residential and SETZ – Settlement Residential and Village 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;
 - (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 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.
- (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.
- (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 ~~are~~ controlled to ensure signs do not ~~distract, confuse or obstruct motorists,~~ pedestrians and other road users adversely affect the safety of road users;

- (b) Discourage signs that generate adverse effects from illumination, light spill, flashing, moving or reflection.

4.5.1 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.

4.5.2 Policy - Emergency services facilities and activities.

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

Chapter 16: GRZ - Residential Zone Rules

- (1) The rules that apply to activities in the GRZ – General Residential Zone are contained in Rule 16.1 Land Use – Activities, Rule 16.2 Land Use – Effects and Rule 16.3 Land Use – Building.
- (2) The rules that apply to subdivision in the GRZ – General Residential Zone are contained in Rule 16.4 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 GRZ – General Residential 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.
- (5) The GRZ – General Residential Zone contains a Specific Area that is Lakeside Te Kauwhata Lakeside Precinct. Rule 16.5 manages all land use, building and subdivision in this location. Rule 16.5.1 sets out how to apply rules to Lakeside Te Kauwhata Lakeside Precinct that are either different from, or are in addition to, other rules that apply to the rest of the GRZ – General Residential Zone.

16.1 Land Use - Activities

16.1.1 Prohibited Activities

- (1) The following activity is a prohibited activity. No application for resource consent for a prohibited activity can be made and a resource consent must not be granted.

PR1	Any building, structure, objects or vegetation that obscure the sight line of the Raglan navigation beacons for vessels entering Whaingaroa (Raglan Harbour) (refer to <u>Appendix 7</u>).
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16.1.2 Permitted Activities

- (1) The following activities are permitted activities if they meet all the following:
 - (a) Activity-specific standards;
 - (b) Land Use – Effects rules in Rule 16.2 (unless the activity rule and/or activity-specific conditions standards identify a condition standard(s) that does not apply);
 - (c) Land Use – Building rules in Rule 16.3 (unless the activity rule and/or activity-specific conditions standards identify a condition standard(s) that does not apply).
 - (d) ~~Activity-specific conditions.~~

Activity	Activity-specific conditions standards
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P1	Residential activity , unless specified below. <u>This includes occupation of a single residential unit for short term rental.</u>	Nil
P2	A Marae Complex or Papakainga Housing Development on Maaori Freehold Land or on Maaori Customary Land.	The provisions notified under this rule are addressed in Decision Report 6: Tangata Whenua
P3	A new retirement village or alterations to an existing retirement village:	<p>(a) The site or combination of sites where the retirement village is proposed to be located has a minimum net site area of 3ha;</p> <p>(b) The site is either serviced by or within 400m walking distance of public transport;</p> <p>(c) The site is connected to public water and wastewater infrastructure;</p> <p>(d) Minimum <u>outdoor living court space</u> or balcony area and dimensions:</p> <p>(i) Apartment – 10m² area with minimum dimension horizontal and vertical of 2.5m;</p> <p>(ii) Studio unit or 1 bedroom unit – 12.5m² area with minimum dimension horizontal and vertical of 2.5m; or</p> <p>(iii) 2 or more bedroomed unit – 15m² area with minimum dimension horizontal and vertical of 2.5m;</p> <p>(e) Minimum service court is either:</p> <p>(i) Apartment – Communal outdoor space (ie no individual service courts required); or</p> <p>(ii) All other units – 10m² for each unit;</p> <p>(f) Building height does not exceed 8m, <u>measured from the natural ground level immediately below the structure</u>, except for 15% of the total building coverage, where buildings may be up to 10m high; and</p> <p>(g) The following Land Use – Effects rule in Rule 16.2 does not apply:</p> <p>(i) Rule 16.2.7 (Signs);</p> <p>(h) The following Land Use – Building rules in Rule 16.3 do not apply:</p> <p>(i) Rule 16.3.1 (<u>Dwelling Residential units</u>);</p> <p>(ii) Rule 16.3.3 (Building Height);</p> <p>(iii) Rule 16.3.7 (<u>Living Court Outdoor living space</u>);</p> <p>(iv) Rule 16.3.8 (Service Court).</p> <p>(i) The following Infrastructure and Energy rule in Chapter 14 does not apply:</p> <p>(i) Rule 14.12.1 P4(1)(a) (Traffic generation).</p>
P4	Home occupation business	(a) It is wholly contained within a building ;

		<p>(b) The storage of materials or machinery associated with the home occupation <u>business</u> are <u>either wholly contained within a building or are screened so as not to be visible from a public road or neighbouring residential property</u>;</p> <p>(c) No more than 2 people who are not permanent residents of the <u>site</u> are employed at any one time;</p> <p>(d) Unloading and loading of vehicles <u>or the receiving</u> of customers or deliveries only occur <u>between</u> 7:30am and 7:00pm on any day;</p> <p>(e) Machinery may <u>only</u> be operated between 7:30am and 9pm on any day.</p>
P5	Temporary event	<p>(a) The event occurs no more than 3 times per consecutive 12 month period;</p> <p>(b) The duration of each temporary event is less than 72 hours;</p> <p>(c) It may operate between 7.30am and 8:30pm Monday to Sunday;</p> <p>(d) Temporary structures are:</p> <p>(i) erected no more than 2 days before the temporary event occurs;</p> <p>(ii) removed no more than 3 days after the end of the event;</p> <p>(e) The <u>site</u> is returned to its previous condition no more than 3 days after the end of the <u>temporary event</u>;</p> <p>(f) There is no direct <u>site</u> access from a national route or regional arterial road.</p>
P6	Cultural event on Maaori Freehold Land containing a Marae Complex	The provisions notified under this rule are addressed in Decision Report 6: Tangata Whenua
P7	<u>Community activity facility</u>	Nil
P8	Neighbourhood park	Nil
P9	<u>Home stay</u>	<p>(a) No more than 4 temporary residents.</p> <p>(b) No more than two people who are not permanent residents of the site are employed at any one time.</p>
P10	Agricultural, horticultural and viticultural activities	(a) Must be within the Residential West Te Kauwhata Area.
P11	<u>Neighbourhood centre</u>	(a) Must be within an area identified in a Council approved Structure Plan or Master Plan.
P12	<u>Commercial activity</u>	(a) Must be within the Bankart Street and Wainui Road Business Overlay Area.
P13	<u>Childcare facility</u>	(a) <u>For up to 4 children that are not permanent residents of the household unit.</u>

<p><u>P14</u></p>	<p><u>Buildings, structures and sensitive land uses within the National Grid Yard in sites existing as of 18 July 2018</u></p>	<p>(a) <u>Within the National Grid Yard:</u></p> <ul style="list-style-type: none"> (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> (ii) <u>New, or additions to existing buildings or structures that are not for a sensitive land use;</u> (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> (iv) <u>Fences less than 2.5m in height, measured from the natural ground level immediately below.</u> <p>(b) <u>All buildings or structures permitted by Rule P14 must:</u></p> <ul style="list-style-type: none"> (i) <u>Comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663 under all National Grid transmission line operating conditions; and</u> (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> <ul style="list-style-type: none"> (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> (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> (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> (iii) <u>Not permanently physically impede existing vehicular access to a National Grid support structure.</u>
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<p><u>P15</u></p>	<p><u>Construction or alteration of a building for a sensitive land use</u></p>	<p>(i) <u>It is set back a minimum of 10m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of up to 110kV; or</u></p> <p>(ii) <u>It is set back a minimum of 12m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of 110kV or more.</u></p>
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<u>P16</u>	<u>Emergency services training and management activities</u>	<u>Nil</u>
<u>P17</u>	<u>Additions and alterations to an existing emergency service facility</u>	<u>Nil</u>
<u>P18</u>	<u>Construction, demolition, addition, and alteration of a building or structure</u>	<u>Nil</u>

16.1.3 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.

