

**UNDER**

the the Resource Mangement Act 1991 ("RMA")

**IN THE MATTER**

of Proposed Waikato District Plan: Hearing 10 –  
Residential

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**EVIDENCE OF PHILIP JOHN STICKNEY ON BEHALF OF KĀINGA ORA  
(FORMERLY HOUSING NEW ZEALAND CORPORATION) (749, FS1269)**

**PLANNING**

**3 February 2020**

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## 1. Summary

1.1 My full name is Philip John Stickney. I am a Senior Associate at Beca Limited. I am providing planning evidence on behalf of Kāinga Ora-Homes and Communities ("**Kāinga Ora**") (formerly Housing New Zealand Corporation) in relation to its submissions on the Proposed Waikato District Plan ("**the Proposed District Plan**" or "**PDP**") insofar as they relate to this hearing. Primarily, this hearing relates to Chapter 16 – Residential Zone and associated Objectives and Policies in Chapter 4 of the Proposed District Plan.

1.2 In summary, the key points addressed in my evidence are:

- (a) A discussion regarding Kāinga Ora's submission points encompassing the Policy framework of the Residential Zone in Chapter 4 of the PDP in relation to the relief sought to create a Medium Density Residential Zone ("**MDRZ**") (Submission Point 749.107)
- (b) A discussion regarding Kāinga Ora's submission point 749.107 seeking the introduction of the MDRZ in the context of alignment with statutory and non-statutory Policies and Plans;
- (c) A discussion in relation to Kāinga Ora's submission point 749.107 seeking the introduction of the MDRZ in relation to the s.32 and s.42A assessments for Chapters 4 and 16:
- (d) A discussion in relation to Kāinga Ora's submission points on the premise of the adoption of the relief sought to create the MDRZ and the alternate relief sought if the MDRZ is not adopted.

## 2. Introduction

2.1 My name is Philip John Stickney. I am a Senior Associate - Planning at Beca Ltd. I hold the degree of Bachelor of Regional Planning (Hons) from Massey University and I am a full member of the New Zealand Planning Institute.

- 2.2 I am providing planning evidence on behalf of Kāinga Ora in respect of submissions made on the proposed planning provisions in Chapters 4 and 16 covering the planning framework for the Residential Zone of the Proposed Waikato District Plan.
- 2.3 I was not involved with the preparation of primary and further submissions, however, I can confirm that I have read the submissions and further submissions by Kāinga Ora in relation to the Proposed District Plan. I am familiar with Kāinga Ora's corporate intent in respect of the provision of housing within Waikato.<sup>1</sup> I am also familiar with the national, regional and district planning documents relevant to the Proposed District Plan.
- 2.4 I am also personally very familiar with many of the settlements within the Waikato District; having resided in the rural northern Waikato District for the last 6 years. I have 27 years' planning and resource management experience, providing technical direction on numerous projects over the years, particularly focussing on land development projects and policy planning. I have been involved in a number of plan review and plan change processes. In particular, I have been a lead member of planning teams for policy planning projects including:
- (a) The Proposed Waikato Regional Policy Statement review, The Waikato Future-Proof Growth Strategy and the Proposed Hamilton District Plan review process; on behalf of Tainui Group Holdings; focussing primarily on the policy and rules framework for the Ruakura development in Eastern Hamilton.
  - (b) The preparation of planning provisions for the former Auckland City Council District Plan (Hauraki Gulf) special policy and rules framework to govern the restoration and conservation/recreational use of Rotoroa Island in the Hauraki Gulf.

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<sup>1</sup> Kāinga Ora provided corporate evidence in Hearing 3, and will also lodge corporate evidence in Hearing 10.

- (c) Collaborative planning with Whangarei District to develop the Planning framework including zoning and planning rules for the Marsden Cove Waterways canal housing development at Ruakaka.
- (d) Numerous lead consenting team roles for multi-unit and medium density housing developments in various locations throughout New Zealand.

### **Code of Conduct**

- 2.5 I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2014. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving evidence. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

### **3. Executive Summary**

- 3.1 This statement of evidence addresses submission points relating to both Chapter 4: Urban Environment and Chapter 16: Residential Zone. It is noted that the scope of the submissions lodged by Kāinga Ora seeks the creation of a new MDRZ as well as amendments to the notified provisions for the Residential Zone as notified. The introduction of the MDRZ is one of the most significant outcomes sought by Kāinga Ora through its submission. Accordingly, the reasons why I support the relief sought in Submission Point 749.107 (introduction of a MDRZ) forms the majority of this statement of evidence. An analysis of Kāinga Ora's remaining submission points allocated to this hearing is set out in **Annexure 3**.
- 3.2 In my opinion, the creation of a dedicated medium density residential zone will achieve a more robust planning framework; one that will strengthen key outcomes sought in the PDP; namely:

- (a) Providing for a wide variety of building forms (Strategic Objective 1.12.3(a));
- (b) Encouraging/celebrating quality design (Strategic Objective 1.12.3(b));
- (c) Encouraging the development of an urban form less reliant on the private motor vehicle (Strategic Objective 1.12.4(a));
- (d) Consolidating settlement in existing towns (Objective 4.1.2(a)); or
- (e) Encouraging higher density housing to be located near to commercial centres (Objective 4.1.5(a)).

3.3 If the relief sought to create a MDRZ is accepted by the Panel, then the relief currently sought for the Residential Zone can be rationalised. Having said that, it is my opinion that a number of amendments would still be required to the provisions of the Residential Zone to better achieve the creation of a more compact urban form. I append a copy of the amendments sought to the Residential Zone as **Annexure 1** on the basis that a MDRZ is adopted. I refer to this later in my evidence as the 'Alternative Relief'.

3.4 If the Panel are not minded to accept that the MDRZ is appropriate and should be incorporated into the provisions of the PDP, then in my opinion further amendments to the provisions of the Residential Zone, along the lines of those proposed in Kāinga Ora's original submission, are necessary in order to more appropriately achieve the outcomes sought in the policy framework of the PDP, higher level planning documents and the purpose of the RMA. These are attached to this statement of evidence in **Annexure 2**.

3.5 I also provided evidence in relation to Hearing 9 (Business and Business Town Centre Zones) on the provisions contained in Chapters 4, 17 and 18. This statement should be read in conjunction with that statement particularly insofar as it addresses the Objectives and Policies which seek to use residential activity in higher densities

around town centres to assist in achieving more vibrant and thriving Town Centres in the District.

3.6 In making this statement, I note that the s.32 report and the associated s.42A report signal that the creation of a new zone seeking higher densities of development “would achieve higher order provisions in the WRPS and the RMA” (s.32 assessment) and “has merit” (s.42A report). I discuss these matters in more detail below. From my reading of the s.32 and s.42A reports on this matter, practical issues of time and cost appear to be the overriding reason for:

- (a) Such a framework not being included in the notified version of the PDP; and
- (b) The recommendation for rejection in the s.42A report being partly based upon time constraints and partly based upon a need to prepare a comprehensive s32 analysis to justify the relief sought.

3.7 I strongly disagree with this justification for the s.42A report’s recommendation. I consider that the vast majority of matters required to be addressed in relation to the relief sought by Kāinga Ora by way of a s.32 assessment have already been undertaken by the Council in the development of the PDP provisions. My conclusion draws upon the wide range of technical reports comprising the s.32 reports in relation to Strategic Direction and Growth (32-2) and Residential (32-12). In my opinion, these demonstrate that a significant level of technical and policy analysis has already been undertaken in relation to the benefits of achieving a compact urban form and provision for higher density multi-unit development.

3.8 Kāinga Ora’s submission included zoning maps for each settlement showing the extent of the MDRZ sought. I note that the spatial extent of such a zone is not the subject of this hearing and that this matter will be determined after hearings in relation to the spatial extent of zoning, which will take place later this year. Accordingly, the subject matter of this hearing relates to whether or not inclusion of the MDRZ

in the PDP is the most appropriate approach in RMA terms. This leaves questions as to exactly where the zone is applied (if at all) to be considered at that later date.

#### **4. Proposed MDRZ - Alignment with the National Policy Statement - Urban Development Capacity 2016 and the Waikato Regional Policy Statement**

- 4.1 The NPS-UDC 2016 has an overarching theme, which is highlighted in the Preamble to the provisions:

*“Local authorities need to provide for the wellbeing of current generations, and they must also provide for the wellbeing of the generations to come. The overarching theme running through this national policy statement is that planning decisions must actively enable development in urban environments, and do that in a way that maximises wellbeing now and in the future”.*

- 4.2 Policies PA1-PA4 provide clear direction to local authorities in respect of providing sufficient land in the short term (0-3 years) and the medium term (3-10 years) to meet urban demand by ensuring that such land is zoned, is (or can be) serviced with infrastructure as a pre-requisite to development. In this case, the creation of a MDRZ is on land that is already zoned for residential use - generally at a “suburban” level of density.
- 4.3 A number of Objectives and Policies in the NPS apply irrespective of whether an area is deemed to be a High Growth Area or not. My understanding is that the Waikato District forms part of the Hamilton High Growth Area and as such has obligations under the NPS along with the Regional Council to manage capacity supply as well as to take a proactive stance to growth by the preparation and implementation of Development Strategies to set the direction for a more sustainable growth pattern.
- 4.4 Policy P1 requires that development capacity must be feasible, zoned and serviced with development infrastructure (short term). Medium term capacity must be feasible, zoned and either serviced with development infrastructure, or the funding for the development

infrastructure required to service that development capacity must be identified in a Long Term Plan required under the Local Government Act 2002.

- 4.5 Policies PA3 and PA4 are wider in scope. Of particular note are PA3 (a) and (b):

*a). Providing for choices that will meet the needs of people and communities and future generations for a range of dwelling types and locations, working environments and places to locate businesses;*

*b) Promoting the efficient use of urban land and development infrastructure and other infrastructure; and.....*

- 4.6 The PDP as notified will enable multi-unit development to take place within established urban areas, but with the assessment relating to location being on a case-by-case basis. By enabling multi-unit development as a starting point, I concur that some degree of alignment with the Policies within the NPS-UDC 2016 will be achieved.

- 4.7 My overarching conclusion is that a dedicated zoning and more focussed planning framework as sought by Kāinga Ora would better and more appropriately align with the Objectives and Policies of the NPS-UDC 2016 than the PDP approach. I therefore consider the relief sought by Kāinga Ora to be a more appropriate way of managing and enabling higher density development within existing urban centres.

- 4.8 The provisions of the PDP are also required to give effect to the provisions of a relevant Regional Policy Statement or Plan. The provisions of the Waikato Regional Policy Statement ('**WRPS**') include a suite of Objectives and Policies that provide direction for the ongoing development of the built environment across the Region. The general thrust of these provisions is to enable integrated land use and infrastructure planning and achieve a compact urban form; with density targets being included as a tool to achieve such outcomes.

- 4.9 Of particular relevance to the residential zone chapter of the PDP is an overarching Built Environment Objective 3.12, which states

*“Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes....”.*

- 4.10 The WRPS provides greater definition around the way in which these objectives are to be given effect. Policy 6.1, for example, requires that subdivision, use, and development of the built environment occurs in a planned and co-ordinated manner and refers to principles in section 6A which are intended to guide district plan development, amongst other matters.
  
- 4.11 In my opinion, there is a “gap” in the provisions of the WRPS (and as a result in the provisions of the Future Proof Growth Strategy) in as much as the Policies in 6.14 pertaining to growth in the Waikato District generally discuss “greenfields” development and “future urban areas”. Very little specific direction exists for consolidation and “infill”. Density targets for urban areas are set out in Policy 6.15.
  
- 4.12 I note that Hamilton City is the only settlement area identified in the WRPS as subject to a specific policy on infill development; included in Policy 6.15; with a target of 30 houses per hectare for intensification areas. That is elaborated on in Policy 6.15.3 which seeks 50% of residential growth in Hamilton City to be achieved through “infill and intensification of existing urban areas”.
  
- 4.13 Express guidance for the development of settlements in the Waikato District is somewhat lacking in the WRPS. There is no express direction in the WRPS for settlements such as Tuakau, Raglan, Ngaruawahia, Huntly or Taupiri to achieve densities of any greater than 12-15 houses per hectare.
  
- 4.14 Notwithstanding that, the explanation to Policy 6.15 cites a number of benefits and positive environmental outcomes arising from the development of a compact urban form. I consider these to be clear in their intent. In my opinion, that there is no density target of greater than 12-15 houses per hectare for the settlement areas encompassed by the PDP expressed in the WRPS does not mean that the PDP

should not aim to achieve a robust planning framework to achieve greater density in these smaller urban settlements.

- 4.15 The General Development Principles in Part 6A of the WRPS provide further guidance. While not Objectives or Policies themselves, these principles are helpful to assist with interpreting the policy intent of the WRPS. The General Principles include the need for new development to make use of opportunities for urban intensification and redevelopment to minimize the need for urban development in greenfield areas, to promote compact urban form, design and location to minimize energy use, minimizing the need for private motor vehicle use, encourage walking, cycling and multi-modal transport connections, and to maximise opportunities to support public transport and opportunities for people to live, work and play within their local area.
- 4.16 The PDP has made efforts to provide for a greater variety and density of housing forms, and this is buttressed by Objective 4.2.16. The upshot is that provision has been made for higher densities of development to be enabled within urban areas. I draw the same conclusions as I have for Policies PA3 and 4 in the NPS-UDC 2016 in as much as I consider that the relief sought by Kāinga Ora for a tailored MDRZ provides greater certainty of direction and more appropriate methods by which a more compact urban form can be realised over time.

## **5. Proposed MDRZ – Alignment with Other Reports and Strategies**

- 5.1 I have reviewed various additional Discussion documents, Strategies, and Structure Plans that are relevant to the issue of enabling a MDRZ. These documents include the current review of the draft National Policy Statement – Urban Development (“**Draft NPS-UD**”), the Draft Waikato Growth and Economic Development Strategy (“**Waikato 2070**”) and the adopted Tuakau Structure Plan. I consider them relevant to consider in this statement given:
- (a) In the case of the review of the Draft NPS-UD, the PDP will need to give effect to that document in the near future;

- (b) They provide context to policy development and future planning in the Waikato;
- (c) They demonstrate a level of community engagement and feedback on the design and form of urban settlements in the Waikato;
- (d) They have relevance to the assessment of the relief sought in the s.42A report (Parts 36.1 and 36.2).

#### *Draft NPS-UD*

- 5.2 The NPS-UD review currently underway seeks to refocus the NPS-UD from a largely capacity and infrastructure driven document to one that also provides direction on matters such as urban amenity, housing choice to meet changing housing demands and clarity on Plan structure. I note that the discussion document on the Draft NPS-UD makes the following observations in respect of Objectives and Policies vs rules and assessment criteria in many current Plans which I consider to be relevant in this situation:

*“Current district plans generally have objectives and policies that are consistent with enabling development. However, the collective impact of rules and assessment criteria in plans often doesn’t support the kinds of development envisioned by the plan.*

*Zone descriptions will set out the outcomes for development, and the resulting changes (including for different types of amenity). This sets clear expectations about the type of development intended for an area, giving communities certainty about what will be protected while enabling projects to go ahead.”*

- 5.3 I also note that Pages 34 and 35 of the Draft NPS-UD discussion document also contains a dedicated discussion on achieving intensification in urban areas and the recognition of the benefits that arise from enabling such development. I acknowledge that the Draft NPS-UD has not been adopted by Cabinet (that is expected during the course of 2020), however, it does signal that the issues of planning for certainty of outcomes, aligned with the issue of

intensification (amongst others), are going to be matters that will need to be addressed more thoroughly in the very near future by Councils.

- 5.4 In my opinion, irrespective of the legal status of the Draft NPS-UD at this time, it is appropriate and good planning practice to proactively consider those matters in the Draft NPS-UD that provide a clear policy direction. The PDP is the planning framework that will guide the development of the District for the next 10 years.

#### *Waikato 2070*

- 5.5 Waikato 2070 is also a relevant contextual document; one that has been the subject of public consultation and feedback. Part 1.2 of the Draft Strategy sets out its applicability to the PDP:

*“At a local level this strategy helps give life to and implement the relevant initiatives identified by the district’s various communities through Blueprints. At a sub-regional level this strategy helps deliver on the Future Proof Growth Strategy and spatial plans\* developed through the Hamilton to Auckland Corridor Initiative”.*

- 5.6 Focus Area 3.1 of the Strategy summarises the key matters of focus for urban areas as being:

1. *Develop a quality urban form with high amenity villages and urban environments*
2. *Support regeneration of our town centres and encourage quality in-fill developments around our future mass transit stations*
3. *Support rural communities by maintaining services*
4. *Invest in place-making activities across communities including multi-use trails, greenways, cycle ways and walkways and open spaces and streetscape/public space improvements*
5. *Enable higher density development (up to 4 storeys) in town centres*
6. *Ensure our towns offer employment and housing choice*
7. *Avoid development that leads to social isolation*
8. *Ensure our communities have easy access to infrastructure and services*
9. *Well situated and appropriately designed passive and active recreation areas*

- 5.7 Growth Plans for each major settlement appended to the Draft Strategy also include provision for development of up to 4 floors in and around town centres. Indicative timeframes for such development occurring are identified as between 3-10 years. I consider this

Strategy to be “well intentioned”, enabling and meaningful in the direction it adopts towards intensification. The provisions I have cited above combined with the individual Growth Plans clearly signal that higher density development is envisaged to be provided in a “cluster” form around the core of existing urban areas.

*Tuakau Structure Plan*

- 5.8 I have previously referred to the adopted Tuakau Structure Plan in my evidence on the Business and Business Town Centre Chapters of the PDP.<sup>2</sup> That document has equal relevance to these proceedings in as much as it demonstrates a high level of community engagement on the issue of intensification, was subject to a large number of technical studies and the specific provisions within that document align broadly with the relief sought by Kāinga Ora on the issue of creating a MDRZ.
- 5.9 In my opinion, the above matters demonstrate that a significant amount of forward planning, visioning and community engagement has been undertaken with regard to the future form of the urban areas within the Waikato and the location and nature of residential intensification. These documents all signal the potential for the development of more intensive forms of housing at the “heart” of established urban centres. This “forward planning” is well aligned with the high-level directions proposed within the Draft NPS-UD.
- 5.10 With this context in mind, I consider that the PDP Objectives and Policies governing urban form, housing choice and multi-unit development align with the intent of the multitude of Objectives and Policies considered above, but, as I have previously stated, the proposed Rules and Assessment Criteria governing multi-unit housing currently do not, and in my opinion require strengthening. I have set this matter out below at section 6 in the context of the submission point 749.107 and the associated s.32 and s.42A assessment.

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<sup>2</sup> EIC, Hearing 9 dated 24 January 2020 at paragraphs 5.8-5.13.

## 6. Implementation of a MDRZ

### ***Submission Point 749.107 – Incorporation of a ‘Medium Density Residential Zone’***

- 6.1 I am conscious that Kāinga Ora's submissions on residential development appear to be wide-ranging. In my opinion that is a necessity derived from the lack of clarity and robustness, particularly in regard to Rules that will not appropriately enable multi-unit development in the Residential Zone as envisaged by the PDP. The introduction of a MDRZ is an integral part of the submission points made by Kāinga Ora in respect of the Chapter 16 – Residential Zone.
- 6.2 The intent of the submission from Kāinga Ora was two-fold:
- (a) That the creation of a MDRZ is a preferable means to achieve the outcomes sought by the Objectives and Policies framework; and
  - (b) That the planning standards for land use, buildings and subdivision will not necessarily achieve the desired outcomes as they are restrictive and will inhibit development in the Residential Zone for multi-unit development.
- 6.3 In respect of (b) above, I draw on the urban design evidence of Mr. Wallace on behalf of Kāinga Ora. Specifically, paragraphs 3.6-3.12 of his statement where he considers the controls relative to a high-level analysis of lot areas and considers that the ability to comply with a number of the proposed controls will be difficult to achieve.
- 6.4 Accordingly, I consider that the adoption of a MDRZ to be the most appropriate tool for giving effect to Objective 4.2.16.
- 6.5 Parts 36.1 and 36.2 of the s.42A report concludes that the concept of a MDRZ has merit but raises a number of concerns in respect of the current relief sought which I consider below; namely:
- (a) At the objective and policy framework level, a danger that the relief will create a primacy or hierarchy in favour of development within the Medium Density Residential Zone;

- (b) A concern for unintended consequences regarding submitters using leverage on the MDRZ Objectives and Policies to submit against a similar development in the Residential Zone;
- (c) Infrastructure availability and cost;
- (d) The outcomes of studies such as the Hamilton-Auckland Corridor Study to inform the extent of zoning; and
- (e) A significant s32 analysis would need to be provided to enable the Panel to undertake its own s32AA analysis.

***Potential Primacy of MDRZ***

- 6.6 In my opinion, the position of Kāinga Ora will lead to a preference for high density development closer to centres and transport corridors for the reasons set out in this evidence. This is consistent with the evidence of Mr. Osborne and Mr. Wallace for Kāinga Ora. I consider this is entirely appropriate as it will provide certainty of direction on the preferred location of multi-unit development and align with Policy 4.1.5 and 4.2.18. I note that the recommended amendment to the Policy 4.1.18 set out in H10 Appendix 2 of the s.42A report recommends the inclusion of the words “and located” in this Policy.
- 6.7 This recommended amendment signals a clear locational preference for multi-unit development to be located in areas where urban design and planning outcomes can be strengthened as a result of this type of development. I consider such an amendment supports the position of Kāinga Ora in creating a zone that underpins the Objectives and Policies in the PDP.
- 6.8 In my opinion this does not, however, mean that well-designed multi-unit development is inappropriate elsewhere within the Residential Zone. The ability for the Council to more carefully consider such development in the Residential Zone however would result in amendments to the Rules as notified in the PDP. The relevant amendments are denoted in **Annexure 1**.

***Unintended consequences – interface between MDRZ and Residential Zone***

- 6.9 Part 716 of the s.42 report raises the potential scenario of a multi-unit development outside the MDRZ being considered suitable having regard to the effects and other factors, but that submitters may argue that as the development is outside the MDRZ it would be contrary to the objectives and policies of the PDP. Policy 4.2.16(b) already directs a “locational preference” for higher density residential development near to the Business Town Centre Zone and close to transport networks. The recommended amendments to Policy 4.2.18 also create this “locational” preference. Even without a MDRZ, that policy direction is a matter to consider.
- 6.10 In my view, the alternate relief sought by Kāinga Ora in the event that the MDRZ is accepted, would provide additional guidance in the consideration of such a scenario. The alternate relief sought by Kāinga Ora as set out in **Annexure 1** sees the maximum height for such development in the Residential Zone left at 8 metres; whereas in the MDRZ the maximum height sought is 11 metres. This will result in a likely differentiation of the type of higher density housing typologies between the two zones with the resulting effect that development typologies such as 2-storey duplex and terrace homes could be developed in the Residential Zone in a manner that does not adversely impact upon the residential character of the surrounding area.
- 6.11 I do not agree with the s.42A assessment in respect of a policy argument being a reason to decline such an application. The proposal would still need to achieve the intent of the Objectives and Policies as proposed in any event, and as outlined above, that framework has already created a “locational preference” at the outset. I do not consider that the establishment of the MDRZ would lead to this scenario becoming a prevalent or frequently recurring issue.
- 6.12 I accept that it may be necessary to ensure that any MDRZ framework aligns with the Residential Zone provisions, but I do not consider that this needs to be a significant undertaking. The alternate relief; set out

as a “track change” version of the Residential Zone in **Annexure 1** proposes some minor amendments to manage this issue.

### ***Infrastructure Availability and Cost***

- 6.13 I am unclear as to why matters such as infrastructure availability and cost have been raised as concerns given the proposed introduction of zone-wide provisions that will provide for multi-unit development. I cannot find any assessment within the s.32 analysis highlighting the unavailability of infrastructure for higher density development within the Residential Zone. In my opinion, the creation of a MDRZ would enable infrastructure planning to be better aligned to land use activity for residential development and give effect to the provisions of Policy 3.12 of the WRPS.
- 6.14 Upgrades and network improvements may be required, but they can at least be planned for in an integrated manner and sequenced in the knowledge of the density of development that has been targeted to occur within a MDRZ. Inputs into Long Term Plans (and Annual Plans) can facilitate and target infrastructure investment as needed into these areas. I do not consider that this a valid reason for rejecting the creation of a MDRZ in the context of a District Plan review process. I also refer to the economic evidence of Mr Osborne regarding the potential costs in infrastructure terms of the Council’s approach.<sup>3</sup>

### ***Strategic Studies Underway***

- 6.15 I appreciate that there are some “unknowns” regarding Strategic Studies currently underway. However, in my opinion the timing and outcomes of these studies cannot and should not preclude the Council from setting out a zoning framework for both enabling and managing density within the context of a PDP review. In my opinion there is already a clear policy direction in place in higher order documents; one which is clear in the generally stated outcomes of

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<sup>3</sup> For example, at paragraphs 4.14-4.15 where he outlines the potential cost with respect to the provision of infrastructure if the Council’s proposed provisions are adopted, as a result of an increased rate of residential development in greenfield areas.

creating a more compact urban form over time and coordinate the more efficient use of land for urban use.

- 6.16 This approach is clearly set out in the PDP in the provisions I have already discussed in this statement of evidence. The Objectives and Policies framework clearly signal the benefits of “clustering” development around existing centres in order to achieve more sustainable and positive environmental, social and economic effects.
- 6.17 I note that the context of the commentary within Part 717 of the s.42A report in relation to the MDRZ (and Strategic Studies) relates to the *“location of the Proposed Medium Density Residential Zone”*. The spatial extent of the zoning is to be the subject of a subsequent hearing dealing with mapping. Within the context of the relief sought by Kāinga Ora to establish a MDRZ, I am concerned that the discussion in Part 717 cites various “unknowns” that may influence land use patterns and zoning extent. I am unclear as to whether the inference is that subsequent variations to the PDP are envisaged once these studies have been completed. I do not consider this to be a compelling reason to stall on the introduction of a MDRZ into the comprehensive PDP review and certainly for the settlements of Huntly, Raglan, Ngaruawahia and Tuakau.

### ***Section 32 analysis***

- 6.18 Paragraphs 715 and 718 of the s.42A report references the extent of analysis and consultation undertaken as part of the private Plan Change request to introduce medium density housing into the Pokeno Structure Plan Area. I accept that work was required given that it was for a private Plan Change request. In such cases the RMA places the burden of such analysis onto an applicant.
- 6.19 I do not consider that this reasoning is helpful in the context of a District Plan review process. The quantum of technical information, planning assessment and consultation and workshops information prepared during the review process leads me to the conclusion that the relief sought by Kāinga Ora is not of a nature that requires a “significant” s.32 assessment as stated in Part 718 of the s.42A report.

In my opinion, sufficient information exists for the Panel to reach a view on the appropriateness or otherwise of the creation of a MDRZ (setting aside the topic of the spatial extent of the zone).

- 6.20 I have undertaken a review of the s.32 report and appendices to ascertain the level of analysis undertaken to arrive at the current form of provisions as they pertain to higher density development and why a MDRZ or similar mechanism was not included at the time the PDP was notified. In my opinion, the s.32 report provides support for a planning framework which seeks to guide the location of higher density development around centres and public transport corridors.
- 6.21 However, the analysis undertaken has not been translated into a rule framework or zoning pattern which can meaningfully give effect to the intent of the Objective, particularly in the absence of a MDRZ. The s.32 assessment outcomes highlight a “disconnect” between the Objectives and Policies framework and the rules and zone-specific standards that govern development.
- 6.22 Multi-Unit development was assessed in Part 2 (Page 28) of the s.32 report with an “Assessment of Scale and Significance” of various provisions. In particular; Table 4 in Part 2 identifies Policy 4.2.18 (Multi-Unit housing); built form standards including multi-unit housing matters of discretion (a)(c)(g) and (j) as issues of significance to be evaluated further. The further evaluation is included in Part 3.2 (3.2.1-3.2.5 as follows:
  - a) Parts 3.2.1 (Issue 1 – Residential Character, Built Form and Amenity)
  - b) Part 3.2.3 (Issue 2 – On site residential Amenity)
  - c) Part 3.2.4 (Issue 3 – Housing Options)
  - d) Part 3.2.5 (Issue 4 Maintain residential purpose)
- 6.23 In my opinion, this is the key evaluation from which I conclude that the Council has evaluated the issue of multi-unit development close to town centres and transport networks is contained within Part 4 (Table 6) of the s.32 report.

- 6.24 The evaluation of Objective 4.2.16 in Table 6 clearly identifies the need to accommodate more development within existing towns and villages, a need for the District's housing stock to be more responsive to changing household formation and size patterns and concludes that dispersed development creates increased demand on the transport network and loss of accessibility to services and facilities. Of most importance in reaching the conclusions in my evidence is the following statement contained within Table 6 as it relates to Objective 4.2.16:

*By concentrating economic and residential activity into the centres, Objective 4.2.16(b) is avoiding, remedying and mitigating adverse effects on the environment in accordance with Section 5(2)(c). This enables the geographical extent of any adverse effects to be limited and managed internally.*

*Residential areas are vital for the community's well-being, but locating these close to income and employment opportunities ensures the economic well-being. Town centres provide opportunities for people to meet their social and cultural needs. Locating housing in close proximity further enables people to meet their needs in accordance with Section 5.*

- 6.25 I note that this extract from Table 6 aligns well with the urban design evidence of Mr. Wallace in paragraph 3.3 where he cites a number of urban design and planning benefits arising from residential intensification in and around town centres.
- 6.26 The s.32 assessment of Objective 4.2.16 also concludes that the Objective gives effect to the WRPS, Policy 6.1 (Planned and coordinated subdivision, use and development) and Policy 6.15 (Density targets for Future Proof area) by providing a choice in housing within the existing urban areas and intensification. Objective 4.2.16 reflects the outcomes sought under these policies. The WRPS is understood to achieve the purpose of the RMA and the PDP must give effect to the WRPS.
- 6.27 This evaluation has in turn provided sufficient confidence for the PDP to provide for multi-unit housing as a Restricted Discretionary Activity.

However, such development can in theory occur through all areas of the proposed Residential Zone; despite the locational preference clearly expressed in Policy 4.2.16 for such development to be focussed around town centres.

6.28 I note that Part 5.1 Identification of Reasonably Practicable Options for Achieving Objectives (Table 7, Page 63 and 77, Options 7 and 8) provides the outcome of the evaluation of options to give effect to Objective 4.2.9 and 4.2.16. Those options are stated as being:

- (a) *“Develop a new comprehensive set of provisions that accommodate higher density development with smaller living courts and service courts” (Option 7);*
- (b) *“Develop completely new set of comprehensive provisions that provide for higher density within the residential Zones, create four zones” (Option 8).*

6.29 Kāinga Ora has made submissions on these provisions as notified, with the general thrust of the relief sought being to achieve higher development densities and provide additional certainty in the planning framework as to the most appropriate locations for the establishment of multi-unit developments as the primary residential typology.

6.30 I am therefore concerned that in the evaluation sections cited above, both options considered were found to achieve the relevant Objective, achieve the higher order documents (WRPS and RMA) and were considered fair and equitable, but were nonetheless discarded. The rationale for not adopting these options relates almost solely to resourcing and time constraints in the preparation of the PDP review. I also disagree with the evaluation of both options in as much as the evaluation concludes that the option would not provide for the “economic and social wellbeing of the community.” I consider that if the options have been considered to achieve the intent of the WRPS and in particular the RMA, then such options will result in economic and social benefits to the community, even if there is an up-front fiscal investment required to embed them into the PDP.

- 6.31 In the absence of any further detailed analysis contained within the s.32 documents I conclude that the issue of the introduction of a multi-unit housing typology has clearly been considered and tested with the resulting provisions now in the PDP. The intent of Objective 4.2.16 is to use land close to centres for medium density development. The s.32 assessment concludes this is appropriate as an Objective.
- 6.32 Given that Objective 4.2.16 contains a clear direction in respect of land use around commercial centres being used for higher density housing, I do not consider that the adoption of a MDRZ should usurp or prohibit the contemplation of a more compact urban form within the Residential Zone. Put simply, Objective 4.2.16 has the potential to fundamentally underpin the policy framework for a MDRZ because of its locational preference.
- 6.33 Further, given the analysis already undertaken pursuant to s.32, I do not consider from a planning perspective that further substantive work in the form of a new standalone section 32/32AA report is required to justify the creation of a MDRZ. What is needed is consideration of the existing s.32 analysis along with the submissions, evidence and argument presented through this hearing process. In my opinion, the s.32 analysis already sets a clear direction for such a zone as a tool in focusing medium density development around centres as the predominant building typology.
- 6.34 I also note that the relief sought by Kāinga Ora will not result in land zoned for a MDRZ being “locked up” or the stifling of potential growth in the interim, as the zoning would only be applied to existing residential-zoned land in settlements. The existing patterns of land use and activities will therefore be able to continue. Kāinga Ora is not seeking that any underdeveloped “greenfield” land be subject to such a zoning.
- 6.35 In conclusion, I am of the opinion that the amendments sought by Kāinga Ora (as outlined in this evidence) are appropriate and will assist in improving the consistency, usability and interpretation of provisions within the Proposed Waikato District Plan, including how

provisions are interpreted and implemented by both plan users and Council alike.

