

WAIKATO DISTRICT COUNCIL

Hearings of Submissions on the Proposed Waikato District Plan

Report and Decisions of Independent Commissioners

Decision Report 27: Rangitahi Peninsula Zone

17 January 2022

Commissioners

Dr Phil Mitchell (Chair)

Mr Paul Cooney (Deputy Chair)

Councillor Jan Sedgwick

Mr Dynes Fulton

Mr Weo Maag

Contents

1	Introduction	3
2	Hearings Arrangement	3
3	Overview of issues raised in Submissions.....	3
4	Overview of Evidence	4
5	Panel's Decision and Reasons	6
6	Conclusion	7

Glossary of terms

Council	Waikato District Council
PDP	Proposed Waikato District Plan

1 Introduction

- 1.1 Hearing 23 related to all the submissions received by the Waikato District Council (Council) on the provisions of the Rangitahi Peninsula Zone, a specific zone in the Proposed Waikato District Plan (PDP). The objective and policies relating to the Rangitahi Peninsula Zone are set out in Chapter 9 (Specific Zones) of the PDP. The rules for the Rangitahi Peninsula Zone are set out in Chapter 28 of the PDP.
- 1.2 Rangitahi Peninsula is located on the Raglan harbour, southwest of the existing Raglan township at the southern end of Oporoturu Road. With a total area of 117 hectares, parts of the peninsula have been subdivided and are currently under development. At the time of writing this decision, the roads, services, a causeway and a bridge have been constructed to provide access to the peninsula from Oporoturu Road for the first stage of development.¹

2 Hearings Arrangement

- 2.1 Hearing 23 was held on 7 December 2020 via Zoom. All of the relevant information pertaining to this hearing (i.e., Section 42A Report and evidence) is contained on the Council's website.
- 2.2 We heard from the following submitters on the matter of the Rangitahi Peninsula Zone provisions:

Council	Chloe Trenouth (author of Section 42A Report)
Rangitahi Limited	Brianna Parkinson, legal counsel Ben Inger, Planner Ian Clark, Traffic
Ministry of Education (tabled)	Alec Duncan, Planner
Fire and Emergency New Zealand (tabled)	Alec Duncan, Planner

3 Overview of issues raised in Submissions

- 3.1 In the section 42A report, Ms Trenouth set out the full list of submissions on the provisions of the Rangitahi Peninsula Zone. She stated that Council received 12 submissions and 11 further submissions on this topic.² Most of the submissions were from Rangitahi Ltd, being the owner and developer of the subject area. Ms Trenouth stated that the submissions from Rangitahi Ltd generally sought minor amendments to provide consistency with Operative Plan provisions, additional clarity, and flexibility, including where subdivision consents have been approved.³ Ms Trenouth stated that the other submitters sought the retention of, or minor amendments to specific provisions.

¹ Paragraph 12 of the Section 42A Report, dated 2 November 2020.

² Paragraphs 29 of the Section 42A Report, dated 2 November 2020.

³ Paragraph 30 of Section 42A Report, dated 2 November 2020.

- 3.2 In brief, Ms Trenouth provided the following background information relevant to the Rangitahi Peninsula Zone:⁴
- a) The Rangitahi Structure Plan was introduced into the Operative District Plan to recognise and protect particular attributes of Raglan and its seaside character, coastal and other environmental elements specific to the Rangitahi Peninsula.
 - b) The PDP largely rolls over the Rangitahi Structure Plan provisions in the Operative Plan. Ms Trenouth stated that additional plan provisions are proposed to address the fact that a Comprehensive Development Plan process previously relied upon is ultra vires, and therefore is not an appropriate method to implement the structure plan.
 - c) Rangitahi Peninsula Zone enables approximately 500 residential lots and a variety of other uses (such as commercial and community uses). Rangitahi Peninsula Zone includes seven precincts.

4 Overview of Evidence

- 4.1 Ben Inger presented planning evidence on behalf of Rangitahi Ltd. His evidence was focused on the following key matters: Significant Natural Areas, Secondary Road Access, and subdivision variance in relation to the structure plan. Each of these matters are discussed below.
- 4.2 Mr Inger stated that the Rangitahi Peninsula Zone provisions in the PDP require the provision of a “Secondary Access” to and from the Rangitahi Peninsula as an alternative route to the “Primary Access”, which is via Opororu Road and a new bridge.⁵ Mr Inger stated that the PDP provisions requiring a Secondary Road Access are confusing and differ significantly from the Operative Plan Provisions. He proposed amended provisions in his evidence, which were supported by Ms Trenouth. Mr Inger stated that the amended Secondary Access provisions require that the Secondary Access must be provided for heavy vehicles associated with subdivision construction from the beginning of development. He further stated that a Secondary Access for emergency vehicles and an associated easement are required following construction of the spine road to the southern boundary of the Rangitahi Structure Plan area.⁶
- 4.3 Mr David Clark presented transportation planning evidence on behalf of Rangitahi Ltd. He stated that the need for Secondary Access to service the Rangitahi Peninsula is not clear, particularly that the primary access, via a new bridge connection to the pre-existing section of Opororu Road, has been fully established. He stated that the Secondary Access is not required for capacity reasons, rather it appears to have been recommended solely for reasons of resilience. He concluded that the resilience benefits of a secondary road access are likely to be minor in this case.⁷

⁴ Section 2.2 of Section 42A Report, dated 2 November 2020.

⁵ Paragraph 82 of Statement of Evidence of Mr Inger, dated 16 November 2020.

⁶ Paragraph 3(i) of Summary Statement of Evidence of Mr Inger, dated 2 December 2020.

⁷ Paragraph 3 of Summary Statement of Mr Clark, dated 2 December 2020.

- 4.4 With respect to the matter of subdivision variances, Ms Trenouth explained that variances to elements of the approved Structure Plan area are provided for in the subdivision provisions. While the intent of the variances was to provide some flexibility in implementing the Structure Plan, in practice they are uncertain and difficult to assess. Ms Trenouth recommended amendments to remove all variances apart from one, which relates to the number of dwellings identified in the Neighbourhood Outcomes Plan and allows for an increase of up to 10%.⁸ Mr Inger agreed with Ms Trenouth's proposed changes.
- 4.5 Mr Inger also recommended changes to provisions specific to the Rangitahi Peninsula Zone relating to ecological and habitat values as well as Significant Natural Areas. He stated that the changes recognise that short term, minor and localised impacts associated with specific activities are unlikely to have significant adverse effects. Mr Inger then considered that mitigation or offset were appropriate measures for those activities if avoidance cannot be achieved. He also recommended changes to the mapped Significant Natural Areas to better reflect the existing land uses.⁹
- 4.6 With respect to the above, Ms Trenouth recommended amendments to provide for very limited vegetation clearance as a permitted activity and to include guidance within the ecological policy to support minor adverse effects associated with the construction and maintenance of roads, infrastructure, walkways and cycleways which are consistent with the approved Rangitahi Peninsula Structure Plan¹⁰. Ms Trenouth also supported the amendments to the mapping of the Significant Natural Areas in Precinct A to address inconsistencies where there is no vegetation, either because the area is a road or a recently created lot.¹¹
- 4.7 On 21 December 2020, we received a Memorandum by Council recording that following the hearing, Ms Trenouth and Mr Inger (on behalf of Rangitahi Ltd), had reached an agreed position on the provisions that should apply to the Rangitahi Peninsula Zone. The revised provisions were provided to us.
- 4.8 On behalf of the Ministry of Education, Ms Alec Duncan opposed the non-complying default activity status for educational facilities in the Rangitahi Peninsula Zone. Mr Duncan stated that the Ministry of Education sought a restricted discretionary activity status for educational facilities in the Rangitahi Peninsula Zone, but would accept a discretionary activity status should we consider this to be more acceptable. Ms Duncan stated that the Ministry of Education considers that the majority of educational facilities (including community education, early childhood education, tertiary education institutions, work skills training) are located within residential areas like Rangitahi Peninsula and are considered essential social infrastructure to support such areas.
- 4.9 On behalf of Fire and Emergency New Zealand, Ms Alec Duncan confirmed that Ms Trenouth's recommendations on the submission from Fire and Emergency New Zealand were supported.

⁸ Paragraph 16 of Hearing Opening Statement of Ms Trenouth, dated 7 December 2020.

⁹ Paragraph 3(J) of Summary Statement of Evidence of Mr Inger, dated 2 December 2020.

¹⁰ Paragraph 14 of Hearing Opening Statement of Ms Trenouth, dated 7 December 2020.

¹¹ Paragraph 15 of Hearing Opening Statement of Ms Trenouth, dated 7 December 2020.