Activity		Council's discretion shall be restricted to the following matters: Matters of Discretion:									
RD1	<p>A Multi Unit development that meets all of the following conditions:</p> <p>(a) The Land Use Effects rules in Rule 16.2;</p> <p>(b) The Land Use Building rules in Rule 16.3, except the following rules do not apply:</p> <p>(i) Rule 16.3.1, Dwelling;</p> <p>(ii) Rule 16.3.8 16.3.6 Building coverage;</p> <p>(iii) Rule 16.3.9 16.3.7 Living court;</p> <p>(iv) Rule 16.3.10 16.3.8 Service court;</p> <p>(c) The minimum net site area per residential unit is 300m²;</p> <p>(d) The Multi Unit development is connected to public wastewater and water reticulation;</p> <p>(e) Total building coverage of the site does not exceed 50%;</p> <p>(f) Each residential unit is designed and constructed to achieve the internal design sound level specified in Appendix 1 (Acoustic Insulation) Table 14;</p> <p>(g) Service court areas are provided to meet the following minimum requirements for each residential unit:</p> <p>(i) At least 2.25m² with a minimum dimension of 1.5 metres of outdoor or indoor space at ground floor level for the dedicated storage of waste and recycling bins;</p> <p>(ii) At least 3m² with a minimum dimension of 1.5 metres of outdoor space at ground floor level for washing lines; and</p> <p>(iii) The required spaces in (g)(i) or (g)(ii) for each residential unit shall be provided individually, or as a dedicated communal service court.</p> <p>(h) Living court areas are provided to meet the following minimum requirements for each residential unit:</p> <table border="1"> <thead> <tr> <th>Duplex dwelling</th><th>Area</th><th>Minimum dimension</th></tr> </thead> <tbody> <tr> <td>Studio unit or 1 bedroom</td><td>30 m²</td><td>4m</td></tr> <tr> <td>2 or more bedrooms</td><td>40 m²</td><td>4m</td></tr> </tbody> </table>	Duplex dwelling	Area	Minimum dimension	Studio unit or 1 bedroom	30 m ²	4m	2 or more bedrooms	40 m ²	4m	<p>(a) Density of the development;</p> <p>(b) The manner in which the provisions of the Multi Unit Design contained in Appendix 3.4 have been incorporated;</p> <p>(c) Contribution of the development to and engagement with adjacent streets and public open space;</p> <p>(d) The visual quality and interest created through design such as the separation of buildings, variety in built form and architectural detailing, glazing, materials and colour;</p> <p>(e) The incorporation of energy efficiency measures such as passive solar principles;</p> <p>(f) Amenity values for occupants and neighbours in respect of outlook, privacy, noise, light spill, access to sunlight, living court orientation, site design and layout;</p> <p>(g) Staging needed to ensure that development is carried out in a coordinated and timely manner;</p> <p>(h) Avoidance or mitigation of natural hazards;</p> <p>(i) Geotechnical suitability for building;</p> <p>(j) Provision of infrastructure to individual units;</p>
Duplex dwelling	Area	Minimum dimension									
Studio unit or 1 bedroom	30 m ²	4m									
2 or more bedrooms	40 m ²	4m									
	<table border="1"> <thead> <tr> <th>Apartment Building Ground Level Residential Unit</th><th>Area</th><th>Minimum Dimension</th></tr> </thead> <tbody> <tr> <td></td><td></td><td></td></tr> </tbody> </table>	Apartment Building Ground Level Residential Unit	Area	Minimum Dimension							
Apartment Building Ground Level Residential Unit	Area	Minimum Dimension									

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.

		Studio unit or 1 bedroom	20 m ²	4m	
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	<table> <tr> <td>2 or more bedrooms</td><td>30 m²</td><td>4m</td></tr> <tr> <td>Apartment Building Upper Levels Residential Unit</td><td>Area</td><td>Minimum Dimension</td></tr> <tr> <td>Studio unit or 1 bedroom</td><td>40m²</td><td>2m</td></tr> <tr> <td>2 or more bedrooms</td><td>45m²</td><td>2m</td></tr> </table>	2 or more bedrooms	30 m ²	4m	Apartment Building Upper Levels Residential Unit	Area	Minimum Dimension	Studio unit or 1 bedroom	40m ²	2m	2 or more bedrooms	45m ²	2m	
2 or more bedrooms	30 m ²	4m												
Apartment Building Upper Levels Residential Unit	Area	Minimum Dimension												
Studio unit or 1 bedroom	40m ²	2m												
2 or more bedrooms	45m ²	2m												
RD2	<u>Educational facilities</u> <u>This excludes childcare facilities.</u>	<u>Council's discretion shall be restricted to the following matters:</u> <u>a. The extent to which it is necessary to locate the activity in the GRZ - General Residential Zone.</u> <u>b. Reverse sensitivity effects of adjacent activities.</u> <u>c. The extent to which the activity may adversely impact on the transport network.</u> <u>d. The extent to which the activity may adversely impact on the streetscape and the amenity of the neighbourhood.</u> <u>e. The extent to which the activity may adversely impact on the noise environment.</u>												
RD3	<u>Construction or alteration of a building for a sensitive land use that does not comply with 16.1.2 P15</u>	<u>Council's discretion shall be restricted to the following matters:</u> <u>a. Effects on the amenity values of the site:</u> <u>b. The risk of electrical hazards affecting the safety of people;</u> <u>c. The risk of damage to property; and</u> <u>d. Effects on the</u>												

RD4	<u>Construction of emergency service facilities</u>	<p><u>Council's discretion shall be restricted to the following matters:</u></p> <ul style="list-style-type: none"> (a) <u>Effects on amenity of the locality.</u> (b) <u>Effects on character.</u> (c) <u>Road efficiency and safety.</u> (d) <u>Building design.</u> (e) <u>Site layout and design; and</u> (f) <u>Privacy on other sites.</u>
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16.1.4 Discretionary Activities

(I) The activities listed below are discretionary activities.