## **7. Multi-Unit Developments in the Residential Zone**

- 7.1 If the relief sought by Kāinga Ora to create a MDRZ is accepted by The Panel, then the issue of the management of multi-unit development within the Residential Zone must be considered. I consider that the overarching intent of Objective 4.1.2 should guide the zoning framework for this zone. The proposed amendments to Objective 4.1.2 (a) contained within Appendix 4 of the s.42A report – (Chapter 4- Urban Environment) now reference the creation of a “compact urban form” in Objective 4.1.2(a). I support this amendment.
- 7.2 The proposed MDRZ will enable the greatest density of multi-unit development but I consider that the Residential Zone rules can then be tailored to accommodate a scale of multi-unit development that is reduced in scale than would be enabled within the MDRZ. The key consideration is that a height of 8 metres would primarily drive the development of typologies such as 2-storey terrace homes, duplexes as the predominant form of higher density housing in the Residential Zone. The proposed MDRZ maximum height of 11 metres would enable a wider range of higher density development to be feasible including low rise unit title apartments and 3 storey residential terraces.
- 7.3 Kāinga Ora submitted on a number of provisions in Chapter 16 and sought amendments to those to facilitate multi-unit housing more effectively than would be enabled by the PDP provisions.
- 7.4 On the basis that an MDRZ is adopted, in my view a “hybrid” of key rules from the Kāinga Ora submission and recommended changes to the PDP as contained within the s.42A report can be applied to managing multi-unit development within the Residential Zone. This will enable the creation of a “graduated” suite of provisions to distinguish and manage multi-unit development between the respective zones.

7.5 The key rules and relief sought by Kāinga Ora in its submission in respect of the Residential Zone was as follows:

- (a) Building height – 11m;
- (b) Daylight Admission – 45° recession plane from 3m at the site boundary (reduced to 2.5m adjoining lower intensity residential zones);
- (c) Building coverage – 50%;
- (d) Living courts – 30m<sup>2</sup> / 4m minimum dimension at ground floor and 5m<sup>2</sup> or 8m<sup>2</sup> / 1.5m minimum dimension for balconies at upper floors<sup>4</sup>; and
- (e) Building setbacks – 3m from the road boundary and 1m from all other boundaries.
- (f) Density limits would be removed (although essentially controlled by the above standards) while resource consent as a restricted discretionary activity would still be required for all multi-unit developments.

7.6 Of these provisions, I note that the s42a report recommends that Rule 16.3.3.1 (Maximum Height) be increased to 8 metres and that Rule 16.3.5 (Daylight Admission) is amended to a 45 degree / 3metre standard.

7.7 Combining these amendments recommended in the s42a report with the relief sought by Kāinga Ora in relation to Building Coverage, Living Courts, Building Setbacks and Density would, in my opinion, result in a “building envelope” that would still enable some forms of multi-unit development but at a less intensive scale than sought by Kāinga Ora in the absence of the adoption of a MDRZ. I consider this approach to represent an appropriate outcome for the Residential Zone in the context of the MDRZ enabling a greater form of development and will

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4.

provide for additional capacity but at a scale I consider to be appropriate.

- 7.8 The combination of rules sought by way of alternate relief are captured in a “track change” to Chapter 16 and contained within **Annexure 1**.

## **8. Alternative Relief Sought if MDRZ Refused**

- 8.1 For the reasons given above, I consider that the provision of a MDRZ in the PDP as sought by Kāinga Ora is the most appropriate means of achieving the policy intent of the PDP, higher level planning documents and the purpose of the RMA. However, in the event that the Panel is not minded to insert a new MDRZ as sought by Kāinga Ora, I consider that amendments to the general Residential Zone would be required to more appropriately achieve that policy intent.
- 8.2 In particular, I consider that if a MDRZ is not created, that an 11 metre height limit allied to all other relief sought by Kāinga Ora is necessary to ensure that land can be utilised efficiently for multi-unit development; and that the locational “preference” is managed through the Objectives and Policies framework. For the reasons I have stated in my evidence, I consider this to be a sub-optimal outcome and creates unnecessary uncertainty and potential confusion for users of the plan and the consenting planners.
- 8.3 The extent of the relief sought under this situation would therefore revert to the relief sought to the rules in Chapter 16. The extent of these amendments is included in **Annexure 2** to this statement of evidence.

## **9. CONCLUSIONS**

- 9.1 In conclusion, I am of the opinion that the amendments sought by Kāinga Ora on this core element of relief will result in a strengthening of Objective 4.2.16 to provide greater direction on locations where multi-unit development is appropriate and the benefits of higher intensity development within existing settlements will be realised.

- 9.2 I do not consider that this needs to trigger a wholesale re-write of the PDP. I consider that a significant component of the work that is required by virtue of a s.32 analysis has already been completed through the combination of technical reports and analysis already completed.
- 9.3 I consider the relief sought is appropriate and will assist in improving the consistency, usability and interpretation of provisions within the Proposed Waikato District Plan and assist in achieving outcomes that are better aligned with the direction provided by the WRPS and in doing so, will achieve the purposes and principles of the RMA 1991.

**Philip John Stickney**

3 February 2020

**Annexure 1: Relief Sought if MDRZ is accepted**

**Annexure 2: Relief Sought if MDRZ is not accepted**

**Annexure 3: Evaluation of Other Matters raised in Kāinga Ora's Submission**

**Annexure 1: Relief Sought if MDRZ is  
accepted**

# H10 – Appendix 3

## Chapter 16: Residential Zone

### Proposed Waikato District

#### Plan Stage 1

(Notified version  
including s42a  
Recommendations)

Yellow highlight	= Definitions
Blue highlight	= Rules
Red text	= s42 recommendations
Purple text	= Kāinga Ora's relief sought
Green highlight	= s42 recommendations accepted by Kāinga Ora



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## Chapter 16: Residential Zone Rules

- (1) The rules that apply to activities in the Residential Zone are contained in Rule 16.1 Land Use – Activities, Rule 16.2 Land Use – Effects and Rule 16.3 Land Use – Building.
- (2) The rules that apply to subdivision in the Residential Zone are contained in Rule 16.4 and the relevant rules in 14 Infrastructure and Energy, and 15 Natural Hazards and Climate Change (Placeholder).
- (3) The activity status tables and standards in the following chapters also apply to activities in the Residential Zone:
  - 14 Infrastructure and Energy;
  - 15 Natural Hazards and Climate Change (Placeholder).
- (4) The following symbols are used in the tables:
  - (a) PR Prohibited activity
  - (b) P Permitted activity
  - (c) C Controlled activity
  - (d) RD Restricted discretionary activity
  - (e) D Discretionary activity
  - (f) NC Non-complying activity
- (5) The Residential Zone contains a Specific Area that is Lakeside Te Kauwhata Precinct. Rule 16.5 manages all land use, building and subdivision in this location. Rule 16.5.1 sets out how to apply rules to Lakeside Te Kauwhata Precinct that are either different from, or are in addition to, other rules that apply to the rest of the Residential Zone.

[S42A Report – Section 22 – Topic 19 – Land Use Activities]

### 16.1 Land Use - Activities

#### 16.1.1 Prohibited Activities

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

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

#### 16.1.2 Permitted Activities

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

[S42A Report – Section 22 – Topic 19 – Land Use Activities]

Activity		Activity-specific conditions
P1	Residential activity, unless specified below.	Nil
P2	A Marae Complex or Papakaainga Housing Development on Maaori Freehold Land or on Maaori	(a) The total building coverage does not exceed 50%; (b) Where the land is vested in trustees whose authority is defined in a Trust Order and/or a Maaori Incorporation, the following is provided to

	Customary Land.	<p>Council with the associated building consent application:</p> <ul style="list-style-type: none"> <li>(i) A Concept Management Plan approved by the Māori Land Court and</li> <li>(ii) A Licence to Occupy;</li> </ul> <p>(c) Where a Trust Order or Māori Incorporation does not exist, one of the following instruments is provided to Council at the time of lodgement of the application for building consent:</p> <ul style="list-style-type: none"> <li>(i) A Concept Management Plan approved by the Māori Land Court;</li> <li>(ii) A lease, or an Occupation Order of the Māori Land Court;</li> </ul> <p>(d) The following Land Use – Effects rules in Rule 16.3 do not apply:</p> <ul style="list-style-type: none"> <li>(i) Rule 16.3.1 (Dwelling);</li> <li>(ii) Rule 16.3.2 (Minor dwellings);</li> <li>(iii) Rule 16.3.6 (Building Coverage).</li> </ul>
P3	A new retirement village or alterations to an existing retirement village:	<ul style="list-style-type: none"> <li>(a) The site or combination of sites where the retirement village is proposed to be located has a minimum net site area of 3ha;</li> <li>(b) The site is either serviced by or within 400m walking distance of public transport;</li> <li>(c) The site is connected to public water and wastewater infrastructure;</li> <li>(d) Minimum living court or balcony area and dimensions: <ul style="list-style-type: none"> <li>(i) Apartment – 10m<sup>2</sup> area with minimum dimension horizontal and vertical of 2.5m;</li> <li>(ii) Studio unit or 1 bedroom unit – 12.5m<sup>2</sup> area with minimum dimension horizontal and vertical of 2.5m; or</li> <li>(iii) 2 or more bedroomed unit – 15m<sup>2</sup> area with minimum dimension horizontal and vertical of 2.5m;</li> </ul> </li> <li>(e) Minimum service court is either: <ul style="list-style-type: none"> <li>(i) Apartment – Communal outdoor space (ie no individual service courts required); or</li> <li>(ii) All other units – 10m<sup>2</sup> for each unit;</li> </ul> </li> <li>(f) Building height does not exceed 8m, except for 15% of the total building coverage, where buildings may be up to 10m high;</li> <li>(g) The following Land Use – Effects rule in Rule 16.2 does not apply: <ul style="list-style-type: none"> <li>(i) Rule 16.2.7 (Signs);</li> </ul> </li> <li>(h) The following Land Use – Building rules in Rule 16.3 do not apply: <ul style="list-style-type: none"> <li>(i) Rule 16.3.1 (Dwelling);</li> <li>(ii) Rule 16.3.3 (Building Height);</li> <li>(iii) Rule 16.3.7 (Living Court);</li> <li>(iv) Rule 16.3.8 (Service Court);</li> </ul> </li> <li>(i) The following Infrastructure and Energy rule in Chapter 14 does not apply: <ul style="list-style-type: none"> <li>(i) Rule 14.12.1 P4(1)(a) (Traffic generation).</li> </ul> </li> </ul>
P4	Home occupation	<ul style="list-style-type: none"> <li>(a) It is wholly contained within a building;</li> </ul>

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

[S42A Report – Section 22 – Topic 19 – Land Use Activities]

### 16.1.3 Restricted Discretionary Activities

- (1) The activities listed below are restricted discretionary activities.
- (2) Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table.

Activity	<del>Council's discretion shall</del>
----------	---------------------------------------

		be restricted to the following matters: <b>Matters of Discretion:</b>																		
RD1	<p>A Multi-Unit development <b>of three or more units</b> that meets <b>all of</b> the following conditions:</p> <p>(a) <del>The Land Use – Effects rules in Rule 16.2;</del></p> <p>(b) <del>The Land Use – Building rules in Rule 16.3, except the following rules do not apply:</del></p> <p><del>(i) Rule 16.3.1 Dwelling;</del></p> <p><del>(ii) Rule 16.3.8 16.3.6 Building coverage;</del></p> <p><del>(iii) Rule 16.3.9 16.3.7 Living court;</del></p> <p><del>(iv) Rule 16.3.10 16.3.8 Service court;</del></p> <p>(c) <b>The minimum net site area per residential unit is 300m<sup>2</sup>.</b></p> <p>(d) The Multi-Unit development is connected to public wastewater and water reticulation;</p> <p><del>(e) Total building coverage of the site does not exceed 50%;</del></p> <p><del>(f) Each residential unit is designed and constructed to achieve the internal design sound level specified in Appendix 1 (Acoustic Insulation) – Table 14;</del></p> <p><del>(g) Service court areas are provided to meet the following minimum requirements for each residential unit:</del></p> <p><del>(i) At least 2.25m<sup>2</sup> with a minimum dimension of 1.5 metres of outdoor or indoor space at ground floor level for the dedicated storage of waste and recycling bins;</del></p> <p><del>(ii) At least 3m<sup>2</sup> with a minimum dimension of 1.5 metres of outdoor space at ground floor level for washing lines; and</del></p> <p><del>(iii) The required spaces in (g)(i) or (g)(ii) for each residential unit shall be provided individually, or as a dedicated communal service court;</del></p> <p><del>(h) Living court areas are provided to meet the following minimum requirements for each residential unit:</del></p> <table border="1"> <thead> <tr> <th>Duplex dwelling</th><th>Area</th><th>Minimum dimension</th></tr> </thead> <tbody> <tr> <td>Studio unit or 1 bedroom</td><td>30 m<sup>2</sup></td><td>4m</td></tr> <tr> <td>2 or more bedrooms</td><td>40 m<sup>2</sup></td><td>4m</td></tr> </tbody> </table> <table border="1"> <thead> <tr> <th>Apartment Building Ground Level Residential Unit</th><th>Area</th><th>Minimum Dimension</th></tr> </thead> <tbody> <tr> <td>Studio unit or 1 bedroom</td><td>20 m<sup>2</sup></td><td>4m</td></tr> <tr> <td>2 or more bedrooms</td><td>30 m<sup>2</sup></td><td>4m</td></tr> </tbody> </table>	Duplex dwelling	Area	Minimum dimension	Studio unit or 1 bedroom	30 m <sup>2</sup>	4m	2 or more bedrooms	40 m <sup>2</sup>	4m	Apartment Building Ground Level Residential Unit	Area	Minimum Dimension	Studio unit or 1 bedroom	20 m <sup>2</sup>	4m	2 or more bedrooms	30 m <sup>2</sup>	4m	<p>(a) <u>Density</u> <u>Intensity</u> of the development;</p> <p>(b) <u>The manner in which the provisions of the Multi-Unit Design contained in Appendix 3.4 have been incorporated;</u></p> <p>(c) Contribution of the development to and engagement with adjacent streets and public open space;</p> <p><del>(d) The visual quality and interest created through design such as the separation of buildings, variety in built form and architectural detailing, glazing, materials and colour;</del></p> <p>(e) The incorporation of <u>energy efficiency measures such as</u> passive solar principles;</p> <p>(f) Amenity values for occupants and neighbours in respect of outlook, <u>privacy, noise, light spill, access to sunlight, living court orientation, site design and layout, including proposed unit boundaries which identify space around each unit and any common areas;</u></p> <p>(g) Staging needed to ensure that development is carried out in a coordinated and timely manner;</p> <p>(h) Avoidance or mitigation of natural hazards;</p> <p>(i) Geotechnical suitability for <u>building</u>;</p> <p>(j) Provision of <u>infrastructure</u> to individual units,</p> <p>(k) <u>Provision of trunk infrastructure;</u></p> <p>(l) <u>On-site parking and</u></p>
Duplex dwelling	Area	Minimum dimension																		
Studio unit or 1 bedroom	30 m <sup>2</sup>	4m																		
2 or more bedrooms	40 m <sup>2</sup>	4m																		
Apartment Building Ground Level Residential Unit	Area	Minimum Dimension																		
Studio unit or 1 bedroom	20 m <sup>2</sup>	4m																		
2 or more bedrooms	30 m <sup>2</sup>	4m																		

	<p>Apartment Building</p> <p>Upper Levels</p> <p>Residential Unit</p> <p>Studio unit or 1 bedroom</p> <p>2 or more bedrooms</p> <p>Area</p> <p>10m</p> <p>15m</p> <p>Minimum Dimension</p> <p>2m</p> <p>2m</p>	<p>(m) <u>Safety and efficiency of the transport network.</u></p>
RD2	Education facilities	<p><u>Council's discretion shall be restricted to the following matters:</u></p> <p>a. <u>The extent to which it is necessary to locate the activity in the Residential Zone.</u></p> <p>b. <u>Reverse sensitivity effects of adjacent activities.</u></p> <p>c. <u>The extent to which the activity may adversely impact on the transport network.</u></p> <p>d. <u>The extent to which the activity may adversely impact on the streetscape and the amenity of the neighbourhood.</u></p> <p>e. <u>The extent to which the activity may adversely impact on the noise environment.</u></p>

[s42A Report – Section 13 Topic 10 - Housing options Rules]

[S42A Report – Section 22 – Topic 19 – Land Use Activities]

#### 16.1.4 Discretionary Activities

(1) The activities listed below are discretionary activities.

D1 Any permitted activity that does not comply with one or more of the a 'Activity-Specific Conditions' in Rule 16.1.2.

~~D2 Any permitted activity that does not comply with the Land Use - Effects Rule 16.2 or Land Use Building Rule 16.3 unless the activity status is specified as controlled, restricted discretionary or non-complying.~~

~~D3~~ D2 Any Multi-unit development that does not comply with Rule 16.1.3 RD1.

[S42A Report - Section 22 - Topic 19 - Land Use Activities]

#### 16.1.5 Non-complying Activities

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

NC1	Any activity that is not listed as Prohibited, Permitted, Restricted Discretionary or Discretionary.
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## 16.2 Land Use – Effects

### 16.2.1 Noise

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

#### 16.2.1.1 Noise - General

P1	Farming noise, and noise generated by emergency generators and emergency sirens.
P2	<p>(a) Noise measured within any other site in the Residential Zone must not exceed:</p> <ul style="list-style-type: none"> <li>(i) 50dB <math>L_{Aeq(15min)} - (L_{Aeq})</math>, 7am to 7pm, every day;</li> <li>(ii) 45dB <math>L_{Aeq(15min)} - (L_{Aeq})</math>, 7pm to 10pm, every day; and</li> <li>(iii) 40dB <math>L_{Aeq(15min)} - (L_{Aeq})</math> 10pm to 7am the following day; and</li> <li>(iv) 65dB <math>L_{Amax} - (L_{Amax})</math>, 10pm to 7am the following day.</li> </ul> <p>(b) Noise levels shall be measured in accordance with the requirements of NZS 6801:2008 "Acoustics - Measurement of Environmental Sound"; and</p> <p>(c) Noise levels shall be assessed in accordance with the requirements of NZS 6802:2008 "Acoustics - Environmental noise".</p>
P3	<p>(a) [redacted] with the requirements of NZS 6801:2008 "Acoustics - Measurement of Environmental Sound"; and</p> <p>(b) [redacted] assessed in accordance with the requirements of NZS 6802:2008 "Acoustic-Environmental noise".</p>
D1	Noise that does not comply with Rule 16.2.1.1 P2 or P3.

[s42A Report – Section 18 – Topic 15 - Noise]

#### 16.2.1.2 Noise - Construction

P1	<p>(a) Construction noise must <del>meet</del> not exceed the limits in NZS 6803:1999 (Acoustics – Construction Noise); and</p> <p>(b) Construction noise must be measured and assessed in accordance with the requirements of NZS6803:1999 'Acoustics – Construction Noise'.</p>
RD1	<p>(a) Construction noise that does not comply with Rule 16.2.1.2 P1.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Effects on amenity values;</li> <li>(ii) Hours and days of construction;</li> <li>(iii) Noise levels;</li> <li>(iv) Timing and duration; and</li> <li>(v) Methods of construction.</li> </ul>

[s42A Report – Section 18 – Topic 15 - Noise]

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

P1	The loading and unloading of vehicles and the receiving of customers and deliveries associated with a
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	commercial activity within the Bankart Street and Wainui Road Business Overlay Area may occur between 7.30am and 6:30pm.
D1	The servicing and hours of operation of a commercial activity that does not comply with Rule 16.2.2 P1.

### 16.2.3 Glare and artificial light spill

P1	Illumination from Glare and artificial light spill must not exceed 10 lux measured horizontally and vertically within any other site.
RD1	<p>(a) Illumination that does not comply with Rule 16.2.3 P1.</p> <p>(b) The Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Effects on amenity values;</li> <li>(ii) Light spill levels on other sites;</li> <li>(iii) Road safety;</li> <li>(iv) Duration and frequency;</li> <li>(v) Location and orientation of the light source; and</li> <li>(vi) Mitigation measures.</li> </ul>

[s42A Report – Section 19 – Topic 16 - Lighting]

### 16.2.4 Earthworks

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

[s42A Report – Section 11 Topic 8 - Earthworks]

- (2) There are specific standards for earthworks within rules:
- (a) Rule 16.2.4.2 – Maaori Sites and Maaori Areas of Significance;
  - (b) Rule 16.2.4.3 – Significant Natural Areas;
  - (c) Rule 16.2.4.4 – Landscape and Natural Character Areas.

#### 16.2.4.1 Earthworks - General

P1	<p>(a) Earthworks (excluding the importation the use of fill cleanfill material or controlled fill material) within a site must meet all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) Be located more than 4.5 5 m horizontally from any infrastructure including a waterway, open drain or overland flow path;</li> <li>(ii) Not exceed a volume of 250 500m<sup>3</sup> and an area of not more than 1,000m<sup>2</sup> over any consecutive 12 month period;</li> <li>(iii) <del>Not exceed an area of 1ha 1000m<sup>2</sup> over any consecutive 12 month period;</del></li> <li>(iv) The total depth of any excavation or filling does not exceed 1.5m above or below ground level;</li> <li>(v) The slope of the resulting cut, filled areas or fill batter face in stable ground, does not exceed a maximum of 1:2 (1 vertical to 2 horizontal);</li> <li>(vi) <del>Earthworks are set back at least 1.5m from all boundaries. Earthworks must not result in any instability of land or structures at or beyond the boundary of the site where the land disturbance occurs</del></li> <li>(vii) Areas exposed by earthworks are stabilized to avoid runoff within 1 month and re-vegetated to achieve 80% ground cover within 6 months of the commencement cessation of the earthworks;</li> <li>(viii) Sediment resulting from the earthworks is retained on the site through implementation</li> </ul>
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	(ix) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.
P2	<p>Earthworks for the purpose of creating a building platform and accessway for residential purposes within a site, using including the use of imported fill cleanfill material imported fill material must meet the following condition:</p> <p>(a) Be carried out in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development.</p>
P3	<p>(a) Earthworks for purposes other than creating a building platform for residential purposes within a site, using imported fill material must meet all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) Not exceed a total volume of 5020m<sup>3</sup>;</li> <li>(ii) Not exceed a depth of 1.5m 4m;</li> <li>(iii) The slope of the resulting filled area in stable ground must not exceed a maximum slope of 1:2 (1 vertical to 2 horizontal);</li> <li><del>(iv) Fill material is setback at least 1.5m from all boundaries;</del></li> <li>(v) Areas exposed by filling are revegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;</li> <li>(vi) Sediment resulting from the filling is retained on the site through implementation and maintenance of erosion and sediment controls;</li> <li>(vii) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.</li> </ul>
RD1	<p>(a) Earthworks that do not comply with <del>any one or more of the conditions of Rule 16.2.4.1 P1, P2 or P3.</del></p> <p>(b) The Council's discretion shall be restricted to any of the following matters:</p> <ul style="list-style-type: none"> <li>(i) Amenity values and landscape effects;</li> <li>(ii) Volume, extent and depth of earthworks;</li> <li>(iii) Nature of fill material;</li> <li>(iv) Contamination of fill material;</li> <li>(v) Location of the earthworks in relation to waterways, significant indigenous vegetation and habitat;</li> <li>(vi) Compaction of the fill material;</li> <li>(vii) Volume and depth of fill material;</li> <li><del>(viii) Protection of the Hauraki Gulf Catchment Area;</del></li> <li>(ix) Geotechnical stability;</li> <li>(x) Flood risk, including natural water flows and established drainage paths; and</li> <li>(xi) Land instability, erosion and sedimentation.</li> </ul>
NC1	Earthworks including involving the importation of cleanfill controlled fill material to a site.

[s42A Report – Section 11 – Topic 8 – Earthworks]

#### 16.2.4.2 Earthworks – Maaori Sites and Maaori Areas of Significance

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

### 16.2.4.3 Earthworks - Significant Natural Areas

P1	(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: (i) Maximum volume of 50m <sup>3</sup> in a single consecutive 12 month period; (ii) Maximum area of 250m <sup>2</sup> in a single consecutive 12 month period; and (iii) Not include importing any fill material.
RD1	(a) Earthworks that do not comply with Rule 16.2.4.3 P1. (b) Council's discretion shall be restricted to the following matters: (i) The location of earthworks in relation to waterways, significant indigenous vegetation or habitat; (ii) The protection of adverse effects on the Significant Natural Area values.
D1	Earthworks within an identified Significant Natural Area not provided for in Rule 16.2.4.3 P1 or RD1.

### 16.2.4.4 Earthworks - Landscape and Natural Character Areas

P1

(a) Earthworks for the maintenance of existing tracks, fences or drains within an identified Landscape or Natural Character Area and must meet all of the following conditions;

(i) The earthworks are undertaken within a single consecutive 12 month period;

(ii) The earthworks must not exceed the following areas and volumes within a single consecutive 12 month period:

Landscape or Natural Character Area	Area (m <sup>2</sup> )	Volume (m <sup>3</sup> )
Significant Amenity Landscape (SAL) sand dune	<del>50</del> 250	250 <del>50</del>
High or Outstanding Natural Character area of the coastal environment		
Outstanding Natural Feature (ONF) sand dune		
Outstanding Natural Feature (ONF)		
Outstanding Natural Landscapes (ONLs)		

(iii) The height of the resulting cut or batter face in stable ground does not exceed 1.5m;

(iv) The maximum slope of the resulting cut or batter face in stable ground does not exceed 1:2 (1m vertical to 2m horizontal);

(v) Areas exposed by the earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;

(vi) Sediment is retained on the site through implementation and maintenance of erosion and sediment controls;

(vii) The earthworks do not divert or change natural water flows, water bodies or established drainage paths.

D1

Earthworks that do not comply with Rule 16.2.4.4 P1.

### 16.2.5 Hazardous substances

P1	(a) The <b>use, storage</b> or disposal of any <b>hazardous substance</b> where: (i) the aggregate quantity of any <b>hazardous substance</b> of any <b>hazard</b> classification on a <b>site</b> is less than the quantity specified in the Residential zone in <b>Table 5.1</b> contained within <b>Appendix 5</b> (Hazardous Substances).
P2	(a) The <b>storage</b> or <b>use</b> of radioactive materials is: (i) an approved equipment for medical and diagnostic purposes; or (ii) specified as an exempt activity or article in the Radiation Safety Act and Regulations 2017.
D1	The <b>use, storage</b> or disposal of any <b>hazardous substances</b> that does not comply with <b>Rule 16.2.5 P1 or P2</b> .

### 16.2.6 Notable trees

- (1) **Rules 16.2.6.1 to 16.2.6.4** provide permitted rules for works on notable trees, which are identified in **Schedule 30.2** (Notable Trees) as follows:
- (a) **Rule 16.2.6.1** - Removal or destruction;
  - (b) **Rule 16.2.6.2** - Trimming;
  - (c) **Rule 16.2.6.3** - Activities within the dripline

#### 16.2.6.1 Notable trees – Removal or destruction

P1	Removal or destruction of a notable tree identified in <b>Schedule 30.2</b> (Notable Trees) where certification is provided to Council from a <b>works arborist</b> that states that the tree is dead, dying, diseased or is unsafe in accordance with <b>Appendix 11</b> Tree Removal Certificate.
RD1	(a) Removal or destruction of a notable tree identified in <b>Schedule 30.2</b> (Notable Trees) that does not comply with <b>Rule 16.2.6.1 P1</b> . (b) Council's discretion is restricted to the following matters: (i) Timing and manner in which the activity is carried out; (ii) Effects on amenity values; and (iii) Effects on heritage values.

#### 16.2.6.2 Notable tree – Trimming

P1	(a) The trimming of a notable tree identified in <b>Schedule 30.2</b> (Notable Trees) is either: (i) to remove dead, dying, or diseased branches and the tree work is undertaken by a <b>works arborist</b> ; or (ii) the maximum branch diameter does not exceed 50mm at severance and no more than 10% of live foliage growth is removed in any single consecutive 12 month period.
RD1	(a) The trimming of a notable tree that does not comply with <b>Rule 16.2.6.2. P1</b> . (b) Council's discretion is restricted to the following matters: (i) Timing and manner in which the activity is carried out; (ii) Effects on amenity values.