5 Panel's Decision and Reasons

- 5.1 We acknowledge that the Rangitahi Peninsula has been subject to a comprehensive structure planning process. We were informed that resource consents have been granted for 271 residential units, which is approximately half the number of lots envisaged in the Rangitahi Structure Plan.¹² In light of this, we consider that it is important to ensure that the PDP provisions continue to provide for the implementation of the Rangitahi Structure Plan. We accept that bespoke provisions, in the form of Rangitahi Peninsula Zone, are necessary to implement the comprehensive outcomes imbedded in the Rangitahi Peninsula Structure Plan.
- 5.2 We acknowledge the willingness of the parties, in particular the Council and Rangitahi Ltd, to work together to reach an agreement on the Rangitahi Peninsula Zone provisions following the hearing. We have included the agreed package of provisions between these parties into the PDP, with some refinements. We consider those provisions are appropriate to manage use and development on the Rangitahi Peninsula.
- 5.3 With respect to the Secondary Access matter, we questioned in the hearing whether Policy 9.3.5.4 Secondary Access was required and whether assessment criteria for restricted discretionary activity subdivision could be relied upon instead. In this regard, we note that the agreed package of provisions deletes the requirement for secondary access except to the extent alternative access is to be provided for heavy vehicles involved in subdivision construction work instead of using Oporu Road and for emergency vehicles when Oporu Road is closed. We accept Mr Clark's evidence that the resilience benefits of requiring a Secondary Road access are minor. The amendments to the Rangitahi Peninsula Zone provisions include the following key matters:
- a) Policy 9.3.5.4 of the PDP as notified is deleted. A new clause (d) is added to Policy 9.3.5.3 Primary Access to establish the requirement for the use of the Primary access by heavy vehicles to be limited to circumstances where the secondary road is not accessible.
 - b) Rule 28.4.1 RD1 General Subdivision has been amended to require alternative access for the purpose of heavy vehicles associated with subdivision civil construction.
- 5.4 With respect to the Significant Natural Areas, we questioned during the hearing whether Significant Natural Areas were required to be identified in the Rangitahi Peninsula given the area is being urbanised, the area is subject to a structure plan and that the Significant Natural Areas are usually located in rural areas. A decision on the extent of the Significant Natural Areas has been made in Decision Report 9: Significant Natural Areas, where some of the areas have been deleted. For the remaining areas, the provisions of the new ECO – Ecosystems and indigenous biodiversity chapter will be applicable.

¹² Paragraph 1 of Statement of Evidence of Mr Inger, dated 16 November 2020.

- 5.5 A change has also been made to Ecology Policy 9.3.37 to require avoidance of adverse effects on listed threatened or at risk species in order to give effect to the direction in the New Zealand Coastal Policy Statement.
- 5.6 With respect to the submission from Ministry of Education, we accept Ms Trenouth's evidence that educational facilities should be a non-complying activity in the Rangitahi Peninsula Zone, as the Rangitahi Structure Plan does not identify provisions for educational facilities and is not an appropriate location for educational facilities generally, as it only has access via Opoturu Road. We accept that it is appropriate to enable the establishment of childcare facilities within the Rangitahi Peninsula Zone, as a controlled activity, as it is an important social infrastructure for the local community.

6 Conclusion

- 6.1 We accept and/or reject the section 42A Report and the evidence filed by the submitters for the reasons given in this Decision, collectively forming the section 32AA assessment.
- 6.2 Overall, we are satisfied that the Rangitahi Peninsula Zone provisions as amended (and attached in **Attachments 1 and 2**) will provide a suitable framework for managing subdivision, use and development on the Peninsula.

For the Hearings Panel



Dr Phil Mitchell, Chair

Dated: 17 January 2022

Attachment I: Amendments to Chapter 9.3

9.3 Rangitahi Peninsula

9.3.1 Objective – Development

Development of the peninsula is of a character and scale that reflects its harbour setting and is compatible with Raglan's seaside village character.

9.3.1.1 Policy – Development

- (a) Development should be consistent with the Rangitahi Peninsula Structure Plan
- (b) Enable some flexibility in the subdivision layout to respond to natural characteristics in a manner that retains the overall concept design.
- (c) Development has the following characteristics:
 - (i) Residential development within each precinct is in accordance with densities in the Rangitahi Structure Plan;
 - (ii) Lower-density residential development is located to maintain rural and coastal natural values;
 - (iii) The Balance Lot (Farm Management) is retained for rural uses and structures;
 - (iv) A sense of place that reflects village scale, coastal environment and its role in part as a holiday destination;
 - (v) Maintains a physical and visual connection to the existing Raglan settlement,
 - (vi) Maintains a visual connection to Mt Karioi;
 - (vii) Provides walking and cycling access to the coast;
 - (viii) Public open space is integrated within the village layout;
 - (ix) Small-scale / local-level businesses are enabled in appropriate locations.

9.3.1.2 Policy – Residential development

- (a) Residential development should adopt building forms and attributes that support the seaside village character, including:
 - (i) Creation of distinct neighbourhoods based on landscape character;
 - (ii) A low-speed, pedestrian-friendly road network;
 - (iii) A highly-connected network of pedestrian, cycle and bridle ways,
 - (iv) A range of building forms and intensity;
 - (v) Concentration of more intensive building forms around amenity areas and settlement nodes, and a predominance of freestanding dwellings;
 - (vi) Orientation of dwellings to utilise passive solar gain and maximise outlook towards the coast;
 - (vii) Establishing building platforms that minimise earthworks;
 - (viii) Design of buildings support good street outlook / surveillance for safety.

9.3.1.3 Policy – Staged, integrated infrastructure

- (a) Provision of infrastructure works should be staged, integrated and maintained to achieve efficient provision and operation of infrastructure without:
 - (i) Inhibiting planned timing of residential development;
 - (ii) Relying on future capacity increases or parallel systems.

9.3.1.4 Policy - Activities

- (a) Subdivision, use and development should be located and designed to provide a variety of living environments with recreational opportunities in close proximity.

9.3.2 Objective – Non-residential activities

- (a) Non-residential activities contribute to village character without significant adverse effects on the role, amenity, commercial and social function of the Raglan town centre or significant adverse effects on traffic.

9.3.2.1 Policies – Commercial activities

- (a) Commercial activities are managed to ensure that:
 - (i) They are in locations consistent with the Rangitahi Peninsula Structure Plan;
 - (ii) Activities will meet local needs;
 - (iii) Traffic impacts are managed;
 - (iv) Adverse effects on the role, amenity, commercial and social function of the Raglan town centre are minimised;
 - (v) They are designed and located to contribute to village character;
 - (vi) They are at a scale that retains the overall residential character of the Peninsula.
- (b) Mixed-use developments should be located and designed to:
 - (i) Provide active ground-floor business activities and frontages to public spaces at ground level. ~~Provide residential activities that are above ground floor with adequate amenity;~~
 - (ii) Enable commercial activities that are compatible with residential uses;
 - (iii) Retain residential character and amenity.
 - (iv) Provide residential activities that are above ground floor with adequate amenity.

9.3.2.2 Policy - Community facilities

- (a) Community facilities should:
 - (i) Be designed and located to be compatible with residential activities;
 - (ii) Provide a service or function to the local neighbourhood;
 - (iii) Be of an appropriate scale and function; and
 - (iv) Not detract from the vitality of the Raglan town centre.

9.3.3 Objective - Natural features

- (a) Natural features of the Rangitahi Peninsula including landscape, ecology, habitat and the coastal environment are maintained and enhanced.

9.3.3.1 Policy – Green spaces

- (a) In addition to the existing public coastal reserve, a range of green buffers between urban development and the coast shall be provided.

9.3.3.2 Policy – Coastal margins

- (a) Coastal strip and buffer areas, as shown on the Rangitahi Peninsula Structure Plan, shall be planted with appropriately-sourced, locally appropriate indigenous coastal species to maintain and enhance the natural values of the coastal environment.

9.3.3.3 Policy – Stormwater management

- (a) Stormwater management systems shall be designed to minimise the erosion potential and rate of run-off into the coastal marine area.

9.3.3.4 Policy - Stock exclusion

- (a) Stock should be excluded from steep slopes and gully systems to the extent compatible with maintaining a sustainable farming operation in the Balance Lot (Farm Management).

9.3.3.5 Policy – Environmental improvement

- (a) Gully systems and stream margins should be planted and managed to maintain and enhance natural ecosystems, contribute to land stability and restore habitat for indigenous flora and fauna.
- (b) Planting and management of gully systems and stream margins will result in net environmental gain.