D1	Any permitted activity that does not comply with <u>one or more of the a-‘Activity-Specific Condition Standards’ in Rule 16.1.2.</u>
D2	Any permitted activity that does not comply with the Land Use – Effects Rule 16.2 or Land Use – Building Rule 16.3 unless the activity status is specified as controlled, restricted discretionary or non-complying.
D3	Any Multi-unit development that does not comply with <u>Rule 16.1.3 RD1.</u>

16.1.5 Non-complying Activities

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

NC1	Any activity that is not listed as Prohibited, Permitted, Restricted Discretionary or Discretionary.
NC2	<u>The establishment of any new sensitive land use within the National Grid Yard</u>
NC3	<u>Buildings, structures and sensitive land use within the National Grid Yard as of 18 July 2018 that do not comply with Rule 16.1.2 P14</u>

16.2 Land Use – Effects

16.2.1 Noise

- (1) **Rules 16.2.1.1 and 16.2.1.2** provide the permitted noise levels generated by land use activities.
- (2) **Rule 16.2.1.1 Noise – general** provides permitted noise levels in the GRZ – General Residential Zone.
- (3) **Rule 16.2.1.2 Noise – Construction** provides the noise levels for construction activities

16.2.1.1 Noise – General

P1	Farming noise , and noise generated by emergency generator s and emergency sirens.
P2	<p>(a) Noise measured within any other site in the <u>GRZ – General Residential Zone</u> must not exceed:</p> <ol style="list-style-type: none"> (i) 50dB $L_{Aeq(15min)} (L_{Aeq})$, 7am to 7pm, every day; (ii) 45dB $L_{Aeq(15min)} (L_{Aeq})$, 7pm to 10pm, every day; and (iii) 40dB $L_{Aeq(15min)} (L_{Aeq})$, 10pm to 7am the following day; and (iv) 65dB $L_{Amax} (L_{Amax})$, 10pm to 7am the following day. <p>(b) <u>Noise levels shall be measured in accordance with the requirements of NZS 6801:2008 “Acoustics - Measurement of Environmental Sound”; and</u></p> <p>(c) <u>Noise levels shall be assessed in accordance with the requirements of NZS 6802:2008 “Acoustic-Environmental noise”.</u></p>

P3	(a) Noise levels shall be measured in accordance with the requirements of NZS 6801:2008 "Acoustics – Measurement of Environmental Sound"; and (b) Noise levels shall be assessed in accordance with the requirements of NZS 6802:2008 "Acoustic Environmental noise".
DI	Noise that does not comply with Rule 16.2.1.1 P2.

16.2.1.2 Noise – Construction

PI	(a) Construction noise must meet <u>shall not exceed</u> 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'.
RDI	(a) Construction noise that does not comply with <u>Rule 16.2.1.2 PI</u> . (b) Council's discretion shall be restricted to the following matters: (i) Effects on amenity values; (ii) Hours and days of construction; (iii) Noise levels; (iv) Timing and duration; and (v) Methods of construction.

16.2.2 Servicing and hours of operation - Bankart Street and Wainui Road Business Overlay Area

PI	The loading and unloading of vehicles and the receiving of customers and deliveries associated with a <u>commercial activity</u> within the Bankart Street and Wainui Road Business Overlay Area may <u>shall</u> occur between 7.30am and 6:30pm.
DI	The servicing and hours of operation of a <u>commercial activity</u> that does not comply with <u>Rule 16.2.2 PI</u> .

16.2.3 Glare and artificial light spill

PI	Illumination from Glare and artificial light spill must <u>shall</u> not exceed 10 <u>lux</u> measured horizontally and vertically within any other <u>site</u> .
RDI	(a) Illumination that does not comply with <u>Rule 16.2.3 PI</u> . (b) The Council's discretion shall be restricted to the following matters: (i) Effects on amenity values; (ii) Light spill levels on other sites; (iii) Road safety; (iv) Duration and frequency; (v) Location and orientation of the light source; and (vi) Mitigation measures.

16.2.4 Earthworks

- (1) Rule 16.2.4.1 – General, provides the permitted rules for earthworks activities for the GRZ – General Residential Zone. This rule does not apply in those areas specified in Rule 16.2.4.2, 16.2.4.3 and 16.2.4.4.
- (2) There are specific standards for earthworks within rules:

- (a) **Rule 16.2.4.2** – Maaori Sites and Maaori Areas of Significance;
- (b) **Rule 16.2.4.3** – Significant Natural Areas;
- (c) **Rule 16.2.4.4** – Landscape and Natural Character Areas.

16.2.4.1 Earthworks - General

PI	<p>(a) Earthworks (excluding the importation <u>the use of fill-cleanfill material or fill material</u>) <u>within a site</u> must meet all of the following conditions <u>standards</u>:</p> <ul style="list-style-type: none"> (i) Be located more than 1.5m horizontally from any waterway, open drain or overland flow path; (ii) Not exceed a volume of 250m³ <u>and an area of not more than 1,000m² over any consecutive 12 month period</u>; (iii) Not exceed an area of 1,000m² over any consecutive 12 month period; (iv) The total depth of any excavation or filling does not exceed 1.5m above or below ground level; (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); (vi) Earthworks are set back <u>at least</u> 1.5m from all boundaries; (vii) Areas exposed by earthworks are stabilised to avoid runoff within 1 month and re-vegetated to achieve 80% ground cover within 6 months of the commencement <u>cessation</u> of the earthworks; (viii) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; (ix) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.
P2	<p>Earthworks for the purpose of creating a building platform <u>and accessway</u> for residential purposes within a site, using including the use of imported fill-cleanfill material <u>or</u> imported fill material, must meet the following condition <u>standard</u>:</p> <p>(a) Be carried out in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development.</p>
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 conditions <u>standards</u>:</p> <ul style="list-style-type: none"> (i) Not exceed a total volume of 20m³; (ii) Not exceed a depth of 1m; (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); (iv) Fill material is setback <u>at least</u> 1.5m from all boundaries; (v) Areas exposed by filling are revegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks; (vi) Sediment resulting from the filling is retained on the site through implementation and maintenance of erosion and sediment controls; (vii) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.
RDI	<p>(a) Earthworks that do not comply with <u>any one or more of the standards of</u> Rule 16.2.4.1 P1, P2 or P3.</p> <p>(b) The Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Amenity values and landscape effects; (ii) Volume, extent and depth of earthworks; (iii) Nature of fill material; (iv) Contamination of fill material;

	<p>(v) Location of the earthworks in relation to waterways, significant indigenous vegetation and habitat;</p> <p>(vi) Compaction of the fill material;</p> <p>(vii) Volume and depth of fill material;</p> <p>(viii) Protection of the Hauraki Gulf Catchment Area;</p> <p>(ix) Geotechnical stability;</p> <p>(x) Flood risk, including natural water flows and established drainage paths; and</p> <p>(xi) Land instability, erosion and sedimentation.</p>
NCI	Earthworks including involving the importation of cleanfill, controlled fill material to a site .

16.2.4.2 Earthworks – 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

16.2.4.3 Earthworks - Significant Natural Areas

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

16.2.4.4 Earthworks - Landscape and Natural Character Areas

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

16.2.5 Hazardous substances

The provisions notified under this heading are addressed in Decision Report 11: Hazardous substances and contaminated land.

16.2.6 Notable trees

16.2.6.1 Notable trees – Removal or destruction

16.2.6.2 Notable tree – Trimming

16.2.6.3 Notable tree – Activities within the dripline

The provisions notified under these headings are addressed in Decision Report 8: Historic Heritage.

16.2.7 Signs

- (1) **Rule 16.2.7.1** Signs – general provides permitted standards for any sign, including real estate signs, across the entire **GRZ – General Residential Zone**.
- (2) **Rule 16.2.7.2** Signs – effects on traffic applies specific standards for signs that are directed at road users.