#### 16.2.6.3 Notable tree – Activities within the dripline

P1	(a) Any activity within the <b>dripline</b> of a notable tree identified in <b>Schedule 30.2</b> (Notable Trees) must comply with all of the following conditions: (i) No excavation, compaction, sealing or soil disturbance and placement of <b>fill material</b> , except for the sealing of an existing road or footpath;
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	<ul style="list-style-type: none"> <li>(ii) No parking or storage of materials, vehicles or machinery;</li> <li>(iii) Discharge of an eco-toxic substance; and</li> <li>(iv) No construction of structures.</li> </ul>
RD1	<ul style="list-style-type: none"> <li>(a) Any activity that does not comply with <a href="#">Rule 16.2.6.3 P1</a>.</li> <li>(b) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> <li>(i) Location of activity in relation to the tree;</li> <li>(ii) Timing and manner in which the activity is carried out;</li> <li>(iii) Remedial measures;</li> <li>(iv) Effect on the health of the tree; and</li> <li>(v) Amenity values.</li> </ul> </li> </ul>

### 16.2.7 Signs

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

## 16.2.7.1 Signs – general

P1	A public information <b>sign</b> erected by a government agency.
P2	<p>(a) A <b>sign</b> must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) It is the only <b>sign</b> on the <b>site</b>;</li> <li>(ii) The <b>sign</b> is wholly contained within the <b>site</b>;</li> <li>(iii) The <b>sign</b> does not exceed 0.25m<sup>2</sup>;</li> <li>(iv) The <b>sign height</b> does not exceed 2m <b>in height above the ground</b>;</li> <li>(v) The <b>sign</b> is not illuminated;</li> <li>(vi) The <b>sign</b> does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials;</li> <li>(vii) The <b>sign</b> is set back at least 50m from the designated boundary of a state highway and the Waikato Expressway;</li> <li><del>(viii) The <b>sign</b> does not project over road reserve;</del></li> <li><del>(ix) The <b>sign</b> is not attached to a tree identified in Schedule 30.2 Notable Trees, except for the purpose of identification and interpretation;</del></li> <li><del>(x) The <b>sign</b> is not attached to a <b>heritage item</b> listed in Schedule 30.1 (Heritage Items), except for the purpose of identification and interpretation;</del></li> <li><del>(xi) The <b>sign</b> is not attached to a <b>Maaori Site of Significance</b> listed in Schedule 30.3 (Maaori Sites of Significance), except for the purpose of identification and interpretation;</del></li> <li>(xii) (The <b>sign</b> relates to: <ul style="list-style-type: none"> <li>A. goods or services available on the <b>site</b>; or</li> <li>a property name <b>sign</b>.</li> </ul> </li> </ul>
P3	<p>(a) A real estate 'for sale' <b>sign</b> relating to the <b>site</b> on which it is located must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) There is no more than 1 <b>sign</b> per agency;</li> <li>(ii) The <b>sign</b> is not illuminated;</li> <li>(iii) The <b>sign</b> does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials;</li> <li><del>(iv) The <b>sign</b> does not project into or over road reserve.</del></li> </ul>
RD1	<p>(a) A <b>sign</b> that does not comply with <b>Rule 16.2.7.1 P2 or P3</b>.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Amenity values;</li> <li>(ii) Character of the locality;</li> <li>(iii) Effects on traffic safety;</li> <li>(iv) Glare and artificial light spill;</li> <li>(v) Content, colour and location of the <b>sign</b>;</li> <li>(vi) Effects on a notable tree;</li> <li>(vii) Effects on the heritage values of any <b>heritage item</b> due to the size, location, design and appearance of the <b>sign</b>;</li> <li>(viii) Effects on cultural values of any <b>Maaori Site of Significance</b>; and</li> <li>(ix) Effects on notable architectural features of a <b>building</b>.</li> </ul>

[S42A Report – Section 21 – Topic 18 Signage]

## 16.2.7.2 Signs – Effects on traffic

P1	<p>(a) Any <b>sign</b> directed at <del>road</del> <b>land transport</b> users must:</p> <ul style="list-style-type: none"> <li>(i) Not</li> <li>(ii) Be located at least 60m from controlled intersections, pedestrian crossings and any other <b>sign</b>;</li> <li>(iii) Not obstruct sight lines of drivers turning into or out of a <b>site</b> entrance and intersections <b>or at a level crossing</b>;</li> <li><del>(iv) Be able to be viewed by drivers for at least 130m;</del></li> <li>(iv) <del>(iv)</del> Contain no more than 40 characters and no more than 6 symbols <b>or graphics</b>;</li> <li>(v) <del>(v)</del> Have lettering that is at least 150mm high;</li> <li>(iv) <del>(viii)</del> (Be at least 130m from a <b>site</b> entrance, where the <b>sign</b> directs traffic to the entrance</li> </ul>
<b>D4</b> <b>RD1</b>	<p>(a) Any sign that does not comply with Rule 16.2.7.2 P1.</p> <p><del>(b) Council's discretion shall be restricted to the following matters:</del></p> <ul style="list-style-type: none"> <li><del>(i) Amenity;</del></li> <li><del>(ii) Character of the locality;</del></li> <li><del>(iii) Effects on traffic safety;</del></li> <li><del>(iv) Glare and artificial light spill;</del></li> <li><del>(v) Content, colour and location of the sign;</del></li> <li><del>(vi) Effects on a notable tree;</del></li> <li><del>(vii) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign;</del></li> <li><del>(viii) Effects on cultural values of any Maaori Site of Significance; and</del></li> <li><del>Effects on notable architectural features of a building.</del></li> </ul>

[S42A Report – Section 21 – Topic 18 Signage]

## 16.2.8 Indigenous vegetation clearance inside a Significant Natural Area

P1	<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) for the following purposes:</p> <ul style="list-style-type: none"> <li>(i) Removing vegetation that endangers human life or existing buildings or structures;</li> <li>(ii) Conservation fencing to exclude stock or pests;</li> <li>(iii) Maintaining existing farm drains;</li> <li>(iv) Maintaining existing tracks and fences;</li> <li>(v) Gathering plants in accordance with Maaori customs and values;</li> </ul>
P2	Removal of up to 5m <sup>3</sup> of manuka and/or kanuka outside of the Coastal Environment per year per property for domestic firewood purposes or arts and crafts provided the removal will not directly result in the death, destruction or irreparable damage of any other tree, bush or plant
P3	<p>(a) Indigenous vegetation clearance for building, access, parking and manoeuvring areas in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) There is no alternative development area on the site outside the Significant Natural Area; and</li> <li>(ii) The total indigenous vegetation clearance does not exceed 250m<sup>2</sup>.</li> </ul>
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> <ul style="list-style-type: none"> <li>(i) There is no alternative development area on the site outside the Significant Natural Area;</li> <li>(ii) The following total areas are not exceeded: <ul style="list-style-type: none"> <li>A. 1500m<sup>2</sup> for a Marae complex, including areas associated with access parking and manoeuvring;</li> <li>B. 500m<sup>2</sup> per dwelling, including areas associated with access parking and manoeuvring; and</li> <li>C. 500m<sup>2</sup> for a <b>papakaainga building</b> including areas associated with access parking and</li> </ul> </li> </ul>

	manoeuvring.
P5	(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: <ul style="list-style-type: none"> <li>(i) Removing vegetation that endangers human life or existing buildings or structures;</li> <li>(ii) Conservation fencing to exclude stock or pests;</li> <li>(iii) Maintaining existing farm drains;</li> <li>(iv) Maintaining existing tracks and fences; or</li> <li>(v) Gathering plants in accordance with Maaori customs and values.</li> </ul>
P6	Removal of up to 5m <sup>3</sup> of manuka and/or kanuka outside of the Coastal Environment per year per property for domestic firewood purposes or arts and crafts provided the removal will not directly result in the death, destruction or irreparable damage of any other tree, bush or plant
D1	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 one or more conditions in Rule 16.2.8 P1, P2, P3, P4, P5 or P6.

## 16.3 Land Use – Building

### 16.3.1 Dwelling

P1	One dwelling within a site. Up to three dwellings per site
D1	A dwelling that does not comply with Rule 16.3.1 P1.
RD1	(a) Up to two Four or more dwellings within a site. (b) Council's discretion shall be limited to the following matters: <ul style="list-style-type: none"> <li>(i) Intensity of development;</li> <li>(ii) Design and location of buildings;</li> <li>(iii) Provision of residential amenity values for residents within the site</li> <li>(iv) Adverse effects on amenity values (such as shading, privacy) for residents of adjoining sites;</li> <li>(v) Provision of infrastructure.</li> </ul>

[s42A Report – Section 12 Topic 9: Housing options Rules]

### 16.3.2 Minor dwelling

P1	(a) One minor dwelling contained within a site must comply with all of the following conditions: <ul style="list-style-type: none"> <li>(i) The net site area is 900m<sup>2</sup> or more; There must be no more than one minor dwelling per site;</li> <li>(ii) The site does not contain a Multi-unit development.</li> <li>(iii) The gross floor area shall not exceed 70m<sup>2</sup> excluding decks and garaging</li> </ul>
D1	A minor dwelling that does not comply with Rule 16.3.2 P1.

NC1 More than one minor dwelling per site or does not comply with Rule 16.3.2 P1(a)(ii)

### 16.3.3 Height

- (1) Rules 16.3.3.1 to 16.3.3.3 provide permitted height for buildings, structures or vegetation.
- (2) Rule 16.3.3.1 Height – Building general provides permitted height limits across the entire Residential Zone except in those areas specified in Rules 16.3.3.2 and 16.3.3.3.  
[S42A Report – Section 27 – Topic 24 – Height]
- (3) Rule 16.3.3.2 Height -Buildings in a battlefield view shaft.
- (4) Rule 16.3.3.3 Height - Buildings, structures and vegetation within any airport obstacle limitation surface provides height limits for specific activities within these areas.

- (5) Where sites are located within the Raglan Navigation Beacons height restriction plane as identified on the planning maps and [Appendix 7](#) (Raglan Navigation Beacons), the prohibited activity [Rule 16.1.1 PR1](#) applies.

#### 16.3.3.1 Height - Building general

P1	<p>(a) The maximum height of any building must not exceed <del>7.58m</del> above ground level.</p> <p>(b) The maximum height of a hose drying tower on a Fire and Emergency fire station site must not exceed 15m.</p>
<del>D1</del> <del>RD1</del>	<p>(a) Any building that does not comply with Rule <a href="#">16.3.3.1 P1</a>.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Extent of overshadowing and shading of adjoining sites, particularly internal and external living spaces;</li> <li>(ii) Loss of privacy through overlooking adjoining sites;</li> <li>(iii) Whether development on the adjoining sites (such as separation by land used for vehicle access, the provision of screening) reduces the need to protect the adjoining site from overlooking.</li> </ul>

[S42A Report - Section 27 - Topic 24 - Height]

#### 16.3.3.2 Height - Building and vegetation in a battlefield view shaft area

P1	The maximum height of a building, structure or vegetation within a battlefield view shaft as shown on the planning maps, must not exceed 5m above ground level.
D1	A building in the battlefield view shaft that does not comply with <a href="#">Rule 16.3.3.2 P1</a> .

[S42A Report - Section 27 - Topic 24 - Height]

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

P1	A building, structure or vegetation must not protrude through any airport obstacle limitation surface identified in <a href="#">Appendix 9</a> Te Kowhai Airpark and as shown on the planning maps.
D1	A building, structure or vegetation that does not comply with <a href="#">Rule 16.3.3.3 P1</a> .

#### 16.3.4 Fences or walls - Road boundaries ~~and Reserve Zone boundaries~~

P1	<p>(a) Fences and walls between the applicable building setbacks under <a href="#">Rule 16.3.9</a> on a site and any road <del>and reserve zone boundaries</del> must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) Be no higher than <del>1.5m</del> <del>1.2m</del> if solid;</li> <li>(ii) Be no higher than 1.8m if: <ul style="list-style-type: none"> <li>A. visually permeable for the full 1.8m height of the fence or wall; or</li> <li>B. solid up to <del>1.5m</del> <del>1.2m</del> and visually permeable between <del>1.5m</del> <del>1.2</del> and 1.8m.</li> </ul> </li> </ul>
P2	<p><del>Any</del> Fences or walls between <del>erected within</del> the applicable building setbacks under <a href="#">Rule 16.3.9</a> on a site <del>and along the northern common</del> boundaries of the Residential Zone <del>between Wayside Road and Travers Road, Te Kauwhata, adjacent to the</del> and Country Living Zone, <del>between Wayside Road and Travers Road, Te Kauwhata,</del> must be of a rural-type post and wire or post and rail construction.</p>
RD1	<p>(a) Fences or walls that do not comply with <a href="#">Rule 16.3.4 P1 or P2</a>.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p>

	<ul style="list-style-type: none"> <li>(i) Building materials and design;</li> <li>(ii) Effects on amenity; and</li> <li>(iii) Public space visibility.</li> </ul>
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[S42A Report – Section 28 – Topic 25 – Fences or walls]

### 16.3.5 Daylight admission

P1	Buildings must not protrude through a height control plane rising at an angle of 37.45 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.
RD1	<ul style="list-style-type: none"> <li>(a) A building that does not comply with Rule 16.3.5 P1.</li> <li>(b) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> <li>(i) Height of the building;</li> <li>(ii) Design and location of the building;</li> <li>(iii) Extent of shading on adjacent any other sites;</li> <li>(iv) Privacy on another any other adjoining sites; and</li> <li>(v) Effects on amenity values and residential character.</li> </ul> </li> </ul>

[s42A Report – Section 8 Topic 5: Daylight and outlook]

### 16.3.6 Building coverage

P1	The total building coverage must not exceed 40%.
P2	Within the Te Kauwhata Residential West Area or the Te Kauwhata Ecological Residential Area as identified on the planning maps, the total building coverage must not exceed 35%.
P3	Within the Bankart Street and Wainui Road Business Overlay Area as identified on the planning maps, total building coverage must not exceed 50%.
P4 RD1	<ul style="list-style-type: none"> <li>(a) Total building coverage that does not comply with Rule 16.3.6 P1, P2 or P3.</li> <li>(b) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> <li>(i) Whether the balance of open space and buildings will maintain the character and amenity values anticipated for the zone;</li> <li>(ii) Visual dominance of the street resulting from building scale;</li> <li>(iii) Management of stormwater flooding, nuisance or damage to within the site;</li> </ul> </li> </ul>

[s42A Report – Section 6 Topic 3: Site coverage]

### 16.3.6A Impervious surfaces

P1	The impervious surfaces of a site must not exceed 70%.
RD1	<ul style="list-style-type: none"> <li>(a) Impervious surface that does not comply with Rule 16.3.6A P1</li> <li>(b) Councils discretion is restricted to the following matters: <ul style="list-style-type: none"> <li>(i) Site design, layout and amenity;</li> <li>(ii) The risk of flooding, nuisance or damage to the site or other buildings and site.</li> </ul> </li> </ul>

[s42A Report – Section 6 Topic 3: Site coverage]

**16.3.7 Living court**

P1	(a) A <b>living court</b> must be provided for each <b>dwelling</b> that meets all of the following conditions: <ul style="list-style-type: none"> <li>(i) It is for the exclusive use of the occupants of the <b>dwelling</b>;</li> <li>(ii) It is readily accessible from a living area of the <b>dwelling</b>;</li> <li>(iii) When located on the ground floor, it has a minimum area of <b>30m<sup>2</sup> 80m<sup>2</sup></b> and a minimum dimension of 4m in any direction; and</li> <li>(iv) When located on a balcony of an above ground <b>apartment</b>, it must have a minimum area of <b>5m<sup>2</sup> for studio and one-bedroom dwellings, or 8m<sup>2</sup> for two or more bedroom dwellings, 45m<sup>2</sup></b> and a minimum dimension of <b>1.5m 2m in any direction</b>.</li> </ul>
P2	(a) A <b>living court</b> must be provided for each <b>minor dwelling</b> that meets all of the following conditions: <ul style="list-style-type: none"> <li>(i) It is for the exclusive use of the occupants of the <b>minor dwelling</b>;</li> <li>(ii) It is readily accessible from a living area of the <b>minor dwelling</b>;</li> <li>(iii) When located on the ground floor it has a minimum area of <b>5m<sup>2</sup> for studio and one-bedroom dwellings, or 8m<sup>2</sup> for two or more bedroom dwellings 40m<sup>2</sup></b> and a minimum dimension Of <b>1.5m 4m in any direction</b>;</li> <li>(iv) When located on a balcony of an above ground <b>apartment</b>, it must have a minimum area of 15m<sup>2</sup> and a minimum dimension of 2m in any direction.</li> </ul>
<b>D4</b> <b>RD1</b>	(a) A living court that does not comply with Rule 16.3.7 P1 or P2. (b) <b>Council's discretion is restricted to the following matters:</b> <ul style="list-style-type: none"> <li>(i) <b>The extent to which the space is useable and contributes to the feeling of spaciousness;</b></li> <li>(ii) <b>Access to sunlight;</b></li> <li>(iii) <b>Privacy of adjoining residential sites;</b></li> <li>(iv) <b>Accessibility to and convenience of the space for occupiers;</b></li> <li>(v) <b>Whether the size and quality of communal outdoor living space in the development or other public open space compensates for any reduction in the private space</b></li> </ul>

[s42A Report – Section 29 - Topic 26 – Living Court]

**16.3.8 Service court**

P1	(a) A <b>service court</b> must be provided for each <b>dwelling</b> and <b>minor dwelling</b> , <b>either as two separate areas or one combined area</b> , each with all the following dimensions: <ul style="list-style-type: none"> <li>(i) <b>minimum area of 15m<sup>2</sup> and</b></li> <li>(ii) <b>contains a circle of at least 3m diameter –</b></li> <li>(i) <b>Storage of waste and recycling bins – minimum area of 3m<sup>2</sup> and minimum dimension of 1.5m;</b></li> <li>(ii) <b>Washing line – minimum area of 5m<sup>2</sup> and minimum dimension of 2m.</b></li> </ul>
<b>D4</b> <b>RD1</b>	(a) A service court that does not comply with Rule 16.3.8 P1. (b) <b>Council's discretion shall be restricted to the following matters:</b> <ul style="list-style-type: none"> <li>(i) <b>The convenience and accessibility of the spaces for building occupiers;</b></li> <li>(ii) <b>The adequacy of the space to meet the expected requirements of building occupiers; and</b></li> <li>(iii) <b>Adverse effects on the location of the space on visual amenity from the street or adjoining sites.</b></li> </ul>

[s42A Report – Section 30 - Topic 27 – Service Court]

**16.3.9 Building setbacks**

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

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

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

### 16.3.9.1 Building setbacks – All boundaries

- P1 (a) **The finished external walls (excluding eaves) of a A building** must be set back a minimum of:  
(i) 3m from the road **boundary** (excluding state highways – refer to rule 16.3.9.2);  
(ii) ~~13m~~ **3m** from the edge of an **indicative road** (as demonstrated on a structure plan or planning maps);  
(iii) ~~1.5m~~ **1m** from every **boundary** other than a road **boundary**; and  
(iv) ~~1.5m from every vehicle access to another site.~~
- ~~P2 (a) The finished external walls (excluding eaves) of a A non-habitable building can be set back less than 1.5m from a boundary, where:~~  
(i) ~~the total length of all buildings within 1.5m of the boundary does not exceed 6m; and~~  
(ii) ~~the building does not have any windows or doors on the side of the building facing the boundary.~~
- P3 A garage must be set back behind the front **street facing** façade of the dwelling **where the dwelling and garage are on a site that has frontage to a road.**
- RD1 (a) A building that does not comply with Rule 16.3.9.1 P1, ~~or P2 or P3.~~ (b) Council's discretion shall be restricted to the following matters:  
(i) Road network safety and efficiency;  
(ii) ~~Reverse sensitivity effects;~~  
(iii) Adverse effects on amenity;  
(iv) Streetscape;  
(v) Potential to mitigate adverse effects;  
(vi) Daylight admission to adjoining properties; and  
(vii) Effects on privacy at **adjoining sites**

[s42A Report – Section 5 - Topic 2: Setbacks]

### ~~16.3.9.2 Building setback – Sensitive land use~~

P1	<del>(a) Any new building or alteration to an existing building for a sensitive land use must be set back a minimum of:</del> (i) <del>5m from the designated boundary of the railway corridor;</del> (ii) <del>15m from the boundary of a national route or regional arterial;</del> (iii) <del>25m from the designated boundary of the Waikato Expressway;</del> (iv) <del>300m from the edge of oxidation ponds that are part of a municipal wastewater treatment facility on another site; and</del> (v) <del>30m from a municipal wastewater treatment facility where the treatment process is fully enclosed; and.</del> (vi) <del>300m from the boundary of the Alstra Poultry intensive farming activities located on River Road and Great South Road, Ngaruawahia.</del>
D1	<del>Any building for a sensitive land use that does not comply with Rule 16.3.9.2. P1.</del>

[s42A Report – Section 5 Topic 2: Setbacks]

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**16.3.9.3 Building setback - Water bodies**

P1	(a) Any building must be setback a minimum of: (i) 20m 23m from the margin of any; A. lake; and B. wetland;
	(ii) 23m from the bank of any river (other than the Waikato and Waipa Rivers); (iii) 28m from the margin of both the Waikato River and the Waipa River; and (iv) 23m from mean high water springs.
P2	(a) A public amenity of up to 25m, <sup>2</sup> or a pump shed (public or private), within any building setback identified in Rule 16.3.9.3 P1.

D1 Any building that does not comply with Rule 16.3.9.3 P1 or P2.

[s42A Report – Section 5 Topic 2: Setbacks]

**16.3.9.4 Building setback - Environmental Protection Area**

P1	A building must be set back a minimum of 3m from an Environmental Protection Area.
D1	A building that does not comply with Rule 16.3.9.4 P1.

**16.3.10 Building - Horotiu Acoustic Area**

P1	Construction, addition to or alteration of a building for a noise sensitive activity within the Horotiu Acoustic Area shall be designed and constructed to achieve the internal design sound level specified in Appendix 1 (Acoustic Insulation) - Table 11.
RD1	(a) Construction, addition to or alteration of a building that does not comply with Rule 16.3.10 P1. (b) Council's discretion shall be restricted to the following matters: (i) On-site amenity values; (ii) Noise levels received at the notional boundary of the building; (iii) Timing and duration of noise received at the notional boundary of the building; (iv) Potential for reverse sensitivity effects.

**16.3.11 Historic Heritage**

- (1) The following rules manage heritage items (buildings and monuments):
  - (a) Rule 16.3.11.1 - Group A Heritage item – Demolition, removal or relocation
  - (b) Rule 16.3.11.2 - Group B Heritage item – Demolition, removal or relocation
  - (c) Rule 16.3.11.3 - All heritage items – Alterations and additions
  - (d) Rule 16.3.11.4 - All heritage items – Maintenance or repair
  - (e) Rule 16.3.11.5 - All heritage items – site development
- (2) The rules in 16.3.11.6 – Matangi and Huntly address development within the two precincts.

**16.3.11.1 Group A heritage item – Demolition, removal or relocation**

NC1	Demolition, removal or relocation of any Group A heritage item listed in Schedule 30.1 (Heritage Items).
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**16.3.11.2 Group B heritage item – Demolition, removal or relocation**

D1	Demolition, removal or relocation of any Group B heritage item listed in Schedule 30.1 (Heritage Items).
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<b>16.3.11.3 All heritage items – Alterations or addition</b>	
P1	(a) Alteration or addition to of a heritage item listed in Schedule 30.1 (Heritage Items) must comply with the following conditions:
	(i) no significant feature of interest is removed, destroyed or damaged;
	(ii) alterations or additions are not visible from a public place.
RD1	(a) Any activity that does not comply with Rule 16.3.11.3 P1.
	(b) Council's discretion shall be restricted to the following matters:
	(i) form, style, materials and appearance; and
	(ii) effects on heritage values.

**16.3.11.4 All heritage items – Maintenance or repair**

P1	(a) Maintenance or repair of a heritage item listed in Schedule 30.1 (Heritage Items) must comply with all of the following conditions:
	(i) no significant feature of interest is destroyed or damaged; and
	(ii) replacement materials are the same as, or similar to, the original in terms of form, style and appearance.
RD1	(a) Any activity that does not comply with Rule 16.3.11.4 P1.
	(b) Council's discretion shall be restricted to the following matters:
	(i) form, style, materials, appearance;
	(ii) effects on heritage values.

**16.3.11.5 All heritage items – Site development**

P1	(a) Development on a site containing a heritage item listed in Schedule 30.1 (Heritage Items) must comply with all of the following conditions:
	(i) be set back at least 10m from the heritage item;
	(ii) not locate a building between the front of the heritage item and the road.
RD1	(a) Any activity that does not comply with one or more conditions of Rule 16.3.11.5 P1.
	(b) Council's discretion is restricted to the following matters:
	(i) effects on the values, context and setting of the heritage item;
	(ii) location, design, size, materials and finish;
	(iii) landscaping;
	(iv) the relationship of the heritage item with the setting, including the area between the front of the heritage item and the road.

**16.3.11.6 Heritage precincts – Matangi and Huntly**

C1	(a) Construction of a building in the Matangi or Huntly Heritage Precincts identified on the planning maps that is set back at least 8m from road boundaries.
	(b) Council's control is reserved over the following matters:
	(i) Effects on historic heritage, amenity values and character of the precinct; and
	(ii) Building height, side setbacks, scale, form, materials and architectural style to be consistent with the relevant part of Appendix 3.6 (Matangi Heritage Precinct Design Guide) or Appendix 3.5 (Huntly Heritage Precinct Design Guide).
C2	(a) Alteration of a building in the Matangi or Huntly Heritage Precincts identified on the planning maps.
	(b) Council's control is reserved over the following matters:
	(i) Effects on historic heritage, amenity values and character of the precinct; and
	(ii) Building height, side setbacks, scale, form, materials and architectural style to be consistent with the relevant part of Appendix 3.6 (Matangi Heritage Precinct Design Guide) or

	Appendix 3.5 (Huntly Heritage Precinct Design Guide).
C3	<p>(a) Attachment of an advertising sign(s) to a building or located within the 8m setback from road boundaries in the Matangi or Huntly Heritage Precincts identified on the planning maps.</p> <p>(b) Council's control is reserved over the following matters:</p> <p>(i) Effects on historic heritage, amenity values and character of the precinct; and</p> <p>(ii) Advertising signs.</p>
RD1	<p>(a) Construction alteration of to a building in the Matangi Heritage Precinct or the Huntly Heritage Precinct identified on the planning maps that does not comply with Rule 16.3.11.6 C1, C2 or C3.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <p>(i) Effects on historic heritage, amenity values and character of the precinct;</p> <p>(ii) Building height, side setbacks, scale, form, materials and architectural style to be consistent with the relevant part of Appendix 3.6 (Matangi Heritage Precinct Design Guide) or Appendix 3.5 (Huntly Heritage Precinct Design Guide);</p> <p>(iii) Advertising signs; and</p> <p>(iv) Setback from road boundaries.</p>

## 16.4 Subdivision

(1) Rule 16.4.1 provides for subdivision ~~density and apply across~~ within the Residential Zone, subject to compliance with the following:

- (a) Rule 16.4.7 Subdivision – Tittle boundaries – contaminated land, notable trees, intensive farming and aggregate extraction areas;
- (b) Rule 16.4.8 Title boundaries – Significant Natural Areas;
- (c) Rule 16.4.9 Title boundaries – Maaori sites and Maaori areas of Significance;
- (d) Rule 16.4.10 Subdivision of land containing heritage items;
- (e) Rule 16.4.11 Subdivision – Road Frontage;
- (f) Rule 16.4.12 Subdivision – Building Platform;
- (g) Rule 16.4.3 Subdivision creating reserves;
- (h) Rule 16.4.14 Subdivision of esplanade reserves and esplanade strips;
- (i) Rule 16.4.15 Subdivision of land containing mapped off-road walkways; and
- (j) Rule 16.4.16 Subdivision of land containing an Environmental Protection Area.

(2) Rule 16.4.1 Subdivision – General does not apply where the following specific areas and/or activities rules apply. The following rules apply to specific areas and/or activities:

- (a) Rule 16.4.2 - Subdivision - Te Kauwhata Ecological Residential Area; (b) Rule 16.4.3 - Subdivision - Te Kauwhata West Residential Area); and (c) Rule 16.4.4 (Subdivision – Multi-Unit development);
- (d) Rule 16.4.5 Subdivision – Boundary adjustments; and
- (e) Rule 16.4.6 Subdivision – Amendments and updates to cross lease flats plans and conversion to freehold.

(3) The following rules apply to specific areas and/or activities:

- (a) Rule 16.4.2 Subdivision – Te Kauwhata Ecological Residential Area (refer to Rule 16.4(4));
  - (b) Rule 16.4.3 Subdivision – Te Kauwhata West Residential Area (refer to Rule 16.4(4)); (c) Rule 16.4.4 Subdivision – Multi-unit development;
  - (d) Rule 16.4.5 Subdivision – Boundary adjustments;
  - (e) Rule 16.4.6 Subdivision – Amendments and updates to cross lease flats plans and conversion to freehold;
  - (f) Rule 16.4.7 Subdivision – Title boundaries natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming and aggregate extraction areas;
  - (g) Rule 16.4.8 Title boundaries – Significant Natural Areas, heritage items, archaeological sites, sites of significance to Maaori;
  - (h) Rule 16.4.9 Title boundaries – Maaori sites and Maaori areas of significance;
  - (i) Rule 16.4.10 Subdivision of land containing heritage items; (j) Rule 16.4.13 – Subdivision reserves;
  - (k) Rule 16.4.14 – Subdivision esplanade reserves and esplanade strips;
  - (l) Rule 16.4.15 – Subdivision of land containing mapped off-road walkways; and
  - (m) Rule 16.4.16 – Subdivision of land containing Environmental Protection Area
- (4) Rule 16.4.4 Subdivision – Multi-unit development does not apply in the following areas: (a) Rule 16.4.2 – Subdivision – Te Kauwhata Ecological Area; and  
(b) Rule 16.4.3 – Subdivision – Te Kauwhata West Residential Area.
- (d) Rules 16.4.1 to 16.4.4 are also subject to the following subdivision controls: (i) Rule 16.4.5 – subdivision boundary adjustments; —  
(ii) Rule 16.4.6 – subdivision amendments and updates to cross lease flats plan and conversion to freehold;  
(iii) Rule 16.4.7 – subdivision title boundaries natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming and aggregate extraction areas;  
(iv) Rule 16.4.8 – subdivision title boundaries Significant Natural Areas, heritage items, archaeological sites, sites of significance to Maaori;  
(v) Rule 16.4.9 – Title boundaries – Maaori site and Maaori areas of significance —  
(vi) Rule 16.4.10 – subdivision of land containing heritage items; (vii) Rule 16.4.11 – subdivision road frontage; —  
(viii) Rule 16.4.12 – subdivision building platform; —  
(ix) Rule 16.4.13 – subdivision reserves; and —  
(x) Rule 16.4.14 – subdivision esplanade reserves and esplanade strips. (2)  
Rules 16.4.14 and 16.4.15 apply to specific features or areas: —  
(3) Rule 16.4.15 – subdivision of land containing mapped off-road walkways; and —  
(4) Rule 16.4.16 – subdivision of land containing Environmental Protection Area. —

[s42A Report – Section 33 Topic 30 - Subdivision]

## 16.4.1 Subdivision - General

RD1	<p>(a) Subdivision must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) Proposed vacant lots must have a minimum net site area of 200m<sup>2</sup> 450m<sup>2</sup>, except where the proposed vacant lot is an access allotment or utility allotment or reserve to vest;</li> <li>(ii) Proposed vacant lots must be able to connect to public-reticulated water supply and wastewater;</li> <li><del>(iii) Where roads are to be vested in Council, they must follow a grid layout;</del></li> <li><del>(iv) Where 4 or more proposed lots are proposed to be created, the number of rear lots do not exceed 15% of the total number of lots being created;</del></li> <li>(v) Where the subdivision is within a structure plan area, neighbourhood centres within the site are provided in accordance with that structure plan document.</li> </ul> <p>(b) Council's discretion shall be restricted to any of the following matters:</p> <ul style="list-style-type: none"> <li>(i) Subdivision layout including the grid layout of roads and the number of rear lots;</li> <li>(ii) Shape of lots and variation in lot sizes;</li> <li>(iii) Ability of lots to accommodate a practical building platform including geotechnical stability for building;</li> <li>(iv) Likely location of future buildings and their potential effects on the environment;</li> <li>(v) Avoidance or mitigation of natural hazards;</li> <li>(vi) Amenity values and streetscape landscaping;</li> <li><del>(vii) Consistency with the matters contained within Appendix 3.1 (Residential Subdivision Guidelines)</del></li> <li>(viii) Vehicle and pedestrian networks;</li> <li>(ix) Consistency with any relevant structure plan or master plan included in the plan, including the provision of neighbourhood parks, reserves and neighbourhood centres; and</li> <li>(x) Provision of for new infrastructure and the operation, maintenance, upgrading and development of existing infrastructure including water for supply for firefighting purposes.</li> <li><del>(xi) Avoidance or mitigation of conflict with gas transmission infrastructure and the ability to</del></li> </ul>
RD2	<del>Subdivision that does not comply with any of conditions (i), (iii), (iv) and (v) in Rule 16.4.1 RD1.</del>
RD3	<p>(a) <u>Any subdivision in accordance with an approved land use resource consent must comply with that resource consent.</u></p> <p>(b) <u>Council's control shall be reserved to any of the following matters:</u></p> <ul style="list-style-type: none"> <li><u>(i) The effect of the design and layout of the proposed sites created;</u></li> <li><u>(ii) Compliance with the approved land use consent; and</u></li> <li><u>(iii) Provision of infrastructure.</u></li> </ul>
D1	Subdivision that does not comply with a condition (ii) in Rule 16.4.1 RD1.