9.3.3.6 Policy – Landscape values

- (a) Planting on steep slopes should be encouraged and designed to protect and enhance the landscape values on the peninsula.
- (b) Landscape planting along streets and public open spaces should incorporate species to contribute to habitat for indigenous fauna.
- (c) Landscaping shall be designed to incorporate ecological and habitat linkages, where appropriate.

9.3.3.7 Policy – Ecological and habitat values

- (a) The significant ecological and habitat values of the Rangitahi Peninsula are maintained and enhanced.
- (b) The loss of significant indigenous vegetation and significant habitat of indigenous fauna should be avoided.
- (c) Short term, minor or localised degradation effects for the construction and maintenance of roads, infrastructure, walkways and cycleways in accordance with the Rangitahi Structure Plan should be mitigated or offset if they cannot practicably be avoided.
- (d) Avoid adverse effects on indigenous species that are listed as threatened or at risk in the New Zealand Threat Classification System lists.

9.3.4 Objective - Heritage

- (a) Cultural and historic heritage on the Rangitahi Peninsula is retained.

9.3.4.1 Policies – Cultural and historic sites of significance

- (a) The cultural and historic heritage significance of Rangitahi Peninsula should be recognised and maintained through:
 - (i) Publications and other forms of communication to interpret natural, cultural and historic heritage and/or the use of story board signs,
 - (ii) Registration of archaeological sites with the New Zealand Archaeological Association (NZAA), and
 - (iii) Consultation with Tainui Hapuu.

9.3.4.2 Policy – Heritage protection

- (a) Development on Rangitahi Peninsula shall provide for the protection of historic heritage, including archaeological sites and areas and sites of significance to Tainui Hapuu.

9.3.5 Objective – Transport network

- (a) An integrated transport network that provides access to and within the Rangitahi Peninsula for vehicles, walking and cycling.

9.3.5.1 Policies - Integrated transport network

- (a) An integrated transport network shall be designed and implemented for the peninsula that:
 - (i) Establishes a road hierarchy that differentiates between collector roads and local roads,
 - (ii) Utilises engineering standards and geometric designs for local roads appropriate to village character, low-speed and low-volume usage,
 - (iii) Applies low-impact urban design techniques,
 - (iv) Prioritises pedestrian and cycle routes,
 - (v) Provides options for effective public transport.

9.3.5.2 Policy – Transport network design

- (a) The peninsula transport network should be located and designed to contribute towards development of the seaside village character of the Rangitahi Peninsula residential development including:
 - (i) A high degree of connectivity within the village,
 - (ii) Convenient and high-amenity walking and cycling routes within and between each development area, public open spaces and the coastal area,
 - (iii) Consistency with the Structure Plan road and indicative walkway network,
 - (iv) Design and traffic management features to achieve low vehicle speeds,
 - (v) Minimising the number of access points on roads,

- (vi) Designing road alignments with regard to natural contours to minimise earthworks.

9.3.5.3 Policies – Primary access

- (a) Primary access to the Rangitahi Peninsula Structure Plan Area shall be maintained via:
 - (i) An upgraded Oporu Road (inclusive of the bridge/causeway) to ensure that traffic generated by development in the Rangitahi Peninsula Structure Plan Area is safely and efficiently accommodated, and
 - (ii) An upgraded intersection of Oporu Road with Wainui Road to ensure its safe and efficient operation.
- (b) The upgraded Oporu Road shall:
 - (i) Achieve efficient access to the Raglan town centre,
 - (ii) Enable convenient connections for pedestrians and cyclists to the village centre in Development Precinct A and the network of pedestrian and cycling routes as shown on the Rangitahi Peninsula Structure Plan, and
 - (iii) Encourage walking to the beach and Raglan town centre.
- (c) Design and construction of the access, including any Oporu Road upgrade shall:
 - (i) Provide for continued access to adjoining properties to appropriate access and road performance standards,
 - (ii) Use best-practice mitigation techniques to manage construction effects such as (but not limited to) sediment movement, dust and noise.
- (d) Heavy vehicles shall use the Primary Access within the Rangitahi Peninsula in the alternative that the secondary road is not accessible.

9.3.5.4 Policy – Secondary access

- ~~(a) From the beginning of development of the Rangitahi Peninsula Structure Plan Area up to completion of the permanent secondary access, an interim alternative access shall be provided to a usable standard for use at any time where the primary access may be closed.~~
 - ~~(i) A permanent secondary access must be constructed;~~
 - ~~(ii) Prior to development of any of the Precincts E, F or G; and~~
 - ~~(iii) In accordance with access and road performance standards suitable for its secondary function.~~

9.3.5.5 Policy – Open space and coastal access

- (a) Public access to open space and the coastal environment within the Rangitahi Peninsula Structure Plan Area shall be provided by walkways/ cycle ways/bridleways in a way that:
 - (i) Provides convenient and practical connections to the Rangitahi Peninsula residential areas,
 - (ii) Enables connections to walkways/cycle ways/bridleways in the greater Raglan area,
 - (iii) Avoids significant adverse effects on ecological values,
 - (iv) Provides for access to the coastal marine area whilst avoiding significant adverse effects on the natural environmental character of the coastal environment.

9.3.6 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.

9.3.6.1 Policy - Emergency services facilities and activities

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

Attachment 2: Amendments to Chapter 28

Chapter 28: RPZ – Rangitahi Peninsula Zone

- (1) The rules that apply to activities in the RPZ – Rangitahi Peninsula zone are contained in **Rule 28.1** Land Use – Activities, **Rule 28.2** Land Use – Effects and **Rule 28.3** Land Use – Building.
- (2) The activity status tables and standards in the following chapters also apply to activities in the RPZ – Rangitahi Peninsula zone:
 - 14 Infrastructure and Energy;
 - 15 Natural Hazards (Placeholder).
- (3) 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
- (4) The rules providing for subdivision in the RPZ – Rangitahi Peninsula Zone are contained in **Rule 28.4** and the relevant rules in 14 Infrastructure and Energy; and 15 Natural Hazards and Climate Change (Placeholder).

28.1 Land Use – Activities

- (1) The following activities are permitted activities if they comply with all of the:
 - (a) Land Use - Effects rules in **Rule 28.2** (except for P7);
 - (b) Land Use – Building rules in **Rule 28.3** (except for P7);
 - (c) Activity specific ~~conditions~~ standards.

28.1.1 Specific Activities – Permitted Activities

(I) The activities listed below are permitted activities.

Activity		Conditions Standards
P1	<p>Residential activity <u>This includes occupation of a single residential unit for short term rental.</u></p>	<p>(a) An activity that is in accordance with the Rangitahi Peninsula Structure Plan (Appendix 8); and (b) Is located within Plan I Structure Plan Area - Development Precincts shown on the Rangitahi Peninsula Structure Plan (Appendix 8) <u>or any approved subdivision;</u></p>
P2	<p>A temporary event</p>	<p>(a) An activity that is in accordance with the Rangitahi Peninsula Structure Plan (Appendix 8); and (b) Is located within Plan I Structure Plan Area - Development Precincts shown on the Rangitahi Peninsula Structure Plan (Appendix 8) <u>or any approved subdivision;</u> and (c) The event occurs no more than 3 times per calendar year; and (d) It operates between 7.30am to 8:30pm Monday to Sunday; and (e) Temporary structures are: (f) Erected no more than 2 days before the event occurs; and (g) Removed no more than 3 days after the end of the event; and (h) The site is returned to its original condition no more than 3 days after the end of the event; and (i) There is no direct site access from a national route or regional arterial road.</p>
P3	<p>A home occupation business</p>	<p>(a) An activity that is in accordance with the Rangitahi Peninsula Structure Plan (Appendix 8); and (b) Is located within Plan I Structure Plan Area - Development Precincts shown on the Rangitahi Peninsula Structure Plan (Appendix 8) <u>or any approved subdivision;</u> and (c) It is wholly contained within a building; and (d) The storage of materials or machinery associated with the home occupation business are wholly contained within a building; and (e) No more than 2 people who are not permanent residents of the site are employed at any one time; and (f) There is no unloading and loading of vehicles or the receiving of customers or deliveries before 7:30am or after 7:00pm on any day; and (g) There is no operation of machinery before 7:30am or after 9pm on any day.</p>
P4	<p>A homestay</p>	<p>(a) An activity that is in accordance with the Rangitahi Peninsula Structure Plan (Appendix 8); and (b) Is located within Plan I Structure Plan Area - Development Precincts shown on the Rangitahi Peninsula Structure Plan (Appendix 8) <u>or any approved subdivision;</u> and (c) Provides accommodation for no more than 4 temporary residents.</p>
P5	<p>A community activity facility</p>	<p>(a) An activity that is in accordance with the Rangitahi Peninsula Structure Plan (Appendix 8); and (b) Is located within Plan I Structure Plan Area - Development Precincts shown on the Rangitahi Peninsula Structure Plan (Appendix 8) <u>or any approved subdivision;</u> and (c) The total gross floor area does not exceed a total of 200m² within the whole of the Rangitahi Peninsula Structure Plan Area (Appendix 8).</p>