16.2.7.1 Signs – general

P1	A public information sign erected by a government agency.
P2	<p>(a) A sign must comply with all of the following conditions standards:</p> <ul style="list-style-type: none"> (i) It is the only sign on the site; (ii) The sign is wholly contained within the site; (iii) The sign does not exceed 0.25m²; (iv) The sign height does not exceed 2m <u>in height above the ground</u>; (v) The sign is not illuminated; (vi) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; (vii) The sign is set back at least 50m from the designated boundary of a state highway and the Waikato Expressway; (viii) The sign does not project over road reserve; (ix) The sign is not attached to a tree identified in Schedule 30.2 Notable Trees, except for the purpose of identification and interpretation; (ix) (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; (x) (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; (xi) (xii) (The sign relates to: <ul style="list-style-type: none"> A. goods or services available on the site; or a property name sign.
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 conditions standards:</p> <ul style="list-style-type: none"> (i) There is no more than 1 sign per agency; (ii) The sign is not illuminated; (iii) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials. (iv) The sign does not project into or over road reserve.
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 16.2.7.1 P2 or P3.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Amenity values; (ii) Character of the locality; (iii) Effects on traffic safety; (iv) Glare and artificial light spill; (v) Content, colour and location of the sign; (vi) Effects on a notable tree; (vii) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign; (viii) Effects on cultural values of any Maaori Site of Significance; and (ix) Effects on notable architectural features of a building.

16.2.7.2 Signs – Effects on traffic

PI	<p>(a) Any sign directed at road and transport users must:</p> <ul style="list-style-type: none"> (i) Not imitate the content, colour or appearance of any traffic control sign; (ii) Be located at least 60m from controlled intersections, pedestrian crossings and any other sign; (iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections or at a level crossing; (iv) Be able to be viewed by drivers for at least 130m; (iv) (v) Contain no more than 40 characters and no more than 6 <u>words, symbols or graphics</u>; (v) (vi) Have lettering that is at least 150mm high; (iv) (vii) Be at least 130m from a site entrance, where the sign directs traffic to the entrance.
DI RDI	<p>(a) Any sign that does not comply with Rule 16.2.7.2 PI.</p> <p>(b) <u>Council's discretion shall be restricted to the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>Amenity;</u> (ii) <u>Character of the locality;</u> (iii) <u>Effects on traffic safety;</u> (iv) <u>Clare and artificial light spill;</u> (v) <u>Content, colour and location of the sign;</u> (vi) <u>Effects on a notable tree;</u> (vii) <u>Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign;</u> (viii) <u>Effects on cultural values of any Maaori Site of Significance; and</u> (ix) <u>Effects on notable architectural features of a building.</u>

16.2.8 Indigenous vegetation clearance inside a Significant Natural Area

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

16.3 Land Use – Building

16.3.1 Dwelling Residential unit

PI	One <u>dwelling residential unit</u> within a <u>site</u> .
DI	A <u>dwelling residential unit</u> that does not comply with <u>Rule 16.3.1 PI</u> .

16.3.2 Minor dwelling residential unit

PI	(a) One <u>minor dwelling residential unit</u> contained within a <u>site</u> must comply with all of the following conditions <u>standards</u> : (i) The net site area is <u>9600m²</u> or more; (ii) The site does not contain a <u>Multi-unit development</u>. (iii) The gross floor area shall not exceed 70m ² .
DI	A <u>minor dwelling residential unit</u> that does not comply with <u>Rule 16.3.2 PI</u> .

16.3.2 Height

- (1) Rules 16.3.3.1 to 16.3.3.3 provide the permitted height for buildings, structures or vegetation.
- (2) Rule 16.3.3.1 Height – Building general provides permitted height limits across the entire GRZ – General Residential Zone except in those areas specified in Rules 16.3.3.2 and 16.3.3.3.
- (3) Rule 16.3.3.2 Height - Buildings in a battlefield view shaft.
- (4) Rule 16.3.3.3 Height - Buildings, structures and vegetation within any airport obstacle limitation surface provides height limits for specific activities within these areas.
- (5) Where sites are located within the Raglan Navigation Beacons height restriction plane as identified on the planning maps and Appendix 7 (Raglan Navigation Beacons), the prohibited activity Rule 16.1.1 PRI applies.

16.3.2.1 Height - Building general

PI	<p>(a) The maximum <u>height</u> of any <u>building or structure</u>, measured from the natural ground level immediately below the structure, must <u>shall</u> not exceed <u>7.58m</u>.</p> <p>(b) <u>Chimneys not exceeding 1m in width and finials shall not exceed a maximum height of 10m measured from the natural ground level immediately below the structure;</u></p> <p>(c) <u>The maximum height of a hose drying tower on a Fire and Emergency fire station site, measured from the natural ground level immediately below the structure, shall not exceed 15m.</u></p>
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<p>⊕</p> <p>RDI</p>	<p>(a) Any building or structure that does not comply with Rule 16.3.3.1 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) <u>Extent of overshadowing and shading of adjoining sites, particularly internal and external living spaces;</u></p> <p>(ii) <u>Loss of privacy through overlooking adjoining sites;</u></p> <p>(iii) <u>Whether development on the adjoining sites (such as separation by land used for vehicle access, the provision of screening) reduces the need to protect the adjoining site from overlooking;</u></p> <p>(iv) <u>Design (such as high windows) and location of the building.</u></p>
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16.3.2.2 Height – Building and vegetation in a battlefield view shaft area

PI	The maximum height of a building , structure or vegetation <u>above ground level</u> within a battlefield view shaft as shown on the planning maps, must <u>shall</u> not exceed 5m.
DI	A building in the battlefield view shaft that does not comply with Rule 16.3.3.2 PI .

16.3.2.3 Height - Buildings, structures and vegetation within an airport obstacle limitation surface

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

16.3.3 Fences or walls – Road boundaries and **OSZ – Open Space Reserve Zone** boundaries

PI	<p>(a) Fences and walls between the applicable building setbacks under Rule 16.3.9 on a site and any road and reserve OSZ – Open space zone boundaries must <u>shall</u> comply with all of the following conditions <u>standards</u>, measured from the natural ground level immediately below the structure:</p> <p>(i) Be no higher than 1.2m if solid:</p> <p>(ii) Be no higher than 1.8m if:</p> <p>A. visually permeable for the full 1.8m height of the fence or wall; or</p> <p>B. solid up to 1.2m and visually permeable between 1.2 and 1.8m.</p>
P2	Any Fences or walls between erected within the applicable building setbacks under Rule 16.3.9 on a site and along the northern common boundaries of the Residential Zone between Wayside Road and Travers Road, Te Kauwhata, adjacent to the and Country Living Zone, between Wayside Road and Travers Road, Te Kauwhata, must shall be of a rural-type post and wire or post and rail.
RDI	(a) Fences or walls that do not comply with Rule 16.3.4 PI or P2 .

	<p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Building materials and design; (ii) Effects on amenity; and (iii) Public space visibility.
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16.3.4 Daylight admission Height in relation to boundary

PI	Buildings or structures must shall not protrude through a height control plane rising at an angle of 37-45 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.
RDI	<p>(a) A building or structure that does not comply with Rule 16.3.5 PI.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Height of the building; (ii) Design and location of the building; (iii) Extent of shading on adjacent any other sites; (iv) Privacy on another any other sites; and (v) Effects on amenity values and residential character.

16.3.5 Building coverage

PI	The total building coverage must shall not exceed 40%. PI does not apply to a structure that is not a building or to eaves of a building that project less than 750mm horizontally from the exterior wall of the building.
P2	Within the Te Kauwhata Residential West Area or the Te Kauwhata Ecological Residential Area as identified on the planning maps, the total building coverage must shall not exceed 35%.
P3	Within the Bankart Street and Wainui Road Business Overlay Area as identified on the planning maps, total building coverage must shall not exceed 50%.
D+ RDI	<p>(a) Total building coverage that does not comply with Rule 16.3.6 PI, P2 or P3.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Whether the balance of open space and buildings will maintain the character and amenity values anticipated for the zone; (ii) Visual dominance of the street resulting from building scale; (iii) Management of stormwater flooding, nuisance or damage to within the site.

