

WAIKATO DISTRICT COUNCIL

Hearings of Submissions on the Proposed Waikato District Plan

Report and Decisions of Independent Commissioners

Decision Report 15: Medium Density Residential Zone

17 January 2022

Commissioners

Dr Phil Mitchell (Chair)

Mr Paul Cooney (Deputy Chair)

Mr Dynes Fulton

Ms Linda Te Aho

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Contents

1. Introduction	2
2 Hearing Arrangements	2
3 Overview of issues raised	3
4 Overview of legal submissions and evidence	3
5 Panel Decisions	10
6 Need for a MDRZ	10
7 MDRZ Provisions	12
8 Conclusion	15

1. Introduction

- 1.1 While the notified version of the Proposed Waikato District Plan (PDP) contained a Residential Zone, a number of submissions sought the introduction of an additional Residential Zone which enabled higher density living opportunities within existing town centres and was close to existing or future public transport stations. Such a zone was referred to as a “Medium Density Residential Zone” (MDRZ). The issue of whether there should be a MDRZ included in the PDP was addressed in detail in the hearing on Zone Extents (Hearing 25).
- 1.2 This decision report records the evidence of the submitters who sought inclusion of a MDRZ, and our findings on those submissions. We have focused this decision report on the concept of a MDRZ and the provisions for such a zone. We discuss in detail the spatial extent of a MDRZ in our decisions on zoning for the relevant towns and villages.

2 Hearing Arrangements

- 2.1 The hearing for submissions on a MDRZ was held on 24 June 2021 via Zoom, although this issue was also raised in Hearing 10 on the Residential Zone. All of the relevant information pertaining to the hearing on the MDRZ including the section 42A report, legal submissions and evidence is contained on the Waikato District Council (Council) website.
- 2.2 We heard from the following parties who sought a zone with greater intensity than the Residential Zone:

Submitter	Attendee at the hearing
Council	Jonathan Clease (author of the Section 42A report on Medium Density Residential Zone)
Kāinga Ora Homes and Communities	Douglas Allan (legal counsel) Alex Devine (legal counsel) Brendan Liggett (corporate) Philip Stickney (planning) Cameron Wallace (urban design) Philip Osborne (economics) John Parlane (transport)

Waikato Regional Council	Miffy Foley
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2.3 Although these parties did not attend the hearing, written evidence and/or legal submissions were filed by:

- a) Richard Matthews on behalf of Genesis Energy Limited; and
- b) Catherine Somerville-Frost on behalf of Mercury NZ Limited.

2.4 James Oakley also provided evidence in Hearing 25 Zone Extents – Pokeno on behalf of Pokeno West regarding the MDRZ provisions.

3 Overview of issues raised

3.1 We note that eight primary submission points were received seeking the inclusion within the PDP of a zone that facilitated a consolidated urban form, enabled a greater range of housing typologies and enabled more people to be able to live in close proximity to a range of services and public transport options. These were considered in a comprehensive section 42A report and rebuttal report prepared by Mr Cleese who recommended inclusion of MDRZ provisions.

3.2 All of the submissions received sought a second residential zone for the following reasons:

- a) To provide a more intensive residential pattern;
- b) To align with the MDRZ in the National Planning Standards (noting they were in a draft form at the time of submissions);
- c) To allow for higher density and mixed use developments close to transport hubs, town centres and community hubs; and
- d) To support intensification and compact growth within existing town centres and future public transport stations.

4 Overview of legal submissions and evidence

4.1 Mr Douglas Allan presented legal submissions on behalf of Kāinga Ora Homes and Communities (KO) and summarised the key reason why KO sought the inclusion of a new, more intensive Residential Zone. He explained that KO considered that the PDP failed to provide sufficient capacity for growth, housing choice and variety in built form, and therefore would not provide for the compact urban form and consolidation sought in the strategic objectives of the PDP.¹ He summarised the purpose of the MDRZ as

¹ Legal Submissions on Behalf of Kāinga Ora - Homes and Communities, Paragraph 1.3, dated 12 May 2021.

enabling the development of low-rise apartment, terrace housing and multi-unit developments to be applied around key centres within urban settlements.

4.2 Mr Allan explained how the spatial extent of a MDRZ had been developed by KO, whom he said had been conservative in respect of the scope of its submission. He explained that KO had reduced the spatial extent of the MDRZ and the intensity of development from that in their primary submission. He also addressed the policy basis for proposing the MDRZ, particularly the National Policy Statement for Urban Development (NPS-UD) and identified the following consistent themes within its text:²

- a) The importance of providing housing capacity and choice within urban environments.
- b) Urban environments (and amenity values) are expected to change over time, sometimes significantly, and those changes are not of themselves adverse effects. This represents a significant shift from the historic approach, and the status quo, in much of New Zealand in which planning was concerned with maintaining and avoiding effects on historic forms and densities of development.
- c) The importance of integrating land use and infrastructure development.
- d) The intensification of development in proximity to centres of employment and public transport or in areas of high demand.
- e) Decision making being strategic, future focused and evidence based. When making a trade-off between intensification and some other matter, a robust assessment is required to be undertaken.
- f) Overall, expectations regarding the density of development and the range of housing typologies will alter in regional centres (as is currently occurring in major cities).

4.3 Mr Allan concluded that adopting the proposed MDRZ in the manner sought by KO would accommodate the projected growth of the Waikato District while providing feasible and affordable housing options. He further considered that a MDRZ would provide sufficient opportunities for the development of housing in order to meet projected demand as well as providing for increased housing choice. Mr Allan also addressed the various documents relevant to the PDP such as the Waikato Regional Policy Statement (RPS), the Waikato District Growth and Economic Development Strategy (Waikato 2070) and Future Proof. He considered that the MDRZ gives effect to, or aligns with, the types and patterns of growth envisaged in these documents.

² Ibid, Paragraph 3.9.

- 4.4 In his submission, Mr Allan summarised the outcomes and mechanisms of the MDRZ provisions. He considered that the provisions incorporate a quantitative approach to smaller scale residential development in combination with a qualitative assessment process for larger scale residential development resource consent applications. Mr Allan provided the below summary of the MDRZ provisions in his submission:³
- a) Up to three dwellings on a site is a permitted activity, provided the proposal complies with development standards addressing key bulk and location matters;
 - b) Four or more dwellings on a site requires assessment against a number of key matters of discretion; and
 - c) The balance of the MDRZ provisions (e.g. provisions relating to earthworks, noise or non-residential activities) largely replicate those provisions found in the General Residential Zone.
- 4.5 Mr Allan summarised the two remaining key areas of difference between Mr Clease's section 42A report and KO's submission in terms of the MDRZ provisions as being:
- a) Whether units with the ground floor habitable space should be required to provide an outdoor living court; and
 - b) Whether sites should be required to provide at least 50% of the ground floor of buildings as habitable space (rather than, say, garaging or storage).
- 4.6 In his submission Mr Allan also summarised the very limited areas of disagreement between KO and the section 42A author in terms of the spatial application of the MDRZ.
- 4.7 Mr Philip Stickney presented planning evidence on behalf of KO describing the characteristics used to determine the spatial extent of the MDRZ. Mr Stickney included a detailed analysis of the NPS-UD concluding that the proposed MDRZ provides a vital role in giving effect to the requirements of the NPS-UD by providing sufficient opportunities for the development of housing in order to meet projected demand. He also noted that the MDRZ provides for a range of dwelling types across strategic locations, meeting the needs of people and communities as well as future generations.⁴

³ Legal Submissions on Behalf of Kāinga Ora-Homes and Communities, Paragraph 4.2, dated 12 May 2021.

⁴ Evidence in chief of Philip Stickney on behalf of Kāinga Ora - Homes and Communities, Paragraph 8.14, dated 17 February 2021.

- 4.8 Mr Stickney came to a similar conclusion in his submission when he analysed the RPS, finding that the MDRZ gives effect to the RPS by more readily facilitating a compact and efficient urban form through urban intensification. He further observed that there are considerable efficiencies in bringing the MDRZ through this current district plan review process, rather than through subsequent plan changes.
- 4.9 Mr Stickney's submission also outlined the ways in which the MDRZ provisions had been amended in response to matters raised by Mr Clease. He considered that the amendments made by KO improved and refined the originally proposed provisions without changing their essential characteristics. Mr Stickney further addressed the housing typology enabled by KO's proposed provisions and considered that these were sufficiently flexible to allow for "swings in the market demand" to alternative housing typologies.⁵
- 4.10 Mr Stickney's submission also addressed Policy 6 of the NPS-UD which expressly recognises that amenity will change in urban areas over time. He considered that the MDRZ is a zone that will exhibit (and anticipates) the greatest degree of change over time in built form arising from infill and redevelopment and that this is expressly recognised in Policy 4.2A.9 of the MDRZ. He also stated that the proposed density of a minimum of 30 households per hectare in the MDRZ aligns with the density targets in the RPS, and sought this be explicitly stated in Policy 4.1.5 of the PDP.
- 4.11 Mr Cameron Wallace, a consultant urban designer, addressed the detailed analysis that informed the revised spatial extent of the MDRZ proposed by KO. He explained that this analysis had taken into account best practice urban design principles, relevant district / regional objectives and policies as well as recent changes to national policy via the NPS-UD and the notification of Stage 2 (Natural Hazards and Climate Change) of the PDP. He described the key matters which informed the spatial application of the MDRZ within the context of the Waikato District as being:
- a) Proximity to existing town centres as defined by walking catchments (e.g. a range of commercial activities and community facilities);
 - b) Barriers to walkability;
 - c) Proximity to a range of amenities and services essential for day-to-day living where these are not already located within a defined town centre; and
 - d) Areas identified as subject to significant risks associated with natural hazards.
- 4.12 Mr Wallace stated that following the broad analysis, a finer grained assessment was undertaken including consideration of matters such as streets, rail corridors,

⁵ Ibid, Paragraph 11.5.

waterbodies, reserves and schools. He further included in his submission an outline of the analysis undertaken for each town and village within the District.