P6	<u>Rangitahi commercial activity (including health facilities)</u>	<p>(a) An activity that is in accordance with the Rangitahi Peninsula Structure Plan (Appendix 8); and</p> <p>(b) Is located within Plan 1 Structure Plan Area - Development Precincts shown on the Rangitahi Peninsula Structure Plan (Appendix 8) or any approved subdivision; and</p> <p>(c) The total gross floor area does not exceed a total of 400m² gross floor area within the whole of the Rangitahi Peninsula Structure Plan Area (Appendix 8); and</p> <p>(d) Gross floor area of each individual premise does not exceed 100m².</p>
P7	<u>Agricultural or horticultural activities</u>	<p>(a) Located within Balance Lot (Farm Management) on Plan 2 in the Rangitahi Peninsula Structure Plan Area (Appendix 8);</p> <p>(b) <u>Comply with Land Use – Effects standards for the GRZ – General Rural Zone (Rule 22.2);</u></p> <p>(c) <u>Comply with Land Use - Buildings standards for the GRZ – General Rural Zone (Rule 22.3)</u></p>
P8	<u>Emergency services training and management activities</u>	Nil.
P9	<u>Additions and alterations to an existing emergency service facility</u>	Nil.
P10	<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>
P11	<u>Construction or demolition of, or alteration or addition to, a building or structure</u>	Nil.

28.1.2 Controlled Activities

(1) The activities listed below are controlled activities.

Activity	Conditions-Matters of Control
<p>C1</p> <p>(a) Child care facilities are a controlled activity if the following conditions are met:</p> <p>(i) Land Use- Effects in Rule 28.2; and</p> <p>(ii) Land Use – Building in Rule 28.3; and</p> <p>(iii) The site is located within the potential mixed use, potential commercial or potential tourism locations shown in Plan 5 of the Rangitahi Peninsula Structure Plan (Appendix 8).</p>	<p>(a) Council reserves its control over the following matters:</p> <p>(i) Consistency with the Rangitahi Peninsula Structure Plan;</p> <p>(ii) Character and amenity of development within the Rangitahi Peninsula Structure Plan.</p> <p>(iii) Traffic impacts on the safety and efficiency of the road network.</p>

28.1.3 Specific Activities - 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		Matters of Discretion
RD1	<p>(a) Any activity that does not comply with a condition <u>for standard of Rule 28.1.1(P5) or Rule 28.1.1 (P6)</u> is a restricted discretionary activity provided that:</p> <ol style="list-style-type: none"> (i) For a <u>community activity facility</u>, the <u>total gross floor area</u> within the Rangitahi Peninsula Structure Plan Area does not exceed 300m² within the whole of the Structure Plan Area. (b) (ii) For Rangitahi commercial activity (including health facilities): <ol style="list-style-type: none"> (i) A. The total <u>gross floor area</u> does not exceed 600m² within any of the seven neighbourhoods shown on the Rangitahi Peninsula Structure Plan <u>(Appendix 8)</u>, or (ii) B. The total <u>gross floor area</u> does not exceed 1000m² within the whole of the Structure Plan Area. 	<p>(a) Council's discretion is restricted to the following matters:</p> <ol style="list-style-type: none"> (i) Effects on the role, function, and vitality, of the Raglan town centre; (ii) Traffic impacts on the safety and efficiency of the road network; (iii) Consistency with the Rangitahi Peninsula Structure Plan <u>(Appendix 8)</u>; (iv) Character and amenity of development within the Rangitahi Peninsula Structure Plan <u>(Appendix 8)</u>.
RD2	<p>(a) A <u>Rangitahi</u> Comprehensive Residential Development that meets the following conditions <u>standards</u>:</p> <ol style="list-style-type: none"> (i) The Land Use – Effects in <u>Rule 28.2</u>; and (ii) The Land Use – <u>Building</u> in <u>Rule 28.3</u>; and <ol style="list-style-type: none"> A. <u>Rule 28.3.3</u> (<u>Building</u> height) does not apply; and B. <u>Rule 28.3.7</u> (<u>Living court Outdoor living space</u>) does not apply; and (iii) The site is located within the Comprehensive Residential Development locations shown in Plan 5 of the Rangitahi Peninsula Structure Plan <u>(Appendix 8)</u> or <u>approved subdivision consent</u>; and (iv) Construction or <u>alteration</u> of a <u>building</u> does not exceed 11m height <u>measured from the natural ground level immediately below that part of the structure</u>; and (v) A detailed site plan is provided that identifies proposed title boundaries for each residential unit and any common areas (including access and services), ensuring that a freehold (fee simple) or unit title subdivision could occur in accordance with <u>Appendix 8</u> - Rangitahi Peninsula Structure Plan; and (vi) The residential unit is designed and constructed to comply with Table I4 - Internal Sound Levels in <u>Appendix 1 (Acoustic Insulation)</u>; and 	<p>(a) Council's discretion is restricted to the following matters:</p> <ol style="list-style-type: none"> (i) Adequacy of the information provided to address matters specified, and outcomes sought, within the Multi-Unit Design Guide (Appendix 3.4); (ii) The extent to which the development contributes to and engages with adjacent streets and public open space; (iii) The extent to which the access, car parking and garaging is integrated into the development in a way that is safe for pedestrians and cyclists; (iv) The extent to which the development incorporates environmental efficiency measures such as passive solar principles; (v) Amenity values for occupants and neighbours in respect of outlook, privacy, noise, light spill, access to sunlight, outdoor living court orientation, site design and layout; (vi) The extent to which staging is necessary to ensure that development is carried out in a coordinated and timely manner;

	<p>(vii) A communal service court area is provided; and</p> <p>(viii) Outdoor living courts <u>spaces</u> are provided to meet the following minimum requirements for each residential unit:</p> <table border="1"> <tr> <th>Duplex Dwelling</th><th>Living Court Space Area</th><th>Minimum Dimension</th></tr> <tr> <td>Studio unit or 1 bedroom</td><td>30m²</td><td>4m</td></tr> <tr> <td>2 bedroom</td><td>40m²</td><td>4m</td></tr> <tr> <td>3 bedroom</td><td>40m²</td><td>4m</td></tr> </table> <table border="1"> <tr> <th>Apartment Building Ground Level Residential Unit</th><th>Living Court Space Area</th><th>Minimum Dimension</th></tr> <tr> <td>Studio unit or 1 bedroom</td><td>20m²</td><td>4m</td></tr> <tr> <td>2 bedroom</td><td>30m²</td><td>4m</td></tr> <tr> <td>3 bedroom</td><td>30m²</td><td>4m</td></tr> </table> <table border="1"> <tr> <th>Apartment Building Upper Level Residential Unit</th><th>Living Court Space Area</th><th>Minimum Dimension</th></tr> <tr> <td>Studio unit or 1 bedroom</td><td>10m²</td><td>2m</td></tr> <tr> <td>2 bedroom</td><td>15m²</td><td>2m</td></tr> <tr> <td>3 bedroom</td><td>15m²</td><td>2m</td></tr> </table>	Duplex Dwelling	Living Court Space Area	Minimum Dimension	Studio unit or 1 bedroom	30m ²	4m	2 bedroom	40m ²	4m	3 bedroom	40m ²	4m	Apartment Building Ground Level Residential Unit	Living Court Space Area	Minimum Dimension	Studio unit or 1 bedroom	20m ²	4m	2 bedroom	30m ²	4m	3 bedroom	30m ²	4m	Apartment Building Upper Level Residential Unit	Living Court Space Area	Minimum Dimension	Studio unit or 1 bedroom	10m ²	2m	2 bedroom	15m ²	2m	3 bedroom	15m ²	2m	<p>(vii) Avoidance or mitigation of natural hazards;</p> <p>(viii) The safety and efficiency of roads due to traffic associated with the development;</p> <p>(ix) Geotechnical stability for building;</p> <p>(x) Consistency with (Appendix 8) Rangitahi Peninsula Structure Plan.</p>
Duplex Dwelling	Living Court Space Area	Minimum Dimension																																				
Studio unit or 1 bedroom	30m ²	4m																																				
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Studio unit or 1 bedroom	10m ²	2m																																				
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3 bedroom	15m ²	2m																																				
RD3	<p>(a) Any mixed use activity comprising of a comprehensive residential development and a Rangitahi commercial activity (including health facilities) or a community facility is a restricted discretionary activity and shall meet the conditions standards in Rules 28.1.1 P5-P6 and 28.1.3 RD1 and RD2;</p> <p>(b) Mixed use activities provided for under Rule RD3(a) are exempt from the requirements of Rule 28.3.6 (Accessory buildings)</p>	<p>Council's discretion is restricted to the matters of discretion of Rules 28.1.3 RD1 (a) and RD2 (a).</p>																																				
RD4	<p><u>Construction or alteration of a building for a sensitive land use that does not comply with 28.1.1 P10</u></p>	<p><u>Council's discretion shall be restricted to the following matters:</u></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;</u></p> <p><u>and</u></p>																																				

		<u>Effects on the operation, maintenance and upgrading of the electrical distribution or transmission lines.</u>
RD5	<u>Construction of emergency service facilities</u>	<u>Council's discretion shall be restricted to the following matters:</u> (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>

28.1.4 Specific Activities - Discretionary Activities

(I) The activities listed below are discretionary activities.