[s42A Report – Section 33 – Topic 30 - Subdivision]

## 16.4.1A Subdivision of land within the National Grid Corridor

RD1	<p><u>(a) The subdivision of land within the National Grid Corridor must comply with all of the following conditions:</u></p> <ul style="list-style-type: none"> <li><u>(i) All allotments intended to contain a sensitive land use must provide a building platform for the likely principal building(s) and any building(s) for a sensitive land use located outside of the National Grid Yard, other than where the allotments are for roads, access ways or infrastructure; and</u></li> <li><u>(ii) The layout of allotments and any enabling earthworks must ensure that physical access is maintained to any National Grid support structures located on the allotments, including any balance area.</u></li> </ul> <p><u>(b) Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> <li><u>(i) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of the National Grid;</u></li> <li><u>(ii) The ability to provide a complying building platform outside of the National Grid Yard;</u></li> <li><u>(iii) The risk of electrical hazards affecting public or individual safety, and the risk of property damage;</u></li> </ul>
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	<u>(iv) The nature and location of any vegetation to be planted in the vicinity of National Grid transmission lines.</u>
<u>NC1</u>	<u>Any subdivision of land within the National Grid Corridor that does not comply with one or more of</u>

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	<u>the conditions of Rule 16.4.1 RD1.</u>
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[s42A Report – Section 33 – Topic 30 - Subdivision]

**16.4.2 Subdivision - Te Kauwhata Ecological Residential Area**

RD1	<p>(a) Proposed <b>lots</b>, <u>except where the proposed lot is an access allotment, utility allotment or reserve to vest</u>, in the Te Kauwhata Ecological Residential Area identified on the planning maps must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) Have a minimum <b>net site area</b> of 750m<sup>2</sup>;</li> <li>(ii) Have a minimum average <b>net site area</b> of 875m<sup>2</sup>;</li> <li>(iii) Must be able to be connected to public-reticulated water supply and wastewater;</li> <li><del>(iv) Where roads are to be vested in Council, they must follow a grid layout;</del></li> <li><del>(v) Where 4 or more proposed lots are being created, rear lots must not exceed 15% of the total number of lots being created.</del></li> </ul> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) <b>Subdivision</b> layout <u>including the grid layout of roads and the number of rear lots;</u></li> <li>(ii) Shape of <b>lots</b> and variation in lot sizes;</li> <li>(iii) Ability of <b>lots</b> to accommodate a practical <b>building platform</b> including geotechnical stability for <b>building</b>;</li> <li>(iv) Likely location of future buildings and their potential effects on the environment;</li> <li>(v) Avoidance or mitigation of natural hazards;</li> <li>(vi) Amenity values and streetscape landscaping;</li> <li>(vii) Consistency with the matters contained within <b>Appendix 3.1</b> (Residential Subdivision Guidelines);</li> <li>(viii) Vehicle and pedestrian networks;</li> <li>(ix) Consistency with any relevant structure plan or master plan including the provision of neighbourhood parks, reserves and <b>neighbourhood centres</b>; and</li> <li>(x) Provision of <b>infrastructure</b>, <u>including water supply for firefighting purposes.</u></li> </ul>
D1	<b>Subdivision</b> within the Te Kauwhata Ecological Residential Area that does not comply with <b>Rule 16.4.2 RD1.</b>

[s42A Report – Section 34 – Topic 31 – Te Kauwhata]

**16.4.3 Subdivision - Te Kauwhata West Residential Area**

RD1	<p>(a) Proposed <b>lots</b>, <u>except where the proposed lot is an access allotment, utility allotment or reserve to vest</u>, within the Te Kauwhata West Residential Area must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) Be a minimum <b>net site area</b> of 650m<sup>2</sup>;</li> <li>(ii) Have a minimum average <b>net site area</b> of 875m<sup>2</sup>;</li> <li>(iii) Be connected to public-reticulated water supply and wastewater;</li> <li><del>(iv) Where roads are to be vested in Council, they are to follow a grid layout;</del></li> <li><del>(v) Where more than 5 proposed lots are being created, rear lots must not exceed 15% of the total number of titles being created.</del></li> </ul> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) <b>Subdivision</b> layout <u>including the grid layout of roads and the number of rear lots;</u></li> <li>(ii) Shape of <b>lots</b> and variation in lot sizes;</li> <li>(iii) Ability of <b>lots</b> to accommodate a practical <b>building platform</b>, including geotechnical stability for <b>building</b>;</li> <li>(iv) Likely location of future <b>buildings</b> and their potential effects on the environment;</li> <li>(v) Avoidance or mitigation of natural hazards;</li> <li>(vi) Amenity values and streetscape landscaping;</li> </ul>
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	<p>(vii) Consistency with the matters contained within <a href="#">Appendix 3.1</a> (Residential Subdivision Design Guidelines);</p> <p>(viii) Vehicle and pedestrian networks;</p> <p>(ix) Consistency with any relevant structure plan or master plan, including the provision of neighbourhood parks, reserves and <a href="#">neighbourhood centres</a>; and</p> <p>(x) Provision of <a href="#">infrastructure</a>, including water supply for firefighting purposes.</p>
D1	<a href="#">Subdivision</a> within the Te Kauwhata West Residential Area that does not comply with <a href="#">Rule 16.4.3 RD1</a> .

[s42A Report – Section 34 – Topic 31 – Te Kauwhata]

#### 16.4.4 Subdivision - Multi-unit development

RD1	<p>(a) <a href="#">Multi-Unit development</a> must comply with all of the following conditions:</p> <p>(i) An application for land use consent under <a href="#">Rule 16.1.3</a> (Multi-Unit Development) must accompany the <a href="#">subdivision</a> or have been granted land use consent by Council;</p> <p>(ii) The <a href="#">Multi-Unit development</a> is able to be connected to public wastewater and water reticulation;</p> <p><u>(iii) Any subdivision relating to an approved land use consent must comply with that resource consent;</u></p> <p><u>(iv) The The minimum existing lot size where a new freehold (fee simple) lot is exclusive area for each residential unit being created must be 300m<sup>2</sup> net site area.</u></p> <p>(v) Where a <a href="#">residential unit</a> is being created in accordance with the Unit Titles Act 2010 it must meet the following minimum <a href="#">residential unit size</a>:</p> <table border="1"> <thead> <tr> <th>Unit of Multi-Unit</th><th>Minimum Unit Area</th></tr> </thead> <tbody> <tr> <td>Studio unit or 1 bedroom unit</td><td><u>30m<sup>2</sup> 60m<sup>2</sup></u></td></tr> <tr> <td><u>2 bedroom or more residential unit</u></td><td><u>45m<sup>2</sup> 80m<sup>2</sup></u></td></tr> <tr> <td>3 or more bedroom unit</td><td>100m<sup>2</sup></td></tr> </tbody> </table> <p>(b) Council's discretion shall be restricted to <a href="#">any of</a> the following matters:</p> <p>(i) <a href="#">Subdivision</a> layout including common boundary and party walls for the <a href="#">Multi-unit development</a>;</p> <p><u>(ii) Provision of common areas for shared spaces, access and services;</u></p> <p>(iii) Provision of <a href="#">infrastructure</a> to individual <a href="#">residential units</a>; <a href="#">(including for firefighting purposes)</a>;</p> <p>(iv) Avoidance or mitigation of natural hazards;</p> <p><u>(iv) Geotechnical suitability of site for buildings;</u></p> <p><u>(v) Compliance with the approved land use consent</u></p> <p><u>(vi) Amenity values and streetscape;</u></p> <p><u>(vii) Consistency with the matters contained, and outcomes sought, in <a href="#">Appendix 3.4</a> (Multi-Unit Development Guideline)</u></p> <p><u>(viii) Consistency with any relevant structure plan or master plan, including the provision of neighbourhood parks, reserves and <a href="#">neighbourhood centres</a>;</u></p> <p><u>(ix) Vehicle, pedestrian and cycle networks;</u></p>	Unit of Multi-Unit	Minimum Unit Area	Studio unit or 1 bedroom unit	<u>30m<sup>2</sup> 60m<sup>2</sup></u>	<u>2 bedroom or more residential unit</u>	<u>45m<sup>2</sup> 80m<sup>2</sup></u>	3 or more bedroom unit	100m <sup>2</sup>
Unit of Multi-Unit	Minimum Unit Area								
Studio unit or 1 bedroom unit	<u>30m<sup>2</sup> 60m<sup>2</sup></u>								
<u>2 bedroom or more residential unit</u>	<u>45m<sup>2</sup> 80m<sup>2</sup></u>								
3 or more bedroom unit	100m <sup>2</sup>								
D1	<a href="#">Subdivision</a> that does not comply with <a href="#">Rule 16.4.4 RD1</a> .								

[s42A Report – Section 13 - Topic 10: Housing options Rules]

#### 16.4.5 Subdivision – Boundary adjustments

C1	<p>(a) <a href="#">Boundary</a> adjustments must comply with all of the following conditions:</p> <p>(i) The conditions specified in:</p> <p>A. <a href="#">Rule 16.4.1</a> Subdivision - General;</p> <p>B. <a href="#">Rule 16.4.2</a> Subdivision in the Te Kauwhata Ecological Residential Area;</p>
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	<p>C. Rule 16.4.3 Subdivision in the Te Kauwhata West Residential Area; or</p> <p>D. Rule 16.4.4 Subdivision- Multi-unit development;</p> <p>(b) Proposed lots must not generate any additional building infringements to those which legally existed prior to the boundary relocation adjustment.</p> <p>(c) Council's control is reserved over the following matters:</p> <p>(i) Subdivision layout;</p> <p>(ii) Shape of titles and variation in lot sizes.</p>
<p>D1</p> <p>RD1</p>	<p>(a) Boundary adjustments that does not comply with Rule 16.4.5 C1.</p> <p>(b) The Council's discretion shall be restricted to the following matters:</p> <p>(i) Subdivision layout;</p> <p>(ii) Shape of title and variation in title size</p>

[s42A Report – Section 33 – Topic 30 - Subdivision]

**16.4.6 Subdivision - Amendments and updates to cross lease flats plans and conversion to freehold**

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

[s42A Report – Section 33 – Topic 30 - Subdivision]

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

RD1	<p>(a) Subdivision of land containing contaminated land <del>(other than where the contaminated land has been confirmed as not being contaminated land for its intended use)</del>, notable trees, intensive farming and Aggregate Extraction Areas must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) <del>Where an existing building is to be contained within the</del> The boundaries of every any proposed lot containing existing buildings must demonstrate compliance is required with the following building rules (other than where any non-compliance existed lawfully prior to the subdivision) relating to: <ul style="list-style-type: none"> <li>A. daylight admission (Rule 16.3.5);</li> <li>B. building coverage (Rule 16.3.6);</li> <li>C. building setbacks (Rule 16.3.9).</li> </ul> </li> <li>(ii) <del>Where any</del> The boundaries of every proposed lot subdivision contains one or more of the features listed in A – D, the must not divide the following: <ul style="list-style-type: none"> <li>A. a natural hazard area;</li> <li>B. contaminated land <del>(other than where the contaminated land has been confirmed as not being contaminated land for its intended use)</del>;</li> <li>C. Significant Amenity Landscape; or</li> <li>D. notable tree.</li> </ul> </li> <li>(iii) The boundaries of every proposed lot containing, adjoining or adjacent to the activities listed</li> </ul>
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	<p><del>in A – C below,</del> must provide the following setbacks:</p> <ul style="list-style-type: none"> <li>A. 300m from any intensive farming activity;</li> <li>B. 500m from the boundary of an Aggregate Extraction Area for rock extraction; and</li> <li>C. 200m from the boundary of an Aggregate Extraction Area for sand excavation.</li> </ul>
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	<p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Landscape values;</li> <li>(ii) Amenity values and character;</li> <li>(iii) Reverse sensitivity effects;</li> <li>(iv) Effects on existing buildings;</li> <li>(v) Effects on natural hazard areas;</li> <li>(vi) Effects on contaminated land;</li> <li>(vii) Effects on any notable trees; and</li> <li>(viii) Effects on an intensive farming activity.</li> </ul>
<del>NC1</del> D1	Subdivision that does not comply with Rule 16.4.7 RD1.

[s42A Report – Section 33 – Topic 30 - Subdivision]

#### 16.4.8 Title boundaries – Significant Natural Areas

RD1	<p>(a) Subdivision of sites containing a Significant Natural Area(s), where the Significant Natural Area is contained wholly within a proposed lot.</p> <p>(b) Council's discretion shall be restricted to the following matter:</p> <ul style="list-style-type: none"> <li>(i) Effects on Significant Natural Area.</li> </ul>
NC1	Subdivision that does not comply with Rule 16.4.8 RD1.

#### 16.4.9 Title boundaries – Maaori sites and Maaori areas of Significance

RD1	<p>(a) Subdivision of sites containing Maaori Sites of Significance and Maaori Areas of Significance that includes all of the site or area within a proposed lot.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Effects on sites of significance to Maaori;</li> <li>(ii) Effects on areas of significance to Maaori.</li> </ul>
NC1	Subdivision that does not comply with Rule 16.4.9 RD1.

#### 16.4.10 Subdivision of land containing heritage items

RD1	<p>(a) Subdivision of land containing a heritage item listed in Schedule 30.1 (Heritage Items).</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Effects on heritage values;</li> <li>(ii) Context and setting of the heritage item; and</li> <li>(iii) The extent to which the relationship of the heritage item with its setting is maintained within one lot.</li> </ul>
NC1	Subdivision that does not comply with Rule 16.4.10 RD1.

[s42A Report – Section 33 – Topic 30 - Subdivision]

#### 16.4.11 Subdivision - Road frontage

RD1	<p>(a) Every proposed vacant lot with a road boundary, other than an access utility allotment, or a proposed vacant lot containing a ROW or access leg must have a width along boundary of at Least 10m 45m.</p>
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	(b) Council's discretion shall be restricted to <u>any of</u> the following matters: (i) Safety and efficiency of vehicle access and road network; <del>and</del> (ii) <del>Amenity values and rural residential character.</del>
D1	<b>Subdivision</b> that does not comply with <b>Rule 16.4.11 RD1</b> .

[s42A Report – Section 33 – Topic 30 - Subdivision]

#### 16.4.12 Subdivision - Building platform

RD1	(a) Every proposed <b>vacant lot</b> , other than one designed specifically for access, <b>utility allotment</b> must be capable of containing a <b>building platform</b> upon which a <b>dwelling</b> and <b>living court</b> could be sited as a permitted activity, with the <b>building platform</b> being contained within either of the following dimensions: (i) <del>a circle with a diameter of at least 18m exclusive of yards; or</del> (ii) a rectangle of at least <b>100m<sup>2</sup> 200m<sup>2</sup></b> with a minimum dimension of <b>6m 12m</b> exclusive of yards. (b) Council's discretion shall be restricted to the following matters: (i) <b>Subdivision</b> layout; (ii) Shape of <b>allotments</b> ; (iii) Ability of <b>allotments</b> to accommodate a practical <b>building platform</b> ; (iv) Likely location of future <b>buildings</b> and their potential effects on the environment; (v) Avoidance or mitigation of natural hazards; (vi) Geotechnical suitability for <b>building</b> ; and (vii) Ponding areas and primary <b>overland flow paths</b> .
D1	<b>Subdivision</b> that does not comply with <b>Rule 16.4.12 RD1</b> .

[s42A Report – Section 33 – Topic 30 - Subdivision]

#### 16.4.13 Subdivision creating reserves

RD1	(a) Every reserve, including where a reserve is identified within a structure plan or master plan (other than an esplanade reserve), proposed for vesting as part of the <b>subdivision</b> , must be bordered by roads along at least 50% of its boundaries. (b) Council's discretion shall be restricted to the following matters: (i) The extent to which the proposed reserve aligns with the principles of Council's Parks Strategy, Playground Strategy, Public Toilets Strategy and Trails Strategy; (ii) Consistency with any relevant structure plan or master plan; (iii) Reserve size and location; (iv) Proximity to other reserves; (v) The existing reserve supply in the surrounding area; (vi) Whether the reserve is of suitable topography for future use and development; (vii) Measures required to bring the reserve up to Council standard prior to vesting; and (viii) The type and standard of <b>boundary</b> fencing.
D1	(a) Subdivision that does not comply with <b>Rule 16.4.13 RD1</b> .

[s42A Report – Section 33 – Topic 30 - Subdivision]

#### 16.4.14 Subdivision of esplanade reserves and esplanade strips

RD1	(a) <b>Subdivision</b> of an esplanade reserve or strip at least 20m wide (or other width stated in <b>Appendix 4</b> (Esplanade Priority Areas) that is required to be created shall vest in Council where the following situations apply: (i) The proposed <b>lot</b> is less than 4ha and within 20m of: A. <b>mean high water springs</b> ; B. the <b>bank</b> of any river whose bed has an average width of 3m or more; or
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	<p>C. a lake whose <b>bed</b> has an area of 8ha or more; or</p> <p>(ii) The proposed <b>lot</b> is more than 4ha or more than 20m <b>from</b> <del>of</del> <b>mean high water springs</b> or a water body identified in <b>Appendix 4</b> (Esplanade Priority Areas).</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <p>(i) The type of esplanade provided • reserve or strip;</p> <p>(ii) Width of the esplanade reserve or strip;</p> <p>(iii) Provision of legal access to the esplanade reserve or strip;</p> <p>(iv) Matters provided for in an instrument creating an esplanade strip or access strip;</p> <p>(v) Works required prior to vesting any reserve in the Council, including pest plant control, boundary fencing and the removal of structures and debris.</p>
D1	<b>Subdivision</b> that does not comply with <b>Rule 16.4.14 RD1</b> .

[s42A Report – Section 33 – Topic 30 – Subdivision]

#### 16.4.15 Subdivision of land containing mapped off-road walkways, cycleways or bridleways

RD1	<p>(a) <b>Subdivision</b> where walkways, <u>cycleways or bridleways</u> shown on the planning maps are to be provided as part of the subdivision must comply with all of the following conditions:</p> <p>(i) The walkway, <u>cycleway or bridleway</u> is at least 3 metres wide and is designed and constructed for shared pedestrian <del>and</del> cycle <u>or riding</u> use, as per <b>Rule 14.12.1 P8</b> (Transportation);</p> <p>(ii) The walkway, <u>cycleway or bridleway</u> is generally in accordance with the walkway, <u>cycleway or bridleway</u> route shown on the planning maps;</p> <p>(iii) The walkway, <u>cycleway or bridleway</u> is shown on the plan of subdivision and vested in the Council.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <p>(i) Alignment of the walkway, <u>cycleway or bridleway</u>;</p> <p>(ii) Drainage in relation to the walkway, <u>cycleway or bridleway</u>;</p> <p>(iii) Standard of design and construction of the walkway, <u>cycleway or bridleway</u>;</p> <p>(iv) Land stability;</p> <p>(v) Amenity matters including batter slopes; and</p> <p>(vi) Connection to reserves.</p>
D1	<b>Subdivision</b> that does not comply with <b>Rule 16.4.15 RD1</b> .

[s42A Report – Section 33 – Topic 30 – Subdivision]

#### 16.4.16 Subdivision of land containing an Environmental Protection Area

C1	<p><del>(a) <b>Subdivision</b> of land containing an Environmental Protection Area must comply with all of the following conditions:</del></p> <p><del>(i) Include a planting and management plan for the area, prepared by a suitably-qualified person, containing exclusively native species suitable to the area and conditions;</del></p> <p><del>(ii) Planting must be undertaken prior to the issue of the s224(c) certificate.</del></p> <p>(b) Council's control is reserved over the following matters:</p> <p>(i) Measures proposed in the planting and management plan; and</p> <p>(ii) Vesting of reserve land in Council if appropriate.</p> <p><u>(iii) Effects on amenity and ecological values;</u></p>
<del>RD1</del>	<p><del><b>Subdivision</b> that does not comply with a condition of <b>Rule 16.4.16 C1</b></del></p> <p><del>(a) Council's discretion shall be restricted to the following matters:-</del></p> <p><del>(i) Matters that control is reserved over in <b>Rule 16.4.16 C1(b)</b>.</del></p>

	<del>(ii) Effects on amenity values; and</del> <del>(iii) Effects on ecological values.</del>
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*[s42A Report – Section 31 – Topic 28 – Building Setback – Environmental Protection Area]*

## 16.5 Lakeside Te Kauwhata Precinct

### 16.5.1 Application of rules

- (1) The rules that apply to a permitted activity in Rule 16.5.2 within the Lakeside Te Kauwhata Precinct as identified on the planning maps are as follows: (i)

Rule 15.2 (Land Use – Effects) except:

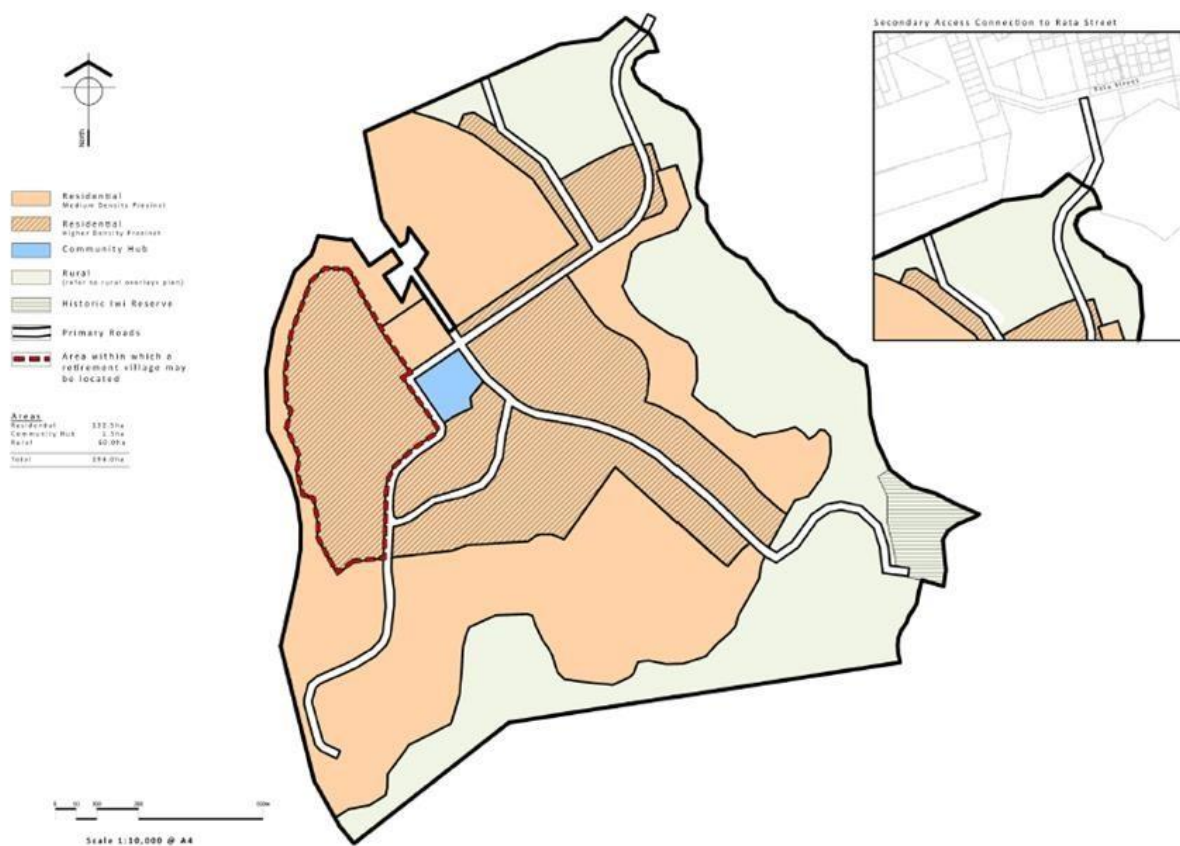
- A. Rule 16.2.4.1 (Earthworks – general) and Rule 16.2.4.2 (Earthworks – Maaori Sites and Maaori Areas of Significance) does not apply and Rule 16.5.7.2 applies instead
- B. Rule 16.2.2 (Servicing hours of operation – Bankart Street and Wainui Road Business Overlay Area)
- C. Rule 16.2.6 Notable trees
  - (i) Rule 16.5.7.1 Noise and Vibration – North Island Main Trunk Line (NIMT)
  - (ii) Rule 16.3 (Land Use – Building) does not apply, Rule 16.5.8 (Land Use – Building) applies instead.

- (2) The rules that apply to subdivision within the Lakeside Te Kauwhata Precinct are:

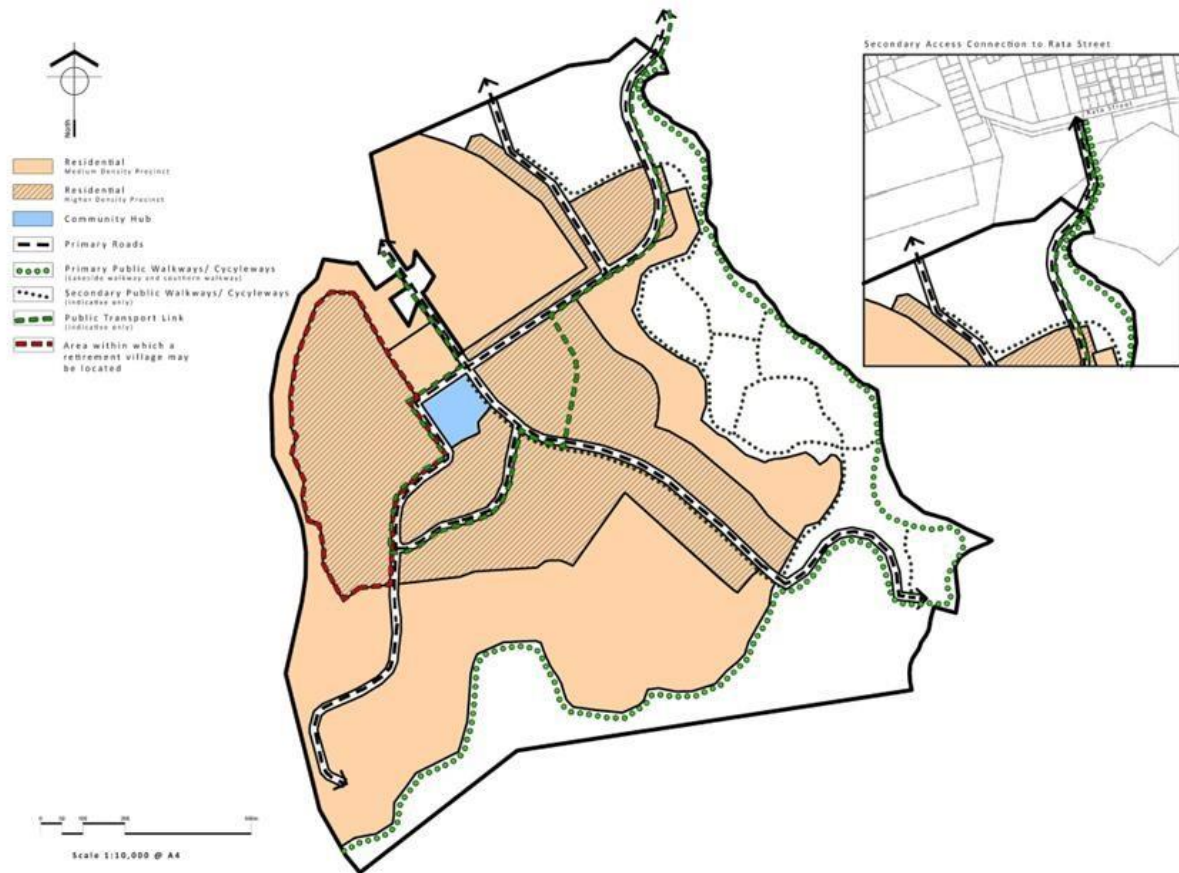
(i) Rule 16.4 (Subdivision) except:

- A. Rule 16.4.1 (Subdivision General) does not apply and Rule 16.5.9.1 (Subdivision Lakeside – General) applies instead
- B. Rule 16.4.2 (Subdivision – Te Kauwhata Ecological Residential Area) does not apply
- C. Rule 16.4.3 (Subdivision – Te Kauwhata West Residential Area) does not apply
- D. Rule 16.4.4 (Subdivision – Multi-unit development) does not apply
- E. Rule 16.4.6 (Subdivision – Amendments and updates to cross lease flats plans and conversion to freehold) does not apply
- F. Rule 16.4.9 (Title boundaries – Maaori Sites and Maaori Areas of Significance) does not apply
- G. Rule 16.4.10 (Subdivision of land containing heritage items) does not apply
- H. Rule 16.4.11 (Subdivision – road frontage) does not apply
- I. Rule 16.4.12 (Subdivision – Building platform) does not apply
- J. Rule 16.4.15 (Subdivision of land containing mapped off-road walkways) does not apply
- K. Rule 16.4.16 (Subdivision of land containing an Environmental Protection Area) does not apply
- (ii) Rule 16.5.9.2 (Lakeside Comprehensive Subdivision Consent)
- (iii) Rule 16.5.9.3 (Subdivisions less than 5ha)

- (3) The following precinct plans apply in the Residential Zone within the Lakeside Te Kauwhata Precinct:



(b) Plan 2 Lakeside Precinct Plan: Public Transport, Primary Road Network and Walkways/cycle ways



(c) Plan 3 Lakeside Precinct Plan: Overlays and Open Space



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## 16.5.2 Permitted Activities

- (a) The following activities are permitted activities if they meet all the following:
- (iii) Land Use – Effects rules in Rule 16.2 and Rule 16.5.7 (unless the activity rule and/or activity specific conditions identify condition(s) that does not apply);
  - (iv) Activity-specific conditions.

Activity	Activity-specific conditions
<p>P1 Any activity listed in Rule 16.5.2 P2 (Residential Activity), P3 (Retirement Village) or P7 (Community Activity) below.</p>	<p>(a) Secondary Access Control:</p> <ul style="list-style-type: none"> <li>(i) A secondary road access into the Lakeside Precinct Plan Area (as shown on Lakeside Precinct Plan 16.5.1(3)(a)) must be opened for traffic before the number of dwellings including independent living units within a retirement village, in the Lakeside Precinct Plan Area exceeds 400.</li> <li>(ii) For the purpose of this rule, exceedance of 400 dwellings shall occur at the time of issue of building consent for a dwelling including an independent living unit within a retirement village.</li> </ul>
<p>P2 Residential activity</p>	<p>Complies with Rule 16.5.2 P1(a)(i) and (ii) (Secondary Access Control)</p>
<p>P3 A new or alterations to an existing retirement village.</p>	<ul style="list-style-type: none"> <li>(a) Rule 16.5.2 P1 (a)(i) and (ii) (Secondary Access Control);</li> <li>(b) The site or combination of sites where the retirement village is proposed to be located has a minimum net site area of 2ha;</li> <li>(c) The site is either serviced by or within 400m walking distance of an existing or future public transport route, or is within the location shown in Precinct Plan 16.5.1(3)(b);</li> <li>(d) The site is connected to public water and wastewater infrastructure;</li> <li>(e) Minimum living court or balcony area and dimensions: <ul style="list-style-type: none"> <li>(i) Apartment – 10m<sup>2</sup> area with minimum dimension horizontal and vertical of 2.5m;</li> <li>(ii) Studio unit or 1 bedroom unit – 12.5m<sup>2</sup> area with minimum dimension horizontal and vertical of 2.5m; or</li> <li>(iii) 2 or more bedroomed unit – 15m<sup>2</sup> area with minimum dimension horizontal and vertical of 2.5m;</li> </ul> </li> <li>(f) Minimum service court is either: <ul style="list-style-type: none"> <li>(i) Apartment – Communal outdoor space (ie no individual service courts required); or</li> <li>(ii) All other units – 10m<sup>2</sup> for each unit;</li> </ul> </li> <li>(g) Building height does not exceed 8m, except for 15% of the total site building coverage, where buildings may be up to 10m high;</li> <li>(h) The following Land Use – Effects rule in Rule 16.2 does not apply: <ul style="list-style-type: none"> <li>(i) Rule 16.2.7 (Signs);</li> </ul> </li> <li>(i) The following rules in Rule 16.5 do not apply: <ul style="list-style-type: none"> <li>(i) Rule 16.5.8.1 (Dwelling);</li> <li>(ii) Rule 16.5.8.2 (Building Height);</li> <li>(iii) Rule 16.5.8.6 (Living Court);</li> </ul> </li> </ul>

		(j) The following Infrastructure and Energy Rule does not apply: (i) Rule 14.12.1 P4 (Traffic generation).
P4	Home occupation	(a) It is wholly contained within a building; (i) The storage of materials or machinery associated with the home occupation are wholly contained within a building; (ii) No more than 2 people who are not permanent residents of the site are employed at any one time; (iii) Unloading and loading of vehicles or the receiving of customers or deliveries only occur between 7:30am and 7:00pm on any day; (iv) Machinery may be operated between 7:30am and 9pm on any day.
P5	Temporary event	(a) The event occurs no more than 3 times per consecutive 12 month period; (b) The duration of each temporary event is less than 72 hours; (c) It may operate between 7.30am and 8:30pm Monday to Sunday; (d) Temporary structures are: (i) Erected no more than 2 days before the temporary event occurs; (ii) Removed no more than 3 days after the end of the event; (iii) The site is returned to its previous condition no more than 3 days after the end of the temporary event; (iv) There is no direct site access from a national route or regional arterial road.
P6	Home stay	(a) No more than 4 temporary residents; (b) It is wholly contained within a building; (c) The storage of materials or machinery associated with the home occupation are wholly contained within a building; (d) No more than two people who are not permanent residents of the site are employed at any one time.
P7	Community activity	(a) Complies with Rule 16.5.2 P1 (a)(i) and (ii) Secondary Access Control; (b) The gross floor area does not exceed 2,000m <sup>2</sup> within the whole of the Te Kauwhata Lakeside Precinct Plan Area.
P8	Neighbourhood Park	Nil
P9	Grazing and pastoral farming	(k) The site must be more than 5ha.
P10	Neighbourhood centre	(a) Must be within an area identified in a Council approved Structure Plan or Master Plan

### 16.5.3 Restricted Discretionary Activities

- (1) The activities listed below are restricted discretionary activities.
- (2) Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table.