- 4.13 Mr Wallace considered in his submission that there was clear existing policy support for promoting and enabling residential intensification of existing urban areas. He noted that such policy support had a particular focus on locating intensification in areas that better support the use of active modes of transport, reduce private vehicle use and contribute to more vibrant, well-functioning centres. Similarly, he noted a clear expectation that urban environments will evolve and respond to socio-economic changes. Mr Wallace further considered that such intensification was consistent with good urban design practice, whereby the optimal spatial arrangement of relative land uses results in the most efficient use of land, supports community and commercial centres, and maximises the use of active and public transport networks.⁶ Mr Wallace considered, after addressing many of the buildings standards, that an appropriate built form outcome for permitted activity development can be achieved within the MDRZ.
- 4.14 Mr Wallace filed rebuttal evidence regarding qualitative assessments of proposals involving four or more dwellings in order to address reservations raised by Mr Clease in his section 42A report. Mr Clease considered that such assessments would have limited impact in ensuring positive outcomes for schemes which otherwise comply with built form rules. In his rebuttal evidence, Mr Wallace drew on examples in other district plans where there are only a few core standards and the consent application is almost entirely reliant on a qualitative assessment. He considered that utilising a qualitative assessment process (via matters of discretion or assessment criteria) is a more effective mechanism. He submitted that this was because it enables innovation, flexibility and efficiency in building and site configuration, in response to the unique characteristics of any given site as well as the need to increase housing supply. This is achieved by identifying outcomes sought rather than prescribing the physical parameters for achieving that outcome.
- 4.15 Mr Wallace also addressed the following matters raised in Mr Clease's section 42A report in his rebuttal evidence:
- a) Scenario testing undertaken by Mr David Compton-Moen (urban designer) on behalf of Council on the design and amenity standards proposed by KO;
 - b) The three additional matters of discretion proposed by Mr Clease, being landscaping and tree planting, sunlight and service spaces including waste and recycling;
 - c) The two additional development controls that Mr Clease sought, including balconies and ground floor habitable space / outdoor living courts; and

⁶ Evidence in chief of Cameron Wallace on behalf of Kāinga Ora - Homes and Communities, Paragraph 4.7, dated 17 February 2021.

- d) Consequential amendments to Policy 4.2A.8 Streetscape, Yards and Outdoor Living Courts.

4.16 Mr Wallace also addressed the two areas where there remained misalignment between himself and the section 42A rezoning report authors, namely:

- a) Not rezoning land immediately adjacent to Business Zones where the rezoning to business uses at an unspecified future date may be warranted; and
- b) The exclusion of schools.

4.17 Mr John Parlane presented transport evidence on behalf of KO. He considered that medium density zones should reduce car use through enabling alternative transport modes to be used. By comparison, locating all of the new houses on the periphery of towns is likely to result in an increase in car use. Mr Parlane explained how higher density residential areas have been encouraged in town centres, and in nodes of cities, which allow for a greater use of public transport and where people can walk or cycle to shops, workplaces and schools.⁷ He also outlined the transport characteristics of each town within the District, noting the car ownership rates of each town, traffic generation and vehicle trip destinations.

4.18 Mr Philip Osborne presented economic evidence on behalf of KO. He considered that the MDRZ, in the locations identified, is an appropriate addition to the PDP due to:⁸

- a) The potential inability for the market to supply sufficient, intensified and feasible capacity and diversity under the current PDP provisions and zones;
- b) The provision of greater residential diversity within the lower priced sectors of the Waikato housing market;
- c) Providing increased certainty regarding the long-term urban form outcome;
- d) Providing greater confidence and certainty within the market, and overall investment, regarding the effectiveness of the consolidated form direction;
- e) Reducing marginal infrastructure costs;
- f) Lowering the overall site costs; and

⁷ Evidence in chief of John Parlane on behalf of Kāinga Ora - Homes and Communities, Paragraph 3.2, dated 17 February 2021.

⁸ Evidence in chief of Philip Osborne on behalf of Kāinga Ora - Homes and Communities, Paragraph 1.2, dated 17 February 2021.

- g) Providing economic momentum and support for the centres network.

- 4.19 Mr Osborne observed that the Waikato District is likely to experience significant and sustained growth over the next 30 years, and that this growth is likely to see a material change in household structure with a reduction in household occupancy rates. He further considered that without clear guidance to the market (i.e. zoning provisions and maps that indicate where, and to what extent, different housing typologies are enabled), the potential for intensified residential development is significantly reduced.
- 4.20 Mr Osborne also stated that all the relevant growth projections for the Waikato District illustrate substantial residential and housing demand through the medium and long terms. He concluded that the MDRZ has the potential to provide considerably more feasible dwelling capacity to the market at a lower average price point, and it would have a larger degree of product within lower price bands than the notified PDP does. Mr Osborne calculated that the MDRZ will provide for over 2,000 additional and feasible dwellings with an average price point that is 20% lower than the permitted baseline.⁹
- 4.21 Mr Richard Matthews filed evidence on behalf of Genesis Energy Limited, and focused on the application of the MDRZ in Huntly. He noted that the MDRZ was proposed to be located across the Waikato River from the Huntly Power Station, and expressed concern at the potential for noise levels generating more readily across water surfaces than across land. Likewise, he considered that potential visual effects may be greater in areas where there would be a more direct line of sight towards the Huntly Power Station. Mr Matthews considered that residential intensification in this area would increase the potential for reverse sensitivity effects on the Huntly Power Station, particularly for the area along the riverbank between Great South Road and the Waikato River. He outlined that his concerns could be addressed either by removing this area from the proposed MDRZ or by requiring any intensive development within this area to take steps to mitigate potential reverse sensitivity effects. He also included an outline of possible amendments to the MDRZ provisions to achieve such mitigation.
- 4.22 The primary focus of evidence from Mr James Oakley on behalf of Pokeno West was the zoning on the western edge of Pōkeno, however he also sought the ability to apply the MDRZ in greenfield development areas. This proposal would mean the MDRZ would be located some distance away from the town centre. In order to enable this scenario, Mr Oakley addressed an additional policy that would be required so as to provide direction for the location of the MDRZ as part of a comprehensively planned greenfield area, rather than a town centre-adjacent location.
- 4.23 Ms Catherine Somerville-Frost tabled legal submissions on behalf of Mercury Energy Limited (Mercury), which sought to ensure that changes in land uses and

⁹ Evidence in chief of Philip Osborne on behalf of Kāinga Ora - Homes and Communities, Paragraph 7.4, dated 17 February 2021.

intensification were based on an accurate understanding of flooding risks. For areas of up-zoning or intensification, Ms Somerville-Frost drew attention to the changes Mercury proposed to the natural hazards provisions, which may result in this land being subject to greater controls in order to address flooding risk.¹⁰

- 4.24 Ms Miffy Foley on behalf of Waikato Regional Council (WRC) presented evidence in the context of Hearing 10 - Residential Zone. She supported identifying intensified subdivision opportunities, with a minimum lot size of 350m², in the areas directly adjacent to the Business Town Centre Zone at Huntly, Ngaruawahia, Pōkeno, Raglan, Te Kauwhata and Tuakau; through a distance standard or overlay map. Alternatively, Ms Foley submitted that she supported a new Residential or Mixed Use Zone that provided for more intensive residential development to be applied in these locations directly adjacent to the Business Town Centre Zone.¹¹

5 Panel Decisions

- 5.1 We have structured our decision in two parts:

- a) The need for a MDRZ; and
- b) The MDRZ provisions.

6 Need for a MDRZ

- 6.1 We agree with Mr Cleese, Mr Allan and Mr Stickney that the inclusion of the MDRZ in the PDP will give effect to the NPS-UD and the RPS which are the key higher order documents. The NPS-UD seeks urban environments that provide for a range of housing types in appropriate locations, and in sufficient numbers, to readily meet anticipated demand. To ensure that adequate provision for housing and business is made, the NPS-UD requires Councils to assess both demand and capacity. Given that the Operative Waikato District Plan and the PDP both provide for largely low density suburban outcomes only (although multi-unit development is enabled via a restricted discretionary activity), we consider there is a clear need to enable an increase in residential density adjacent to the Waikato District's larger town centres in order to meet the NPS-UD directions. As addressed by Mr Allan in his submission, the NPS-UD recognises that an increase in density will result in consequent changes to amenity. Such amenity change is not however inherently adverse, provided that the increase in density is contextually appropriate. We accept that 'medium density' in the context of the Waikato District may well be less dense than the density that is appropriate adjacent to the large metropolitan centres of Auckland.

¹⁰ Memorandum of Counsel on behalf of Mercury NZ Limited, Paragraph 10, dated 21 May 2021.

¹¹ Summary of evidence of Miffy Foley on behalf of Waikato Regional Council, Paragraph 9, dated 3 February 2020.