D1	Any activity that does not comply with one or more conditions <u>standards</u> for a permitted activity <u>Rule 28.1.1 P1-P4, or P7 or P6, or a controlled activity Rule 28.1.2 (a)</u> unless a lesser activity status under the Land Use Effects Rule 28.2 or Land Use Building Rules 28.3 has been identified.
D2	<u>Child care facilities</u> outside of potential mixed use, potential commercial or potential tourism locations shown in Plan 5 of the Rangitahi Peninsula Structure Plan (<u>Appendix 8</u>).
D3	Any activity that does not comply with <u>Rule 28.1.3 RD1, RD2</u> or RD3.

28.1.5 Non-Complying Activities

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

NCI	Any activity that is not listed as Prohibited, Permitted or Restricted Discretionary or Discretionary.
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28.2 Land Use – Effects

28.2.1 Noise

- (1) Rule 28.2.1 and Rule 28.2.2 provide the permitted noise levels for noise generated by land use activities.
- (2) Rule 28.2.2 Noise – General provides permitted noise levels across the entire RPZ – Rangitahi Peninsula Zone.
- (3) Rule 28.2.3 Noise – Construction provides for permitted noise levels during construction activities.

28.2.1.2 Noise – general

P1	<u>Farming noise</u> , and noise generated by <u>emergency generators</u> and emergency sirens.
P2	(a) Noise measured within any other <u>site</u> must not exceed: (i) 50dB <u>L_{Aeq} (15min)</u> (L_{Aeq}), 7am to 7pm, every day, and (ii) 45dB <u>L_{Aeq} (15min)</u> (L_{Aeq}), 7pm to 10pm, every day, and (iii) 40dB <u>L_{Aeq} (15min)</u> (L_{Aeq}), <u>10pm to 7am the following day</u> , and (iv) 65dB (L_{AFmax}), 10pm to 7am the following day.

	(b) Noise levels must be measured in accordance with the requirements of NZS 6801:2008 "Acoustics - Measurement of Environmental Sound" ;
	(c) Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 "Acoustic- Environmental noise" ;
DI	Noise generated by any activity that does not comply with Rule 28.2.1.2 PI and P2

28.2.1.3 Construction noise

PI	(a) Noise generated from a construction site must meet the levels 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 Rule 28.2.1.3 PI . (b) Council's discretion is restricted to the following: (i) Effects on amenity values; (ii) Hours of construction; (iii) Noise levels and days; (iv) Timing and duration; (v) Methods of construction.

28.2.3 Glare and artificial light spill

PI	(a) Illumination from glare and light spill must not exceed 10 lux measured horizontally and vertically at any other site. (b) Rule 28.2.3 PI does not apply to streetlights, navigation lights, traffic signals or from vehicles or equipment used in farming activities.
RDI	(a) Illumination from glare and light spill that does not comply with Rule 28.2.3 PI . (b) Council's discretion is restricted to the following: (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; (vi) Mitigation measures.

28.2.4 Earthworks

- (1) **Rules 28.2.4.1 to 28.2.4.3** provide for permitted levels for earthworks generated by land use activities within the **RPZ – Rangitahi Peninsula Zone**.
- (2) There are specific standards within rules:
- (3) **Rule 28.2.4.1** Earthworks – General;
- ~~(4) **Rule 28.2.4.2** Earthworks – Māori Sites of Significance;~~
- ~~(5) **Rule 28.2.4.3** Earthworks – Significant Natural Areas~~

28.2.4.1 Earthworks – General

PI	(a) Earthworks within a site must meet all of the following conditions standards : (i) Be located more than 1.5m from a public sewer, open drain, overland flow path or other service pipe; (ii) Not exceed a volume of more than 250m ³ and an area of more than 1,000m ² within a site ; (iii) The height of the resulting cut, filled areas or fill batter face in stable ground, not including any surcharge, does not exceed 2m, with a maximum slope of 1:2 (1 vertical to 2 horizontal); (iv) Areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks ;
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	<ul style="list-style-type: none"> (v) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; (vi) Do not divert or change the nature of natural water flows, water bodies or established drainage paths; (vii) Do not result in the site being unable to be serviced by gravity sewers.
P2	<ul style="list-style-type: none"> (a) The importation of fill material to a site must meet the following conditions <u>standards</u>, in addition to the conditions <u>standards</u> in Rule 28.2.4 P1: <ul style="list-style-type: none"> (i) Does not exceed a total volume of 500m³ per site and a depth of 1m; (ii) Is fit for compaction; (iii) The height of the resulting batter face in stable ground must not exceed 1.5m with a maximum slope of 1:2 (1m vertical to 2m horizontal); (iv) Does not restrict the ability for land to drain; (v) Is not located within 1.5m of public sewers, utility services or manholes; (vi) The sediment from fill material is retained on the site.
RD1	<ul style="list-style-type: none"> (a) Earthworks that do not comply with Rule 28.2.4.1 P1 or P2. (b) Council's discretion is restricted to the following matters: <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; (v) Location of the earthworks to waterways, significant indigenous vegetation and habitat; (vi) Compaction of the fill material; (vii) Volume and depth of fill material; (viii) Geotechnical stability; (ix) Flood risk, including natural water flows and established drainage paths (x) Land instability, erosion and sedimentation; (xi) Proximity to underground services and service connections; (xii) Traffic movements to and from the site; (xiii) Consistency with the Rangitahi Peninsula Structure Plan.

28.2.4.2 Earthworks – Maaori Sites and Maaori Areas of Significance

RD1	<ul style="list-style-type: none"> (a) Earthworks within a Maaori Site of Significance as identified in Schedule 30.3 (Maaori Site of Significance) and shown on the planning maps. (b) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) location of activity in relation to the site; (ii) effects on heritage and cultural values.
RD2	<ul style="list-style-type: none"> (a) Earthworks within a Maaori area of significance as identified in Schedule 30.4 (Maaori Area of Significance) and shown on the planning maps. (b) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) location of activity in relation to the site; (ii) effects on heritage and cultural values.

28.2.4.3 Earthworks – Significant Natural Areas

P1	<ul style="list-style-type: none"> (a) Earthworks for the maintenance of existing tracks, fences or drains within an identified Significant Natural Area and must meet all of the following conditions: <ul style="list-style-type: none"> (i) Maximum volume of 50m³ in a single consecutive 12 month period; (ii) Maximum area of 250m² in a single consecutive 12 month period; and (iii) Not include importing any fill material.
RD1	<ul style="list-style-type: none"> (a) Earthworks that do not comply with Rule 16.2.4.3 P1.