16.3.6 Impervious surfaces

PI	<u>The impervious surfaces of a site must shall not exceed 70%.</u>
RDI	<p>(a) <u>Impervious surface that does not comply with Rule 16.3.6A PI.</u></p> <p>(b) <u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>Site design, layout and amenity;</u> (ii) <u>The risk of flooding, nuisance or damage to the site or other buildings and sites.</u>

16.3.7 Living court Outdoor living space

P1	<p>(a) An outdoor living space living court must shall be provided for each dwelling residential unit that meets all of the following conditions standards:</p> <ul style="list-style-type: none"> (i) It is for the exclusive use of the occupants of the dwelling residential unit; (ii) It is readily accessible from a living area of the dwelling residential unit; (iii) When located on the ground floor, it has a minimum area of 80m² and a minimum dimension of 4m in any direction; and (iv) When located on a balcony of an above ground apartment building, it must have a minimum area of 15m² and a minimum dimension of 2m in any direction.
P2	<p>(a) An outdoor living space living court must shall be provided for each minor dwelling residential unit that meets all of the following conditions standards:</p> <ul style="list-style-type: none"> (i) It is for the exclusive use of the occupants of the minor dwelling residential unit; (ii) It is readily accessible from a living area of the minor dwelling residential unit; (iii) When located on the ground floor it has a minimum area of 40m² and a minimum dimension of 4m in any direction; (iv) When located on a balcony of an above ground apartment building, it must have a minimum area of 15m² and a minimum dimension of 2m in any direction.
D+ RDI	<p>(a) An outdoor living space living court that does not comply with Rule 16.3.7 P1 or P2.</p> <p>(b) <u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>The extent to which the space is useable and contributes to the feeling of spaciousness;</u> (ii) <u>Access to sunlight;</u> (iii) <u>Privacy of adjoining residential sites;</u> (iv) <u>Accessibility to and convenience of the space for occupiers;</u> (v) <u>Whether the size and quality of communal outdoor living space in the development or other public open space compensates for any reduction in the private space.</u>

16.3.8 Service court

P1	<p>(a) A service court must shall be provided for each dwelling residential unit and minor dwelling residential unit, <u>either as two separate areas or one combined area, each with all the following dimensions:</u></p> <ul style="list-style-type: none"> (i) minimum area of 15m²; and (ii) contains a circle of at least 3m diameter. (i) <u>Storage of waste and recycling bins – minimum area of 3m² and minimum dimension of 1.5m;</u> (iii) <u>Washing line – minimum area of 5m² and minimum dimension of 2m.</u>
D+ RDI	<p>(a) A service court that does not comply with Rule 16.3.8 P1.</p> <p>(b) <u>Council's discretion shall be restricted to the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>The convenience and accessibility of the spaces for building occupiers;</u> (ii) <u>The adequacy of the space to meet the expected requirements of building occupiers; and</u> (iii) <u>Adverse effects on the location of the space on visual amenity from the street or adjoining sites.</u>

16.3.9 Building setbacks

- (1) **Rules 16.3.9.1 to 16.3.9.4** provide the permitted building setback distances for buildings from **site** boundaries, specific land use activities and environmental features.
- (2) **Rule 16.3.9.1** Building setbacks – all boundaries provides permitted building setback distances from all boundaries on any **site** within the **GRZ – General Residential Zone**. Different setback distances are applied **based** on the type of building.

- (3) **Rule 16.3.9.2** Building setback - sensitive land use provides permitted setback distances for any building containing a sensitive land use from specified land use activities.

- (4) **Rule 16.3.9.3** Building setback – water bodies including lake, wetland, river and coast.
- (5) **Rule 16.3.9.4** Building setback – Environmental Protection Area provides specific setback distances from specified environmental features.

16.3.9.1 Building setbacks – All boundaries

PI	<p>(a) <u>The finished external walls (excluding eaves) of a A-building must shall</u> be set back a minimum of:</p> <ul style="list-style-type: none"> (i) 3m from the road boundary (ii) 13m from the edge of an indicative road (as demonstrated on a structure plan or planning maps); (iii) 1.5m from every boundary other than a road boundary; and (iv) 1.5m from every vehicle access to another site. <p><u>PI does not apply to a structure which is not a building.</u></p>
P2	<p>(a) <u>The finished external walls (excluding eaves) of a A-non-habitable building</u> can be set back less than 1.5m from a boundary, where:</p> <ul style="list-style-type: none"> (i) the total length of all buildings within 1.5m of the boundary <u>does not exceed 6m; and</u> (ii) the building does not have any windows or doors on the side of the building facing the boundary.
P3	<p>A garage must shall be set back behind the front façade of the dwelling residential unit where the residential unit and garage are <u>on a site that has frontage to a road.</u></p>
RD1	<p>(a) A building that does not comply with Rule 16.3.9.1 P1, P2 or P3.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Road network safety and efficiency; (ii) Reverse sensitivity effects; (iii) Adverse effects on amenity; (iv) Streetscape; (v) Potential to mitigate adverse effects; (vi) Daylight admission to adjoining properties; and (vii) Effects on privacy at adjoining sites

16.3.9.2 Building setback – Sensitive land use

PI	<p>(a) Any new building or alteration to an existing building for a sensitive land use must shall be set back a minimum of:</p> <ul style="list-style-type: none"> (i) 5m from the designated boundary of the railway corridor; (ii) 15m from the boundary of a national route or regional arterial; (iii) 25m from the designated boundary of the Waikato Expressway; (iv) 300m from the edge of oxidation ponds that are part of a municipal wastewater treatment facility on another site; and (v) 30m from a municipal wastewater treatment facility where the treatment process is fully enclosed; and (vi) <u>300m from the boundary of the Alstra Poultry intensive farming activities located on River Road and Great South Road, Ngaaruwaahia.</u>
DI	<p>Any building for a sensitive land use that does not comply with Rule 16.3.9.2. PI.</p>

16.3.9.3 Building setback – Water bodies

PI	(a) Any building must shall be setback a minimum of: <ul style="list-style-type: none"> (i) 23m from the margin of any; <ul style="list-style-type: none"> A. lake; and B. wetland; (ii) 23m from the bank of any river (other than the Waikato and Waipa Rivers); (iii) 28m from the margin of both the Waikato River and the Waipa River; and (iv) 23m from mean high water springs. (v) 10m from any artificial wetland.
P2	(a) A public amenity of up to 25m, ² or a pump shed (public or private), within any building setback identified in Rule 16.3.9.3 PI.
DI	Any building that does not comply with Rule 16.3.9.3 PI or P2.

16.3.9.4 Building setback – Environmental Protection Area

PI	A building must shall be set back a minimum of 3m from an Environmental Protection Area.
DI	A building that does not comply with Rule 16.3.9.4 PI.

16.3.10 Building - Horotiu Acoustic Area

PI	Construction, addition to or alteration of a building for a noise sensitive activity within the Horotiu Acoustic Area shall be designed and constructed to achieve the internal design sound level specified in Appendix I (Acoustic Insulation) - Table 11.
RD1	(a) Construction, addition to or alteration of a building that does not comply with Rule 16.3.10 PI. (b) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) On-site amenity values; (ii) Noise levels received at the notional boundary of the building; (iii) Timing and duration of noise received at the notional boundary of the building; (iv) Potential for reverse sensitivity effects.