- 6.2 Turning to the RPS, we agree with Mr Cleese that accommodation of growth through intensification of already urbanised areas is consistent with a number of RPS policies which identify areas where growth should not occur or needs to be carefully managed. We agree with Mr Stickney's assessment that the RPS objectives and policies direct residential growth to be consolidated, sustainable, coordinated (insofar as land use and infrastructure development), focused within existing urban areas, and provide for a range of housing options (in terms of choice) which achieve good urban design.
- 6.3 In addition to this, we also consider that the MDRZ gives effect to the general development principles listed in section 6A of the RPS which are intended to guide district plan development, amongst other matters. These general principles include the need for new development to:
- a) make use of opportunities for urban intensification and redevelopment in order to minimise the need for urban development in greenfield areas; and
 - b) promote compact urban form, design and location in order to:
 - i) minimise energy use;
 - ii) minimise the need for private motor vehicle use;
 - iii) encourage walking, cycling and multi-modal transport connections;
 - iv) maximise opportunities to support public transport; and
 - v) maximise opportunities for people to live, work and play within their local area.
- 6.4 We agree with Mr Cleese that the MDRZ generally aligns with the anticipated outcomes for identified existing residential areas located adjacent to the Waikato District's larger town centres which are contained within Waikato 2070. These inner suburbs are anticipated to be redeveloped over time through the enablement of townhouses, duplexes and terrace housing.
- 6.5 Waikato 2070 identifies that 2-3 storey development is anticipated in the Waikato District, depending on the township. We further note that the National Planning Standards' description of the MDRZ is:
- Areas used predominantly for residential activities with moderate concentration and bulk of buildings, such as detached, semi-detached and terraced housing, low-rise apartments, and other compatible activities.*
- 6.6 The other key document to which we must have regard is Future Proof. We agree with Mr Stickney that the MDRZ aligns with both the type and pattern of growth envisaged in Future Proof. We note that the built form outcome of the MDRZ is a variety of buildings and dwelling typologies that adopt compact urban form and increased densities. The proposed spatial extent of the MDRZ is confined to those residential growth nodes and 'major commercial centres' identified on Maps 1 and 2 of Future Proof.

- 6.7 Overall, we consider inclusion of the MDRZ as part of the suite of zones in the PDP will assist in giving effect to the growth management and urban outcomes in the NPS-UD and RPS.

7 MDRZ Provisions

General

- 7.1 We appreciated the engaged and collaborative approach of KO and Mr Clease to the introduction of the MDRZ. In particular, we appreciated the efforts of KO's consultants to draft provisions and circulate them amongst submitters and Council for feedback as well as respond to this feedback in a constructive manner. For the most part, we agree with the suite of provisions that have been advanced and consider that they will be an effective framework for enabling more intensive residential development. We therefore focus below on some of the more contentious proposed MDRZ provisions.

Balconies and privacy

- 7.2 Internal amenity matters relating to sunlight, privacy, and visual dominance are controlled by the following rules:
- a) Daylight admission / recession planes - Proposed to be measured as a 45° angle into the site starting at a point 3m above existing ground level along internal boundaries; and
 - b) Internal boundary setback for buildings of 1m.
- 7.3 Mr Clease expressed concern that providing setbacks for balconies over a little over 1m from an internal boundary cannot deliver acceptable privacy and overlooking outcomes for neighbours or future occupants. He was also concerned that whilst balconies can be an appropriate outdoor living solution for upper-level apartment typologies, a single 8m² balcony being the only or primary outdoor living option for townhouses is not adequate in achieving policy outcomes regarding occupant amenity.
- 7.4 While Mr Wallace undertook scenario testing on this matter, this was challenged by Mr Compton-Moen who undertook the urban design peer review on behalf of Council. In particular, Mr Compton-Moen's designs illustrated that first floor balconies set just over 1m from the internal boundary and 3.5m above ground level provide direct and unobscured overlooking into the neighbouring property. Mr Clease explained that in an 'in-fill' scenario, the balconies are likely to be looking directly into the rear garden and principal outdoor living space of the neighbouring property. Where the neighbouring property has already been redeveloped for townhouses, Mr Clease stated that balconies could be looking directly at one another or directly into bedroom windows, with a separation of only 2-3m. We consider that such separation provides negligible and inadequate privacy and agree with Mr Clease that the minimal internal boundary

setbacks are not likely to achieve Objective 4.2A.6 of KO's proposed MDRZ provisions, nor an environment with a high standard of living.

- 7.5 While we understand Mr Wallace and Mr Stickney's concerns that additional development controls may inhibit innovative design, we consider it is important to set out clear minimum standards to ensure a liveable environment for residents. We have therefore included a standard in Rule 16A.3.8.1 requiring a 4m setback for balconies which are higher than 1.5m above ground level. We agree with Mr Wallace that the greater setback should only apply to balconies that are more than 1.5m above ground level, and not apply to boundaries with roads or public open space.

Ground floor habitable space

- 7.6 Mr Clease also expressed concern that enabling outdoor living to be delivered solely through an upper level balcony incentivises a housing typology that only has garaging located on the ground floor level with two stories above and minimal ground level landscaping beyond a narrow strip around the perimeter of the site. Mr Stickney did not agree with this and considered that the typical section dimensions in New Zealand, with relatively narrow frontages to the street, means it would be unusual to end up with a row of garages directly fronting the street. He further observed that developments involving four or more dwellings require the appearance of parking from the street to be considered under Rule 16A.3.1 RD1(b)(vii) of KO's proposed MDRZ provisions. We share Mr Clease's concerns and have included Rule 16A.3.9A into the provisions for the MDRZ which requires garages to occupy less than 50% of the ground floor internal space of buildings. We consider this will assist in avoiding ground floors being dominated by garaging and vehicle manoeuvring.
- 7.7 An associated concern expressed by Mr Clease was the absence of a requirement for ground level courtyards which could result in significant and continuous building mass close to internal boundaries. Mr Clease considered that where ground level courtyards are provided, the demand for upper level balconies is reduced. Alternatively, where such balconies are provided, they tend to be used less as they are a secondary space off a bedroom rather than the primary outdoor living space. We agree that where there is ground floor internal habitable space, it is logical to require a connected outdoor living space and we have amended the proposed Rule 16A.3.8 Outdoor Living Court accordingly.

Minor dwellings

- 7.8 Given that the minimum lot size for a minor dwelling is over four times larger than the minimum lot size for a medium density subdivision, we do not consider that enabling minor dwellings will encourage intensification or efficient use of the urban land resource. We therefore have not included minor dwellings in the MDRZ provisions.

MDRZ in greenfield residential developments

- 7.9 While this issue was raised by Mr Oakley in the context of Pokeno West, it may have wider application to other greenfield residential development that is spatially separated from the town centre. In his section 42A report, Mr Clease suggested amendments to proposed Policy 4.2A.4 in order to provide direction for the MDRZ where it is part of a comprehensively planned greenfield development. We agree that this is a useful addition and will efficiently utilise the land resource as well as provide for a variety of housing options.

Matters of discretion

- 7.10 We agree with the approach in proposed Rule 16A.3.1 which enables up to three residential dwellings per site as a permitted activity, and requires a restricted discretionary resource consent for developments containing four or more units. We consider that this rule enables a qualitative urban design assessment to be undertaken for the larger developments and agree that the matters of discretion provide sufficient coverage of the key matters to consider in undertaking such an assessment. We agree with Mr Clease that it is appropriate to add the following additional matters of discretion to Rule 16A.3.1:

- a) the placement of outdoor living courts and balconies in order to provide a reasonable degree of sunlight;
- b) the provision of landscaping and tree planting across the site; and
- c) the location and size of service spaces for recycling bins and washing lines.

- 7.11 We consider these additional matters of discretion will more readily achieve proposed Objective 4.2A.6 - Residential Amenity and that the benefits to amenity outweigh the costs of addressing these matters in resource consent applications.

MDRZ in Raglan

- 7.12 Although addressed in detail in other decisions, we agree with Ms Emily Buckingham (the section 42A report writer for Hearing 16, which related to Raglan) to reduce the maximum height of MDRZ in Raglan to 7.5m. We consider this will ensure a built form that is more consistent with the height of existing development and retain some of the character of the town. We accept Mr Stickney's point that due to the topography in Raglan, it may be difficult in practice in many locations to achieve two level development and may somewhat limit the ability to achieve medium density residential development. However, we consider such an approach will more effectively achieve

the Special Character Area outcomes sought by Objective 4.8.1 (introduced by Decision Report 19: Raglan) which addresses Raglan's character.

Reverse sensitivity

7.13 Reverse sensitivity was a matter raised by Mr Matthews' submission in the context of the Huntly power station. We do not consider that there is likely to be reverse sensitivity issues due to the distance across the Waikato River and therefore have not made any amendments in relation to Mr Matthews' evidence.

8 Conclusion

8.1 We have had the benefit of very thorough section 32AA evaluations undertaken by Mr Stickney and Mr Clease. We therefore accept the section 42A report and the evidence filed by the submitters which collectively form the section 32AA assessment which informed this Decision.

8.2 Overall, we are satisfied that the inclusion of the MDRZ and its attendant provisions will provide a suitable framework for enabling a more intensive residential form in the towns and villages within the Waikato District.

For the Hearings Panel



Dr Phil Mitchell, Chair

Dated: 17 January 2022

New Zone Statement, Objectives and Policies for Medium Density Residential Zone to be included in Chapter 4 of the Proposed Waikato District Plan

Zone Statement

The purpose of the MRZ - Medium density residential zone is to enable more efficient use of residentially zoned land and infrastructure by providing for a higher intensity of residential development than typically found in the GRZ – General residential zone. The MRZ - Medium density residential zone provides for this form of development within a walkable catchment of town centres, strategic transport corridors and community facilities. The MRZ - Medium density residential zone will:

- Provide greater housing supply to respond to anticipated growth;
- Reduce pressure for residential development on the urban fringe and beyond;
- Relieve anticipated pressures on the road transport network (which are exacerbated by adopting sprawl to accommodate urban growth). This will be achieved by providing housing close to town and business centres where the use of both public and active modes of transport to access places of employment, retail and entertainment is readily achievable and/or viable;
- Provide greater diversity / choice of housing; and
- Coordinate delivery of infrastructure and services.