	<p>(b) Council's discretion shall be restricted to the following matters:</p> <p>(i) The location of earthworks in relation to waterways, significant indigenous vegetation or habitat;</p> <p>(ii) The protection of adverse effects on the Significant Natural Area values.</p>
D1	Earthworks within an identified Significant Natural Area not provided for in Rule 28.2.4.3 P1 or RD1

28.2.5 Hazardous substances

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

28.2.6 Signs

- (1) Rule 28.2.6.1 Signs – general provides permitted standards for any sign, including real estate signs, across the entire RPZ – Rangitahi Peninsula Zone.
- (2) Rule 28.2.6.2 Signs – effects on traffic apply specific standards for signs that are directed at road users.
- ~~(3) Rule 28.2.6.3 Signs – Heritage items and Maaori Sites of Significance provides permitted standards for signs that are attached to a heritage item or a Maaori Site of significance that are listed in Schedule No. 2. (Maaori Sites of Significance).~~

28.2.6.1 Signs - General

P1	<p>(a) A sign visible from a public place must comply with all of the following conditions standards:</p> <p>(i) It is the only sign on the site;</p> <p>(ii) It is wholly contained on the site;</p> <p>(iii) It does not exceed 0.25m²;</p> <p>(iv) The sign height does not exceed 2m;</p> <p>(v) It is not illuminated;</p> <p>(vi) It does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials;</p> <p>(vii) It relates to:</p> <p>A. Goods or services available on the site; or</p> <p>B. It is a property name sign; or</p> <p>C. It is a public information sign erected by a public authority; or</p> <p>D. It is a temporary sign on display for no more than 3 months.</p>
P2	<p>(a) A real estate 'for sale' sign relating to the site on which it is located must not:</p> <p>(i) Have more than 3 signs per site; and</p> <p>(ii) Be illuminated; and</p> <p>(iii) Contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; and</p> <p>(iv) Project into or over road reserve.</p>
P3	Official sign
P4	Signs that are located within a building or that are not visible from a road or adjoining site.
RD1	<p>(a) A sign that does not comply with Rule 28.2.6.1 P1 or P2.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Amenity values;</p> <p>(ii) Character of the locality;</p> <p>(iii) Effects on traffic safety;</p> <p>(iv) Glare and artificial light spill;</p> <p>(v) Content, colour and location of the sign.</p>

28.2.6.2 Signs – effects on traffic

PI	<p>(a) Any sign directed at road users must:</p> <ul style="list-style-type: none"> (i) Not imitate the content, colour or appearance of any traffic control sign; and (ii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections; and (iii) Contain maximum 40 characters and 6 symbols; and (iv) Have lettering that is at least 150mm high; and (v) Where the sign directs traffic to a site entrance, the sign must be at least 130m from the entrance.
DI	Any sign that does not comply with Rule 28.2.6.2 PI .

28.2.6.3 Signs – Heritage items and Maaori Sites of Significance

PI	<p>(a) A sign for the purpose of identification and interpretation attached to:</p> <ul style="list-style-type: none"> (i) A Maaori Site of Significance listed in Schedule 30.3 (Maaori Site of Significance).
RD1	<p>(a) Any sign that does not comply with Rule 28.2.6.3 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Effects on cultural values of any Maaori Site of Significance.

28.2.7 Outdoor storage

PI	<p>(a) Outdoor storage of goods or materials must:</p> <ul style="list-style-type: none"> (i) Be associated with the commercial activity operating from the site; and (ii) Not encroach on required parking or loading areas; and (iii) Be fully screened from view by closed board 1.8m high fencing or landscaping from any: <ul style="list-style-type: none"> A. Public road; and B. Public reserve; and C. Adjoining site in another zone.
RD1	<p>(a) Outdoor storage of goods or materials that do not comply with Rule 28.2.7 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Visual amenity; (ii) Effects on loading and parking areas; (iii) Size and location of storage area; (iv) Measures to mitigate adverse effects.

28.2.8 Indigenous vegetation clearance inside a Significant Natural Area

PI	<p>(a) Indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas)</p> <ul style="list-style-type: none"> (i) Removing vegetation that endangers human life or existing buildings or structures; or (ii) Conservation fencing to exclude stock or pests; or (iii) Maintaining existing farm drains; or (iv) Maintaining existing tracks and fences; or (v) Gathering plants in accordance with Maaori customs and values; or
P2	<p>Removing of up to 5m³ of manuka and/or kanuka outside of the Coastal Environment per single consecutive 12 month period per property for domestic firewood purposes and arts or crafts provided the removal will not directly result in the death, destruction or irreparable damage of any other tree, bush or plant</p>
P3	<p>(a) Indigenous vegetation clearance for building, access, parking and manoeuvring areas in a Significant Natural Area outside the coastal environment identified on the planning maps or in</p>

	<p>Schedule 30.5 (Urban Allotment Significant Natural Areas) must comply with all of the following conditions:</p> <p>(i) There is no alternative development area on the site outside the Significant Natural Area; and</p> <p>(ii) The total indigenous vegetation clearance does not exceed 250m².</p> <p>(iii) The vegetation clearance is at least 10m from a natural waterbody.</p>
P4	<p>(a) On Maaori Freehold Land or Maaori Customary Land, indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) where:</p> <p>(i) There is no alternative development area on the site outside the Significant Natural Area;</p> <p>(ii) The following total areas are not exceeded:</p> <p style="padding-left: 40px;">A. 1500m² for a Marae complex, including areas associated with access parking and manoeuvring; and</p> <p style="padding-left: 40px;">B. 500m² per dwelling, including areas associated with access parking and manoeuvring; and</p> <p style="padding-left: 40px;">C. 500m² for a papakainga building including areas associated with access parking and manoeuvring.</p>
P5	<p>(a) On Maaori Freehold Land or Maaori Customary Land, indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) for the following purposes:</p> <p>(i) Removing vegetation that endangers human life or existing buildings or structures; or</p> <p>(ii) Conservation fencing to exclude stock or pests; or</p> <p>(iii) Maintaining existing farm drains; or</p> <p>(iv) Maintaining existing tracks and fences; or</p> <p>(v) Gathering plants in accordance with Maaori customs and values.</p>
P6	<p>Removing of up to 5m³ of manuka and/or kanuka outside of the Coastal Environment per consecutive 12 month period per property for domestic firewood purposes and arts or crafts provided the removal will not directly result in the death, destruction or irreparable damage of any other tree, bush or plant</p>
P7	<p>The trimming or pruning of indigenous vegetation in a Significant Natural Area which will not directly result in the death, destruction, or irreparable damage of the vegetation</p>
P8	<p>Vegetation clearance of non indigenous species in a Significant Natural Area</p>
P9	<p>Vegetation clearance outside a Significant Natural Area</p>
D1	<p>Indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) that does not comply with Rule 21.2.8 P1, P2, P3, P4, P5 and P6.</p>
D2	<p>Indigenous vegetation clearance in a Significant Natural Area other than for the purposes listed in P1 or P7.</p>
D3	<p>Indigenous vegetation clearance within a Significant Natural Area within the coastal environment</p>

28.3 Land Use – Building

28.3.1 – Dwellings Residential units

P1	<p>One dwelling residential unit within a lot, excluding Rangitahi Comprehensive Residential Development in locations shown in Plan 5 of the Rangitahi Peninsula Structure Plan (Appendix 8) or an approved subdivision consent.</p>
D1	<p>A dwelling residential unit that does not comply with Rule 28.3.1 P1.</p>

28.3.2 Minor dwelling residential units

PI	(a) One minor dwelling residential unit not exceeding 70m ² gross floor area contained within a CFR where: (i) The net site area is 900m ² or more; and (ii) The site does not contain a comprehensive development.
DI	A minor dwelling residential unit that does not comply with Rule 28.3.2. PI

28.3.3 Building height

PI	(a) The height of a building measured from the natural ground level immediately below that part of the structure must not exceed 7.5m. (b) 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; (c) Rule 28.3.3 PI (a) does not apply to Comprehensive Development Lots shown on Plan 5 of the Rangitahi Peninsula Structure Plan (Appendix 8), where the height of buildings must not exceed 11m.
RD1	(a) A building that does not comply with Rule 28.3.3 PI . (b) Council's discretion is restricted to the following matters: (i) Design and location of building ; (ii) Building dominance effects; (iii) Admission of daylight and sunlight to the site and other sites ; (iv) Privacy on other sites ; (v) Amenity values of the locality; (vi) Consistency with the Rangitahi Peninsula Structure Plan (Appendix 8).

28.3.4 Daylight admission Height in Relation to Boundary

PI	(a) A building or structure must not protrude through a height control plane rising at an angle of 37-45° commencing at an elevation of 2.5m above ground level at every point of the site boundary . (b) Rule 28.3.4 PI (a) does not apply to party walls located along site boundaries. (c) Rule 28.3.4 PI (a) does not apply to sites in Precinct A and D that are indicated as having a zero setback in the Rangitahi Peninsula Structure Plan (Appendix 8).
RD1	(a) A building that does not comply with Rule 28.3.4 PI . (b) Council's discretion is restricted to the following matters: (i) Height of building ; (ii) Design and location of building ; (iii) Admission of daylight and sunlight to the site and other sites ; (iv) Privacy on other sites ; (v) Amenity values of the locality; (vi) Consistency with the Rangitahi Peninsula Structure Plan (Appendix 8).

28.3.5 Building coverage

PI	The total building coverage must not exceed 40% of the site . Rule 28.3.5.1 does not apply: a) To a structure that is not a building; or b) To eaves of a building that project less than 750mm horizontally from the exterior wall of the building.
DI	A building that does not comply with Rule 28.3.5 PI .