16.3.11 Historic Heritage

16.3.11.1 Group A heritage item – Demolition, removal or relocation

16.3.11.2 Group B heritage item – Demolition, removal or relocation

16.3.11.3 All heritage items – Alterations or addition

16.3.11.4 All heritage items – Maintenance or repair

16.3.11.5 All heritage items – Site development

16.3.11.6 Heritage precincts – Matangi and Huntly

The provisions notified under these headings are addressed in Decision 8: Historic Heritage

16.4 Subdivision

- (1) Rule 16.4.1 provides for subdivision density and apply across within the GRZ – General

Residential Zone, subject to compliance with the following:

- (a) Rule 16.4.7 Subdivision – Title boundaries – contaminated land, notable trees, intensive farming and aggregate extraction areas;
 - (b) Rule 16.4.8 Title boundaries – Significant Natural Areas;
 - (c) Rule 16.4.9 Title boundaries – Maaori sites and Maaori areas of Significance;
 - (d) Rule 16.4.10 Subdivision of land containing heritage items;
 - (e) Rule 16.4.11 Subdivision – Road Frontage;
 - (f) Rule 16.4.12 Subdivision – Building Platform;
 - (g) Rule 16.4.3 Subdivision creating reserves;
 - (h) Rule 16.4.14 Subdivision of esplanade reserves and esplanade strips;
 - (i) Rule 16.4.15 Subdivision of land containing mapped off-road walkways; and
 - (j) Rule 16.4.16 Subdivision of land containing an Environmental Protection Area.
- (2) Rule 16.4.1 Subdivision – General does not apply where the following specific areas and/or activities rules apply. The following rules apply to specific areas and/or activities:
- (a) Rule 16.4.2 - Subdivision - Te Kauwhata Ecological Residential Area;
 - (b) Rule 16.4.3 Subdivision – Te Kauwhata West Residential Area); and
 - (c) Rule 16.4.4 (Subdivision – Multi-Unit development);
 - (d) Rule 16.4.5 Subdivision – Boundary adjustments; and
 - (e) Rule 16.4.6 Subdivision – Amendments and updates to cross lease flats plans and conversion to freehold.
- (3) The following rules apply to specific areas and/or activities:
- (a) Rule 16.4.2 Subdivision – Te Kauwhata Ecological Residential Area (refer to Rule 16.4(4));
 - (b) Rule 16.4.3 Subdivision – Te Kauwhata West Residential Area (refer to Rule 16.4(4));
 - (c) Rule 16.4.4 Subdivision – Multi-unit development;

- (d) Rule 16.4.5 Subdivision – Boundary adjustments;
- (e) Rule 16.4.6 Subdivision – Amendments and updates to cross lease flats plans and conversion to freehold;
- (f) Rule 16.4.7 Subdivision – Title boundaries natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming and aggregate extraction areas;
- (g) Rule 16.4.8 Title boundaries - Significant Natural Areas, heritage items, archaeological sites, sites of significance to Maaori;
- (h) Rule 16.4.9 Title boundaries – Maaori sites and Maaori areas of significance;
- (i) Rule 16.4.10 Subdivision of land containing heritage items;
- (j) Rule 16.4.13 – Subdivision reserves;
- (k) Rule 16.4.14 – Subdivision esplanade reserves and esplanade strips;
- (l) Rule 16.4.15 – Subdivision of land containing mapped off-road walkways; and
- (m) Rule 16.4.16 – Subdivision of land containing Environmental Protection Area.
- (4) Rule 16.4.4 Subdivision – Multi-unit development does not apply in the following areas:
 - (a) Rule 16.4.2 – Subdivision – Te Kauwhata Ecological Area; and
 - (b) Rule 16.4.3 – Subdivision – Te Kauwhata West Residential Area;
- ~~(f) Rules 16.4.1 to 16.4.4 are also subject to the following subdivision controls:-~~
 - ~~(i) Rule 16.4.5 – subdivision boundary adjustments;~~
 - ~~(ii) Rule 16.4.6 – subdivision amendments and updates to cross lease flats plan and conversion to freehold;~~
 - ~~(iii) Rule 16.4.7 – subdivision title boundaries natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming and aggregate extraction areas;~~
 - ~~(iv) Rule 16.4.8 – subdivision title boundaries Significant Natural Areas, heritage items, archaeological sites, sites of significance to Maaori;~~
 - ~~(v) Rule 16.4.9 – Title boundaries – Maaori site and Maaori areas of significance~~
 - ~~(vi) Rule 16.4.10 – subdivision of land containing heritage items;~~
 - ~~(vii) Rule 16.4.11 – subdivision road frontage;~~
 - ~~(viii) Rule 16.4.12 – subdivision building platform;~~
 - ~~(ix) Rule 16.4.13 – subdivision reserves; and~~
 - ~~(x) Rule 16.4.14 – subdivision esplanade reserves and esplanade strips.~~
- ~~(5) Rules 16.4.14 and 16.4.15 apply to specific features or areas:-~~
- ~~(6) Rule 16.4.15 – subdivision of land containing mapped off-road walkways; and~~
- ~~(7) Rule 16.4.16 – subdivision of land containing Environmental Protection Area.~~

16.4.1 Subdivision - General

RDI	<ul style="list-style-type: none"> (a) Subdivision must shall comply with all of the following <ul style="list-style-type: none"> (i) Proposed lots must have a minimum net site area of 450m², except where the proposed lot is an access allotment or utility allotment or reserve to vest; (ii) Proposed lots must be able to connect to public-reticulated water supply and wastewater; (iii) Where roads are to be vested in Council, they must follow a grid layout; (iv) Where 4 or more proposed lots are proposed to be created, the number of rear lots do not exceed 15% of the total number of lots being created; (v) Where the subdivision is within a structure plan area, neighbourhood centres within the site are provided in accordance with that structure plan document.
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	<p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout including the grid layout of roads and the number of rear lots; (ii) Shape of lots and variation in lot sizes; (iii) Ability of lots to accommodate a practical building platform including geotechnical stability for building; (iv) Likely location of future buildings and their potential effects on the environment; (v) Avoidance or mitigation of natural hazards; (vi) Amenity values; and (vii) Potential for reverse sensitivity effects; (viii) Streetscape landscaping; (ix) Consistency with the matters contained within Appendix 3.1 (Residential Subdivision Guidelines); (x) Vehicle and pedestrian networks; (xi) Consistency with any relevant structure plan or master plan included in the plan, including the provision of neighbourhood parks, reserves and neighbourhood centres; and (xii) Avoidance or mitigation of conflict with gas transmission infrastructure and the ability to inspect, maintain and upgrade the infrastructure; and (xiii) Provision of for new infrastructure and the operation, maintenance, upgrading and development of existing infrastructure including water for supply for firefighting purposes.
DI	Subdivision that does not comply with condition in Rule 16.4.1 RDI .