The MRZ - Medium density residential zone provisions enable a variety of dwelling sizes and typologies to be delivered which provides opportunity for greater housing variety and choice. Development within the MRZ - Medium density residential zone is guided by rules which encourage innovation and flexibility in design responses. The rules provide design guidance for up to 3 dwellings on site, allowing compliant smaller scale developments to be enabled in a manner that maximises opportunities on smaller existing sites. Developments of more than 3 dwellings are subject to a more intensive design assessment process with matters of discretion which provide the primary guidance for assessment, including the intensity of development and enabling appropriate design outcomes regarding:

- The contribution the development makes to the MRZ - Medium density residential zone having regard to the planned urban form and intensity the MRZ - Medium density residential zone provides for;
- The creation of safe and high-quality residential neighbourhoods;
- The on-site amenity for residents such as high-quality outdoor spaces;
- The amenity effects on adjoining sites such as privacy and shading; and
- The provision of three waters infrastructure to service the development.

4.2A MRZ – Medium Density Residential Zone

4.2A.1 Objective – Housing Typology

- a) Achieve greater housing choice for the community in response to changing demographics and housing needs.

4.2A.2 Policy – Housing Typology and Type

- a) Enable a variety of housing typologies including apartments, terrace housing and duplexes.

4.2A.3 Objective – Efficient Use of Land and Infrastructure

- a) Land and infrastructure near the TCZ – Town centre zone, COMZ – Commercial zone and close to public transport networks, strategic transport corridors and community facilities is efficiently used for medium density residential living, resulting in a compact urban settlement pattern.

4.2A.4 Policy - Efficient Use of Land and Infrastructure

- a) Enable land to be used for higher intensity residential living where such land is:
 - i) Adjacent to the TCZ – Town centre and COMZ – Commercial zones and within a walkable catchment of transport networks; or
 - ii) Integrated into master-planned growth areas in close proximity to neighbourhood centres or publicly accessible open space.
- b) Recognise the social, economic and environmental benefits arising from higher density development being situated closer to community facilities and the TCZ – Town centre and COMZ – Commercial zones when considering development proposals.
- c) Recognise the economic and environmental benefits of higher density development that efficiently utilises existing, and planned, investment in both transport and three waters infrastructure.

4.2A.5 Objective – Residential Amenity

- a) Achieve a level of residential amenity commensurate with a medium density environment comprised of primarily townhouse and low-rise apartments.

4.2A.6 Policy – Building Form, Massing and Coverage

- a) Enable residential development that:
 - (i) Is of a height and bulk that manages daylight access and a reasonable standard of privacy for residents; and
 - (ii) Manages visual dominance effects on adjoining sites.

4.2A.7 Policy – Streetscape, Yards and Outdoor Living Spaces

- a) Enable residential development that contributes to attractive and safe streets and public open spaces by:
 - (i) Providing for passive surveillance to public open spaces and streets through the siting of dwellings and rooms, façade design and fencing / landscaping;
 - (ii) Incorporating front yard landscaping that will enhance streetscape amenity; and
 - (iii) Minimising the prevalence of garage doors, carparking and driveways fronting the street.
- b) Require development to have sufficient side yard setbacks to provide for:
 - (i) Landscaping and permeable surfaces;
 - (ii) Privacy to adjoining sites;
 - (iii) Sunlight and daylight; and
 - (iv) Driveways and accessways.
- c) Require the provision of outdoor living spaces that:
 - (i) are attractive, functional and accessible; and
 - (ii) provide a reasonable standard of privacy for residents and to adjoining sites.
- d) Enable flexibility and innovation in the provision of outdoor living spaces by recognising the varying means by which suitable spaces can be provided for a particular form of development; including shared outdoor spaces, roof terraces or other communal outdoor living spaces.

4.2A.8 Policy – Changes to Amenity Values

- a) Recognise that the planned urban built form may result in changes to the amenity values and characteristics of the urban character over time.

4.2A.9 Objective – Activities

- a) An appropriate mix of complementary and compatible activities is enabled to support residential growth.

4.2A.10 Policy – Home Businesses

- a) Provide for home businesses to allow flexibility for people to work from their homes.
- b) Manage adverse effects on residential amenity through limiting home occupations to a scale that is compatible with the primary residential purpose of the zone.

4.2A.11 Policy – Non-Residential Activities

- b) Maintain the zone primarily for residential activities while also:
 - (i) Ensuring community facilities:
 - A. are suitably located;
 - B. are of a limited scale and intensity that is compatible with the zone;
 - C. contribute to the amenity of the neighbourhood; and
 - D. support the social and economic well-being of the residential community.
 - (ii) Avoiding the establishment of new non-residential activities (except home occupations) on rear sites, or sites located on cul-de-sacs; and
 - (iii) Ensuring that the design and scale of non-residential activities and associated buildings mitigates adverse effects related to traffic generation, access, noise, vibration, outdoor storage of materials and light spill.
- b) Enabling existing non-residential activities to continue and support their redevelopment and expansion, provided they do not have a significant adverse effect on character and amenity.

4.2A.12 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 the permitted noise limits for the zone.

4.2A.13 Objective – Earthworks

- a) Earthworks facilitate subdivision, use and development while avoiding, mitigating or remedying potential adverse effects.

4.2A.14 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.
- 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 in order to avoid, remedy or mitigate adverse construction noise, vibration, dust, lighting and traffic effects.
- d) Manage the geotechnical risks to ensure the ground remains sound, safe and stable for the intended land use.

4.2A.15 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.

4.2A.16 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 16A:

Medium Density Residential Zone

Chapter 16A: MRZ – Medium Density Residential Zone

The rules that apply to activities in the MRZ - Medium density residential zone are contained within Rule 16A.1 Land Use – Activities, Rule 16A.2 Land Use – Effects and Rule 16A.3 Land Use – Building.

The rules that apply to subdivision in the MRZ - Medium density residential zone are contained within Rule 16A.4.

The activity status tables and standards in the following chapters also apply to activities in the MRZ - Medium density residential zone:

14 Infrastructure and Energy;

15 Natural Hazards and Climate Change (Placeholder).

The following symbols are used in the tables:

P - Permitted activity

C - Controlled activity

RD - Restricted discretionary activity

D - Discretionary activity

NC - Non-complying activity

PR - Prohibited activity

16A.1 Land Use - Activities

16A.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.

<u>PR1</u>	<u>Any building, structure, objects or vegetation that obscures the sight line of the Raglan navigation beacons for vessels entering Whaingaroa (Raglan Harbour) (refer to Appendix 7).</u>
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16A.1.2 Permitted Activities

- 1) The following activities are permitted activities if they meet all of the following:
 - (i) Land Use – Effects rules in Rule 16A.2 (unless the activity rule and/or activity-specific standards identify a standard(s) that does not apply);
 - (ii) Land Use – Building rules in Rule 16A.3 (unless the activity rule and/or activity-specific standards identify a standard(s) that does not apply); and
 - (iii) Activity-specific standards.

Activity		Activity-specific standards
<u>P1</u>	<u>Residential activity, unless specified below.</u> <u>P1 includes occupation of a single residential unit for short term rental.</u>	<u>Nil</u>
<u>P3</u>	<u>A new retirement village or alterations to an existing retirement village:</u>	<p>a) <u>The site is connected to public water and wastewater infrastructure;</u></p> <p>b) <u>The minimum outdoor living space or balcony area and dimensions are:</u></p> <p class="list-item-l1">(i) <u>Apartment – 10m2 area with a minimum dimension horizontal and vertical of 2.5m;</u></p> <p class="list-item-l1">(ii) <u>Studio unit or 1 bedroom unit – 12.5m2 area with minimum dimension horizontal and vertical of 2.5m; or</u></p> <p class="list-item-l1">(iii) <u>2 or more bedroomed unit – 15m2 area with minimum dimension horizontal and vertical of 2.5m.</u></p> <p>c) <u>The minimum service court is either:</u></p> <p class="list-item-l1">(i) <u>Apartment – Communal outdoor space (i.e. no individual service courts required); or</u></p> <p class="list-item-l1">(ii) <u>All other units – 10m2 for each unit.</u></p> <p>d) <u>The following Land Use – Effects rule in Rule 16A.2 does not apply:</u></p> <p class="list-item-l1">(i) <u>Rule 16A2.7 (Signs).</u></p> <p>e) <u>The following Land Use – Building rules in Rule 16A.3 do not apply:</u></p> <p class="list-item-l1">(i) <u>Rule 16A.3.1 (Residential units);</u></p> <p class="list-item-l1">(ii) <u>Rule 16A.3.7 (Outdoor Living Space); and</u></p> <p class="list-item-l1">(iii) <u>Rule 16A.3.8 (Service Court).</u></p> <p>f) <u>The following Infrastructure and Energy rule in Chapter 14 does not apply:</u></p> <p class="list-item-l1">(i) <u>Rule 14.12.1 P4(1)(a) (Traffic generation).</u></p>
<u>P4</u>	<u>Home business</u>	<p>a) <u>The home business is wholly contained within a building;</u></p> <p>b) <u>The storage of materials or machinery associated with the home business are 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) <u>No more than 2 people who are not permanent residents of the site are employed at any one time;</u></p> <p>d) <u>Unloading and loading of vehicles, the receiving of customers or deliveries only occur between 7:30am and 7:00pm on any day; and</u></p> <p>e) <u>Machinery may only be operated between 7:30am and 9pm on any day.</u></p>