Activity	Council's discretion shall be
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		restricted to the following matters:
RD1	<p>(a) A <b>comprehensive land development consent (CLDC)</b> that meets all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) is in accordance with the Te Kauwhata Lakeside Precinct Plan <b>Rule 16.5.1(3)(a)</b>; the roading network, walkways and cycleways shown on Precinct Plan <b>Rule 16.5.1(3)(b)</b>; and the open space shown on Precinct Plan <b>Rule 16.5.1(3)(c)</b> as set out in the precinct parameters below; and</li> <li>(ii) A <b>CLDC</b> is in accordance with the Lakeside Precinct Plans identified above if: <ul style="list-style-type: none"> <li>A. Primary roads are within 50m of the location shown on Precinct Plan <b>Rule 16.5.1(3)(b)</b>;</li> <li>B. The bus route is either on the alignment shown on Precinct Plan <b>Rule 16.5.1(3)(b)</b> or a continuous alignment that achieves the same circulation;</li> <li>C. The external <b>boundary</b> of the high density area within the Residential Zone is within 10m of the location shown on Precinct Plan <b>Rule 16.5.1(3)(a)</b>;</li> <li>D. Indicative walkways/cycle ways are within 100m of the location shown on Precinct Plan <b>Rule 16.5.1(3)(b)</b> provided connections are retained between the Lakeside Walkway and the residential development;</li> <li>E. Lakeside Walkway is within 10m of the location shown on Precinct Plan <b>Rule 16.5.1(3)(c)</b>;</li> <li>F. <b>Retirement village</b> boundaries are within 50m of the location shown on Precinct Plan <b>Rule 16.5.1(3)(a)</b>;</li> <li>G. Indicative areas of open space are within 200m of the location shown on Precinct Plan <b>Rule 16.5.1(3)(c)</b>;</li> </ul> </li> </ul> <p>(b) A secondary road access into the Lakeside Precinct Plan Area (as shown on Lakeside Precinct Plan <b>Rule 16.5.1(3)(b)</b>) must be opened for traffic before the number of residential allotments in the Lakeside Precinct Plan Area exceeds 400 provided that:</p> <ul style="list-style-type: none"> <li>(i) each independent living unit in a <b>retirement village</b> shall count as one <b>allotment</b>;</li> <li>(ii) for the purpose of this rule, exceedance of 400 residential <b>allotments</b> shall occur at the time of issue of 224C certificate under the Resource Management Act and exceedance of independent living unit shall occur at the time of issue of <b>building</b> consent for that unit.</li> </ul> <p>(c) The following <b>infrastructure</b> requirements are met:</p> <ul style="list-style-type: none"> <li>(i) Demonstrate that adequate capacity within the water, stormwater and wastewater networks will be available to accommodate the proposed <b>subdivision</b> including all necessary treatment required to meet</li> </ul>	<p>(a) Discretion is reserved over:</p> <ul style="list-style-type: none"> <li>(i) consistency with the Te Kauwhata Lakeside Precinct Plans in <b>Rules 16.5.1(3)(a), 16.5.1(3)(b) and 16.5.1(3)(c)</b>;</li> <li>(ii) matters identified in the assessment criteria in X,</li> <li>(iii) managing the effects of wastewater and stormwater,</li> <li>(iv) roading network (including the Te Kauwhata Road level crossing safety) and compliance with a Council approved roading standard,</li> <li>(v) protection, restoration or enhancement of ecological features,</li> <li>(vi) provision and location of existing and future utilities and connections,</li> <li>(vii) location of roads and their connections,</li> <li>(viii) provision for public access to Lake Waikare,</li> <li>(ix) provision of open space, including linkages between residential areas, open space and Lake Waikare,</li> <li>(x) effects of natural hazards (including flooding), geotechnical and land contamination,</li> <li>(xi) provision of the historic Iwi overlay area shown on <b>Precinct Plan Rule 16.5.1(3)(c)</b>.</li> </ul>

	<p>water quality, quantity and disposal requirements; and</p> <p>(ii) Any wastewater disposal into Lake Waikare shall be from a new membrane bioreactor treatment plant (or plant of equal or better functionality), provided that wastewater disposal from up to 400 residential allotments may be connected to the existing Te Kauwhata wastewater treatment plant on a temporary basis until a long-term wastewater disposal system is implemented. Where a retirement village is included as part of the first 400 residential allotments, then each independent living unit shall count as one allotment; and</p> <p>(iii) Every allotment other than a utility allotment, access allotment or open space allotment, must be able to demonstrate how it will connect to a reticulated water supply, and wastewater network that has adequate capacity as per infrastructure standard (i) above; and</p> <p>Every allotment other than a utility allotment, access allotment or open space allotment, must be able to demonstrate how it will provide land drainage and stormwater disposal either through a reticulated network or in accordance with Chapter 14; and</p> <p>iv) Prior to the issue of any building consent for a dwelling or retirement village, the infrastructure requirements detailed in (c)(i)(iii) above shall be implemented and operational.</p> <p>(d) A CLDC can relate to the entire Te Kauwhata Lakeside Precinct Plan Area, or may be for an individual stage or stages, provided that an individual stage must be 5ha or more.</p> <p>(e) Applications for approval of a CLDC as a restricted discretionary activity will be considered without public notification and without the need to serve notice on or obtain the written approval of any affected persons.</p> <p>(f) CLDC approval does not constitute authorisation by the Waikato District Council as road controlling authority in terms of Section 357 of the Local Government Act 1974. Written authorisation is required from the Waikato District Council prior to any works commencing that affect public roads.</p>	
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### 16.5.4 Discretionary Activities

(1) The activities listed below are discretionary activities.

D1	<p>(a) A CLDC that does not comply with Rule 16.5.3 RD1 and meets all of the following conditions and conditions 16.5.3 RD1 (b) and (c) relating to secondary access and infrastructure:</p> <ul style="list-style-type: none"> <li>(i) Primary roads are within 50m-100m of the location shown on Precinct Plan 16.5.1(3)(b);</li> <li>(ii) Bus route is either on the alignment shown on Precinct Plan 16.5.1(3)(b) or a continuous alignment that achieves the same circulation;</li> <li>(iii) The external boundary of the high density area within the Residential Zone is within 10m-20m of the location shown on Precinct Plan 16.5.1(3)(a);</li> <li>(iv) Indicative walkways/cycle ways are within 100m-200m of the location shown on Precinct Plan 16.5.1(3)(c) provided connections are retained between the Lakeside Walkway and the residential development;</li> <li>(v) Lakeside Walkway is within 10m-20m of the location shown on Precinct Plan 16.5.1(3)(c);</li> <li>(vi) Retirement village boundaries are within 50m-100m of the location shown on Precinct Plan 16.5.1(3)(a);</li> <li>(vii) Indicative areas of open space are within 200-400m of the location shown on Precinct Plan 16.5.1(3)(c).</li> </ul> <p>(b) The matters over which Council reserves discretion shall be used for assessing discretionary activity applications under this rule.</p>
D2	Any activity that does not comply with one or more of the activity specific conditions for a permitted activity under Rule 16.1.2 applies under the Land Use – Effects Rule 16.2 or Land Use Buildings Rule 16.3.

### 16.5.6 Non-complying Activities

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

NC1	A CLDC that does not meet the requirements of Rule 16.5.3 RD1 (b) and (c) relating to Secondary Road Access Control and/or the Infrastructure Requirements, shall be a non-complying activity.
NC2	A CLDC that does not meet any of the parameters for a discretionary activity outlined in 16.5.4 D1 (a) to (g) is a non-complying activity.
NC3	Any activity that is not listed as a Permitted, Restricted Discretionary or Discretionary activity.

## 16.5.7 Land Use – Effects Rule

### 16.5.7.1 Noise and vibration – North Island Main Trunk Line (NIMT)

P1	<p>(a) Construction or alteration of a <b>building</b> must comply with the following conditions:</p> <ul style="list-style-type: none"> <li>(i) a non-habitable <b>accessory building</b> or attached non-habitable garage and is set back at least 5m from any <b>boundary</b> which adjoins the NIMT, or</li> <li>(ii) a <b>building</b> other than that specified in (a) above and is set back at least 10m from any <b>boundary</b> which adjoins the NIMT and.</li> <li>(iii) If located within 100m of the centreline of the nearest rail track within the NIMT and is designed and constructed to ensure that the following internal design noise limits shall not be exceeded with all external doors and windows closed.</li> </ul> <table border="0" style="margin-left: 40px;"> <tr> <td style="vertical-align: top;"><b>Receiving Environment</b></td><td style="vertical-align: top;"><b>LAeq, 1 hour</b></td></tr> <tr> <td>Residential – bedrooms</td><td>35 dB</td></tr> <tr> <td>Residential – other habitable spaces</td><td>40 dB</td></tr> <tr> <td>Teaching spaces</td><td>40 dB</td></tr> <tr> <td>All other sensitive activity building spaces</td><td>To comply</td></tr> <tr> <td><u>e.g.</u></td><td>with satisfactory</td></tr> <tr> <td style="padding-left: 20px;">- Hospital and Dementia</td><td>sound levels Care Spaces AS/NZS</td></tr> <tr> <td style="padding-left: 20px;">- Commercial Spaces</td><td>2107:2000 (nearest specified equivalent)</td></tr> </table> <ul style="list-style-type: none"> <li>(iv) For the purpose of this rule, the noise levels generated by rail operations on the NIMT shall be as determined by a qualified acoustic specialist, using methods consistent with New Zealand Standards, within five years prior to the date of the design certificate referred to at the end of this clause b)</li> <li>(v) This rule only applies to habitable rooms, teaching spaces and sensitive activity <b>building</b> spaces identified in the table above where those habitable rooms or spaces fall within or partly within the specified 100m distance.</li> <li>(vi) Where it is necessary to have windows closed to achieve the internal acoustic noise limits, an alternative ventilation system shall be provided.</li> <li>(vii) The ventilation system installed shall comply with the following: <ul style="list-style-type: none"> <li>A. Consist of an air conditioning unit(s) provided that the noise level generated by the unit(s) must not exceed 40dB L<sub>Aeq</sub>(30s) in the largest habitable room (excluding bedrooms) and 35dB L<sub>Aeq</sub>(30s) in all other habitable rooms, when measured 1 metre away from any grille or diffuser; or</li> <li>B. A system capable of providing at least 15 air changes per hour (ACH) in the largest habitable room (excluding bedrooms) and at least 5 air changes per hour (ACH) in all other habitable rooms;</li> <li>C. The noise level generated by the system must not exceed 40dB L<sub>Aeq</sub>(30s) in the largest habitable room (excluding bedrooms) and 35dB L<sub>Aeq</sub>(30s) in all other habitable rooms, when measured 1 metre away from any grille or diffuser;</li> <li>D. The internal air pressure must be no more than 10 Pa above ambient air pressure due to the mechanical ventilation;</li> <li>E. Where a high air flow rate setting is provided, the system shall be controllable by the occupants to be able to alter the ventilation rate with at least three equal progressive stages up to the high setting.</li> </ul> </li> <li>(viii) Compliance with this rule shall be demonstrated by providing the Council with a design report and a design certificate prepared by an experienced and qualified acoustic specialist, at the time of building consent application; and</li> <li>(ix) If located within 40m of the centreline of the nearest rail track within the NIMT and is designed and constructed to ensure the following levels of vibration from trains shall not be exceeded based on the procedures specified in the Norwegian Standard NS 8176E: 2nd edition September 2005 Vibration and Shock Measurement of Vibration in Buildings from</li> </ul>	<b>Receiving Environment</b>	<b>LAeq, 1 hour</b>	Residential – bedrooms	35 dB	Residential – other habitable spaces	40 dB	Teaching spaces	40 dB	All other sensitive activity building spaces	To comply	<u>e.g.</u>	with satisfactory	- Hospital and Dementia	sound levels Care Spaces AS/NZS	- Commercial Spaces	2107:2000 (nearest specified equivalent)
<b>Receiving Environment</b>	<b>LAeq, 1 hour</b>																
Residential – bedrooms	35 dB																
Residential – other habitable spaces	40 dB																
Teaching spaces	40 dB																
All other sensitive activity building spaces	To comply																
<u>e.g.</u>	with satisfactory																
- Hospital and Dementia	sound levels Care Spaces AS/NZS																
- Commercial Spaces	2107:2000 (nearest specified equivalent)																

	<p>Land Based Transport and Guidance to Evaluation of its Effects on Human Beings.</p> <p><b>Receiving Environment      Maximum weighted velocity, <math>V^{*95}</math></b></p> <p>Sensitive activities/ buildings      0.3mm/s</p> <p>Or</p> <p>(x) if located within 20m of the centre line of the nearest rail track within the NIMT is designed and constructed to ensure that the level of vibration from trains shall not exceed the criteria set out in the <b>British Standard BS 7385-2:1993</b>.</p> <p>(xi) Compliance with clauses (d) and (e) shall be demonstrated by providing the Council with a design report and a design certificate prepared by an experienced and qualified vibration specialist, at the time of building consent application. Vibration generated by rail operations on the NIMT shall be as determined by a qualified vibration specialist, using methods consistent with New Zealand standards, within five years prior to the date of the design certificate.</p>
RD1	<p>(a) Construction or alteration of a <b>building</b> that does not comply with <b>Rule 16.5.7.1P1</b>.</p> <p>(b) Any restricted discretionary activity will be limited notified to the operator of the rail network (currently KiwiRail).</p> <p>(c) Council's discretion shall be restricted to the following matters:</p> <p>(i) reverse sensitivity issues related to NIMT;</p> <p>(ii) <b>Noise sensitive activities</b> within 100m of a rail track:</p> <p>A. The degree of noise attenuation achieved at the <b>noise sensitive activity</b>;</p> <p>B. The effects of reverse sensitivity on the operation of the rail network, and the ability and suitability of mitigation measures to enable the continued and uninterrupted operation of the rail network;</p> <p>C. A reverse sensitivity covenant.</p> <p>(iii) Vibration sensitive activities within 40m of a rail track:</p> <p>A. The size, nature and location of the <b>building</b> on the site;</p> <p>B. Special topographical, <b>building</b> features or ground conditions which will mitigate vibration impacts;</p> <p>C. Any characteristics of the proposed use which make compliance with the standard unnecessary;</p> <p>D. A reverse sensitivity covenant.</p>

### 16.5.7.2 Earthworks - general

P1	<p>(a) <b>Earthworks</b> (excluding the importation of fill, within a flood risk area, or a <b>CLDC</b>), including <b>earthworks</b> necessary for the construction and maintenance of existing public roads or for construction of new roads in accordance with the Te Kauwhata Lakeside Precinct Plan, must meet all the following conditions:</p> <p>(i) do not disturb or move more than 200m<sup>3</sup> within an individual <b>site</b> in a single calendar year except where the maximum area at any one time shall not exceed 400m<sup>2</sup>, and</p> <p>(ii) in relation to the <b>height</b> of any cut or batter face do not exceed 2m, or</p> <p>(iii) are necessary for <b>building</b> works authorised by a building consent and:</p> <p>A. the area of earthworks is no more than 150% of the area of those <b>building</b> works, or</p> <p>B. the <b>earthworks</b> occur on land with an average gradient no steeper than 1:8, or</p> <p>C. any trenching for network utilities, or on or offsite utilities within the Te Kauwhata Lakeside Precinct Plan Area are backfilled or reinstated to original ground level, or</p> <p>D. traffic associated with the works is managed in accordance with a Construction Traffic Management Plan approved by the Waikato District Council as the road controlling authority;</p> <p>E. Including any cut and batter faces or filled areas, are revegetated to achieve 80% ground cover within 12 months of the <b>earthworks</b> being commenced; and</p> <p>F. Retain sediment within the construction area through the implementation and maintenance of sediment controls.</p>
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	<p><b>Note:</b> The Waikato Pest Management Plan addresses the management of identified pest species, including Alligator Weed. It includes enforceable controls relating to subdivision and land development in infected areas</p>
P2	<p>(a) <b>Earthworks</b> involving imported <b>fill material</b> (other than <b>earthworks</b> approved as part of a <b>CLDC</b>) meets all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) all material for filling is <b>clean fill</b>, and</li> <li>(ii) filling that is not part of <b>building</b> work, or construction of roads, or installation of <b>infrastructure</b>: <ul style="list-style-type: none"> <li>A. does not exceed a volume of 20m<sup>3</sup> and a depth of 1m, and</li> <li>B. does not include a <b>building platform</b>, and</li> <li>C. does not include placing fill into an area of significant <b>indigenous vegetation</b> or habitat, or</li> </ul> </li> <li>(iii) is for minor upgrading of existing electricity lines and does not exceed 50m<sup>3</sup>, and</li> <li>(iv) where traffic associated with the work uses public roads, is managed in accordance with an approved Construction Traffic Management Plan or authorised in writing by Waikato District Council as the road controlling authority.</li> </ul> <p><b>Note:</b> The Waikato Pest Management Plan addresses the management of identified pest species, including alligator weed. It includes enforceable controls relating to subdivision and land development in infected areas.</p>
P3	<p>(a) <b>Earthworks</b> in a Flood Risk Area (other than <b>earthworks</b> approved as part of a <b>CLDC</b>) shall meet the following conditions:</p> <ul style="list-style-type: none"> <li>(i) filling is no more than is necessary to: <ul style="list-style-type: none"> <li>A. provide a foundation for <b>building</b> approved by a building consent, and access to that <b>building</b>, or</li> <li>B. enable minor upgrading of existing electricity lines and does not exceed 50m<sup>3</sup>.</li> </ul> </li> </ul> <p><b>Note 1:</b> The Waikato Pest Management Plan addresses the management of identified pest species, including Alligator Weed. It includes enforceable controls relating to subdivision and land development in infected areas.</p> <p><b>Note 2:</b> Regional <b>earthworks</b> consents may also be needed for works in a high risk erosion area.</p>
C1	<p>(a) <b>Earthworks</b> that do not comply with Rule <b>16.5.7.2 P1</b> are a controlled activity provided it meets the following conditions:</p> <ul style="list-style-type: none"> <li>(i) do not exceed 5000m<sup>2</sup> in total area at any one time except a <b>retirement village</b> where the maximum area at any one time shall not exceed 1ha;</li> <li>(ii) does not involve <b>contaminated land</b> unless that land has been remediated;</li> <li>(iii) have erosion and sediment controls in place which will retain sediment on the <b>site</b>;</li> <li>(iv) any cut and batter faces or filled areas, are revegetated to achieve 80% ground cover within 12 months of the earthworks being commenced, or in the cases where the filled area is to be (in part or whole) within a building platform or hard surface area, the base course has been laid and compacted within 12 months of the <b>earthworks</b> being commenced;</li> <li>(v) any surplus material is disposed of within the Te Kauwhata Lakeside Precinct Plan Area in <b>16.5.1(3)(a)</b>, and</li> <li>(vi) does not adversely affect other land through changes to natural water flows or established drainage paths.</li> </ul>
RD1	<p>(a) <b>Earthworks</b> that do not comply with <b>16.5.7.2 C1</b>.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) effects on amenity values;</li> <li>(ii) visual effects;</li> <li>(iii) mitigation measures including sediment control;</li> <li>(iv) effects on land utilization;</li> <li>(v) effects on erosion;</li> </ul>

	(vi) effects on cultural values; (vii) effects on heritage values; (viii) effects on the Lake Waikare flood plain.
RD2	(a) <b>Earthworks</b> that do not comply with Rule 16.5.7.2 P2. (b) Council discretion shall be restricted to the following matters: (i) effects on amenity values; (ii) visual effects; (iii) effects on <b>indigenous vegetation</b> and habitat; (iv) mitigation measures including replacement planting where vegetation removal is involved; (v) effects on cultural values; (vi) effects on heritage values.
D1	<b>Earthworks</b> that do not comply with Rule 16.5.7.2 P3.

## 16.5.8 Land Use – Building Rules

### 16.5.8.1 Dwelling

P1	One <b>dwelling</b> within a <b>site</b> .
RD1	(a) Construction of more than one <b>dwelling</b> on land contained in a certificate of title must comply with all of the following conditions: (i) semi-detached or terrace houses meet the following density requirements: A. Medium Density Precinct one <b>dwelling</b> per 300m <sup>2</sup> ; B. Higher Density Precinct one <b>dwelling</b> per 225 m <sup>2</sup> ; or C. Part of a <b>retirement village</b> . (b) Council's discretion shall be restricted to the following matters: (i) Design and location of <b>buildings</b> ; (ii) Amenity values of the locality; (iii) Privacy on other <b>sites</b> ; (iv) Matters referred to in Appendix B (Engineering Standards); (v) Consistency with the Te Kauwhata Lakeside Precinct Plan in Rule 16.5.1(3)(a), 16.5.1(3)(b), and 16.5.1(3)(c).
D1	Construction of more than one <b>dwelling</b> on land contained in a record of title that does not comply with Rule 16.5.8.1 RD1.

### 16.5.8.2 Height

P1	The maximum <b>height</b> of any <b>building</b> must not exceed 8.0m.
RD1	(a) Any <b>building</b> that does not comply with Rule 16.5.8.2 P1. (b) The Council's discretion shall be restricted to the following: (i) design and location of <b>building</b> ; (ii) building dominance effects; (iii) admission of daylight and sunlight to the <b>site</b> and other sites; (iv) privacy on other <b>sites</b> ; (v) amenity values of the locality.

### 16.5.8.3 Building coverage

P1	The total <b>building coverage</b> on a <b>site</b> must not exceed 40% in the Medium Density precinct identified on
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	the Te Kauwhata Lakeside Precinct Plan Rule 16.5.1(3)(a).
P2	The total building coverage on a site must not exceed 65% in the higher density precinct identified on the Te Kauwhata Lakeside Precinct Plan Rule 16.5.1(3)(a).
RD1	(a) Total building coverage on a site that does not exceed the maximum building coverage control by more than an additional 10%. (b) Council's discretion shall be restricted to the following matters: (i) design and location of building; (ii) effect of the scale of the building on adjoining sites and the streetscape.
D1	Total building coverage that does not comply with Rule 16.5.8.3 P1, P2 or RD1.

#### 16.5.8.4 Daylight admission

P1	Any building within the Medium Density Precinct identified on the Te Kauwhata Lakeside Precinct Plan 16.5.1(3)(a) shall not protrude through a height control plane rising at an angle of 45° commencing at an elevation of 2.5m above ground level at every point of the site boundary, except that this standard does not apply to party walls located along site boundaries.
P2	Any building within the High Density Precinct identified on the Te Kauwhata Lakeside Precinct Plan 16.5.1(3)(a) shall not protrude through a height control plane rising at an angle of 45° commencing at an elevation of 3.5m above ground level at every point of the site boundary within 20m of a street frontage, and 2.5m above ground level at every point on the site boundary greater than 20m from the street frontage; except that this standard does not apply to party walls located along site boundaries.
RD1	(a) Any building which does not comply with Rule 16.5.8.4 P1 or P2. (b) Council's discretion shall be restricted to: (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.

#### 16.5.8.5 Non-residential building

P1	A non-residential building provided that the gross floor area does not exceed 300m <sup>2</sup> .
D1	A non-residential building which does not comply with Rule 16.5.8.5 P1.

#### 16.5.8.6 Living court

P1	(a) A living court must be provided for each dwelling in the Medium Density Precinct as shown on Te Kauwhata Lakeside Precinct Plan Rule 16.5.1(3)(a) which meets all of the following conditions: (i) the living court is readily accessible from a living area of the dwelling; and either (ii) on the ground floor the living court has a minimum area of 60m <sup>2</sup> capable of containing a circle of 6m diameter, and has a minimum width of 2.5m; or (iii) if the dwelling does not have a habitable room on the ground floor, a balcony is provided that meets the following: A. has an area of 10m <sup>2</sup> with a diameter of at least 2.0m for 1 bedroom dwellings; or B. has an area of 15m <sup>2</sup> with a minimum diameter 2.4m for 2 or more bedroom dwellings.
P2	(a) A living court must be provided for each dwelling in the High Density Precinct as shown on Te Kauwhata Lakeside Precinct Plan Rule 16.5.1(3)(a) which meets either Rule (a)(v) or condition (a) (ii): (i) it complies with the living court rules for the medium density precinct, except that the

	<p>ground floor <b>living court</b> must have a minimum area of 50m<sup>2</sup>; or</p> <p>(ii) Communal open space is provided and:</p> <p>(b) the communal open space is accessible from all dwellings subject to this provision, and</p> <p>(i) each <b>dwelling</b> has a legal right to use and enjoy the communal open space, and</p> <p>(ii) an on-site private open space is provided where either:</p> <p>A. on the ground floor the <b>living court</b> has a minimum area of 30m<sup>2</sup> capable of containing a circle of 4m diameter, and has a minimum width of 2.5m; or</p> <p>B. if the <b>dwelling</b> does not have a habitable room on the ground floor, a balcony is provided containing at least 10m<sup>2</sup> and a circle with a diameter of at least 2.0m.</p>
RD1	<p>(a) Construction or alteration of a <b>dwelling</b> which does not comply with <b>Rule 16.5.8.6 P1</b> or <b>P2</b>.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <p>(i) Outdoor amenity;</p> <p>(ii) Functionality of balcony space;</p> <p>(iii) Integration of balconies within building design;</p> <p>(iv) Privacy and overlooking.</p>

#### 16.5.8.7 Building setbacks – All boundaries

P1	<p>(a) A <b>building</b> must be set back a minimum of:</p> <p>(i) 3m from the road <b>boundary</b>;</p> <p>(ii) 1m from the side <b>boundary</b> excluding duplexes or terrace houses;</p> <p>(iii) 1.5m from the rear <b>boundary</b>.</p>
RD1	<p>(a) A <b>building</b> that does not comply with <b>Rule 16.5.8.7 P1</b>.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <p>(i) amenity of neighbouring properties including shadowing, building dominance and privacy;</p> <p>(ii) streetscape quality;</p> <p>(iii) road network safety and efficiency.</p>

#### 16.5.8.8 Fences

P1	<p>(a) Fences and walls between the applicable <b>building</b> setbacks under <b>Rule 16.5.8.7</b> on a site and any road and road reserve boundaries must comply with all of the following conditions:</p> <p>(i) be no higher than 1.2m if solid;</p> <p>(ii) be no higher than 2m if:</p> <p>A. visually permeable for the full 1.8m height of the fence; or</p> <p>B. solid up to 1.2m and visually permeable between 1.2m and 1.8m.</p>
RD1	<p>a) A fence or wall which does not comply with <b>16.5.8.8 P1</b>.</p> <p>b) Council's discretion shall be restricted to the following matters:</p> <p>(i) <b>building</b> materials and design</p> <p>(ii) <b>height</b></p> <p>(iii) effects on amenity</p> <p>(iv) visibility of public space.</p>

#### 16.5.8.9 Overlooking of public spaces

P1	<p>(a) Any <b>dwelling</b> or independent living unit within a <b>retirement village</b> located on a site which fronts a street or public open space must comply with all of the following conditions:</p> <p>(i) at least one habitable room with glazing overlooks the street or public open space, and</p> <p>(ii) the area of glazing shall be a minimum of 25% of that part of the wall area of the habitable room which faces the street or public open space.</p>
RD1	<p>(a) Any <b>dwelling</b> or independent living unit within a <b>retirement village</b> which does not comply with <b>16.5.8.9 P1</b>.</p>

	<p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) visibility of public open space;</li> <li>(ii) public safety.</li> </ul>
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## 16.5.9 Subdivision

### 16.5.9.1 Subdivision Lakeside - general

C1	<p>(a) <b>Subdivision</b> must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) <b>Subdivision</b> is for an existing or approved housing development.</li> <li>(ii) every <b>allotment</b>, other than a <b>utility allotment</b> or <b>access allotment</b>, has a <b>net site area</b> of at least: <ul style="list-style-type: none"> <li>A. Medium Density Precinct – a minimum <b>site</b> size of 300m<sup>2</sup> with an average <b>site</b> size of 450m<sup>2</sup>, subject to (B) below;</li> <li>B. Higher Density Precinct – a minimum site size of 225m<sup>2</sup>, with a minimum average <b>site</b> size of 250m<sup>2</sup>. Where a <b>site</b> has legal access to private communal open space, then the percentage of that open space related to the number of properties with legal rights to use the private communal open space, will count towards the average <b>site</b> size (but not minimum site size); or</li> <li>C. 2500m<sup>2</sup> in the case of any new <b>allotment</b> that is not connected to a reticulated wastewater system. For the avoidance of doubt this rule does not apply to any <b>allotment</b> created prior to 1 January 2017.</li> </ul> </li> <li>(iii) No <b>allotment</b> adjoining Lot 2 DPS 83606 included in SA66B/985 and/or Lot 4 DPS 83606 included in SA66B/987 shall be smaller than 450m<sup>2</sup> net site area.</li> <li>(iv) every <b>allotment</b> with a road <b>boundary</b>, other than an access <b>allotment</b>, access leg or <b>utility allotment</b>, has a width along the road <b>boundary</b> of at least: <ul style="list-style-type: none"> <li>A. 12m in the Medium Density Precinct shown on Plan <b>Rule 16.5.1(3)(a)</b> or</li> <li>B. 9m in the Higher Density Precinct shown on Plan <b>Rule 16.5.1(3)(a)</b> or</li> </ul> </li> <li>(v) every <b>allotment</b>, other than a <b>utility or access allotment</b>, is capable of containing a <b>building platform</b>: <ul style="list-style-type: none"> <li>A. Upon which a <b>dwelling</b> and <b>living court</b> could be sited as a permitted activity or, in the Higher Density Precinct, outdoor living space meets the communal open space Rule <b>16.5.8.6</b>, or</li> <li>B. In the case of vacant sites with no associated building proposal;</li> <li>C. A rectangle of at least 200m<sup>2</sup> with a minimum dimension of 12m exclusive of yards, and</li> <li>D. No part of the rectangle is located in an area identified as a stream or flood plain.</li> </ul> </li> <li>(vi) every <b>allotment</b>, other than a utility, access or open space <b>allotment</b> meets the <b>infrastructure</b> requirements as below: <ul style="list-style-type: none"> <li>A. Demonstrate that adequate capacity within the water, stormwater and wastewater networks will be available to accommodate the proposed <b>subdivision</b> including all necessary treatment required to meet water quality, quantity and disposal requirements; and</li> <li>B. Every <b>allotment</b> other than a <b>utility allotment</b>, <b>access allotment</b> or open space <b>allotment</b> must be able to demonstrate how it will connect to a reticulated water supply, and wastewater network that has adequate capacity as per infrastructure standard (a) above; and</li> <li>C. Every <b>allotment</b> other than a <b>utility allotment</b>, <b>access allotment</b> or open space <b>allotment</b> must be able to demonstrate how it will provide land drainage and stormwater disposal either through a reticulated network or in accordance with <b>Chapter 14</b>.</li> </ul> </li> <li>(vii) any <b>allotment</b> that creates a walkway or cycle way or any walkway or cycle way forming part of a <b>subdivision</b> is:</li> </ul>
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	<ul style="list-style-type: none"> <li>A. at least 3 metres wide;</li> <li>B. designed for shared pedestrian and cycle use;</li> <li>C. for connections between roads, has unimpeded visibility along the entire length;</li> <li>D. generally in accordance with the walkway route shown on Precinct Plan <b>Rule 16.5.1(3)(c)</b> (recognising that the detailed alignment is indicative only).</li> </ul> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) <b>subdivision</b> layout;</li> <li>(ii) shape and orientation of <b>allotments</b>;</li> <li>(iii) ability of <b>allotments</b> to accommodate a practical <b>building platform</b>;</li> <li>(iv) variation in <b>allotment</b> size;</li> <li>(v) likely location of future buildings and their potential effects on the environment;</li> <li>(vi) avoidance or mitigation of natural hazards geotechnical suitability for <b>building</b>;</li> <li>(vii) road efficiency and safety;</li> <li>(viii) vehicle and pedestrian networks;</li> <li>(ix) connection to open spaces;</li> <li>(x) amenity and streetscape;</li> <li>(xi) drainage;</li> <li>(xii) land stability;</li> <li>(xiii) amenity matters including batter slopes;</li> <li>(xiv) health and safety;</li> <li>(xv) easements to facilitate development beyond the <b>site</b>.</li> </ul>
RD1	<p>(a) <b>Subdivision</b> that does not comply with conditions in <b>Rule 16.5.9.1 C1</b>.</p> <p>(b) The Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) <b>subdivision</b> layout;</li> <li>(ii) shape and orientation of <b>allotments</b>;</li> <li>(iii) ability of <b>allotments</b> to accommodate a practical <b>building platform</b>;</li> <li>(iv) variation in <b>allotment</b> size;</li> <li>(v) likely location of future <b>buildings</b> and their potential effects on the environment;</li> <li>(vi) avoidance or mitigation of natural hazards geotechnical suitability for <b>building</b>;</li> <li>(vii) road efficiency and safety;</li> <li>(viii) vehicle and pedestrian networks;</li> <li>(ix) connection to open spaces;</li> <li>(x) amenity and streetscape;</li> <li>(xi) drainage;</li> <li>(xii) land stability;</li> <li>(xiii) amenity matters including batter slopes;</li> <li>(xiv) health and safety;</li> <li>(xv) easements to facilitate development beyond the site.</li> </ul>