28.3.5A Impervious surfaces

PI	The impervious surface of a site must not exceed 70%.
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RD1	<p>(a) Impervious surfaces that do not comply with Rule 28.3.5A P1</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Site design, layout and amenity; (ii) The risk of flooding, nuisance or damage to the site or other buildings and sites.
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28.3.6 Accessory buildings

PI	<p>(a) The gross floor area of all accessory buildings on a residential site must not exceed 70m²; or</p> <p>(b) Where the accessory building is located outside the Development Precincts defined in the Rangitahi Peninsula Structure Plan (Appendix 8) the gross floor area of the accessory building must not exceed either:</p> <ul style="list-style-type: none"> (iii) 400m² on a site having an area of at least 2ha; or (iv) 250m² on a site less than 2ha.
DI	An accessory building that does not comply with one of the conditions in Rule 28.3.6 P1

28.3.7 Living court Outdoor living area

PI	<p>(a) An outdoor living area living court must 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 located between 45 degrees northeast through north to 90 degrees west of the dwelling residential unit measured from the southernmost part of the dwelling residential unit; (iii) It is readily accessible from a living area of the dwelling residential unit and either: <ul style="list-style-type: none"> A. On the ground floor of the dwelling residential unit, the outdoor living area living court must have a minimum area of 80m² capable of containing a circle of 6m diameter; or B. Above ground floor of the dwelling residential unit, the outdoor living area living court must be located on a balcony capable of containing at least 15m² and a circle with a diameter of at least 2.4m.
P2	<p>(a) An outdoor living area living court must 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 located between 45 degrees northeast through north to 90 degrees west of the minor dwelling residential unit measured from the southernmost part of the minor dwelling residential unit; (iii) It is readily accessible from a living area of the minor dwelling residential unit and either: <ul style="list-style-type: none"> A. On the ground floor of the minor dwelling residential unit, the outdoor living area living court must have a minimum of 40m² capable of containing a circle of 6m diameter; or B. Above ground floor of the minor dwelling residential unit, the outdoor living area living court must be located on a balcony capable of containing at least 15m² and a circle with a diameter of at least 2.4m.
DI	An outdoor living area living court that does not comply with Rule 28.3.7 P1 or P2.

28.3.8 Service court

PI	<p>(a) A service court must be provided for each dwelling residential unit with the following dimensions</p> <ul style="list-style-type: none"> (i) Minimum area of 15m²; and (ii) Contains a circle of at least 3m diameter.
DI	A service court that does not comply with Rule 28.3.8 P1.

28.3.9 Building Setbacks

- (I) Rules 28.3.9.1 to 28.3.9.3 provide the permitted building setback distances for buildings from site boundaries, specific land use activities and environmental features.

- (2) **Rule 28.3.9.1** provides permitted building setback distances from all boundaries on any site within the **RPZ – Rangitahi Peninsula Zone**. Different setback distances are applied based on the type of building and the boundary.
- (3) **Rule 28.3.9.2** ~~Dwelling~~ **Sensitive land use** setback – wastewater treatment plant provides standards for ~~dwellings~~ **sensitive land uses** near the wastewater treatment plant.
- (4) **Rule 28.3.9.3** Building setback – Water bodies including lake, wetland, river and coast.

28.3.9.1 Building setbacks – all boundaries

PI	<p>(a) A building must be set back a minimum of:</p> <ol style="list-style-type: none"> (i) 3m from the road boundary; (ii) 13m from the line of an indicative road; (iii) 1.5m from every boundary other than a road boundary, including vehicle access to another site. <p>(b) A non-habitable building can be set back less than 1.5m from a boundary if it complies with all of the following conditions standards:</p> <ol style="list-style-type: none"> (i) The total length of all buildings within 1.5m of the boundary does not exceed 6m; (ii) It does not have any windows or doors on the side of the building facing the boundary; (iii) No part of the building within the setback extends over the site boundary. <p>(c) Rule 28.3.9.1 PI (a) does not apply to the lots identified in the Precinct A or D in the Rangitahi Peninsula Structure Plan (Appendix 8) as having a zero setback.</p> <p>(d) Rule 28.3.9.1 PI (b) do not apply to party walls or lease plan boundaries within Comprehensive Development Lots in Appendix 8.</p> <p>(e) Rule 28.3.9.1 PI (a) does not apply to a structure which is not a building.</p>
RDI	<p>(a) A building that does not comply with Rule 28.3.9.1 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ol 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; (vii) Effects on privacy at adjoining sites.

28.3.9.2 Dwelling Sensitive land use setback – wastewater treatment plant

PI	<p>(a) Any new building or alteration to an existing building for a sensitive land use must be set back a minimum of:</p> <p>(i) 300m from the oxidation ponds that are part of a wastewater treatment facility on another site; or</p> <p>(ii) 30m from a wastewater treatment facility where the treatment process is fully enclosed.</p> <p>(iii) <u>Rule 28.3.9.2 PI does not apply to a structure which is not a building.</u></p>
RD1	<p>(a) Any building for a sensitive land use that does not comply with Rule 28.3.9.2 PI.</p> <p>(b) Discretion is restricted to:</p> <p>(i) Adverse effects of odour;</p> <p>(ii) Potential to mitigate adverse effects.</p>

28.3.9.3 Building setback – water bodies

PI	Any building must be setback a minimum of 23m from mean high water springs . <u>Rule 28.3.9.3 PI does not apply to a structure which is not a building.</u>
DI	Any building that does not comply with Rule 28.3.9.3 PI .

28.4 Subdivision

- (1) **Rules 28.4.1 to 28.4.9** provide for subdivision density and design and apply across the **RPZ – Rangitahi Peninsula Zone**.
- (2) The following rules apply to specific areas or activities:
 - (a) **Rule 28.4.1** - subdivision general sets out the lot sizes which are to be consistent with the Rangitahi Peninsula Structure Plan (**Appendix 8**)
 - (b) **Rule 28.4.2** - subdivision boundary adjustments
 - (c) **Rule 28.4.3** - subdivision amendments and updates to cross lease flats plans
 - (d) **Rule 28.4.4** - subdivision title boundaries contaminated land, **Significant Amenity Landscape, intensive farming activities, aggregate extraction areas.**
 - (e) **Rule 28.4.5** - subdivision title boundaries **Significant Natural Areas, and Maaori Sites of Significance.**
 - (f) **Rule 28.4.6** – subdivision building platform **Rule 28.4.7** – subdivision road frontage
 - (g) **Rule 28.4.8** -subdivision esplanade reserves and esplanade strips
 - (h) **Rule 28.4.9** - subdivision of land containing mapped off-road walkways

28.4.1 Subdivision – General

RD1	<p>(a) Subdivision must comply with the following conditions standards:</p> <p>(i) Subdivision must be in accordance with the Rangitahi Peninsula Structure Plan (Appendix 8), including the density ranges specified therein for each neighbourhood in the Neighbourhood Outcomes Plans. The number of residential units within a precinct is consistent with the Neighbourhood Outcomes Plans in the Rangitahi Structure Plan (Appendix 8) allowing for an increase of up to 10%; and</p> <p>(ii) Compliance with the following variances will be determined to be in accordance with the Rangitahi Peninsula Structure Plan (Appendix 8) (the base figures and locations are as stated or shown in the Neighbourhood Outcome Plans that form part of the Rangitahi Peninsula Structure Plan):</p> <p>(i) Development Precinct areas (hectares) – variance up to and including 10%;</p> <p>(ii) Development Precinct boundaries – variance up to and including 100m;</p>
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	<p>(iii) Development Precinct densities—variance up to and including 10% from the upper and lower end of the range specified;</p> <p>(iv) Collector Road locations—variance up to and including 50m movement outside of the road reserve;</p> <p>(v) Secondary access location—any variance and up to and including 30% variance in length; and</p> <p>(iii) Environmental improvements required by the Rangitahi Peninsula Structure Plan (Appendix 8) (including, but not limited to, restoration planting shown on the Indicative Open Space Framework Plan and provision of walkways and cycle ways shown on the Indicative Movement Network Plan) have been implemented to the extent required;</p> <p>(iv) The primary access to the Rangitahi Peninsula Structure Plan Area by way of an upgraded Oporoturu Road (inclusive of the Oporoturu Road/Wainui Road intersection and the bridge/causeway at each end) has been formed; and</p> <p>(v) There must be a secondary legal. An alternative access is maintained for all road users heavy vehicles associated with subdivision civil construction. A metalled access route is sufficient for this purpose.</p> <p>(vi) Council shall consider Tainui Hapuu as an affected party and require that its written approval be obtained or that notice be served on a limited notified basis.</p> <p>(vii) <u>Proposed lots must be able to connect to public-reticulated water supply.</u></p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Extent to which subdivision is consistent with the Rangitahi Peninsula Structure Plan (Appendix 8), <u>including the Development Precinct areas, boundaries, density ranges, and road locations.</u></p> <p>(ii) Extent of variation in allotment sizes from provisions of the Rangitahi Peninsula Structure Plan (Appendix 8);</p> <p>(iii) Matters referred to in Chapter 14 Infrastructure and Energy;</p> <p>(iv) Amenity and streetscape;</p> <p>(v) Vehicle and pedestrian networks;</p> <p>(vi) Implementation of environmental improvements required by the Rangitahi Peninsula Structure Plan (Appendix 8) <u>including identification of areas of significant native vegetation for protection.</u></p> <p>(vii) <u>Provision of infrastructure, including water supply for firefighting purposes.</u></p> <p>(viii) <u>Effects on archaeological sites and cultural values.</u></p> <p>(ix) Secondary access is maintained to a suitable standard, being a metalled track, for heavy vehicles associated with subdivision civil construction. Extent to which alternative access is maintained to a suitable standard for construction vehicles.</p>
DI	Subdivision that does not comply with one or more conditions in Rule 28.4.1 RDI.