P5	<u>Temporary event</u>	<p>a) <u>The event occurs no more than 3 times per consecutive 12 month period;</u></p> <p>b) <u>The duration of each temporary event is less than 72 hours;</u></p> <p>c) <u>The event may operate between 7:30am and 8:30pm;</u></p> <p>d) <u>Temporary structures are:</u></p> <p style="padding-left: 40px;">(i) <u>erected no more than 2 days before the temporary events occurs; and</u></p> <p style="padding-left: 40px;">(ii) <u>removed no more than 3 days after the end of the event.</u></p> <p>e) <u>The site is returned to its previous conditions no more than 3 days after the end of the temporary event; and</u></p> <p>f) <u>There is no direct site access from a national route or regional arterial road.</u></p>
P7	<u>Community facilities</u>	a) <u>No more than 200m² GFA.</u>
P8	<u>Neighbourhood park</u>	<u>Nil</u>
P9	<u>Home stay</u>	a) <u>No more than 4 temporary residents.</u>
P10	<u>Boarding houses/boarding establishments</u>	a) <u>No more than 10 people per site, inclusive of staff and residents.</u>
P11	<u>Construction, demolition, addition, and alteration of a building or structure</u>	<u>Nil</u>
P12	<u>Construction or alteration of a building for a sensitive land use</u>	<p>(i) <u>It is set back a minimum of 10m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of up to 110kV; or</u></p> <p>(ii) <u>It is set back a minimum of 12m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of 110kV or more.</u></p>
P13	<u>Emergency services training and management activities</u>	<u>Nil</u>
P14	<u>Additions and alterations to an existing emergency service facility</u>	<u>Nil</u>

16A.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.

RD1	<u>Any permitted activity that does not comply with the Activity Specific Standards.</u>	<p>Council's discretion shall be restricted to any of the following matters:</p> <p>(a) <u>Consideration of the effects of the standard not met;</u></p> <p>(b) <u>Measures to avoid, remedy or mitigate adverse effects; and</u></p> <p>(c) <u>Cumulative effects.</u></p>
RD2	<u>Construction or alteration of a building for a sensitive land use that does not comply with 16A.1.2 P12</u>	<p>Council's discretion shall be restricted to the following matters:</p> <p>a. <u>Effects on the amenity values of the site;</u></p> <p>b. <u>The risk of electrical hazards affecting the safety of people;</u></p> <p>c. <u>The risk of damage to property; and</u></p> <p>d. <u>Effects on the operation, maintenance and upgrading of the electrical distribution or transmission lines.</u></p>
RD3	<u>Construction of emergency service facilities</u>	<p>Council's discretion shall be restricted to the following matters:</p> <p>(a) <u>Effects on amenity of the locality.</u></p> <p>(b) <u>Effects on character.</u></p> <p>(c) <u>Road efficiency and safety.</u></p> <p>(d) <u>Building design.</u></p> <p>(e) <u>Site layout and design; and</u></p> <p>(f) <u>Privacy on other sites.</u></p>

16A.1.4 Discretionary Activities

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

D1	<u>Commercial activity that does not comply with one or more of the Activity Specific Standards.</u>
D2	<u>Any activity that is not listed as Prohibited, Permitted or Restricted Discretionary.</u>

16A.2 Land Use – Effects

16A.2.1 Noise

- (1) Rules 16A.2.1.1 and 16A.2.1.2 provide the permitted noise levels generated by land use activities.

- (2) Rule 16A.2.1.1 Noise – general provides the permitted noise levels within the MRZ - Medium density residential zone.
- (3) Rule 16A.2.1.2 Noise – Construction provides the noise levels for construction activities.

16A.2.1.1 Noise – General

<u>P1</u>	<u>Noise generated by emergency generators and emergency sirens.</u>
<u>P2</u>	<p>a) <u>Noise measured within any other site in the MRZ – Medium density residential zone must not exceed:</u></p> <p>(i) <u>50dB LAeq(15min), 7am to 7pm, every day;</u></p> <p>(ii) <u>45dB LAeq(15min) 7pm to 10pm every day;</u></p> <p>(iii) <u>40dB LAeq(15min) 10pm to 7am the following day; and</u></p> <p>(iv) <u>65dB LAmax(15min), 10pm to 7am the following day.</u></p> <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 NZS6802:2008 'Acoustics – Environmental Noise'.</u></p>
<u>D1</u>	<u>Noise that does not comply with Rule 16A.2.1.1 P2.</u>

16A.2.1.2 Noise – Construction

<u>P1</u>	<p>a) <u>Construction noise must not exceed the limits set out in NZS 6803:1999 (Acoustics – Construction Noise); and</u></p> <p>b) <u>Construction noise must be measured and assessed in accordance with the requirements of NZS6803:1999 'Acoustics – Construction Noise'.</u></p>
<u>RD1</u>	<p>a) <u>Construction noise that does not comply with Rule 16A.2.1.2 P1.</u></p> <p>b) <u>Council's discretion shall be restricted to any of the following matters:</u></p> <p>(i) <u>Effects on amenity values;</u></p> <p>(ii) <u>Hours and days of construction;</u></p> <p>(iii) <u>Noise levels;</u></p> <p>(iv) <u>Timing and duration; and</u></p> <p>(v) <u>Methods of construction</u></p>

16A.2.3 Glare and artificial light spill

<u>P1</u>	<u>Illumination from glare and artificial light spill must not exceed 10 lux, measured horizontally and vertically, within any other site.</u>
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RD1	<p>a) <u>Illumination that does not comply with Rule 16A.2.3 P1.</u></p> <p>b) <u>The Council's discretion shall be restricted to any of the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>Effects on amenity values;</u> (ii) <u>Light spill levels on other sites;</u> (iii) <u>Road safety;</u> (iv) <u>Duration and frequency;</u> (v) <u>Location and orientation of the light source; and</u> (vi) <u>Mitigation measures.</u>
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16A.2.4 Earthworks

- (1) Rule 16A.2.4.1 – General, provides the permitted rules for earthworks activities for the MRZ - Medium density residential zone.
- (2) There are also specific standards for earthworks within Rule 16A.2.4.3 – Significant Natural Areas.

16A.2.4.1 Earthworks – General

P1	<p>a) <u>Earthworks (excluding the importation of fill material) within a site must meet all of the following standards:</u></p> <ul style="list-style-type: none"> (i) <u>Be located more than 1.5 m horizontally from any waterway, open drain or overland flow path;</u> (ii) <u>Not exceed a volume of 1000m³;</u> (iii) <u>Not exceed an area of 1ha over any consecutive 12 month period;</u> (iv) <u>The total depth of any excavation or filling does not exceed 1.5m above or below ground level;</u> (v) <u>The slope of the resulting cut, filled areas or fill batter face in stable ground, does not exceed a maximum of 1:2 (1 vertical to 2 horizontal);</u> (vi) <u>Earthworks must not result in any instability of land or structures at, or beyond, the boundary of the site where the land disturbance occurs;</u> (vii) <u>Areas exposed by earthworks are revegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;</u> (viii) <u>Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; and</u> (ix) <u>Do not divert or change the nature of natural water flows, water bodies or established drainage paths.</u>
P2	<p><u>Earthworks for the purpose of creating a building platform for residential purposes within a site, including the use of imported cleanfill material and imported fill material, must meet the following standard:</u></p> <p>(a) <u>Be carried out in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development.</u></p>

P3	<p>a) <u>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 standards:</u></p> <ul style="list-style-type: none"> (i) <u>Not exceed a total volume of 50m3;</u> (ii) <u>Not exceed a depth of 1.5m;</u> (iii) <u>The slope of the resulting filled area in stable ground must not exceed a maximum slope of 1:2 (1 vertical to 2 horizontal);</u> (iv) <u>Earthworks must not result in any instability of land or structures at or beyond the boundary of the site where the land disturbance occurs;</u> (v) <u>Areas exposed by filling are revegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;</u> (vi) <u>Sediment resulting from the filling is retained on the site through implementation and maintenance of erosion and sediment controls; and</u> (vii) <u>Do not divert or change the nature of natural water flows, water bodies or established drainage paths.</u>
RD1	<p>a) <u>Earthworks that do not comply with Rule 16A.2.4.1 P1, P2 or P3.</u></p> <p>b) <u>The Council's discretion shall be restricted to any of the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>Amenity values and landscape effects;</u> (ii) <u>Volume, extent and depth of earthworks;</u> (iii) <u>Nature of fill material;</u> (iv) <u>Contamination of fill material;</u> (v) <u>Location of the earthworks in relation to waterways, significant indigenous vegetation and habitats;</u> (vi) <u>Compaction of the fill material;</u> (vii) <u>Volume and depth of fill material;</u> (viii) <u>Geotechnical stability;</u> (ix) <u>Flood risk, including natural water flows and established drainage paths; and</u> (x) <u>Land instability, erosion and sedimentation.</u>
NC1	<p><u>Earthworks involving the importation of controlled fill material to a site.</u></p>

16A.2.4.3 Earthworks - Significant Natural Areas

The provisions relevant to this heading are addressed in Decision Report 9: Significant Natural Areas.

16A.2.5 Hazardous Substances

The provisions relevant to this heading are addressed in Decision Report 11: Hazardous Substances and Contaminated Land.

16A.2.6 Notable Trees

The provisions relevant to this heading are addressed in Decision Report 8: Historic Heritage. The same provisions are to apply as for the GRZ – General residential zone.

16A.2.7 Signs

- (1) Rule 16A.2.7.1 Signs – General provides permitted standards for any sign, including real estate signs, across the entire MRZ - Medium density residential zone.
- (2) Rule 16A.2.7.2 Signs – Effects on Traffic applies specific standards for signs that are directed at road users.