### 16.5.9.2 Lakeside Comprehensive Subdivision Consent (CS)

RD1	<p>(a) A <b>Comprehensive Subdivision Consent (CS)</b> that meets all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) is in accordance with Te Kauwhata Lakeside Precinct Plan <b>Rule 16.5.1(3)(a)</b>; the roading network, walkways and cycleways shown on Precinct Plan <b>Rule 16.5.1(3)(b)</b>; and the open space shown on Precinct Plan <b>Rule 16.5.1(3)(c)</b> as set out in the precinct parameters below; and</li> <li>(ii) A <b>CS</b> is in accordance with the Lakeside Precinct Plans identified above if: <ul style="list-style-type: none"> <li>A. Primary roads are within 50m of the location shown on Precinct Plan <b>Rule 16.5.1(3)(b)</b>;</li> <li>B. Bus route is either on the alignment shown on Precinct Plan <b>Rule 16.5.1(3)(b)</b> or a continuous alignment that achieves the same circulation;</li> </ul> </li> </ul>
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	<p>C. The external boundary of the high density area within the Residential Zone is within 10m of the location shown on Precinct Plan Rule 16.5.1(3)(a);</p> <p>(iii) Indicative walkways/cycleways are within 100m of the location shown on Precinct Plan Rule 16.5.1(3)(c) provided connections are retained between the Lakeside Walkway and the residential development;</p> <p>(iv) The Lakeside Walkway is within 10m of the location shown on Precinct Plan Rule 16.5.1(3)(c);</p> <p>(v) Retirement village boundaries are within 50m of the location shown on Precinct Plan Rule 16.5.1(3)(b); and</p> <p>(vi) Indicative areas of open space are within 200m of the location shown on Precinct Plan Rule 16.5.1(3)(c).</p> <p>(vii) A secondary road access into the Lakeside Precinct Plan Area (as shown on Lakeside Precinct Plan Rule 16.5.1(3)(b)) must be opened for traffic before the number of residential allotments in the Lakeside Precinct Plan Area exceeds 400 provided that:</p> <p>A. each independent living unit in a retirement village shall count as one allotment;</p> <p>B. for the purpose of this rule, exceedance of 400 residential allotments shall occur at the time of issue of 224C certificate under the Resource Management Act, and exceedance of independent living unit shall occur at the time of issue of building consent for that unit.</p> <p>(viii) The following infrastructure requirements are met:</p> <p>A. Demonstrate that adequate capacity within the water, stormwater and wastewater networks will be available to accommodate the proposed subdivision including all necessary treatment required to meet water quality, quantity and disposal requirements; and</p> <p>B. Any wastewater disposal into Lake Waikare shall be from a new membrane bioreactor treatment plant (or plant of equal or better functionality), provided that wastewater disposal from up to 400 residential allotments may be connected to the existing Te Kauwhata wastewater treatment plant on a temporary basis until a long-term wastewater disposal system is implemented. Where a retirement village is included as part of the first 400 residential allotments, then each independent living unit shall count as one allotment; and</p> <p>C. Every allotment other than a utility allotment, access allotment or open space allotment, must be able to demonstrate how it will connect to a reticulated water supply, and wastewater network that has adequate capacity as per infrastructure standard (i) above; and</p> <p>D. Every allotment other than a utility allotment, access allotment or open space allotment, must be able to demonstrate how it will provide land drainage and stormwater disposal either through a reticulated network or in accordance with Chapter 14;</p> <p>E. and prior to the issue of any 224C approval, the infrastructure requirements detailed in (viii) A-D above shall be implemented and operational.</p> <p>(ix) Individual site sizes shall not be less than the following for the identified areas on the Te Kauwhata Lakeside Precinct Plan Rule 16.5.1(3)(a).</p> <p>A. Medium Density- a minimum site size of 300m<sup>2</sup> with a minimum average site size of 450m<sup>2</sup>, subject to E below.</p> <p>B. Higher Density - a minimum site size of 225m<sup>2</sup> with a minimum average site size of 250m<sup>2</sup>. Where a site has legal access to private communal open space, the percentage of that open space related to the number of properties with legal rights to use the private communal open space, will count towards average site size (but not minimum site size).</p> <p>C. Retirement village - Medium Density precinct - a minimum exclusive area for an independent dwelling of 120m<sup>2</sup>.</p> <p>D. Retirement village - Higher Density precinct - no density limit.</p> <p>E. No allotment adjoining Lot 2 DPS 83606 included in SA66B/985 and/or Lot 4 DPS 83606 included in SA66B/987 shall be smaller than 450m<sup>2</sup> net site area.</p> <p>F. Where the averaging rule applies in A and B above this shall be calculated as the average of all sites zoned Residential, intended for residential purposes, and less than 2000m<sup>2</sup>. Any allotment greater than 2000m<sup>2</sup> or any allotment primarily intended for roading or public</p>
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	<p>infrastructure shall not be included within the average calculation.</p> <p>(x) A CS can relate to the entire Te Kauwhata Lakeside Precinct Plan Area, or may be for an individual stage or stages, provided that an individual stage must be 5ha or more.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) consistency with the Te Kauwhata Lakeside Precinct Plan in Rules 16.5.1(3)(a), 16.5.1(3)(b) and 16.5.1(3)(c);</li> <li>(ii) matters identified in the assessment criteria in X;</li> <li>(iii) managing the effects of wastewater and stormwater;</li> <li>(iv) extent of any non-compliance with site density control;</li> <li>(v) roading network (including the Te Kauwhata Road level crossing safety);</li> <li>(vi) compliance with a Council approved roading standard;</li> <li>(vii) protection, restoration or enhancement of ecological features;</li> <li>(viii) provision and location of existing and future utilities and connections;</li> <li>(ix) location of roads and their connections;</li> <li>(x) provision for public access to Lake Waikare;</li> <li>(xi) provision of open space, including linkages between residential areas, open space and Lake Waikare;</li> <li>(xii) effects of natural hazards (including flooding), geotechnical and land contamination;</li> <li>(xiii) provision of the historic Iwi overlay area shown on Precinct Plan Rule 3/7 16.5.1(3)(c).</li> </ul> <p>(c) Applications for approval of a Comprehensive Subdivision Consent as a restricted discretionary activity will be considered without public notification and without the need to serve notice on or obtain the written approval of any affected persons.</p> <p><b>Note 1</b></p> <p>CS approval does not constitute authorisation by the Waikato District Council as road controlling authority in terms of Section 357 of the Local Government Act 1974. Written authorisation is required from the Waikato District Council prior to any works commencing that affect public roads.</p>
D1	<p>(a) A CS that does not comply with Rule 16.5.9.2 RD1 and meets all of the following conditions and conditions 16.5.9.2 RD1 (i) and (ii) relating to secondary access and infrastructure:</p> <ul style="list-style-type: none"> <li>(i) Primary roads are within 50m-100m of the location shown on Precinct Plan Rule 16.5.1(3)(b);</li> <li>(ii) Bus route is either on the alignment shown on Precinct Plan Rule 16.5.1(3)(b) or a continuous alignment that achieves the same circulation;</li> <li>(iii) The external boundary of the high density area within the Residential Zone is within 10m-20m of the location shown on Precinct Plan Rule 16.5.1(3)(a);</li> <li>(iv) Indicative walkways/cycleways are within 100m-200m of the location shown on Precinct Plan Rule 15.5.2.3 provided that connections are retained between the Lakeside Walkway and the residential development;</li> <li>(v) Lakeside Walkway is within 10m-20m of the location shown on Precinct Plan Rule 16.5.1(3)(c);</li> <li>(vi) Retirement village boundaries are within 50m-100m of the location shown on Precinct Plan 16.5.1(3)(a);</li> <li>(vii) Indicative areas of open space are within 200-400m of the location shown on Precinct Plan 16.5.1(3)(c).</li> </ul> <p>(b) The matters over which Council reserves discretion shall be used for assessing discretionary activity applications under this rule.</p>
NC1	<p>A CS that does not meet the requirements of Rule 16.5.9.2 RD1 (vii) and (viii) relating to Secondary Road Access Control and/or the Infrastructure Requirements, shall be a non-complying activity.</p>
NC2	<p>A CS that does not meet any of the parameters for a discretionary activity outlined in Rule 16.5.9.2 D1 (i) to (vii) is a non-complying activity.</p>

**16.5.9.3 Subdivision – Sites less than 5ha**

RD1	<p>(a) Subdivision on sites less than 5 ha that complies with the conditions as set out below:</p> <ul style="list-style-type: none"> <li>(i) it is in accordance with the Te Kauwhata Lakeside Precinct Plan in 16.5.1(3)(a), 16.5.1(3)(b) and 16.5.1(3)(c);</li> <li>(ii) environmental improvements required by the Te Kauwhata Lakeside Precinct Plan (including, but not limited to landscaping and provision of walkways and cycleways shown on the Precinct Plan Rule 16.5.1(3)(c) have been implemented to the extent required; or</li> <li>(iii) the requisite environmental improvements in (ii) above 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.</li> </ul> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) consistency with the Te Kauwhata Lakeside Precinct Plans Rules 16.5.1(3)(a), 16.5.1(3)(b) and 16.5.1(3)(c);</li> <li>(ii) matters identified in the assessment criteria in X;</li> <li>(iii) managing the effects of wastewater and stormwater;</li> <li>(iv) extent of any non-compliance with site density control;</li> <li>(v) roading network and compliance with a Council approved roading standard;</li> <li>(vi) provision and location of existing and future utilities and connections;</li> <li>(vii) location of roads and their connections;</li> <li>(viii) effects of natural hazards (including flooding), geotechnical and land contamination.</li> </ul>
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## **Annexure 2: Relief Sought if MDRZ is not accepted**

# H10 – Appendix 3

## Chapter 16: Residential Zone

### Proposed Waikato District

#### Plan Stage 1

(Notified version  
including s42a  
Recommendations)

Yellow highlight	= Definitions
Blue highlight	= Rules
Red text	= s42 recommendations
Purple text	= Kāinga Ora's relief sought
Green highlight	= s42 recommendations accepted by Kāinga Ora



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## Chapter 16: Residential Zone **Rules**

- (1) The rules that apply to activities in the Residential Zone are contained in **Rule 16.1** Land Use – Activities, **Rule 16.2** Land Use – Effects and **Rule 16.3** Land Use – Building.
- (2) The rules that apply to subdivision in the Residential Zone are contained in **Rule 16.4** and the relevant rules in 14 Infrastructure and Energy, and 15 Natural Hazards and Climate Change (Placeholder).
- (3) The activity status tables and standards in the following chapters also apply to activities in the Residential Zone:
  - 14 Infrastructure and Energy;
  - 15 Natural Hazards and Climate Change (Placeholder).
- (4) The following symbols are used in the tables:
  - (a) PR Prohibited activity
  - (b) P Permitted activity
  - (c) C Controlled activity
  - (d) RD Restricted discretionary activity
  - (e) D Discretionary activity
  - (f) NC Non-complying activity
- (5) The Residential Zone contains a Specific Area that is Lakeside Te Kauwhata Precinct. Rule 16.5 manages all land use, building and subdivision in this location. Rule 16.5.1 sets out how to apply rules to Lakeside Te Kauwhata Precinct that are either different from, or are in addition to, other rules that apply to the rest of the Residential Zone.

[S42A Report – Section 22 – Topic 19 – Land Use Activities]

### 16.1 Land Use - Activities

#### 16.1.1 Prohibited Activities

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

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

#### 16.1.2 Permitted Activities

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

[S42A Report – Section 22 – Topic 19 – Land Use Activities]

Activity		Activity-specific conditions
P1	Residential activity, unless specified below.	Nil
P2	A Marae Complex or Papakaainga Housing Development on Maaori Freehold Land or on Maaori	(a) The total building coverage does not exceed 50%; (b) Where the land is vested in trustees whose authority is defined in a Trust Order and/or a Maaori Incorporation, the following is provided to

	Customary Land.	<p>Council with the associated building consent application:</p> <ul style="list-style-type: none"> <li>(i) A Concept Management Plan approved by the Māori Land Court and</li> <li>(ii) A Licence to Occupy;</li> </ul> <p>(c) Where a Trust Order or Māori Incorporation does not exist, one of the following instruments is provided to Council at the time of lodgement of the application for building consent:</p> <ul style="list-style-type: none"> <li>(i) A Concept Management Plan approved by the Māori Land Court;</li> <li>(ii) A lease, or an Occupation Order of the Māori Land Court;</li> </ul> <p>(d) The following Land Use – Effects rules in Rule 16.3 do not apply:</p> <ul style="list-style-type: none"> <li>(i) Rule 16.3.1 (Dwelling);</li> <li>(ii) Rule 16.3.2 (Minor dwellings);</li> <li>(iii) Rule 16.3.6 (Building Coverage).</li> </ul>
P3	A new retirement village or alterations to an existing retirement village:	<ul style="list-style-type: none"> <li>(a) The site or combination of sites where the retirement village is proposed to be located has a minimum net site area of 3ha;</li> <li>(b) The site is either serviced by or within 400m walking distance of public transport;</li> <li>(c) The site is connected to public water and wastewater infrastructure;</li> <li>(d) Minimum living court or balcony area and dimensions: <ul style="list-style-type: none"> <li>(i) Apartment – 10m<sup>2</sup> area with minimum dimension horizontal and vertical of 2.5m;</li> <li>(ii) Studio unit or 1 bedroom unit – 12.5m<sup>2</sup> area with minimum dimension horizontal and vertical of 2.5m; or</li> <li>(iii) 2 or more bedroomed unit – 15m<sup>2</sup> area with minimum dimension horizontal and vertical of 2.5m;</li> </ul> </li> <li>(e) Minimum service court is either: <ul style="list-style-type: none"> <li>(i) Apartment – Communal outdoor space (ie no individual service courts required); or</li> <li>(ii) All other units – 10m<sup>2</sup> for each unit;</li> </ul> </li> <li>(f) Building height does not exceed 8m, except for 15% of the total building coverage, where buildings may be up to 10m high;</li> <li>(g) The following Land Use – Effects rule in Rule 16.2 does not apply: <ul style="list-style-type: none"> <li>(i) Rule 16.2.7 (Signs);</li> </ul> </li> <li>(h) The following Land Use – Building rules in Rule 16.3 do not apply: <ul style="list-style-type: none"> <li>(i) Rule 16.3.1 (Dwelling);</li> <li>(ii) Rule 16.3.3 (Building Height);</li> <li>(iii) Rule 16.3.7 (Living Court);</li> <li>(iv) Rule 16.3.8 (Service Court);</li> </ul> </li> <li>(i) The following Infrastructure and Energy rule in Chapter 14 does not apply: <ul style="list-style-type: none"> <li>(i) Rule 14.12.1 P4(1)(a) (Traffic generation).</li> </ul> </li> </ul>
P4	Home occupation	<ul style="list-style-type: none"> <li>(a) It is wholly contained within a building;</li> </ul>

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

[S42A Report – Section 22 – Topic 19 – Land Use Activities]

### 16.1.3 Restricted Discretionary Activities

- (1) The activities listed below are restricted discretionary activities.
- (2) Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table.

Activity	<del>Council's discretion shall</del>
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		be restricted to the following matters: <b>Matters of Discretion:</b>																		
RD1	<p>A Multi-Unit development <b>of three or more units</b> that meets <b>all of</b> the following conditions:</p> <p>(a) <del>The Land Use – Effects rules in Rule 16.2;</del></p> <p>(b) <del>The Land Use – Building rules in Rule 16.3, except the following rules do not apply:</del></p> <p><del>(i) Rule 16.3.1 Dwelling;</del></p> <p><del>(ii) Rule 16.3.8 16.3.6 Building coverage;</del></p> <p><del>(iii) Rule 16.3.9 16.3.7 Living court;</del></p> <p><del>(iv) Rule 16.3.10 16.3.8 Service court;</del></p> <p><del>(c) The minimum net site area per residential unit is 300m<sup>2</sup>;</del></p> <p>(d) The Multi-Unit development is connected to public wastewater and water reticulation;</p> <p><del>(e) Total building coverage of the site does not exceed 50%;</del></p> <p><del>(f) Each residential unit is designed and constructed to achieve the internal design sound level specified in Appendix 1 (Acoustic Insulation) – Table 14;</del></p> <p><del>(g) Service court areas are provided to meet the following minimum requirements for each residential unit:</del></p> <p><del>(i) At least 2.25m<sup>2</sup> with a minimum dimension of 1.5 metres of outdoor or indoor space at ground floor level for the dedicated storage of waste and recycling bins;</del></p> <p><del>(ii) At least 3m<sup>2</sup> with a minimum dimension of 1.5 metres of outdoor space at ground floor level for washing lines; and</del></p> <p><del>(iii) The required spaces in (g)(i) or (g)(ii) for each residential unit shall be provided individually, or as a dedicated communal service court;</del></p> <p><del>(h) Living court areas are provided to meet the following minimum requirements for each residential unit:</del></p> <table border="1"> <thead> <tr> <th>Duplex dwelling</th><th>Area</th><th>Minimum dimension</th></tr> </thead> <tbody> <tr> <td>Studio unit or 1 bedroom</td><td>30 m<sup>2</sup></td><td>4m</td></tr> <tr> <td>2 or more bedrooms</td><td>40 m<sup>2</sup></td><td>4m</td></tr> </tbody> </table> <table border="1"> <thead> <tr> <th>Apartment Building Ground Level Residential Unit</th><th>Area</th><th>Minimum Dimension</th></tr> </thead> <tbody> <tr> <td>Studio unit or 1 bedroom</td><td>20 m<sup>2</sup></td><td>4m</td></tr> <tr> <td>2 or more bedrooms</td><td>30 m<sup>2</sup></td><td>4m</td></tr> </tbody> </table>	Duplex dwelling	Area	Minimum dimension	Studio unit or 1 bedroom	30 m <sup>2</sup>	4m	2 or more bedrooms	40 m <sup>2</sup>	4m	Apartment Building Ground Level Residential Unit	Area	Minimum Dimension	Studio unit or 1 bedroom	20 m <sup>2</sup>	4m	2 or more bedrooms	30 m <sup>2</sup>	4m	<p>(a) <u>Density</u> <u>Intensity</u> of the development;</p> <p>(b) <u>The manner in which the provisions of the Multi-Unit Design contained in Appendix 3.4 have been incorporated;</u></p> <p>(c) Contribution of the development to and engagement with adjacent streets and public open space;</p> <p>(d) <u>The visual quality and interest created through design such as the separation of buildings, variety in built form and architectural detailing, glazing, materials and colour;</u></p> <p>(e) The incorporation of <u>energy efficiency measures such as</u> passive solar principles;</p> <p>(f) Amenity values for occupants and neighbours in respect of outlook, <u>privacy, noise, light spill, access to sunlight, living court orientation, site design and layout, including proposed unit boundaries which identify space around each unit and any common areas;</u></p> <p>(g) Staging needed to ensure that development is carried out in a coordinated and timely manner;</p> <p>(h) Avoidance or mitigation of natural hazards;</p> <p>(i) Geotechnical suitability for <u>building</u>;</p> <p>(j) Provision of <u>infrastructure</u> to individual units,</p> <p>(k) <u>Provision of trunk infrastructure;</u></p> <p>(l) <u>On-site parking and</u></p>
Duplex dwelling	Area	Minimum dimension																		
Studio unit or 1 bedroom	30 m <sup>2</sup>	4m																		
2 or more bedrooms	40 m <sup>2</sup>	4m																		
Apartment Building Ground Level Residential Unit	Area	Minimum Dimension																		
Studio unit or 1 bedroom	20 m <sup>2</sup>	4m																		
2 or more bedrooms	30 m <sup>2</sup>	4m																		

	<p>Apartment Building</p> <p>Upper Levels</p> <p>Residential Unit</p> <p>Studio unit or 1 bedroom</p> <p>2 or more bedrooms</p> <p>Area</p> <p>10m</p> <p>15m</p> <p>Minimum Dimension</p> <p>2m</p> <p>2m</p>	<p>(m) <u>Safety and efficiency of the transport network.</u></p>
RD2	Education facilities	<p><u>Council's discretion shall be restricted to the following matters:</u></p> <p>a. <u>The extent to which it is necessary to locate the activity in the Residential Zone.</u></p> <p>b. <u>Reverse sensitivity effects of adjacent activities.</u></p> <p>c. <u>The extent to which the activity may adversely impact on the transport network.</u></p> <p>d. <u>The extent to which the activity may adversely impact on the streetscape and the amenity of the neighbourhood.</u></p> <p>e. <u>The extent to which the activity may adversely impact on the noise environment.</u></p>

[s42A Report – Section 13 Topic 10 - Housing options Rules]

[S42A Report – Section 22 – Topic 19 – Land Use Activities]

#### 16.1.4 Discretionary Activities

(1) The activities listed below are discretionary activities.

D1 Any permitted activity that does not comply with one or more of the a 'Activity-Specific Conditions' in Rule 16.1.2.

~~D2 Any permitted activity that does not comply with the Land Use - Effects Rule 16.2 or Land Use Building Rule 16.3 unless the activity status is specified as controlled, restricted discretionary or non-complying.~~

~~D3~~ D2 Any Multi-unit development that does not comply with Rule 16.1.3 RD1.

[S42A Report - Section 22 - Topic 19 - Land Use Activities]

#### 16.1.5 Non-complying Activities

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

NC1	Any activity that is not listed as Prohibited, Permitted, Restricted Discretionary or Discretionary.
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## 16.2 Land Use – Effects

### 16.2.1 Noise

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

#### 16.2.1.1 Noise - General

P1	Farming noise, and noise generated by emergency generators and emergency sirens.
P2	<p>(a) Noise measured within any other site in the Residential Zone must not exceed:</p> <ul style="list-style-type: none"> <li>(i) 50dB <math>L_{Aeq(15min)} - (L_{Aeq})</math>, 7am to 7pm, every day;</li> <li>(ii) 45dB <math>L_{Aeq(15min)} - (L_{Aeq})</math>, 7pm to 10pm, every day; and</li> <li>(iii) 40dB <math>L_{Aeq(15min)} - (L_{Aeq})</math> 10pm to 7am the following day; and</li> <li>(iv) 65dB <math>L_{Amax} - (L_{Amax})</math>, 10pm to 7am the following day.</li> </ul> <p>(b) Noise levels shall be measured in accordance with the requirements of NZ S 6801:2008 “Acoustics – Measurement of Environmental Sound”; and</p> <p>(c) Noise levels shall be assessed in accordance with the requirements of NZ S 6802:2008 “Acoustics – Environmental noise”.</p>
P3	<p>(a) [redacted] with the requirements of NZS 6801:2008 “Acoustics – Measurement of Environmental Sound”; and</p> <p>(b) [redacted] assessed in accordance with the requirements of NZS 6802:2008 “Acoustic-Environmental noise”.</p>
D1	Noise that does not comply with Rule 16.2.1.1 P2 or P3.

[s42A Report – Section 18 – Topic 15 – Noise]

#### 16.2.1.2 Noise - Construction

P1	<p>(a) Construction noise must <del>meet</del> not exceed the limits in NZS 6803:1999 (Acoustics – Construction Noise); and</p> <p>(b) Construction noise must be measured and assessed in accordance with the requirements of NZS6803:1999 ‘Acoustics – Construction Noise’.</p>
RD1	<p>(a) Construction noise that does not comply with Rule 16.2.1.2 P1.</p> <p>(b) Council’s discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Effects on amenity values;</li> <li>(ii) Hours and days of construction;</li> <li>(iii) Noise levels;</li> <li>(iv) Timing and duration; and</li> <li>(v) Methods of construction.</li> </ul>

[s42A Report – Section 18 – Topic 15 – Noise]

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

P1	The loading and unloading of vehicles and the receiving of customers and deliveries associated with a
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	commercial activity within the Bankart Street and Wainui Road Business Overlay Area may occur between 7.30am and 6:30pm.
D1	The servicing and hours of operation of a commercial activity that does not comply with Rule 16.2.2 P1.

### 16.2.3 Glare and artificial light spill

P1	Illumination from Glare and artificial light spill must not exceed 10 lux measured horizontally and vertically within any other site.
RD1	<p>(a) Illumination that does not comply with Rule 16.2.3 P1.</p> <p>(b) The Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Effects on amenity values;</li> <li>(ii) Light spill levels on other sites;</li> <li>(iii) Road safety;</li> <li>(iv) Duration and frequency;</li> <li>(v) Location and orientation of the light source; and</li> <li>(vi) Mitigation measures.</li> </ul>

[s42A Report – Section 19 – Topic 16 - Lighting]

### 16.2.4 Earthworks

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

[s42A Report – Section 11 Topic 8 - Earthworks]

- (2) There are specific standards for earthworks within rules:
- (a) Rule 16.2.4.2 – Maaori Sites and Maaori Areas of Significance;
  - (b) Rule 16.2.4.3 – Significant Natural Areas;
  - (c) Rule 16.2.4.4 – Landscape and Natural Character Areas.

#### 16.2.4.1 Earthworks - General

P1	<p>(a) Earthworks (excluding the <del>importation the use of fill</del> cleanfill material or controlled fill material) within a site must meet all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) Be located more than <del>4.5</del> 5 m horizontally from any <del>infrastructure including a</del> waterway, open drain or <del>overland flow path</del>;</li> <li>(ii) Not exceed a volume of <del>250</del> 500m<sup>3</sup> <del>and an area of not more than 1,000m<sup>2</sup> over any consecutive 12 month period</del>;</li> <li>(iii) <del>Not exceed an area of 1ha 1000m<sup>2</sup> over any consecutive 12 month period</del>;</li> <li>(iv) The total depth of any excavation or filling does not exceed 1.5m above or below ground level;</li> <li>(v) The slope of the resulting cut, filled areas or fill batter face in <del>stable ground</del>, does not exceed a maximum of 1:2 (1 vertical to 2 horizontal);</li> <li>(vi) <del>Earthworks are set back at least 1.5m from all boundaries</del>; Earthworks must not result in any instability of land or structures at or beyond the boundary of the site where the land disturbance occurs</li> <li>(vii) Areas exposed by earthworks <del>are stabilized to avoid runoff within 1 month and re-vegetated to achieve 80% ground cover within 6 months of the commencement cessation of the earthworks</del>;</li> <li>(viii) Sediment resulting from the earthworks is retained on the site through implementation</li> </ul>
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	(ix) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.
P2	<p>Earthworks for the purpose of creating a building platform and accessway for residential purposes within a site, using including the use of imported fill cleanfill material imported fill material must meet the following condition:</p> <p>(a) Be carried out in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development.</p>
P3	<p>(a) Earthworks for purposes other than creating a building platform for residential purposes within a site, using imported fill material must meet all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) Not exceed a total volume of 5020m<sup>3</sup>;</li> <li>(ii) Not exceed a depth of 1.5m 4m;</li> <li>(iii) The slope of the resulting filled area in stable ground must not exceed a maximum slope of 1:2 (1 vertical to 2 horizontal);</li> <li><del>(iv) Fill material is setback at least 1.5m from all boundaries;</del></li> <li>(v) Areas exposed by filling are revegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;</li> <li>(vi) Sediment resulting from the filling is retained on the site through implementation and maintenance of erosion and sediment controls;</li> <li>(vii) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.</li> </ul>
RD1	<p>(a) Earthworks that do not comply with <del>any one or more of the conditions of Rule 16.2.4.1 P1, P2 or P3.</del></p> <p>(b) The Council's discretion shall be restricted to any of the following matters:</p> <ul style="list-style-type: none"> <li>(i) Amenity values and landscape effects;</li> <li>(ii) Volume, extent and depth of earthworks;</li> <li>(iii) Nature of fill material;</li> <li>(iv) Contamination of fill material;</li> <li>(v) Location of the earthworks in relation to waterways, significant indigenous vegetation and habitat;</li> <li>(vi) Compaction of the fill material;</li> <li>(vii) Volume and depth of fill material;</li> <li><del>(viii) Protection of the Hauraki Gulf Catchment Area;</del></li> <li>(ix) Geotechnical stability;</li> <li>(x) Flood risk, including natural water flows and established drainage paths; and</li> <li>(xi) Land instability, erosion and sedimentation.</li> </ul>
NC1	Earthworks including involving the importation of cleanfill controlled fill material to a site.

[s42A Report – Section 11 – Topic 8 – Earthworks]

#### 16.2.4.2 Earthworks – Maaori Sites and Maaori Areas of Significance

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

### 16.2.4.3 Earthworks - Significant Natural Areas

P1	(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: (i) Maximum volume of 50m <sup>3</sup> in a single consecutive 12 month period; (ii) Maximum area of 250m <sup>2</sup> in a single consecutive 12 month period; and (iii) Not include importing any fill material.
RD1	(a) Earthworks that do not comply with Rule 16.2.4.3 P1. (b) Council's discretion shall be restricted to the following matters: (i) The location of earthworks in relation to waterways, significant indigenous vegetation or habitat; (ii) The protection of adverse effects on the Significant Natural Area values.
D1	Earthworks within an identified Significant Natural Area not provided for in Rule 16.2.4.3 P1 or RD1.

### 16.2.4.4 Earthworks - Landscape and Natural Character Areas

P1	<p>(a) <b>Earthworks</b> for the maintenance of existing tracks, fences or drains within an identified Landscape or Natural Character Area and must meet all of the following conditions;</p> <p>(i) The <b>earthworks</b> are undertaken within a single consecutive 12 month period;</p> <p>(ii) The <b>earthworks</b> must not exceed the following areas and volumes within a single consecutive 12 month period:</p> <table><tr><th>Landscape or Natural Character Area</th><th>Area (m<sup>2</sup>)</th><th>Volume (m<sup>3</sup>)</th></tr><tr><td><b>Significant Amenity Landscape</b> (SAL) sand dune</td><td><del>50</del> <u>250</u></td><td><del>250</del> <u>50</u></td></tr><tr><td><b>High or Outstanding Natural Character</b> area of the coastal environment</td><td></td><td></td></tr><tr><td><b>Outstanding Natural Feature</b> (ONF) sand dune</td><td></td><td></td></tr><tr><td><b>Outstanding Natural Feature</b> (ONF)</td><td></td><td></td></tr><tr><td><b>Outstanding Natural Landscapes</b> (ONLs)</td><td></td><td></td></tr></table> <p>(iii) The height of the resulting cut or batter face in <b>stable ground</b> does not exceed 1.5m;</p> <p>(iv) The maximum slope of the resulting cut or batter face in <b>stable ground</b> does not exceed 1:2 (1m vertical to 2m horizontal);</p> <p>(v) Areas exposed by the <b>earthworks</b> are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the <b>earthworks</b>;</p> <p>(vi) Sediment is retained on the <b>site</b> through implementation and maintenance of erosion and sediment controls;</p> <p>(vii) The <b>earthworks</b> do not divert or change natural water flows, water bodies or established drainage paths.</p>	Landscape or Natural Character Area	Area (m <sup>2</sup> )	Volume (m <sup>3</sup> )	<b>Significant Amenity Landscape</b> (SAL) sand dune	<del>50</del> <u>250</u>	<del>250</del> <u>50</u>	<b>High or Outstanding Natural Character</b> area of the coastal environment			<b>Outstanding Natural Feature</b> (ONF) sand dune			<b>Outstanding Natural Feature</b> (ONF)			<b>Outstanding Natural Landscapes</b> (ONLs)		
Landscape or Natural Character Area	Area (m <sup>2</sup> )	Volume (m <sup>3</sup> )																	
<b>Significant Amenity Landscape</b> (SAL) sand dune	<del>50</del> <u>250</u>	<del>250</del> <u>50</u>																	
<b>High or Outstanding Natural Character</b> area of the coastal environment																			
<b>Outstanding Natural Feature</b> (ONF) sand dune																			
<b>Outstanding Natural Feature</b> (ONF)																			
<b>Outstanding Natural Landscapes</b> (ONLs)																			
D1	<b>Earthworks</b> that do not comply with <b>Rule 16.2.4.4 P1</b> .																		