16.4.2 Subdivision of land within the National Grid Corridor

<u>RDI</u>	<p>(a) The subdivision of land within the National Grid Corridor shall comply with all of the following standards:</p> <ul style="list-style-type: none"> (i) All resulting allotments must be able to demonstrate that they are capable of accommodating a building platform for the likely principal building(s) and any building(s) for a sensitive land use located outside of the National Grid Yard, other than where the allotments are for roads, access ways or infrastructure; and (ii) The layout of allotments and any enabling earthworks must ensure that physical access is maintained to any National Grid support structures located on the allotments, including any balance area. <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of the National Grid; (ii) The ability to provide a complying building platform outside of the National Grid Yard; (iii) The risk of electrical hazards affecting public or individual safety, and the risk of property damage; (iv) The nature and location of any vegetation to be planted in the vicinity of National Grid transmission lines. (v) The risk to the structural integrity of the National Grid; (vi) The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity on and amenity and nuisance effects of the National Grid asset.
<u>NCI</u>	Any subdivision of land within the National Grid Corridor that does not comply with one or more of the standards of Rule 16.4.1 RDI.

16.4.3 Subdivision - Te Kauwhata Ecological Residential Area

	(a) Proposed lots , except where the proposed lot is an access allotment, utility allotment or reserve to
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RDI	<u>vest</u> in the Te Kauwhata Ecological Residential Area identified on the planning maps must <u>shall</u> comply with all of the following conditions <u>standards</u> :
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	<ul style="list-style-type: none"> (i) Have a minimum net site area of 750m²; (ii) Have a minimum average net site area of 875m²; (iii) Must be able to be connected to public reticulated water supply and wastewater. (iv) Where roads are to be vested in Council, they must follow a grid layout; (v) Where 4 or more proposed lots are being created, rear lots must not exceed 15% of the total number of lots being created. <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout including the grid layout of roads and the number of rear lots; (ii) Shape of lots and variation in lot sizes; (iii) Ability of lots to accommodate a practical building platform including geotechnical stability for building; (iv) Likely location of future buildings and their potential effects on the environment; (v) Avoidance or mitigation of natural hazards; (vi) Amenity values and streetscape landscaping; (vii) Consistency with the matters contained within Appendix 3.1 (Residential Subdivision Guidelines); (viii) Vehicle and pedestrian networks; (ix) Consistency with any relevant structure plan or master plan including the provision of neighbourhood parks, reserves and neighbourhood centres; and (x) Provision of infrastructure, including water supply for firefighting purposes.
DI	<p>Subdivision within the Te Kauwhata Ecological Residential Area that does not comply with Rule 16.4.2 RDI.</p>

16.4.4 Subdivision – Te Kauwhata West Residential Area

RD+	<p>(a) Proposed lots, except where the proposed lot is an access allotment, utility allotment or reserve to vest, within the Te Kauwhata West Residential Area must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) Be a minimum net site area of 650m²; (ii) Have a minimum average net site area of 875m²; (iii) Be connected to public reticulated water supply and wastewater; (iv) Where roads are to be vested in Council, they are to follow a grid layout; (v) Where more than 5 proposed lots are being created, rear lots must not exceed 15% of the total number of titles being created. <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout including the grid layout of roads and the number of rear lots;; (ii) Shape of lots and variation in lot sizes; (iii) Ability of lots to accommodate a practical building platform, including geotechnical stability for building; (iv) Likely location of future buildings and their potential effects on the environment; (v) Avoidance or mitigation of natural hazards; (vi) Amenity values and streetscape landscaping; (vii) Consistency with the matters contained within Appendix 3.1 (Residential Subdivision Design Guidelines); (viii) Vehicle and pedestrian networks; (ix) Consistency with any relevant structure plan or master plan, including the provision of neighbourhood parks, reserves and neighbourhood centres; and (x) Provision of infrastructure, including water supply for firefighting purposes.
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~~16.4.5~~ Subdivision – Multi-unit development

RD+	<p>(a) Multi Unit development must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) An application for land use consent under Rule 16.1.3 (Multi Unit Development) must accompany the subdivision or have been granted land use consent by Council; (ii) The Multi Unit development is able to be connected to public wastewater and water reticulation; (iii) The The minimum existing lot size where a new freehold (fee simple) lot is exclusive area for each residential unit being created must be 300m² net site area. (iv) Where a residential unit is being created in accordance with the Unit Titles Act 2010 it must meet the following minimum residential unit size: <table border="1"> <thead> <tr> <th>Unit of Multi-Unit</th><th>Minimum Unit Area</th></tr> </thead> <tbody> <tr> <td>Studio unit or 1 bedroom unit</td><td>60m²</td></tr> <tr> <td>2 bedroom unit</td><td>80m²</td></tr> <tr> <td>3 or more bedroom unit</td><td>100m²</td></tr> </tbody> </table> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout including common boundary and party walls for the Multi-unit development; (ii) Provision of common areas for shared spaces, access and services; (iii) Provision of infrastructure to individual residential units; (including for firefighting purposes); (iv) Avoidance or mitigation of natural hazards; (v) Geotechnical suitability of site for buildings; (vi) Amenity values and streetscape; (vii) Consistency with the matters contained, and outcomes sought, in Appendix 3.4 (Multi Unit Development Guideline) (viii) Consistency with any relevant structure plan or master plan included in the plan, including the provision of neighbourhood parks, reserves and neighbourhood centres; (ix) Vehicle, pedestrian and cycle networks; (x) Safety, function and efficiency of road network and any internal roads or accessways. 	Unit of Multi-Unit	Minimum Unit Area	Studio unit or 1 bedroom unit	60m²	2 bedroom unit	80m²	3 or more bedroom unit	100m²
Unit of Multi-Unit	Minimum Unit Area								
Studio unit or 1 bedroom unit	60m²								
2 bedroom unit	80m²								
3 or more bedroom unit	100m²								
D+	Subdivision that does not comply with Rule 16.4.4 RDI.								

16.4.6 Subdivision – Boundary adjustments

CI	<p>(a) Boundary adjustments must <u>shall</u> comply with all of the following conditions <u>standards</u>:</p> <ul style="list-style-type: none"> (i) The conditions <u>standards</u> specified in: <ul style="list-style-type: none"> A. <u>Rule 16.4.1</u> Subdivision - General; <u>or</u> B. <u>Rule 16.4.2</u> Subdivision in the Te Kauwhata Ecological Residential Area. C. Rule 16.4.3 Subdivision in the Te Kauwhata West Residential Area; <u>or</u> D. <u>Rule 16.4.4</u> Subdivision – Multi-unit development; (b) Proposed <u>lots</u> must <u>shall</u> not generate any additional building infringements to those which legally existed <u>prior to the</u> boundary relocation <u>adjustment</u>. (c) Council's control is reserved over the following matters: <ul style="list-style-type: none"> (i) <u>Subdivision</u> layout; (ii) Shape of titles and variation in <u>lot</u> sizes.
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RDI	(a) Boundary adjustments that does not comply with Rule 16.4.5 CI. (b) <u>The Council's discretion shall be restricted to the following matters:</u>
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	<ul style="list-style-type: none"> (i) Subdivision layout; (ii) <u>Shape of title and variation in title size.</u>
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16.4.7 Subdivision - Amendments and updates to cross lease flats plans and conversion to freehold

C1	<ul style="list-style-type: none"> (a) Conversion of a cross lease flats plan to a fee simple title. (b) Council's control is reserved over the following matters: <ul style="list-style-type: none"> (i) Effects on existing buildings; (ii) Site layout and design; and (iii) Compliance with permitted building rules.
C2	<ul style="list-style-type: none"> (a) Amendment or update of a cross lease flats plan to include additions or alterations to buildings, and areas for exclusive use by any owner. (b) Council's control is reserved over the following matters: <ul style="list-style-type: none"> (i) Purpose of the boundary adjustment; (ii) Effects on existing buildings; (iii) Site layout and design of cross lease or flats plan; and (iv) Compliance with permitted building rules.
D1	Any conversion of a cross lease flats plan or amendment or update to a cross lease flats plan that does not comply with Rule 16.4.6 C1 or C2.