16A.2.7.1 Signs – General

<u>P1</u>	<u>A public information sign erected by a government agency.</u>
<u>P2</u>	<p>a) <u>A sign must comply with all of the following standards:</u></p> <ul style="list-style-type: none"> (i) <u>It is the only sign on the site;</u> (ii) <u>The sign is wholly contained within the site;</u> (iii) <u>The sign does not exceed 1m²;</u> (iv) <u>The sign height does not exceed 2m in height above the ground;</u> (v) <u>The sign is not illuminated;</u> (vi) <u>The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials;</u> (vii) <u>The sign is set back at least 50m from the designated boundary of a state highway and the Waikato Expressway;</u> (viii) <u>The sign is not attached to a tree identified in Schedule 30.2 Notable Trees, except for the purpose of identification and interpretation;</u> (ix) <u>The sign is not attached to a heritage item listed in Schedule 30.1 (Heritage Items), except for the purpose of identification and interpretation;</u> (x) <u>The sign is not attached to a Site or Area of Significance to Maaori listed in Schedule 30.3, except for the purpose of identification and interpretation;</u> (xi) <u>The sign relates to:</u> <ul style="list-style-type: none"> A. <u>goods or services available on the site; or</u> B. <u>a property name sign.</u>
<u>P3</u>	<p>a) <u>A real estate 'for sale' sign relating to the site on which it is located must comply with all of the following standards:</u></p> <ul style="list-style-type: none"> (i) <u>There is no more than 1 sign per agency;</u>

	<p>(ii) <u>The sign is not illuminated; and</u></p> <p>(iii) <u>The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials.</u></p>
<u>P4</u>	<u>Official sign</u>
<u>P5</u>	<u>Signs that are located within a building or that are not visible from a road or adjoining site.</u>
<u>RD1</u>	<p>a) <u>A sign that does not comply with Rule 16A.2.7.1 P2 or P3.</u></p> <p>b) <u>Council's discretion shall be restricted to any of the following matters:</u></p> <p>(i) <u>Amenity values;</u></p> <p>(ii) <u>Character of the locality;</u></p> <p>(iii) <u>Effects on traffic safety;</u></p> <p>(iv) <u>Glare and artificial light spill;</u></p> <p>(v) <u>Content, colour and location of the sign;</u></p> <p>(vi) <u>Effects on a notable tree;</u></p> <p>(vii) <u>Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign;</u></p> <p>(viii) <u>Effects on cultural values of any Site or Area of Significance to Maaori; and</u></p> <p>(ix) <u>Effects on notable architectural features of a building.</u></p>

16A.2.7.2 Signs – Effects on Traffic

<u>P1</u>	<p>a) <u>Any sign directed at land transport users must:</u></p> <p>(ii) <u>Not imitate the content, colour or appearance of any traffic control sign;</u></p> <p>(iii) <u>Be located at least 60m from controlled intersections, pedestrian crossings and any other sign;</u></p> <p>(iv) <u>Not obstruct sight lines of drivers turning into, or out of, a site entrance and intersections or at a level crossing;</u></p> <p>(v) <u>Contain no more than 40 characters and no more than 6 words and/or symbols;</u></p> <p>(vi) <u>Have lettering that is at least 150mm high; and</u></p> <p>(vii) <u>Be at least 130m from a site entrance, where the sign directs traffic to the entrance.</u></p>
<u>RD1</u>	<p>(a) <u>Any sign that does not comply with Rule 16A.2.7.2 P1.</u></p> <p>(b) <u>Council's discretion shall be restricted to the following matters:</u></p> <p>(i) <u>Amenity;</u></p> <p>(ii) <u>Character of the locality;</u></p>

	<ul style="list-style-type: none">(iii) <u>Effects on traffic safety;</u>(iv) <u>Glare 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 site or area of significance to Maaori; and</u>(ix) <u>Effects on notable architectural features of a building.</u>
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16A.2.8 Indigenous Vegetation Clearance inside a Significant Natural Area

The provisions relevant to this heading are addressed in Decision Report 9: Significant Natural Areas.

16A.3 Land Use – Building

16A.3.1 Residential units

<u>P1</u>	<u>Up to three residential units per site.</u>
<u>RD1</u>	<p>(a) <u>Four or more residential units per site.</u></p> <p>(b) <u>Council's discretion shall be restricted to any of the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>Intensity of the development; and</u> (ii) <u>Design, scale and layout of buildings and outdoor living spaces in relation to the planned urban character of the zone; and</u> (iii) <u>The relationship of the development with adjoining streets or public open spaces, including the provision of landscaping; and</u> (iv) <u>Privacy and overlooking within the development and on adjoining sites, including the orientation of habitable rooms and outdoor living spaces; and</u> (v) <u>Provision of 3-waters infrastructure to individual units; and</u> (vi) <u>The provision of adequate waste and recycling bin storage including the management of amenity effects of these on streets or public open spaces; and</u> (vii) <u>Where on-site car parking is provided, the design and location of car parking (including garaging) as viewed from streets or public open spaces; and</u>

16A.3.2. Minimum Residential Unit Size

<u>P1</u>	<p>(a) <u>Residential units must have a minimum net internal floor area of:</u></p> <ul style="list-style-type: none"> (a) <u>35m² for studio dwellings; and</u> (b) <u>45m² for one or more bedroom dwellings.</u>
<u>RD1</u>	<p>(a) <u>Any building that does not comply with Rule 16A.3.2.P1.</u></p> <p>(b) <u>Council's discretion shall be restricted to any of the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>The functionality of the residential units; and</u> (ii) <u>Internal residential amenity.</u>

16A.3.3 Height

- (1) Rule 16A.3.2.1 Height – Building General provides permitted height limits across the entire MRZ - Medium density residential zone.

16A.3.3.1 Height - Building General

<u>P1</u>	<p>(a) <u>The permitted height of any building or structure is 11m measured from the natural ground level immediately below that part of the structure.</u></p> <p>(b) <u>Chimneys not exceeding 1m in width and finials shall not exceed a maximum height of 13m measured from the natural ground level immediately below the structure;</u></p>
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	<p>(c) <u>In Raglan, the permitted height of any building or structure is 7.5m measured from the natural ground level immediately below that part of the structure.</u></p> <p>(d) <u>In Raglan, chimneys not exceeding 1m in width and finials shall not exceed a maximum height of 9.5m measured from the natural ground level immediately below the structure;</u></p>
<u>RD1</u>	<p>(a) <u>Any building or structure that does not comply with Rule 16A.3.2.1 P1.</u></p> <p>(b) <u>Council's discretion shall be restricted to any of the following matters:</u></p> <p>(i) <u>Height of the building or structure;</u></p> <p>(ii) <u>Design, scale and location of the building or structure;</u></p> <p>(iii) <u>Extent of shading on adjacent sites; and</u></p> <p>(iv) <u>Privacy and overlooking on adjoining sites.</u></p>

16A.3.4 Fences or Walls – Road Boundaries

<u>P1</u>	<p>(a) <u>Fences and walls between the applicable building setbacks under Rule 16A.3.8 on a site and any road boundaries, must comply with all of the following standards:</u></p> <p>(i) <u>Be no higher than 1.5m if solid;</u></p> <p>(ii) <u>Be no higher than 1.8m if:</u></p> <p>A) <u>Visually permeable for the full 1.8m height of the fence or wall;</u> <u>or</u></p> <p>B) <u>Solid up to 1.5m and visually permeable between 1.5 and 1.8m.</u></p>
<u>RD1</u>	<p>(a) <u>Fences or walls that do not comply with Rule 16A.3.3 P1.</u></p> <p>(b) <u>Council's discretion shall be restricted to any of the following matters:</u></p> <p>i) <u>Building materials and design;</u></p> <p>ii) <u>Effects on streetscape amenity; and</u></p> <p>iii) <u>Public space visibility.</u></p>

16A.3.5 Height in relation to boundary

<u>P1</u>	<p>(a) <u>Buildings and structures must not protrude through a height control plane rising at an angle of 45 degrees commencing at an elevation of 3m above ground level at every point of the site boundary, except:</u></p> <p>(i) <u>Where the boundary forms part of a legal right of way, entrance strip or access site; the standard applies from the farthest boundary of that legal right of way, entrance strip or access site.</u></p> <p>(ii) <u>This standard does not apply to existing or proposed internal boundaries within a site.</u></p> <p>(iii) <u>Where a site in the MRZ – Medium density residential zone adjoins a site in the GRZ – General residential, LLRZ – Large lot residential or SETZ – Settlement zones, then buildings must not protrude through a height control plane rising at an angle of 45 degrees commencing at an elevation of 2.5m above ground level</u></p>
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	<p><u>at every point of the site boundary abutting that GRZ – General residential, LLRZ – Large lot residential or SETZ – Settlement zone site.</u></p> <p>(iv) <u>Where the boundary adjoins a legal road.</u></p>
<u>RD1</u>	<p>a) <u>A building that does not comply with Rule 16A.3.4 P1.</u></p> <p>b) <u>Council's discretion shall be restricted to any of the following matters:</u></p> <p>i) <u>Height of the building;</u></p> <p>ii) <u>Design and location of the building;</u></p> <p>iii) <u>Extent of shading on adjacent sites; and</u></p> <p>iv) <u>Privacy on adjoining sites.</u></p>