### 16.2.5 Hazardous substances

P1	(a) The <b>use, storage</b> or disposal of any <b>hazardous substance</b> where: (i) the aggregate quantity of any <b>hazardous substance</b> of any <b>hazard</b> classification on a <b>site</b> is less than the quantity specified in the Residential zone in <b>Table 5.1</b> contained within <b>Appendix 5</b> (Hazardous Substances).
P2	(a) The <b>storage</b> or <b>use</b> of radioactive materials is: (i) an approved equipment for medical and diagnostic purposes; or (ii) specified as an exempt activity or article in the Radiation Safety Act and Regulations 2017.
D1	The <b>use, storage</b> or disposal of any <b>hazardous substances</b> that does not comply with <b>Rule 16.2.5 P1 or P2</b> .

### 16.2.6 Notable trees

- (1) **Rules 16.2.6.1 to 16.2.6.4** provide permitted rules for works on notable trees, which are identified in **Schedule 30.2** (Notable Trees) as follows:
- (a) **Rule 16.2.6.1** - Removal or destruction;
  - (b) **Rule 16.2.6.2** - Trimming;
  - (c) **Rule 16.2.6.3** - Activities within the dripline

#### 16.2.6.1 Notable trees – Removal or destruction

P1	Removal or destruction of a notable tree identified in <b>Schedule 30.2</b> (Notable Trees) where certification is provided to Council from a <b>works arborist</b> that states that the tree is dead, dying, diseased or is unsafe in accordance with <b>Appendix 11</b> Tree Removal Certificate.
RD1	(a) Removal or destruction of a notable tree identified in <b>Schedule 30.2</b> (Notable Trees) that does not comply with <b>Rule 16.2.6.1 P1</b> . (b) Council's discretion is restricted to the following matters: (i) Timing and manner in which the activity is carried out; (ii) Effects on amenity values; and (iii) Effects on heritage values.

#### 16.2.6.2 Notable tree – Trimming

P1	(a) The trimming of a notable tree identified in <b>Schedule 30.2</b> (Notable Trees) is either: (i) to remove dead, dying, or diseased branches and the tree work is undertaken by a <b>works arborist</b> ; or (ii) the maximum branch diameter does not exceed 50mm at severance and no more than 10% of live foliage growth is removed in any single consecutive 12 month period.
RD1	(a) The trimming of a notable tree that does not comply with <b>Rule 16.2.6.2. P1</b> . (b) Council's discretion is restricted to the following matters: (i) Timing and manner in which the activity is carried out; (ii) Effects on amenity values.

#### 16.2.6.3 Notable tree – Activities within the dripline

P1	(a) Any activity within the <b>dripline</b> of a notable tree identified in <b>Schedule 30.2</b> (Notable Trees) must comply with all of the following conditions: (i) No excavation, compaction, sealing or soil disturbance and placement of <b>fill material</b> , except for the sealing of an existing road or footpath;
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	<ul style="list-style-type: none"> <li>(ii) No parking or storage of materials, vehicles or machinery;</li> <li>(iii) Discharge of an eco-toxic substance; and</li> <li>(iv) No construction of structures.</li> </ul>
RD1	<ul style="list-style-type: none"> <li>(a) Any activity that does not comply with <a href="#">Rule 16.2.6.3 P1</a>.</li> <li>(b) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> <li>(i) Location of activity in relation to the tree;</li> <li>(ii) Timing and manner in which the activity is carried out;</li> <li>(iii) Remedial measures;</li> <li>(iv) Effect on the health of the tree; and</li> <li>(v) Amenity values.</li> </ul> </li> </ul>

### 16.2.7 Signs

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

## 16.2.7.1 Signs – general

P1	A public information sign erected by a government agency.
P2	<p>(a) A sign must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) It is the only sign on the site;</li> <li>(ii) The sign is wholly contained within the site;</li> <li>(iii) The sign does not exceed 0.25m<sup>2</sup>;</li> <li>(iv) The sign height does not exceed 2m in height above the ground;</li> <li>(v) The sign is not illuminated;</li> <li>(vi) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials;</li> <li>(vii) The sign is set back at least 50m from the designated boundary of a state highway and the Waikato Expressway;</li> <li><del>(viii) The sign does not project over road reserve;</del></li> <li><del>(ix)</del> (ix) The sign is not attached to a tree identified in Schedule 30.2 Notable Trees, except for the purpose of identification and interpretation;</li> <li><del>(x)</del> (x) The sign is not attached to a heritage item listed in Schedule 30.1 (Heritage Items), except for the purpose of identification and interpretation;</li> <li><del>(xi)</del> (xi) The sign is not attached to a Maaori Site of Significance listed in Schedule 30.3 (Maaori Sites of Significance), except for the purpose of identification and interpretation;</li> <li>(xii) (The sign relates to: <ul style="list-style-type: none"> <li>A. goods or services available on the site; or</li> <li>a property name sign.</li> </ul> </li> </ul>
P3	<p>(a) A real estate 'for sale' sign relating to the site on which it is located must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) There is no more than 1 sign per agency;</li> <li>(ii) The sign is not illuminated;</li> <li>(iii) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials;</li> <li><del>(iv) The sign does not project into or over road reserve.</del></li> </ul>
RD1	<p>(a) A sign that does not comply with Rule 16.2.7.1 P2 or P3.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Amenity values;</li> <li>(ii) Character of the locality;</li> <li>(iii) Effects on traffic safety;</li> <li>(iv) Glare and artificial light spill;</li> <li>(v) Content, colour and location of the sign;</li> <li>(vi) Effects on a notable tree;</li> <li>(vii) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign;</li> <li>(viii) Effects on cultural values of any Maaori Site of Significance; and</li> <li>(ix) Effects on notable architectural features of a building.</li> </ul>

[S42A Report – Section 21 – Topic 18 Signage]

## 16.2.7.2 Signs – Effects on traffic

P1	<p>(a) Any <b>sign</b> directed at <del>road</del> <b>land transport</b> users must:</p> <ul style="list-style-type: none"> <li>(i) Not</li> <li>(ii) Be located at least 60m from controlled intersections, pedestrian crossings and any other <b>sign</b>;</li> <li>(iii) Not obstruct sight lines of drivers turning into or out of a <b>site</b> entrance and intersections <b>or at a level crossing</b>;</li> <li><del>(iv) Be able to be viewed by drivers for at least 130m;</del></li> <li><del>(iv)</del> <del>(v)</del> Contain no more than 40 characters and no more than 6 symbols <b>or graphics</b>;</li> <li><del>(v)</del> <del>(vi)</del> Have lettering that is at least 150mm high;</li> <li><del>(iv)</del> <del>(viii)</del> (Be at least 130m from a <b>site</b> entrance, where the <b>sign</b> directs traffic to the entrance</li> </ul>
<b>D4</b> <b>RD1</b>	<p>(a) Any sign that does not comply with Rule 16.2.7.2 P1.</p> <p><del>(b) Council's discretion shall be restricted to the following matters:</del></p> <ul style="list-style-type: none"> <li><del>(i) Amenity;</del></li> <li><del>(ii) Character of the locality;</del></li> <li><del>(iii) Effects on traffic safety;</del></li> <li><del>(iv) Glare and artificial light spill;</del></li> <li><del>(v) Content, colour and location of the sign;</del></li> <li><del>(vi) Effects on a notable tree;</del></li> <li><del>(vii) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign;</del></li> <li><del>(viii) Effects on cultural values of any Maaori Site of Significance; and</del></li> <li><del>Effects on notable architectural features of a building.</del></li> </ul>

[S42A Report – Section 21 – Topic 18 Signage]

## 16.2.8 Indigenous vegetation clearance inside a Significant Natural Area

P1	<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) for the following purposes:</p> <ul style="list-style-type: none"> <li>(i) Removing vegetation that endangers human life or existing buildings or structures;</li> <li>(ii) Conservation fencing to exclude stock or pests;</li> <li>(iii) Maintaining existing farm drains;</li> <li>(iv) Maintaining existing tracks and fences;</li> <li>(v) Gathering plants in accordance with Maaori customs and values;</li> </ul>
P2	Removal of up to 5m <sup>3</sup> of manuka and/or kanuka outside of the Coastal Environment per year per property for domestic firewood purposes or arts and crafts provided the removal will not directly result in the death, destruction or irreparable damage of any other tree, bush or plant
P3	<p>(a) Indigenous vegetation clearance for building, access, parking and manoeuvring areas in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) There is no alternative development area on the site outside the Significant Natural Area; and</li> <li>(ii) The total indigenous vegetation clearance does not exceed 250m<sup>2</sup>.</li> </ul>
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> <ul style="list-style-type: none"> <li>(i) There is no alternative development area on the site outside the Significant Natural Area;</li> <li>(ii) The following total areas are not exceeded: <ul style="list-style-type: none"> <li>A. 1500m<sup>2</sup> for a Marae complex, including areas associated with access parking and manoeuvring;</li> <li>B. 500m<sup>2</sup> per dwelling, including areas associated with access parking and manoeuvring; and</li> <li>C. 500m<sup>2</sup> for a <b>papakaainga building</b> including areas associated with access parking and</li> </ul> </li> </ul>

	manoeuvring.
P5	(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: <ul style="list-style-type: none"> <li>(i) Removing vegetation that endangers human life or existing buildings or structures;</li> <li>(ii) Conservation fencing to exclude stock or pests;</li> <li>(iii) Maintaining existing farm drains;</li> <li>(iv) Maintaining existing tracks and fences; or</li> <li>(v) Gathering plants in accordance with Maaori customs and values.</li> </ul>
P6	Removal of up to 5m <sup>3</sup> of manuka and/or kanuka outside of the Coastal Environment per year per property for domestic firewood purposes or arts and crafts provided the removal will not directly result in the death, destruction or irreparable damage of any other tree, bush or plant
D1	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 one or more conditions in Rule 16.2.8 P1, P2, P3, P4, P5 or P6.

## 16.3 Land Use – Building

### 16.3.1 Dwelling

P1	One dwelling within a site. Up to three dwellings per site
D1	A dwelling that does not comply with Rule 16.3.1 P1.
RD1	(a) Up to two Four or more dwellings within a site. (b) Council's discretion shall be limited to the following matters: <ul style="list-style-type: none"> <li>(i) Intensity of development;</li> <li>(ii) Design and location of buildings;</li> <li>(iii) Provision of residential amenity values for residents within the site</li> <li>(iv) Adverse effects on amenity values (such as shading, privacy) for residents of adjoining sites;</li> <li>(v) Provision of infrastructure.</li> </ul>

[s42A Report – Section 12 Topic 9: Housing options Rules]

### 16.3.2 Minor dwelling

P1	(a) One minor dwelling contained within a site must comply with all of the following conditions: <ul style="list-style-type: none"> <li>(i) The net site area is 900m<sup>2</sup> or more; There must be no more than one minor dwelling per site;</li> <li>(ii) The site does not contain a Multi-unit development.</li> <li>(iii) The gross floor area shall not exceed 70m<sup>2</sup> excluding decks and garaging</li> </ul>
D1	A minor dwelling that does not comply with Rule 16.3.2 P1.

NC1 More than one minor dwelling per site or does not comply with Rule 16.3.2 P1(a)(ii)

### 16.3.3 Height

- (1) Rules 16.3.3.1 to 16.3.3.3 provide permitted height for buildings, structures or vegetation.
- (2) Rule 16.3.3.1 Height – Building general provides permitted height limits across the entire Residential Zone except in those areas specified in Rules 16.3.3.2 and 16.3.3.3.  
[S42A Report – Section 27 – Topic 24 – Height]
- (3) Rule 16.3.3.2 Height -Buildings in a battlefield view shaft.
- (4) Rule 16.3.3.3 Height - Buildings, structures and vegetation within any airport obstacle limitation surface provides height limits for specific activities within these areas.

- (5) Where sites are located within the Raglan Navigation Beacons height restriction plane as identified on the planning maps and [Appendix 7](#) (Raglan Navigation Beacons), the prohibited activity [Rule 16.1.1 P1](#) applies.

#### 16.3.3.1 Height - Building general

P1	<p>(a) The maximum height of any building must not exceed <del>7.5</del>11m above ground level.</p> <p>(b) The maximum height of a hose drying tower on a Fire and Emergency fire station site must not exceed 15m.</p>
<del>D1</del> <del>RD1</del>	<p>(a) Any building that does not comply with Rule <a href="#">16.3.3.1 P1</a>.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Extent of overshadowing and shading of adjoining sites, particularly internal and external living spaces;</li> <li>(ii) Loss of privacy through overlooking adjoining sites;</li> <li>(iii) Whether development on the adjoining sites (such as separation by land used for vehicle access, the provision of screening) reduces the need to protect the adjoining site from overlooking.</li> </ul>

[S42A Report - Section 27 - Topic 24 - Height]

#### 16.3.3.2 Height - Building and vegetation in a battlefield view shaft area

P1	The maximum height of a building, structure or vegetation within a battlefield view shaft as shown on the planning maps, must not exceed 5m above ground level.
D1	A building in the battlefield view shaft that does not comply with <a href="#">Rule 16.3.3.2 P1</a> .

[S42A Report - Section 27 - Topic 24 - Height]

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

P1	A building, structure or vegetation must not protrude through any airport obstacle limitation surface identified in <a href="#">Appendix 9</a> Te Kowhai Airpark and as shown on the planning maps.
D1	A building, structure or vegetation that does not comply with <a href="#">Rule 16.3.3.3 P1</a> .

#### 16.3.4 Fences or walls - Road boundaries ~~and Reserve Zone boundaries~~

P1	<p>(a) Fences and walls between the applicable building setbacks under <a href="#">Rule 16.3.9</a> on a site and any road <del>and reserve zone boundaries</del> must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) Be no higher than <del>1.5m</del> 1.2m if solid;</li> <li>(ii) Be no higher than 1.8m if: <ul style="list-style-type: none"> <li>A. visually permeable for the full 1.8m height of the fence or wall; or</li> <li>B. solid up to <del>1.5m</del> 1.2m and visually permeable between <del>1.5m</del> 1.2 and 1.8m.</li> </ul> </li> </ul>
P2	<p><del>Any</del> Fences or walls between <del>erected within</del> the applicable building setbacks under <a href="#">Rule 16.3.9</a> on a site <del>and along the northern common boundaries</del> of the Residential Zone <del>between Wayside Road and Travers Road, Te Kauwhata, adjacent to the</del> and Country Living Zone, <del>between Wayside Road and Travers Road, Te Kauwhata,</del> must be of a rural-type post and wire or post and rail construction.</p>
RD1	<p>(a) Fences or walls that do not comply with <a href="#">Rule 16.3.4 P1 or P2</a>.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p>

	<ul style="list-style-type: none"> <li>(i) Building materials and design;</li> <li>(ii) Effects on amenity; and</li> <li>(iii) Public space visibility.</li> </ul>
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[S42A Report – Section 28 – Topic 25 – Fences or walls]

### 16.3.5 Daylight admission

P1	Buildings must not protrude through a height control plane rising at an angle of 37.45 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.
RD1	<ul style="list-style-type: none"> <li>(a) A building that does not comply with Rule 16.3.5 P1.</li> <li>(b) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> <li>(i) Height of the building;</li> <li>(ii) Design and location of the building;</li> <li>(iii) Extent of shading on adjacent any other sites;</li> <li>(iv) Privacy on another any other adjoining sites; and</li> <li>(v) Effects on amenity values and residential character.</li> </ul> </li> </ul>

[s42A Report – Section 8 Topic 5: Daylight and outlook]

### 16.3.6 Building coverage

P1	The total building coverage must not exceed 40%.
P2	Within the Te Kauwhata Residential West Area or the Te Kauwhata Ecological Residential Area as identified on the planning maps, the total building coverage must not exceed 35%.
P3	Within the Bankart Street and Wainui Road Business Overlay Area as identified on the planning maps, total building coverage must not exceed 50%.
P4 RD1	<ul style="list-style-type: none"> <li>(a) Total building coverage that does not comply with Rule 16.3.6 P1, P2 or P3.</li> <li>(b) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> <li>(i) Whether the balance of open space and buildings will maintain the character and amenity values anticipated for the zone;</li> <li>(ii) Visual dominance of the street resulting from building scale;</li> <li>(iii) Management of stormwater flooding, nuisance or damage to within the site;</li> </ul> </li> </ul>

[s42A Report – Section 6 Topic 3: Site coverage]

### 16.3.6A Impervious surfaces

P1	The impervious surfaces of a site must not exceed 70%.
RD1	<ul style="list-style-type: none"> <li>(a) Impervious surface that does not comply with Rule 16.3.6A P1</li> <li>(b) Councils discretion is restricted to the following matters: <ul style="list-style-type: none"> <li>(i) Site design, layout and amenity;</li> <li>(ii) The risk of flooding, nuisance or damage to the site or other buildings and site.</li> </ul> </li> </ul>

[s42A Report – Section 6 Topic 3: Site coverage]

**16.3.7 Living court**

P1	(a) A <b>living court</b> must be provided for each <b>dwelling</b> that meets all of the following conditions: <ul style="list-style-type: none"> <li>(i) It is for the exclusive use of the occupants of the <b>dwelling</b>;</li> <li>(ii) It is readily accessible from a living area of the <b>dwelling</b>;</li> <li>(iii) When located on the ground floor, it has a minimum area of <b>30m<sup>2</sup> 80m<sup>2</sup></b> and a minimum dimension of 4m in any direction; and</li> <li>(iv) When located on a balcony of an above ground <b>apartment</b>, it must have a minimum area of <b>5m<sup>2</sup> for studio and one-bedroom dwellings, or 8m<sup>2</sup> for two or more bedroom dwellings, 45m<sup>2</sup></b> and a minimum dimension of <b>1.5m 2m in any direction</b>.</li> </ul>
P2	(a) A <b>living court</b> must be provided for each <b>minor dwelling</b> that meets all of the following conditions: <ul style="list-style-type: none"> <li>(i) It is for the exclusive use of the occupants of the <b>minor dwelling</b>;</li> <li>(ii) It is readily accessible from a living area of the <b>minor dwelling</b>;</li> <li>(iii) When located on the ground floor it has a minimum area of <b>5m<sup>2</sup> for studio and one-bedroom dwellings, or 8m<sup>2</sup> for two or more bedroom dwellings 40m<sup>2</sup></b> and a minimum dimension Of <b>1.5m 4m in any direction</b>;</li> <li>(iv) When located on a balcony of an above ground <b>apartment</b>, it must have a minimum area of 15m<sup>2</sup> and a minimum dimension of 2m in any direction.</li> </ul>
<b>D4</b> <b>RD1</b>	(a) A living court that does not comply with Rule 16.3.7 P1 or P2. (b) <b>Council's discretion is restricted to the following matters:</b> <ul style="list-style-type: none"> <li>(i) <b>The extent to which the space is useable and contributes to the feeling of spaciousness;</b></li> <li>(ii) <b>Access to sunlight;</b></li> <li>(iii) <b>Privacy of adjoining residential sites;</b></li> <li>(iv) <b>Accessibility to and convenience of the space for occupiers;</b></li> <li>(v) <b>Whether the size and quality of communal outdoor living space in the development or other public open space compensates for any reduction in the private space</b></li> </ul>

[s42A Report – Section 29 - Topic 26 – Living Court]

**16.3.8 Service court**

P1	(a) A <b>service court</b> must be provided for each <b>dwelling</b> and <b>minor dwelling</b> , <b>either as two separate areas or one combined area</b> , each with all the following dimensions: <ul style="list-style-type: none"> <li>(i) <b>minimum area of 15m<sup>2</sup> and</b></li> <li>(ii) <b>contains a circle of at least 3m diameter –</b></li> <li>(i) <b>Storage of waste and recycling bins – minimum area of 3m<sup>2</sup> and minimum dimension of 1.5m;</b></li> <li>(ii) <b>Washing line – minimum area of 5m<sup>2</sup> and minimum dimension of 2m.</b></li> </ul>
<b>D4</b> <b>RD1</b>	(a) A service court that does not comply with Rule 16.3.8 P1. (b) <b>Council's discretion shall be restricted to the following matters:</b> <ul style="list-style-type: none"> <li>(i) <b>The convenience and accessibility of the spaces for building occupiers;</b></li> <li>(ii) <b>The adequacy of the space to meet the expected requirements of building occupiers; and</b></li> <li>(iii) <b>Adverse effects on the location of the space on visual amenity from the street or adjoining sites.</b></li> </ul>

[s42A Report – Section 30 - Topic 27 – Service Court]

**16.3.9 Building setbacks**

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

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

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

### 16.3.9.1 Building setbacks – All boundaries

- P1 (a) **The finished external walls (excluding eaves) of a A** building must be set back a minimum of:  
(i) 3m from the road **boundary** (excluding state highways – refer to rule 16.3.9.2);  
(ii) ~~13m~~ **3m** from the edge of an **indicative road** (as demonstrated on a structure plan or planning maps);  
(iii) ~~1.5m~~ **1m** from every **boundary** other than a road **boundary**; and  
(iv) ~~1.5m from every vehicle access to another site.~~
- ~~P2 (a) The finished external walls (excluding eaves) of a A non-habitable building can be set back less than 1.5m from a boundary, where:~~  
~~(i) the total length of all buildings within 1.5m of the boundary does not exceed 6m; and~~  
~~(ii) the building does not have any windows or doors on the side of the building facing the boundary.~~
- P3 A garage must be set back behind the front **street facing** façade of the dwelling **where the dwelling and garage are on a site that has frontage to a road.**
- RD1 (a) A building that does not comply with Rule 16.3.9.1 P1, ~~or P2 or P3.~~ (b) Council's discretion shall be restricted to the following matters:  
(i) Road network safety and efficiency;  
(ii) ~~Reverse sensitivity effects;~~  
(iii) Adverse effects on amenity;  
(iv) Streetscape;  
(v) Potential to mitigate adverse effects;  
(vi) Daylight admission to adjoining properties; and  
(vii) Effects on privacy at **adjoining sites**

[s42A Report – Section 5 - Topic 2: Setbacks]

### ~~16.3.9.2 Building setback – Sensitive land use~~

P1	<del>(a) Any new building or alteration to an existing building for a sensitive land use must be set back a minimum of:</del> <del>(i) 5m from the designated boundary of the railway corridor;</del> <del>(ii) 15m from the boundary of a national route or regional arterial;</del> <del>(iii) 25m from the designated boundary of the Waikato Expressway;</del> <del>(iv) 300m from the edge of oxidation ponds that are part of a municipal wastewater treatment facility on another site; and</del> <del>(v) 30m from a municipal wastewater treatment facility where the treatment process is fully enclosed; and.</del> <del>(vi) 300m from the boundary of the Alstra Poultry intensive farming activities located on River Road and Great South Road, Ngaruawahia.</del>
D1	<del>Any building for a sensitive land use that does not comply with Rule 16.3.9.2. P1.</del>

[s42A Report – Section 5 Topic 2: Setbacks]

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(Notified version)

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**16.3.9.3 Building setback - Water bodies**

P1	(a) Any building must be setback a minimum of: (i) 20m 23m from the margin of any; A. lake; and B. wetland;
	(ii) 23m from the bank of any river (other than the Waikato and Waipa Rivers); (iii) 28m from the margin of both the Waikato River and the Waipa River; and (iv) 23m from mean high water springs.
P2	(a) A public amenity of up to 25m, <sup>2</sup> or a pump shed (public or private), within any building setback identified in Rule 16.3.9.3 P1.

D1 Any building that does not comply with Rule 16.3.9.3 P1 or P2.

[s42A Report – Section 5 Topic 2: Setbacks]

**16.3.9.4 Building setback – Environmental Protection Area**

P1	A building must be set back a minimum of 3m from an Environmental Protection Area.
D1	A building that does not comply with Rule 16.3.9.4 P1.

**16.3.10 Building - Horotiu Acoustic Area**

P1	Construction, addition to or alteration of a building for a noise sensitive activity within the Horotiu Acoustic Area shall be designed and constructed to achieve the internal design sound level specified in Appendix 1 (Acoustic Insulation) - Table 11.
RD1	(a) Construction, addition to or alteration of a building that does not comply with Rule 16.3.10 P1. (b) Council's discretion shall be restricted to the following matters: (i) On-site amenity values; (ii) Noise levels received at the notional boundary of the building; (iii) Timing and duration of noise received at the notional boundary of the building; (iv) Potential for reverse sensitivity effects.

**16.3.11 Historic Heritage**

- (1) The following rules manage heritage items (buildings and monuments):
  - (a) Rule 16.3.11.1 - Group A Heritage item – Demolition, removal or relocation
  - (b) Rule 16.3.11.2 - Group B Heritage item – Demolition, removal or relocation
  - (c) Rule 16.3.11.3 - All heritage items – Alterations and additions
  - (d) Rule 16.3.11.4 - All heritage items – Maintenance or repair
  - (e) Rule 16.3.11.5 - All heritage items – site development
- (2) The rules in 16.3.11.6 – Matangi and Huntly address development within the two precincts.

**16.3.11.1 Group A heritage item – Demolition, removal or relocation**

NC1	Demolition, removal or relocation of any Group A heritage item listed in Schedule 30.1 (Heritage Items).
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**16.3.11.2 Group B heritage item – Demolition, removal or relocation**

D1	Demolition, removal or relocation of any Group B heritage item listed in Schedule 30.1 (Heritage Items).
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<b>16.3.11.3 All heritage items – Alterations or addition</b>	
P1	(a) Alteration or addition to of a heritage item listed in Schedule 30.1 (Heritage Items) must comply with the following conditions:
RD1	(i) no significant feature of interest is removed, destroyed or damaged; (ii) alterations or additions are not visible from a public place. (a) Any activity that does not comply with Rule 16.3.11.3 P1. (b) Council's discretion shall be restricted to the following matters: (i) form, style, materials and appearance; and (ii) effects on heritage values.

**16.3.11.4 All heritage items – Maintenance or repair**

P1	(a) Maintenance or repair of a heritage item listed in Schedule 30.1 (Heritage Items) must comply with all of the following conditions: (i) no significant feature of interest is destroyed or damaged; and (ii) replacement materials are the same as, or similar to, the original in terms of form, style and appearance.
RD1	(a) Any activity that does not comply with Rule 16.3.11.4 P1. (b) Council's discretion shall be restricted to the following matters: (i) form, style, materials, appearance; (ii) effects on heritage values.

**16.3.11.5 All heritage items – Site development**

P1	(a) Development on a site containing a heritage item listed in Schedule 30.1 (Heritage Items) must comply with all of the following conditions: (i) be set back at least 10m from the heritage item; (ii) not locate a building between the front of the heritage item and the road.
RD1	(a) Any activity that does not comply with one or more conditions of Rule 16.3.11.5 P1. (b) Council's discretion is restricted to the following matters: (i) effects on the values, context and setting of the heritage item; (ii) location, design, size, materials and finish; (iii) landscaping; (iv) the relationship of the heritage item with the setting, including the area between the front of the heritage item and the road.

**16.3.11.6 Heritage precincts – Matangi and Huntly**

C1	(a) Construction of a building in the Matangi or Huntly Heritage Precincts identified on the planning maps that is set back at least 8m from road boundaries. (b) Council's control is reserved over the following matters: (i) Effects on historic heritage, amenity values and character of the precinct; and (ii) Building height, side setbacks, scale, form, materials and architectural style to be consistent with the relevant part of Appendix 3.6 (Matangi Heritage Precinct Design Guide) or Appendix 3.5 (Huntly Heritage Precinct Design Guide).
C2	(a) Alteration of a building in the Matangi or Huntly Heritage Precincts identified on the planning maps. (b) Council's control is reserved over the following matters: (i) Effects on historic heritage, amenity values and character of the precinct; and (ii) Building height, side setbacks, scale, form, materials and architectural style to be consistent with the relevant part of Appendix 3.6 (Matangi Heritage Precinct Design Guide) or

	Appendix 3.5 (Huntly Heritage Precinct Design Guide).
C3	<p>(a) Attachment of an advertising sign(s) to a building or located within the 8m setback from road boundaries in the Matangi or Huntly Heritage Precincts identified on the planning maps.</p> <p>(b) Council's control is reserved over the following matters:</p> <p>(i) Effects on historic heritage, amenity values and character of the precinct; and</p> <p>(ii) Advertising signs.</p>
RD1	<p>(a) Construction alteration of to a building in the Matangi Heritage Precinct or the Huntly Heritage Precinct identified on the planning maps that does not comply with Rule 16.3.11.6 C1, C2 or C3.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <p>(i) Effects on historic heritage, amenity values and character of the precinct;</p> <p>(ii) Building height, side setbacks, scale, form, materials and architectural style to be consistent with the relevant part of Appendix 3.6 (Matangi Heritage Precinct Design Guide) or Appendix 3.5 (Huntly Heritage Precinct Design Guide);</p> <p>(iii) Advertising signs; and</p> <p>(iv) Setback from road boundaries.</p>

## 16.4 Subdivision

(1) Rule 16.4.1 provides for subdivision ~~density and apply across~~ within the Residential Zone, subject to compliance with the following:

- (a) Rule 16.4.7 Subdivision – Tittle boundaries – contaminated land, notable trees, intensive farming and aggregate extraction areas;
- (b) Rule 16.4.8 Title boundaries – Significant Natural Areas;
- (c) Rule 16.4.9 Title boundaries – Maaori sites and Maaori areas of Significance;
- (d) Rule 16.4.10 Subdivision of land containing heritage items;
- (e) Rule 16.4.11 Subdivision – Road Frontage;
- (f) Rule 16.4.12 Subdivision – Building Platform;
- (g) Rule 16.4.3 Subdivision creating reserves;
- (h) Rule 16.4.14 Subdivision of esplanade reserves and esplanade strips;
- (i) Rule 16.4.15 Subdivision of land containing mapped off-road walkways; and
- (j) Rule 16.4.16 Subdivision of land containing an Environmental Protection Area.

(2) Rule 16.4.1 Subdivision – General does not apply where the following specific areas and/or activities rules apply. The following rules apply to specific areas and/or activities:

- (a) Rule 16.4.2 - Subdivision - Te Kauwhata Ecological Residential Area; (b) Rule 16.4.3 - Subdivision - Te Kauwhata West Residential Area); and (c) Rule 16.4.4 (Subdivision – Multi-Unit development);
- (d) Rule 16.4.5 Subdivision – Boundary adjustments; and
- (e) Rule 16.4.6 Subdivision – Amendments and updates to cross lease flats plans and conversion to freehold.