16.4.8 Title boundaries – contaminated land, notable trees, intensive farming and aggregate extraction areas

RD1	<ul style="list-style-type: none"> (a) Subdivision of land containing contaminated land (other than where the contaminated land has been confirmed as not being contaminated land for its intended use), notable trees, intensive farming and Aggregate Extraction Areas must comply with all of the following conditions standards: <ul style="list-style-type: none"> (i) Where an existing building is contained within the The boundaries of every any proposed lot, containing existing buildings must demonstrate compliance is required with the following building rules (other than where any non-compliance existed lawfully prior to the subdivision) relating to: <ul style="list-style-type: none"> A. daylight admission height in relation to boundary (Rule 16.3.5); B. building coverage (Rule 16.3.6); C. building setbacks (Rule 16.3.9). (ii) Where any The boundaries of every proposed lot subdivision contains one or more of the features listed in A – D, the boundaries must shall not divide the following: <ul style="list-style-type: none"> A. a natural hazard area; B. contaminated land (other than were the contaminated land has been confirmed as not being contaminated land for its intended use); C. Significant Amenity Landscape; or D. <u>a</u> notable tree. (iii) The boundaries of every proposed lot containing, adjoining or adjacent to the activities listed in A – C below, must shall provide the following setbacks: <ul style="list-style-type: none"> A. 300m from any intensive farming activity; B. 500m from the boundary of an Aggregate Extraction Area for rock extraction; and C. 200m from the boundary of an Aggregate Extraction Area for sand excavation. (b) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) Landscape values; (ii) Amenity values and character; (iii) Reverse sensitivity effects;
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(iv) Effects on existing buildings;

	(v) Effects on natural hazard areas; (vi) Effects on contaminated land ; (vii) Effects on any notable trees; and (viii) Effects on an intensive farming activity.
NCI DI	Subdivision that does not comply with Rule 16.4.7 RDI .

16.4.9 Title boundaries – Significant Natural Areas

RDI	(a) Subdivision of sites containing a Significant Natural Area(s), where the Significant Natural Area is contained wholly within a proposed lot. (b) Council's discretion shall be restricted to the following matter: (i) Effects on Significant Natural Area.
NCI	Subdivision that does not comply with Rule 16.4.8 RDI .

16.4.10 Title boundaries – 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

16.4.11 Subdivision of land containing heritage items

The provisions notified under these headings are addressed in Decision Report 8: Historic Heritage.

16.4.12 Subdivision - Road frontage

RDI	(a) Every proposed lot with a road boundary , other than an access allotment , utility allotment, or a proposed lot containing a ROW or access leg, must shall have a width along the road boundary of at least 15m. (b) Council's discretion shall be restricted to the following matters: (i) Safety and efficiency of vehicle access and road network; and (ii) Amenity values and rural residential character.
DI	Subdivision that does not comply with Rule 16.4.11 RDI .

16.4.13 Subdivision - Building platform

	(a) Every proposed lot , other than one designed specifically for access, or is a utility allotment must be
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RD1	<p>capable of containing a building platform upon which a dwelling residential unit and outdoor living court space could be sited as a permitted activity, with the building platform being contained within either of the following dimensions:</p> <ul style="list-style-type: none"> (i) a circle with a diameter of at least 18m exclusive of yards; or (ii) a rectangle of at least 200m² with a minimum dimension of 12m exclusive of yards. <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout; (ii) Shape of allotments; (iii) Ability of allotments to accommodate a practical building platform; (iv) Likely location of future buildings and their potential effects on the environment; (v) Avoidance or mitigation of natural hazards; (vi) Geotechnical suitability for building; and (vii) Ponding areas and primary overland flow paths.
DI	Subdivision that does not comply with Rule 16.4.12 RD1.

16.4.14 Subdivision creating reserves

RD1	<p>(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 shall be bordered by roads along at least 50% of its boundaries.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (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; (ii) Consistency with any relevant structure plan or master plan included in the plan; (iii) Reserve size and location; (iv) Proximity to other reserves; (v) The existing reserve supply in the surrounding area; (vi) Whether the reserve is of suitable topography for future use and development; (vii) Measures required to bring the reserve up to Council standard prior to vesting; and (viii) The type and standard of boundary fencing.
DI	(a) Subdivision that does not comply with Rule 16.4.13 RD1.

16.4.15 Subdivision of esplanade reserves and esplanade strips

RD1	<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 shall vest in Council where the following situations apply:</p> <ul style="list-style-type: none"> (i) The proposed lot is less than 4ha and within 20m of: <ul style="list-style-type: none"> A. mean high water springs; B. the bank of any river whose bed has an average width of 3m or more; or C. a lake whose bed has an area of 8ha or more; or (ii) The proposed lot is more than 4ha or more than 20m from of mean high water springs or a water body identified in Appendix 4 (Esplanade Priority Areas). <p>(b) Council's discretion shall be restricted to the following matters: -</p> <ul style="list-style-type: none"> (i) The type of esplanade provided - reserve or strip; (ii) Width of the esplanade reserve or strip;
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	<ul style="list-style-type: none"> (iii) Provision of legal access to the esplanade reserve or strip; (iv) Matters provided for in an instrument creating an esplanade strip or access strip; (v) Works required prior to vesting any reserve in the Council, including pest plant control, boundary fencing and the removal of structures and debris.
DI	Subdivision that does not comply with Rule 16.4.14 RDI.

~~16.4.16~~ Subdivision of land containing mapped off-road walkways

RD+	<p>(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-standards:</p> <ul style="list-style-type: none"> (i) The walkway is at least 3 metres wide and is designed and constructed for shared pedestrian, and cycle use, as per Rule 14.12.1 P8 (Transportation); (ii) The walkway is generally in accordance with the walkway route shown on the planning maps; (iii) The walkway is shown on the plan of subdivision and vested in the Council. <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Alignment of the walkway; (ii) Drainage in relation to the walkway; (iii) Standard of design and construction of the walkway; (iv) Land stability; (v) Amenity matters including batter slopes; and (vi) Connection to reserves.
D+	Subdivision that does not comply with Rule 16.4.15 RDI.

16.4.16 Subdivision of land containing an Environmental Protection Area

CI	<p>(a) Subdivision of land containing an Environmental Protection Area must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) Include a planting and management plan for the area, prepared by a suitably qualified person, containing exclusively native species suitable to the area and conditions; (ii) Planting must be undertaken prior to the issue of the s224(c) certificate. <p>(b) Council's control is reserved over the following matters:</p> <ul style="list-style-type: none"> (i) <u>Effects on amenity and ecological values;</u> (ii) Measures proposed in the planting and management plan; and (iii) Vesting of reserve land in Council if appropriate.
RD+	<p>Subdivision that does not comply with a condition of Rule 16.4.16 CI.</p> <p>(a) Council's discretion shall be restricted to the following matters:-</p> <ul style="list-style-type: none"> (i) Matters that control is reserved over in Rule 16.4.16 CI(b); (ii) Effects on amenity values; and (iii) Effects on ecological values.

16.5 Lakeside Te Kauwhata Precinct

The provisions notified under this heading are addressed in Decision Report 16: Te Kauwhata Lakeside