16A.3.6 Building Coverage

<u>P1</u>	<p><u>The total building coverage must not exceed 45%.</u></p> <p><u>Rule 16A.3.6 P1 does not apply:</u></p> <p>(i) <u>To a structure that is not a building; or</u></p> <p>(ii) <u>Eaves of a building that project less than 750mm horizontally from the exterior wall of the building.</u></p>
<u>P2</u>	<p><u>Within the Te Kauwhata Residential West Area as identified on the planning maps, the total building coverage must not exceed 35%.</u></p>
<u>RD1</u>	<p>a) <u>Total building coverage that does not comply with Rule 16A.3.5 P1.</u></p> <p>b) <u>Council's discretion shall be restricted to any of the following matters:</u></p> <p>i) <u>Design, scale and location of the building;</u></p> <p>ii) <u>Provision for outdoor living space and service courts; and</u></p> <p>iii) <u>Effects on the planned urban built character of the surrounding residential area.</u></p>

16A.3.7 Impervious Surfaces

<u>P1</u>	<p><u>The impervious surfaces of a site must not exceed 70%.</u></p>
<u>RD1</u>	<p>a) <u>Impervious surfaces that do not comply with Rule 16.3.6A P1.</u></p> <p>b) <u>Council's discretion is restricted to the following matters:</u></p> <p>i) <u>Site design, layout and amenity; and</u></p> <p>ii) <u>The risk of flooding, nuisance or damage to the site or other buildings and sites.</u></p>

16A.3.8 Outdoor Living Space

P1	<p>a) <u>An outdoor living space must be provided for each residential unit that meets all of the following standards:</u></p> <p>i) <u>It is for the exclusive use of the occupants of the residential unit;</u></p> <p>ii) <u>It is readily accessible from a living area of the residential unit;</u></p> <p>iii) <u>Where the residential unit contains an internal habitable space (excluding garages, bathrooms, laundries, and hall or stairways) on the ground floor, an outdoor living court shall be provided and shall have a minimum area of 20m² and a minimum dimension of 4m in any direction; and</u></p> <p>iv) <u>Where the residential unit has its Principal Living Area at first floor level or above, a balcony shall be provided and shall have a minimum area of 5m² for studio and one-bedroom dwellings, or 8m² for two or more bedroom dwellings and a minimum dimension of 1.5m.</u></p>
RD1	<p>a) <u>An outdoor living space that does not comply with Rule 16A.3.7 P1</u></p> <p>b) <u>Council's discretion shall be restricted to any of the following matters:</u></p> <p>i) <u>Design and location of the building;</u></p> <p>ii) <u>Provision for outdoor living space including access to sunlight and open space and the usability and accessibility of the outdoor living space proposed;</u></p> <p>iii) <u>Privacy and overlooking on adjoining sites; and</u></p> <p>iv) <u>The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space.</u></p>

16A.3.9A Ground floor Internal Habitable Space

P1	<p>(a) <u>Garages shall occupy less than 50% of the ground floor space internal to buildings on the site.</u></p>
RD1	<p>(a) <u>A building that does not comply with Rule 16A.3.9A P1.</u></p> <p>(b) <u>Council's discretion shall be restricted to any of the following matters:</u></p> <p>(i) <u>The visual dominance of garaging, parking, and vehicle manoeuvring areas and the balance across the site of internal habitable space, outdoor living space, and landscaping at ground level; and</u></p> <p>(ii) <u>The design and location of garaging as viewed from streets or public open spaces.</u></p>

16A.3.9B Building Setbacks

- (1) Rules 16A.3.8.1 to 16A.3.8.2 provide the permitted building setback distances for buildings from site boundaries, specific land use activities and environmental features as follows:
- a) Rule 16A.3.8.1 Building Setbacks – All Boundaries provides permitted building setback distances from all boundaries on any site within the MRZ – Medium density residential zone. Different setback distances are applied based on the type of building.

- b) Rule 16A.3.8.2 Building Setback – Water Bodies provides permitted building setback distances from waterbodies including lakes, wetlands, rivers and coasts.

16A.3.9.1 Building Setbacks – All Boundaries

<u>P1</u>	<p>(a) <u>The finished external walls (excluding eaves) of a building must be set back a minimum of:</u></p> <ul style="list-style-type: none"> (i) <u>3m from the road boundary (excluding state highways – refer to Rule 16.3.9.2);</u> (ii) <u>3m from the edge of an indicative road (as demonstrated on a structure plan or planning maps);</u> (iii) <u>1m from every boundary other than a road boundary; and</u> <p><u>(b) Balconies greater than 1.5m above ground level shall be set back a minimum of 4m from every boundary other than a boundary to a road or public open space.</u></p> <p><u>16A.3.9.1 P1(a) and (b) do not apply to structures that are not buildings.</u></p>
<u>RD1</u>	<p>a) <u>A building that does not comply with Rule 16A.3.8.1 P1.</u></p> <p>b) <u>Council's discretion shall be restricted to any of the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>Road network safety and efficiency;</u> (ii) <u>Potential to mitigate adverse effects on the streetscape through use of other design features;</u> (iii) <u>Daylight admission to adjoining properties; and</u> (iv) <u>Privacy overlooking on adjoining sites.</u>

16A.3.9.2 Building Setback – Water Bodies

<u>P1</u>	<p>a) <u>Any building must be setback a minimum of:</u></p> <p>b) <u>20m from the margin of any;</u></p> <ul style="list-style-type: none"> i) <u>lake; and</u> ii) <u>wetland.</u> <p>c) <u>23m from the bank of any river (other than the Waikato and Waipa Rivers);</u></p> <p>d) <u>28m from the margin of both the Waikato and Waipa Rivers; and</u></p> <p>e) <u>23m from mean high water springs.</u></p> <p><u>16A.3.9.2 P1(a) - (e) do not apply to structures that are not buildings.</u></p>
<u>P2</u>	<p>(a) <u>A public amenity of up to 25m² or a pump shed within any building setback identified in Rule 16A.3.9.3 P1.</u></p>
<u>D1</u>	<p><u>Any building that does not comply with Rule 16A.3.9.3 P1 or P2.</u></p>

16A.3.10 Historic Heritage

The provisions relevant to this heading are addressed in Decision Report 8: Historic Heritage. The same provisions are to apply as for the GRZ – General residential zone.

16A.3.10.6 Heritage Precincts – Matangi and Huntly

The provisions relevant to this heading are addressed in Decision 8: Historic Heritage. The same provisions are to apply as for the GRZ – General residential zone.

16A.4 Subdivision

- (1) Rule 16A.4.1 provides for subdivision intensity and applies across the MRZ – Medium density residential zone.
- (2) The following rules apply to specific areas and/or activities:
 - (a) Rule 16A.4.2 - Subdivision - Te Kauwhata West Residential Area;
 - (b) Rule 16A.4.3 – Subdivision - Boundary Adjustments;
 - (c) Rule 16A.4.4 – Subdivision - Amendments and Updates to Cross Lease Flats Plan and Conversion to Freehold;
 - (d) Rule 16A.4.5 – Subdivision - Title Boundaries Contaminated Land, Notable Trees;
 - (e) Rule 16A.4.6 – Subdivision - Title Boundaries Significant Natural Areas;
 - (f) Rule 16A.4.7 - Subdivision of Land Containing Heritage Items;
 - (g) Rule 16A.4.8 – Subdivision Road Frontage;
 - (h) Rule 16A.4.9 – Subdivision Creating Reserves;
 - (i) Rule 16A.4.10 - Subdivision - Esplanade Reserves and Esplanade Strips; and
 - (j) Rule 16A.4.11 – Subdivision of Land Containing Mapped Off-Road Walkways, Cycleways or Bridleways.

16A.4.1 Subdivision - General

<u>C1</u>	<ol style="list-style-type: none"> (a) <u>Any subdivision in accordance with an approved land use resource consent must comply with that resource consent.</u> (b) <u>Council's control shall be reserved to any of the following matters:</u> <ol style="list-style-type: none"> (i) <u>Subdivision layout;</u> (ii) <u>Compliance with the approved land use consent; and</u> (iii) <u>Provision of infrastructure.</u>
<u>RD1</u>	<ol style="list-style-type: none"> a) <u>Subdivision must comply with all of the following standards:</u>

	<p>(i) <u>Proposed vacant lots must have a minimum net site area of 200m², except where the proposed lot is an access allotment, utility allotment or reserve to vest; and</u></p> <p>(ii) <u>Proposed vacant lots must be able to connect to public-reticulated water supply and wastewater.</u></p> <p>(b) <u>Council's discretion shall be restricted to any of the following matters:</u></p> <p>(i) <u>Subdivision layout;</u></p> <p>(ii) <u>Shape of lots and variation in lot sizes;</u></p> <p>(iii) <u>Ability of lots to accommodate a practical building platform including geotechnical stability for building;</u></p> <p>(iv) <u>Likely location of future buildings and their potential effects on the environment;</u></p> <p>(v) <u>Avoidance or mitigation of natural hazards;</u></p> <p>(vi) <u>Opportunities for streetscape landscaping;</u></p> <p>(vii) <u>Vehicle and pedestrian networks;</u></p> <p>(viii) <u>Consistency with any relevant structure plan or master plan including the provision of neighbourhood parks, reserves and neighbourhood centres; and</u></p> <p>(ix) <u>Provision of infrastructure.</u></p>
<u>RD2</u>	<p>a) <u>Every proposed vacant lot, other than one designed specifically for access or a utility allotment, must be capable of containing a building platform upon which a dwelling and living court could be sited as a permitted activity, with the building platform being contained within the following dimension:</u></p> <p>(i) <u>a rectangle of at least 100m² with a minimum dimension of 6m, exclusive of yards.</u></p> <p>(b) <u>Council's discretion shall be restricted to any of the following matters:</u></p> <p>(ii) <u>Subdivision layout;</u></p> <p>(iii) <u>Shape of allotments;</u></p> <p>(iv) <u>Ability of allotments to accommodate a practical building platform;</u></p> <p>(v) <u>Likely location of future buildings and their potential effects on the environment;</u></p> <p>(vi) <u>Avoidance or mitigation of natural hazards;</u></p> <p>(vii) <u>Geotechnical suitability for building; and</u></p> <p>(viii) <u>Ponding areas and primary overland flow paths.</u></p>
<u>D1</u>	<u>Subdivision that does not comply with a standard in Rule 16A.4.1 RD1 or RD2</u>