28.4.2 Subdivision - Boundary adjustments

CI	<p>(a) Proposed lots must comply with the following conditions <u>standards</u>:</p> <p>(i) Subdivision must be in accordance with the Rangitahi Peninsula Structure Plan (Appendix 8), including the density ranges specified therein for each neighbourhood in the Neighbourhood Outcomes Plans. The number of residential units within a precinct is consistent with the Neighbourhood Outcomes Plans in the Rangitahi Structure Plan (Appendix 8) allowing for an increase of up to 10%; and</p> <p>(ii) Compliance with the following variances will be determined to be in accordance with the Rangitahi Peninsula Structure Plan (Appendix 8) (the base figures and locations are as stated or shown in the Neighbourhood Outcome Plans that form part of the Rangitahi Peninsula Structure Plan):</p> <p>(i) Development Precinct areas (hectares)—variance up to and including 10%;</p> <p>(ii) Development Precinct boundaries—variance up to and including 100m;</p> <p>(iii) Development Precinct densities—variance up to and including 10% from the upper and lower end of the range specified;</p> <p>(iv) Collector Road locations—variance up to and including 50m movement outside of the road reserve;</p>
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	<p>(v) Secondary access location—any variance and up to and including 30% variance in length; and</p> <p>(iii) Environmental improvements required by the Rangitahi Peninsula Structure Plan (Appendix 8) (including, but not limited to, restoration planting shown on the Indicative Open Space Framework Plan and provision of walkways and cycle ways shown on the Indicative Movement Network Plan) have been implemented to the extent required; or</p> <p>(iv) The requisite environmental improvements are proposed to be implemented as a condition of subdivision consent to be completed or bonded prior to the issue of a section 224(c) certificate for the subdivision; and</p> <p>(v) The primary access to the Rangitahi Peninsula Structure Plan Area by way of an upgraded Opororu Road (inclusive of the Opororu Road/Wainui Road intersection and the bridge/causeway at each end) has been formed; and</p> <p>(vi) Provision is made for a secondary legal access for all road users emergency vehicles when the Opororu Road connection is not available for any reason. A metalled access route protected by easement is sufficient for this purpose.</p> <p>(b) Proposed lots must not generate any additional building infringements to those which legally existed prior to the boundary relocation.</p> <p>(c) Control is reserved over:</p> <p>(i) Purpose of the boundary adjustment;</p> <p>(ii) Effects on existing buildings.</p> <p>(iii) Extent to which subdivision is consistent with the Rangitahi Peninsula Structure Plan (Appendix 8), including the Development Precinct areas, boundaries, density ranges, and road locations.</p>
DI	Boundary adjustment that does not comply with Rule 28.4.2 CI

28.4.3 Subdivision - Amendments and updates to flats plans

CI	<p>(a) An amendment or update to a flats plan of a unit title where the:</p> <p>(b) amendment or update must identify additions or alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners.</p> <p>(c) Council's control is reserved over the following matters:</p> <p>(i) Purpose of the amendment or update to the flats plan;</p> <p>(ii) Effects on existing buildings;</p> <p>(iii) Site layout and design of cross lease or flats plan;</p> <p>(iv) Compliance with permitted building rules where the amendment is to convert a cross lease title to fee simple.</p>
DI	Any amendment or update to a cross lease flats plan that does not comply with Rule 28.4.3.

28.4.4 Subdivision – Title boundaries – contaminated land

RD1	<p>(a) Subdivision of any lot containing any contaminated land must not divide the area of contaminated land;</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Amenity values and character;</p> <p>(ii) Effects on contaminated land.</p>
DI	Subdivision that does not comply with Rule 28.4.4 RD1.

28.4.5 Subdivision – Title boundaries – Significant Natural Areas and Maaori Sites of Significance

RD1	<p>(a) The boundaries of every proposed lot must not divide any of the following:</p> <p>(i) Significant Natural Area;</p> <p>(ii) A Maaori Site of Significance as listed in Schedule 30.3.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Effects on Significant Natural Areas;</p> <p>(ii) Effects on Maaori Sites of Significance.</p>
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NCID+	Subdivision that does not comply with Rule 28.4.5 RDI.
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28.4.6 Subdivision - building platform

RD1	<p>(a) Every proposed lot, other than and access or utility allotment, must be capable of containing a building platform that meets all of the following conditions standards:</p> <ul style="list-style-type: none"> (i) Has, exclusive of boundary setbacks, a circle with a diameter of at least 18m or a rectangle of at least 200m² with a minimum dimension of 12m, except that this condition shall not apply to Comprehensive Residential Development Lots; (ii) Has an average gradient not steeper than 1:8; (iii) Has vehicular access in accordance with Rule 14.12.1.1 Infrastructure and Energy Chapter; (iv) Is geo-technically stable; (v) Is not subject to inundation in a 2% AEP storm or flood event; <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Earthworks and fill material required for subsequent buildings; (ii) Geotechnical suitability for building; (iii) Likely location of future buildings and their potential effects on the environment; (iv) Avoidance or mitigation of natural hazards; (v) Effects on landscape and amenity; (vi) Measures to avoid storm or flood events.
DI	Subdivision that does not comply with one or more condition in Rule 28.4.6 RDI .

28.4.7 Subdivision – Road Frontage

RD1	<p>(a) Every proposed lot with a road boundary other than access allotment or utility allotment or a proposed lot containing a ROW or access leg must either:</p> <ul style="list-style-type: none"> (i) Provide a width along the road boundary of at least 20m; or (ii) Comply with the Rangitahi Peninsula Structure Plan (Appendix 8). <p>(b) Council's discretion is reserved over the following matters:</p> <ul style="list-style-type: none"> (i) Road efficiency and safety; (ii) Amenity and streetscape; (iii) Extent to which it complies with the Rangitahi Peninsula Structure Plan (Appendix 8).
DI	Subdivision that does not comply with Rule 28.4.7 RDI .

28.4.8 Subdivision - Esplanade reserves and esplanade strips

RD1	<p>(a) Subdivision must create an esplanade reserve or strip 20m wide (or such other width stated in Appendix 4 (Esplanade Priority Areas) from every proposed CFR:</p> <ul style="list-style-type: none"> (i) Less than 4ha and within 20m of any: <ul style="list-style-type: none"> A. mean high water springs; (ii) 4ha or more and within 20m of any: <ul style="list-style-type: none"> A. mean high water springs; B. a water body identified in Appendix 4 (Esplanade Priority Areas). <p>(b) Council's discretion is 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; (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; (vi) Costs and benefits of acquiring the land.
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DI	Subdivision that does not comply with Rule 28.4.8 RDI.
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28.4.9 Subdivision of land containing mapped off-road walkways

RD1	<p>(a) Subdivision of land where walkways are shown as Reserve – Pedestrian Way on Plan 2 Indicative Land-use Plan on the Rangitahi Peninsula Structure Plan Area (Appendix 8) 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; (ii) The walkway is designed and constructed for shared pedestrian and cycle use; (iii) The walkway is generally in accordance with the walkway route shown on the planning maps; (iv) The walkway is shown on the plan of subdivision and vested in the Council. <p>(b) Once the walkway has been acquired, or an alternative walkway has been acquired, Rule 28.4.9 RDI (a) no longer applies.</p> <p>(c) Council's discretion is 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; (vi) Connection to reserves.
DI	Subdivision that does not comply with Rule 28.4.9 RDI.