16A.4.3 Subdivision – Boundary Adjustments

<u>C1</u>	<p>a. <u>Boundary adjustments must comply with the standards specified in Rule 16A.4.1 Subdivision – General.</u></p> <p>b) <u>Proposed lots must not generate any additional building infringements to those which legally existed prior to the boundary adjustment.</u></p>
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	<p>c) <u>Council's control is reserved over the following matters:</u></p> <p>i) <u>Subdivision layout; and</u></p> <p>ii) <u>Shape of titles and variation in lot sizes.</u></p>
<u>RD1</u>	<p>a) <u>Boundary adjustments that do not comply with Rule 16A.4.3 C1.</u></p> <p>b) <u>Council's discretion shall be restricted to the following matters:</u></p> <p>i) <u>Subdivision layout; and</u></p> <p>ii) <u>Shape of titles and variation in lot sizes.</u></p>

16A.4.4 Subdivision - Amendments and Updates to Cross Lease Flats Plans and Conversion to Freehold

<u>C1</u>	<p>a) <u>Conversion of a cross lease flats plan to a fee simple title.</u></p> <p>b) <u>Council's control is reserved over the following matters:</u></p> <p>i) <u>Effects on existing buildings;</u></p> <p>ii) <u>Site layout and design; and</u></p> <p>iii) <u>Compliance with permitted building rules.</u></p>
<u>C2</u>	<p>a) <u>Amendment or update of a cross lease flats plan.</u></p> <p>b) <u>Council's control is reserved over the following matters:</u></p> <p>i) <u>Effects on existing buildings;</u></p> <p>ii) <u>Site layout and design of cross lease or flats plan; and</u></p> <p>iii) <u>Compliance with permitted building rules.</u></p>

16A.4.5 Title Boundaries – Contaminated Land, Notable Trees

<u>RD1</u>	<p>(a) <u>Subdivision of land containing contaminated land (other than where the contaminated land has been confirmed as not being contaminated land for its intended use), or notable trees must comply with all of the following standards:</u></p> <p>(i) <u>Where an existing building is to be contained within the boundaries of any proposed lot (other than where any non-compliance existed lawfully prior to the subdivision), compliance is required with the following building rules relating to:</u></p> <p>A. <u>Height in relation to boundary (Rule 16A.3.4);</u></p> <p>B. <u>Building coverage (Rule 16A.3.5); and</u></p> <p>C. <u>Building setbacks (Rule 16.3.8).</u></p> <p>(ii) <u>Where any proposed subdivision contains one or more of the features listed in A – D, the subdivision must not divide the following:</u></p> <p>A. <u>A natural hazard area;</u></p>
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	<p>B. <u>Contaminated land (other than where the contaminated land has been confirmed as not being contaminated land for its intended use); and</u></p> <p>C. <u>A notable tree.</u></p> <p>(iii) <u>The boundaries of every proposed lot containing, adjoining or adjacent to the activities listed in A – C below, must provide the following setbacks:</u></p> <p>A. <u>300m from any intensive farming activity;</u></p> <p>B. <u>550m from the boundary of an Aggregate Extraction Area for rock extraction; and</u></p> <p>C. <u>200m from the boundary of an Aggregate Extraction Area for sand excavation.</u></p> <p>(b) <u>Council's discretion shall be restricted to the following matters:</u></p> <p>(i) <u>Landscape values;</u></p> <p>(ii) <u>Amenity values and character;</u></p> <p>(iii) <u>Reverse sensitivity effects;</u></p> <p>(iv) <u>Effects on existing buildings;</u></p> <p>(v) <u>Effects on natural hazard areas;</u></p> <p>(vi) <u>Effects on contaminated land;</u></p> <p>(vii) <u>Effects on any notable trees; and</u></p> <p>(viii) <u>Effects on an intensive farming activity.</u></p>
<u>D1</u>	<u>Subdivision that does not comply with Rule 16A.4.5 RD1.</u>

16A.4.6 Title Boundaries – Significant Natural Areas

<u>RD1</u>	<p>a) <u>Subdivision of sites containing a Significant Natural Area(s), where the Significant Natural Area is contained wholly within a proposed lot.</u></p> <p>b) <u>Council's discretion shall be restricted to the following matter:</u></p> <p>i) <u>Effects on the Significant Natural Area.</u></p>
<u>NC1</u>	<u>Subdivision that does not comply with Rule 16A.4.6 RD1.</u>

16A.4.7 Subdivision of Land Containing Heritage Items

The provisions relevant to this heading are addressed in Decision Report 8: Historic Heritage. The same provisions are to apply as for the GRZ – General residential zone.

16A.4.8 Subdivision - Road Frontage

<u>RD1</u>	<p>a) <u>Every proposed vacant lot with a road boundary, other than an access allotment, utility allotment, or a proposed vacant lot containing a ROW or access leg, must have a width along the road boundary of at least 10m.</u></p> <p>b) <u>Council's discretion shall be restricted to any of the following matters:</u></p> <p style="padding-left: 40px;">i) <u>Safety and efficiency of vehicle access and road network.</u></p>
<u>D1</u>	<u>Subdivision that does not comply with Rule 16A.4.8 RD1.</u>

16A.4.9 Subdivision Creating Reserves

<u>RD1</u>	<p>a) <u>Every reserve, including where a reserve is identified within a structure plan or master plan (other than an esplanade reserve), proposed for vesting as part of the subdivision, must be bordered by roads along at least 50% of its boundaries.</u></p> <p>b) <u>Council's discretion shall be restricted to any of the following matters:</u></p> <p style="padding-left: 40px;">i) <u>The extent to which the proposed reserve aligns with the principles of Council's Parks Strategy, Playground Strategy, Public Toilets Strategy and Trails Strategy;</u></p> <p style="padding-left: 40px;">ii) <u>Consistency with any relevant structure plan or master plan;</u></p> <p style="padding-left: 40px;">iii) <u>Reserve size and location;</u></p> <p style="padding-left: 40px;">iv) <u>Proximity to other reserves;</u></p> <p style="padding-left: 40px;">v) <u>The existing reserve supply in the surrounding area;</u></p> <p style="padding-left: 40px;">vi) <u>Whether the reserve is of suitable topography for future use and development;</u></p> <p style="padding-left: 40px;">vii) <u>Measures required to bring the reserve up to Council standard prior to vesting; and</u></p> <p style="padding-left: 40px;">viii) <u>The type and standard of boundary fencing.</u></p>
<u>D1</u>	<u>Subdivision that does not comply with Rule 16A.4.9 RD1.</u>

16A.4.10 Subdivision of Esplanade Reserves and Esplanade Strips

<u>RD1</u>	<p>a) <u>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:</u></p> <p style="padding-left: 40px;">(i) <u>The proposed lot is less than 4ha and within 20m of:</u></p> <p style="padding-left: 80px;">A. <u>mean high water springs;</u></p> <p style="padding-left: 80px;">B. <u>the bank of any river whose bed has an average width of 3m or more; or</u></p> <p style="padding-left: 80px;">C. <u>a lake whose bed has an area of 8ha or more; or</u></p> <p style="padding-left: 80px;">D. <u>The proposed lot is more than 4ha or more than 20m from mean high water springs or a water body identified in Appendix 4 (Esplanade Priority Areas).</u></p> <p style="padding-left: 40px;">(c) <u>Council's discretion shall be restricted to any of the following matters:</u></p> <p style="padding-left: 80px;">i) <u>The type of esplanade provided - reserve or strip;</u></p>
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	<ul style="list-style-type: none"> ii) <u>Width of the esplanade reserve or strip;</u> iii) <u>Provision of legal access to the esplanade reserve or strip;</u> iv) <u>Matters provided for in an instrument creating an esplanade strip or access strip; and</u> v) <u>Works required prior to vesting any reserve in the Council, including pest plant control, boundary fencing and the removal of structures and debris.</u>
<u>D1</u>	<u>Subdivision that does not comply with Rule 16A.4.10 RD1.</u>

16A.4.11 Subdivision of Land within the National Grid Corridor

<u>RD1</u>	<p>(a) <u>The subdivision of land within the National Grid Corridor that complies with all of the following standards:</u></p> <ul style="list-style-type: none"> (i) <u>All resulting allotments must be able to demonstrate that they are capable of accommodating a building platform for the likely principal building(s) and any building(s) for a sensitive land use located outside of the National Grid Yard, other than where the allotments are for roads, access ways or infrastructure; and</u> (ii) <u>The layout of allotments and any enabling earthworks must ensure that physical access is maintained to any National Grid support structures located on the allotments, including any balance area.</u> <p>(b) <u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of the National Grid;</u> (ii) <u>The ability to provide a complying building platform outside of the National Grid Yard;</u> (iii) <u>The risk of electrical hazards affecting public or individual safety, and the risk of property damage;</u> (iv) <u>The nature and location of any vegetation to be planted in the vicinity of National Grid transmission lines.</u> (v) <u>The risk to the structural integrity of the National Grid;</u> <p><u>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></p>
<u>NCI</u>	<u>Any subdivision of land within the National Grid Corridor that does not comply with one or more of the standards of Rule 16A.4.11 RD1.</u>

Chapter 13 – Definitions – Consequential amendment – Rule 16A.3.8

Insert new definition as follows:

Principal Living Area

An area or room within a residential unit which is designed to function as the primary internal living space for occupants of that residential unit.