(3) The following rules apply to specific areas and/or activities:

- (a) Rule 16.4.2 Subdivision – Te Kauwhata Ecological Residential Area (refer to Rule 16.4(4));
  - (b) Rule 16.4.3 Subdivision – Te Kauwhata West Residential Area (refer to Rule 16.4(4)); (c) Rule 16.4.4 Subdivision – Multi-unit development;
  - (d) Rule 16.4.5 Subdivision – Boundary adjustments;
  - (e) Rule 16.4.6 Subdivision – Amendments and updates to cross lease flats plans and conversion to freehold;
  - (f) Rule 16.4.7 Subdivision – Title boundaries natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming and aggregate extraction areas;
  - (g) Rule 16.4.8 Title boundaries – Significant Natural Areas, heritage items, archaeological sites, sites of significance to Maaori;
  - (h) Rule 16.4.9 Title boundaries – Maaori sites and Maaori areas of significance;
  - (i) Rule 16.4.10 Subdivision of land containing heritage items; (j) Rule 16.4.13 – Subdivision reserves;
  - (k) Rule 16.4.14 – Subdivision esplanade reserves and esplanade strips;
  - (l) Rule 16.4.15 – Subdivision of land containing mapped off-road walkways; and
  - (m) Rule 16.4.16 – Subdivision of land containing Environmental Protection Area
- (4) Rule 16.4.4 Subdivision – Multi-unit development does not apply in the following areas: (a) Rule 16.4.2 – Subdivision – Te Kauwhata Ecological Area; and  
(b) Rule 16.4.3 – Subdivision – Te Kauwhata West Residential Area.
- ~~(d) Rules 16.4.1 to 16.4.4 are also subject to the following subdivision controls: (i) Rule 16.4.5 – subdivision boundary adjustments; ———~~  
~~(ii) Rule 16.4.6 – subdivision amendments and updates to cross lease flats plan and conversion to freehold;~~  
~~(iii) Rule 16.4.7 – subdivision title boundaries natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming and aggregate extraction areas;~~  
~~(iv) Rule 16.4.8 – subdivision title boundaries Significant Natural Areas, heritage items, archaeological sites, sites of significance to Maaori;~~  
~~(v) Rule 16.4.9 – Title boundaries – Maaori site and Maaori areas of significance —~~  
~~(vi) Rule 16.4.10 – subdivision of land containing heritage items; (vii) Rule 16.4.11 – subdivision road frontage; ———~~  
~~(viii) Rule 16.4.12 – subdivision building platform; —~~  
~~(ix) Rule 16.4.13 – subdivision reserves; and —~~  
~~(x) Rule 16.4.14 – subdivision esplanade reserves and esplanade strips. (2)~~  
~~Rules 16.4.14 and 16.4.15 apply to specific features or areas: ———~~  
~~(3) Rule 16.4.15 – subdivision of land containing mapped off-road walkways; and —~~  
~~(4) Rule 16.4.16 – subdivision of land containing Environmental Protection Area. —~~

[s42A Report – Section 33 Topic 30 - Subdivision]

## 16.4.1 Subdivision - General

RD1	<p>(a) Subdivision must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) Proposed vacant lots must have a minimum net site area of 200m<sup>2</sup> 450m<sup>2</sup>, except where the proposed vacant lot is an access allotment or utility allotment or reserve to vest;</li> <li>(ii) Proposed vacant lots must be able to connect to public-reticulated water supply and wastewater;</li> <li><del>(iii) Where roads are to be vested in Council, they must follow a grid layout;</del></li> <li><del>(iv) Where 4 or more proposed lots are proposed to be created, the number of rear lots do not exceed 15% of the total number of lots being created;</del></li> <li>(v) Where the subdivision is within a structure plan area, neighbourhood centres within the site are provided in accordance with that structure plan document.</li> </ul> <p>(b) Council's discretion shall be restricted to any of the following matters:</p> <ul style="list-style-type: none"> <li>(i) Subdivision layout including the grid layout of roads and the number of rear lots;</li> <li>(ii) Shape of lots and variation in lot sizes;</li> <li>(iii) Ability of lots to accommodate a practical building platform including geotechnical stability for building;</li> <li>(iv) Likely location of future buildings and their potential effects on the environment;</li> <li>(v) Avoidance or mitigation of natural hazards;</li> <li>(vi) Amenity values and streetscape landscaping;</li> <li><del>(vii) Consistency with the matters contained within Appendix 3.1 (Residential Subdivision Guidelines)</del></li> <li>(viii) Vehicle and pedestrian networks;</li> <li>(ix) Consistency with any relevant structure plan or master plan included in the plan, including the provision of neighbourhood parks, reserves and neighbourhood centres; and</li> <li>(x) Provision of for new infrastructure and the operation, maintenance, upgrading and development of existing infrastructure including water for supply for firefighting purposes.</li> <li><del>(xi) Avoidance or mitigation of conflict with gas transmission infrastructure and the ability to</del></li> </ul>
RD2	<del>Subdivision that does not comply with any of conditions (i), (iii), (iv) and (v) in Rule 16.4.1 RD1</del>
RD3	<p>(a) <u>Any subdivision in accordance with an approved land use resource consent must comply with that resource consent.</u></p> <p>(b) <u>Council's control shall be reserved to any of the following matters:</u></p> <ul style="list-style-type: none"> <li><u>(i) The effect of the design and layout of the proposed sites created;</u></li> <li><u>(ii) Compliance with the approved land use consent; and</u></li> <li><u>(iii) Provision of infrastructure.</u></li> </ul>
D1	Subdivision that does not comply with a condition (ii) in Rule 16.4.1 RD1.

[s42A Report – Section 33 – Topic 30 - Subdivision]

## 16.4.1A Subdivision of land within the National Grid Corridor

RD1	<p><u>(a) The subdivision of land within the National Grid Corridor must comply with all of the following conditions:</u></p> <ul style="list-style-type: none"> <li><u>(i) All allotments intended to contain a sensitive land use must provide a building platform for the likely principal building(s) and any building(s) for a sensitive land use located outside of the National Grid Yard, other than where the allotments are for roads, access ways or infrastructure; and</u></li> <li><u>(ii) The layout of allotments and any enabling earthworks must ensure that physical access is maintained to any National Grid support structures located on the allotments, including any balance area.</u></li> </ul> <p><u>(b) Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> <li><u>(i) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of the National Grid;</u></li> <li><u>(ii) The ability to provide a complying building platform outside of the National Grid Yard;</u></li> <li><u>(iii) The risk of electrical hazards affecting public or individual safety, and the risk of property damage;</u></li> </ul>
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	<u>(iv) The nature and location of any vegetation to be planted in the vicinity of National Grid transmission lines.</u>
<u>NC1</u>	<u>Any subdivision of land within the National Grid Corridor that does not comply with one or more of</u>

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	<u>the conditions of Rule 16.4.1 RD1.</u>
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[s42A Report – Section 33 – Topic 30 - Subdivision]

**16.4.2 Subdivision - Te Kauwhata Ecological Residential Area**

RD1	<p>(a) Proposed <b>lots</b>, <u>except where the proposed lot is an access allotment, utility allotment or reserve to vest</u>, in the Te Kauwhata Ecological Residential Area identified on the planning maps must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) Have a minimum <b>net site area</b> of 750m<sup>2</sup>;</li> <li>(ii) Have a minimum average <b>net site area</b> of 875m<sup>2</sup>;</li> <li>(iii) Must be able to be connected to public-reticulated water supply and wastewater;</li> <li><del>(iv) Where roads are to be vested in Council, they must follow a grid layout;</del></li> <li><del>(v) Where 4 or more proposed lots are being created, rear lots must not exceed 15% of the total number of lots being created.</del></li> </ul> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) <b>Subdivision</b> layout <u>including the grid layout of roads and the number of rear lots;</u></li> <li>(ii) Shape of <b>lots</b> and variation in lot sizes;</li> <li>(iii) Ability of <b>lots</b> to accommodate a practical <b>building platform</b> including geotechnical stability for <b>building</b>;</li> <li>(iv) Likely location of future buildings and their potential effects on the environment;</li> <li>(v) Avoidance or mitigation of natural hazards;</li> <li>(vi) Amenity values and streetscape landscaping;</li> <li>(vii) Consistency with the matters contained within <b>Appendix 3.1</b> (Residential Subdivision Guidelines);</li> <li>(viii) Vehicle and pedestrian networks;</li> <li>(ix) Consistency with any relevant structure plan or master plan including the provision of neighbourhood parks, reserves and <b>neighbourhood centres</b>; and</li> <li>(x) Provision of <b>infrastructure</b>, <u>including water supply for firefighting purposes.</u></li> </ul>
D1	<b>Subdivision</b> within the Te Kauwhata Ecological Residential Area that does not comply with <b>Rule 16.4.2 RD1.</b>

[s42A Report – Section 34 – Topic 31 – Te Kauwhata]

**16.4.3 Subdivision - Te Kauwhata West Residential Area**

RD1	<p>(a) Proposed <b>lots</b>, <u>except where the proposed lot is an access allotment, utility allotment or reserve to vest</u>, within the Te Kauwhata West Residential Area must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) Be a minimum <b>net site area</b> of 650m<sup>2</sup>;</li> <li>(ii) Have a minimum average <b>net site area</b> of 875m<sup>2</sup>;</li> <li>(iii) Be connected to public-reticulated water supply and wastewater;</li> <li><del>(iv) Where roads are to be vested in Council, they are to follow a grid layout;</del></li> <li><del>(v) Where more than 5 proposed lots are being created, rear lots must not exceed 15% of the total number of titles being created.</del></li> </ul> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) <b>Subdivision</b> layout <u>including the grid layout of roads and the number of rear lots;</u></li> <li>(ii) Shape of <b>lots</b> and variation in lot sizes;</li> <li>(iii) Ability of <b>lots</b> to accommodate a practical <b>building platform</b>, including geotechnical stability for <b>building</b>;</li> <li>(iv) Likely location of future <b>buildings</b> and their potential effects on the environment;</li> <li>(v) Avoidance or mitigation of natural hazards;</li> <li>(vi) Amenity values and streetscape landscaping;</li> </ul>
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	<p>(vii) Consistency with the matters contained within <a href="#">Appendix 3.1</a> (Residential Subdivision Design Guidelines);</p> <p>(viii) Vehicle and pedestrian networks;</p> <p>(ix) Consistency with any relevant structure plan or master plan, including the provision of neighbourhood parks, reserves and <a href="#">neighbourhood centres</a>; and</p> <p>(x) Provision of <a href="#">infrastructure</a>, including water supply for firefighting purposes.</p>
D1	<a href="#">Subdivision</a> within the Te Kauwhata West Residential Area that does not comply with <a href="#">Rule 16.4.3 RD1</a> .

[s42A Report – Section 34 – Topic 31 – Te Kauwhata]

#### 16.4.4 Subdivision - Multi-unit development

RD1	<p>(a) <a href="#">Multi-Unit development</a> must comply with all of the following conditions:</p> <p>(i) An application for land use consent under <a href="#">Rule 16.1.3</a> (Multi-Unit Development) must accompany the <a href="#">subdivision</a> or have been granted land use consent by Council;</p> <p>(ii) The <a href="#">Multi-Unit development</a> is able to be connected to public wastewater and water reticulation;</p> <p><del>(iii) Any subdivision relating to an approved land use consent must comply with that resource consent;</del></p> <p><del>(iv) The The minimum existing lot size where a new freehold (fee simple) lot is exclusive area for each residential unit being created must be 300m<sup>2</sup> net site area.</del></p> <p>(v) Where a <a href="#">residential unit</a> is being created in accordance with the Unit Titles Act 2010 it must meet the following minimum <a href="#">residential unit size</a>:</p> <table border="1"> <thead> <tr> <th>Unit of Multi-Unit</th><th>Minimum Unit Area</th></tr> </thead> <tbody> <tr> <td>Studio unit or 1 bedroom unit</td><td><del>30m<sup>2</sup></del> 60m<sup>2</sup></td></tr> <tr> <td>2 bedroom <del>or more residential unit</del></td><td><del>45m<sup>2</sup></del> 80m<sup>2</sup></td></tr> <tr> <td>3 or more bedroom unit</td><td>100m<sup>2</sup></td></tr> </tbody> </table> <p>(b) Council's discretion shall be restricted to <a href="#">any of</a> the following matters:</p> <p>(i) <a href="#">Subdivision</a> layout including common boundary and party walls for the <a href="#">Multi-unit development</a>;</p> <p><del>(ii) Provision of common areas for shared spaces, access and services;</del></p> <p>(iii) Provision of <a href="#">infrastructure</a> to individual <a href="#">residential units</a>; <del>(including for firefighting purposes);</del></p> <p>(iv) Avoidance or mitigation of natural hazards;</p> <p><del>(iv) Geotechnical suitability of site for buildings;</del></p> <p><del>(v) Compliance with the approved land use consent</del></p> <p><del>(vi) Amenity values and streetscape;</del></p> <p><del>(vii) Consistency with the matters contained, and outcomes sought, in <a href="#">Appendix 3.4</a> (Multi-Unit Development Guideline)</del></p> <p><del>(viii) Consistency with any relevant structure plan or master plan, including the provision of neighbourhood parks, reserves and <a href="#">neighbourhood centres</a>;</del></p> <p><del>(ix) Vehicle, pedestrian and cycle networks;</del></p>	Unit of Multi-Unit	Minimum Unit Area	Studio unit or 1 bedroom unit	<del>30m<sup>2</sup></del> 60m <sup>2</sup>	2 bedroom <del>or more residential unit</del>	<del>45m<sup>2</sup></del> 80m <sup>2</sup>	3 or more bedroom unit	100m <sup>2</sup>
Unit of Multi-Unit	Minimum Unit Area								
Studio unit or 1 bedroom unit	<del>30m<sup>2</sup></del> 60m <sup>2</sup>								
2 bedroom <del>or more residential unit</del>	<del>45m<sup>2</sup></del> 80m <sup>2</sup>								
3 or more bedroom unit	100m <sup>2</sup>								
D1	<a href="#">Subdivision</a> that does not comply with <a href="#">Rule 16.4.4 RD1</a> .								

[s42A Report – Section 13 - Topic 10: Housing options Rules]

#### 16.4.5 Subdivision – Boundary adjustments

C1	<p>(a) <a href="#">Boundary</a> adjustments must comply with all of the following conditions:</p> <p>(i) The conditions specified in:</p> <p>A. <a href="#">Rule 16.4.1</a> Subdivision - General;</p> <p>B. <a href="#">Rule 16.4.2</a> Subdivision in the Te Kauwhata Ecological Residential Area;</p>
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	<p>C. Rule 16.4.3 Subdivision in the Te Kauwhata West Residential Area; or</p> <p>D. Rule 16.4.4 Subdivision- Multi-unit development;</p> <p>(b) Proposed lots must not generate any additional building infringements to those which legally existed prior to the boundary relocation adjustment.</p> <p>(c) Council's control is reserved over the following matters:</p> <p>(i) Subdivision layout;</p> <p>(ii) Shape of titles and variation in lot sizes.</p>
<p>D1</p> <p>RD1</p>	<p>(a) Boundary adjustments that does not comply with Rule 16.4.5 C1.</p> <p>(b) The Council's discretion shall be restricted to the following matters:</p> <p>(i) Subdivision layout;</p> <p>(ii) Shape of title and variation in title size</p>

[s42A Report – Section 33 – Topic 30 - Subdivision]

**16.4.6 Subdivision - Amendments and updates to cross lease flats plans and conversion to freehold**

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

[s42A Report – Section 33 – Topic 30 - Subdivision]

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

RD1	<p>(a) Subdivision of land containing contaminated land <del>(other than where the contaminated land has been confirmed as not being contaminated land for its intended use)</del>, notable trees, intensive farming and Aggregate Extraction Areas must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) <del>Where an existing building is to be contained within the</del> The boundaries of every any proposed lot containing existing buildings must demonstrate compliance is required with the following building rules (other than where any non-compliance existed lawfully prior to the subdivision) relating to: <ul style="list-style-type: none"> <li>A. daylight admission (Rule 16.3.5);</li> <li>B. building coverage (Rule 16.3.6);</li> <li>C. building setbacks (Rule 16.3.9).</li> </ul> </li> <li>(ii) <del>Where any</del> The boundaries of every proposed lot subdivision contains one or more of the features listed in A – D, the must not divide the following: <ul style="list-style-type: none"> <li>A. a natural hazard area;</li> <li>B. contaminated land <del>(other than where the contaminated land has been confirmed as not being contaminated land for its intended use)</del>;</li> <li>C. Significant Amenity Landscape; or</li> <li>D. notable tree.</li> </ul> </li> <li>(iii) The boundaries of every proposed lot containing, adjoining or adjacent to the activities listed</li> </ul>
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	<p><del>in A – C below,</del> must provide the following setbacks:</p> <ul style="list-style-type: none"> <li>A. 300m from any intensive farming activity;</li> <li>B. 500m from the boundary of an Aggregate Extraction Area for rock extraction; and</li> <li>C. 200m from the boundary of an Aggregate Extraction Area for sand excavation.</li> </ul>
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	<p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Landscape values;</li> <li>(ii) Amenity values and character;</li> <li>(iii) Reverse sensitivity effects;</li> <li>(iv) Effects on existing buildings;</li> <li>(v) Effects on natural hazard areas;</li> <li>(vi) Effects on contaminated land;</li> <li>(vii) Effects on any notable trees; and</li> <li>(viii) Effects on an intensive farming activity.</li> </ul>
<del>NC1</del> D1	Subdivision that does not comply with Rule 16.4.7 RD1.

[s42A Report – Section 33 – Topic 30 - Subdivision]

#### 16.4.8 Title boundaries – Significant Natural Areas

RD1	<p>(a) Subdivision of sites containing a Significant Natural Area(s), where the Significant Natural Area is contained wholly within a proposed lot.</p> <p>(b) Council's discretion shall be restricted to the following matter:</p> <ul style="list-style-type: none"> <li>(i) Effects on Significant Natural Area.</li> </ul>
NC1	Subdivision that does not comply with Rule 16.4.8 RD1.

#### 16.4.9 Title boundaries – Maaori sites and Maaori areas of Significance

RD1	<p>(a) Subdivision of sites containing Maaori Sites of Significance and Maaori Areas of Significance that includes all of the site or area within a proposed lot.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Effects on sites of significance to Maaori;</li> <li>(ii) Effects on areas of significance to Maaori.</li> </ul>
NC1	Subdivision that does not comply with Rule 16.4.9 RD1.

#### 16.4.10 Subdivision of land containing heritage items

RD1	<p>(a) Subdivision of land containing a heritage item listed in Schedule 30.1 (Heritage Items).</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Effects on heritage values;</li> <li>(ii) Context and setting of the heritage item; and</li> <li>(iii) The extent to which the relationship of the heritage item with its setting is maintained within one lot.</li> </ul>
NC1	Subdivision that does not comply with Rule 16.4.10 RD1.

[s42A Report – Section 33 – Topic 30 - Subdivision]

#### 16.4.11 Subdivision - Road frontage

RD1	<p>(a) Every proposed vacant lot with a road boundary, other than an access utility allotment, or a proposed vacant lot containing a ROW or access leg must have a width along boundary of at Least 10m 45m.</p>
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	(b) Council's discretion shall be restricted to <u>any of</u> the following matters: (i) Safety and efficiency of vehicle access and road network; <del>and</del> <del>(ii) Amenity values and rural residential character.</del>
D1	<b>Subdivision</b> that does not comply with <b>Rule 16.4.11 RD1</b> .

[s42A Report – Section 33 – Topic 30 - Subdivision]

#### 16.4.12 Subdivision - Building platform

RD1	(a) Every proposed <b>vacant lot</b> , other than one designed specifically for access, <b>utility allotment</b> must be capable of containing a <b>building platform</b> upon which a <b>dwelling</b> and <b>living court</b> could be sited as a permitted activity, with the <b>building platform</b> being contained within either of the following dimensions: <del>(i) a circle with a diameter of at least 18m exclusive of yards; or</del> (ii) a rectangle of at least <b>100m<sup>2</sup> 200m<sup>2</sup></b> with a minimum dimension of <b>6m 12m</b> exclusive of yards. (b) Council's discretion shall be restricted to the following matters: (i) <b>Subdivision</b> layout; (ii) Shape of <b>allotments</b> ; (iii) Ability of <b>allotments</b> to accommodate a practical <b>building platform</b> ; (iv) Likely location of future <b>buildings</b> and their potential effects on the environment; (v) Avoidance or mitigation of natural hazards; (vi) Geotechnical suitability for <b>building</b> ; and (vii) Ponding areas and primary <b>overland flow paths</b> .
D1	<b>Subdivision</b> that does not comply with <b>Rule 16.4.12 RD1</b> .

[s42A Report – Section 33 – Topic 30 - Subdivision]

#### 16.4.13 Subdivision creating reserves

RD1	(a) Every reserve, including where a reserve is identified within a structure plan or master plan (other than an esplanade reserve), proposed for vesting as part of the <b>subdivision</b> , must be bordered by roads along at least 50% of its boundaries. (b) Council's discretion shall be restricted to the following matters: (i) The extent to which the proposed reserve aligns with the principles of Council's Parks Strategy, Playground Strategy, Public Toilets Strategy and Trails Strategy; (ii) Consistency with any relevant structure plan or master plan; (iii) Reserve size and location; (iv) Proximity to other reserves; (v) The existing reserve supply in the surrounding area; (vi) Whether the reserve is of suitable topography for future use and development; (vii) Measures required to bring the reserve up to Council standard prior to vesting; and (viii) The type and standard of <b>boundary</b> fencing.
D1	(a) Subdivision that does not comply with <b>Rule 16.4.13 RD1</b> .

[s42A Report – Section 33 – Topic 30 - Subdivision]

#### 16.4.14 Subdivision of esplanade reserves and esplanade strips

RD1	(a) <b>Subdivision</b> of an esplanade reserve or strip at least 20m wide (or other width stated in <b>Appendix 4</b> (Esplanade Priority Areas) that is required to be created shall vest in Council where the following situations apply: (i) The proposed <b>lot</b> is less than 4ha and within 20m of: A. <b>mean high water springs</b> ; B. the <b>bank</b> of any river whose bed has an average width of 3m or more; or
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	<p>C. a lake whose <b>bed</b> has an area of 8ha or more; or</p> <p>(ii) The proposed <b>lot</b> is more than 4ha or more than 20m <b>from</b> <del>of</del> <b>mean high water springs</b> or a water body identified in <b>Appendix 4</b> (Esplanade Priority Areas).</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <p>(i) The type of esplanade provided • reserve or strip;</p> <p>(ii) Width of the esplanade reserve or strip;</p> <p>(iii) Provision of legal access to the esplanade reserve or strip;</p> <p>(iv) Matters provided for in an instrument creating an esplanade strip or access strip;</p> <p>(v) Works required prior to vesting any reserve in the Council, including pest plant control, boundary fencing and the removal of structures and debris.</p>
D1	<b>Subdivision</b> that does not comply with <b>Rule 16.4.14 RD1</b> .

[s42A Report – Section 33 – Topic 30 – Subdivision]

#### 16.4.15 Subdivision of land containing mapped off-road walkways, cycleways or bridleways

RD1	<p>(a) <b>Subdivision</b> where walkways, <u>cycleways or bridleways</u> shown on the planning maps are to be provided as part of the subdivision must comply with all of the following conditions:</p> <p>(i) The walkway, <u>cycleway or bridleway</u> is at least 3 metres wide and is designed and constructed for shared pedestrian <del>and</del> cycle <u>or riding</u> use, as per <b>Rule 14.12.1 P8</b> (Transportation);</p> <p>(ii) The walkway, <u>cycleway or bridleway</u> is generally in accordance with the walkway, <u>cycleway or bridleway</u> route shown on the planning maps;</p> <p>(iii) The walkway, <u>cycleway or bridleway</u> is shown on the plan of subdivision and vested in the Council.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <p>(i) Alignment of the walkway, <u>cycleway or bridleway</u>;</p> <p>(ii) Drainage in relation to the walkway, <u>cycleway or bridleway</u>;</p> <p>(iii) Standard of design and construction of the walkway, <u>cycleway or bridleway</u>;</p> <p>(iv) Land stability;</p> <p>(v) Amenity matters including batter slopes; and</p> <p>(vi) Connection to reserves.</p>
D1	<b>Subdivision</b> that does not comply with <b>Rule 16.4.15 RD1</b> .

[s42A Report – Section 33 – Topic 30 – Subdivision]

#### 16.4.16 Subdivision of land containing an Environmental Protection Area

C1	<p><del>(a) <b>Subdivision</b> of land containing an Environmental Protection Area must comply with all of the following conditions:</del></p> <p><del>(i) Include a planting and management plan for the area, prepared by a suitably-qualified person, containing exclusively native species suitable to the area and conditions;</del></p> <p><del>(ii) Planting must be undertaken prior to the issue of the s224(c) certificate.</del></p> <p>(b) Council's control is reserved over the following matters:</p> <p>(i) Measures proposed in the planting and management plan; and</p> <p>(ii) Vesting of reserve land in Council if appropriate.</p> <p><u>(iii) Effects on amenity and ecological values;</u></p>
RD1	<p><del><b>Subdivision</b> that does not comply with a condition of <b>Rule 16.4.16 C1</b></del></p> <p><del>(a) Council's discretion shall be restricted to the following matters:-</del></p> <p><del>(i) Matters that control is reserved over in <b>Rule 16.4.16 C1(b)</b>.</del></p>

	<p><del>(ii) Effects on amenity values; and</del></p> <p><del>(iii) Effects on ecological values.</del></p>
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*[s42A Report – Section 31 – Topic 28 – Building Setback – Environmental Protection Area]*

## 16.5 Lakeside Te Kauwhata Precinct

### 16.5.1 Application of rules

(1) The rules that apply to a permitted activity in Rule 16.5.2 within the Lakeside Te Kauwhata Precinct as identified on the planning maps are as follows: (i)

Rule 15.2 (Land Use – Effects) except:

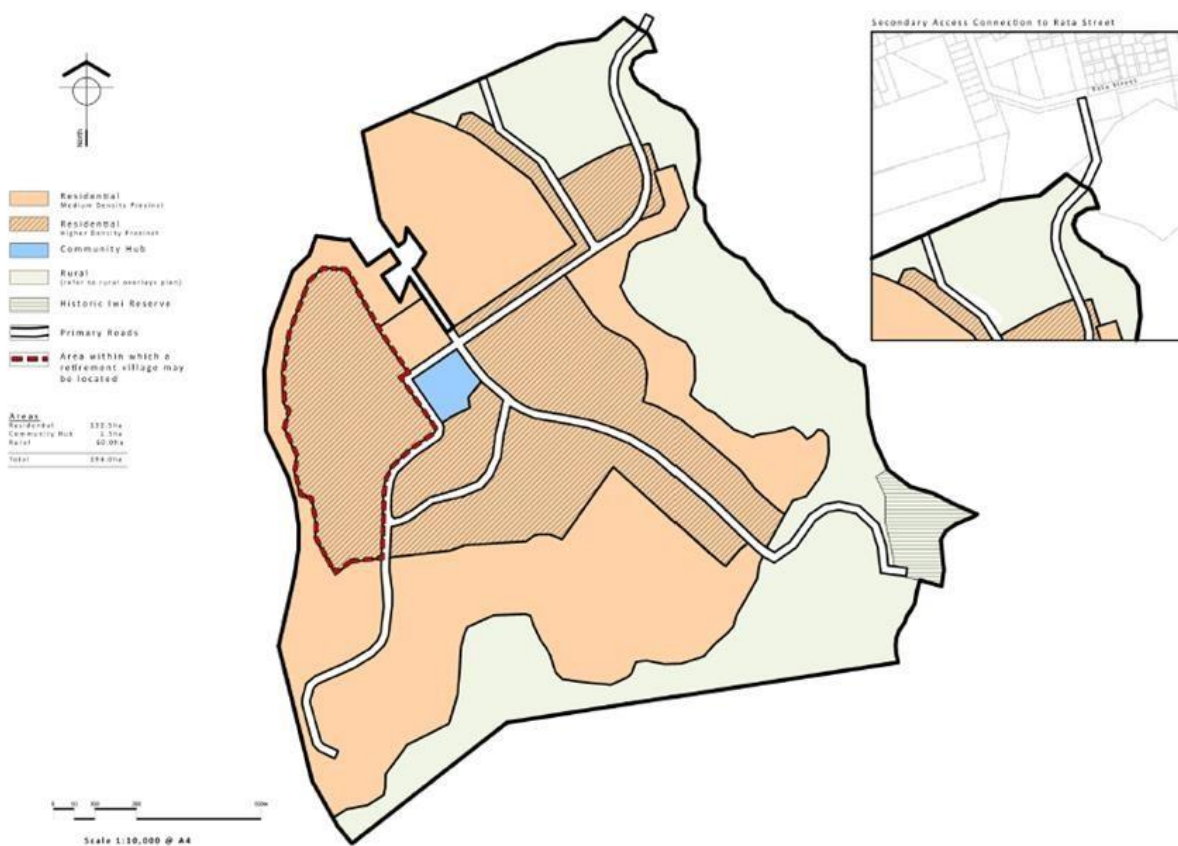
- A. Rule 16.2.4.1 (Earthworks – general) and Rule 16.2.4.2 (Earthworks – Maaori Sites and Maaori Areas of Significance) does not apply and Rule 16.5.7.2 applies instead
- B. Rule 16.2.2 (Servicing hours of operation – Bankart Street and Wainui Road Business Overlay Area)
- C. Rule 16.2.6 Notable trees
  - (i) Rule 16.5.7.1 Noise and Vibration – North Island Main Trunk Line (NIMT)
  - (ii) Rule 16.3 (Land Use – Building) does not apply, Rule 16.5.8 (Land Use – Building) applies instead.

(2) The rules that apply to subdivision within the Lakeside Te Kauwhata Precinct are:

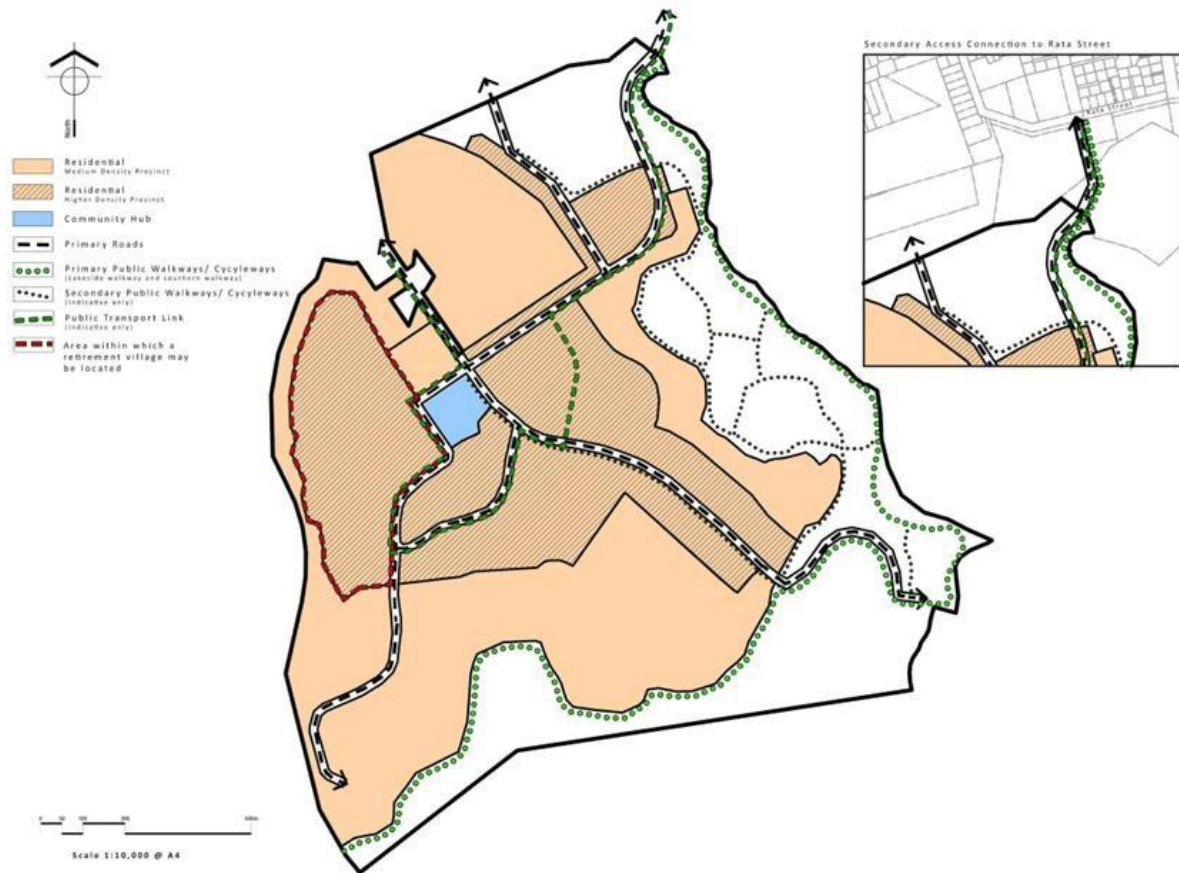
(i) Rule 16.4 (Subdivision) except:

- A. Rule 16.4.1 (Subdivision General) does not apply and Rule 16.5.9.1 (Subdivision Lakeside – General) applies instead
- B. Rule 16.4.2 (Subdivision – Te Kauwhata Ecological Residential Area) does not apply
- C. Rule 16.4.3 (Subdivision – Te Kauwhata West Residential Area) does not apply
- D. Rule 16.4.4 (Subdivision – Multi-unit development) does not apply
- E. Rule 16.4.6 (Subdivision – Amendments and updates to cross lease flats plans and conversion to freehold) does not apply
- F. Rule 16.4.9 (Title boundaries – Maaori Sites and Maaori Areas of Significance) does not apply
- G. Rule 16.4.10 (Subdivision of land containing heritage items) does not apply
- H. Rule 16.4.11 (Subdivision – road frontage) does not apply
- I. Rule 16.4.12 (Subdivision – Building platform) does not apply
- J. Rule 16.4.15 (Subdivision of land containing mapped off-road walkways) does not apply
- K. Rule 16.4.16 (Subdivision of land containing an Environmental Protection Area) does not apply
- (ii) Rule 16.5.9.2 (Lakeside Comprehensive Subdivision Consent)
- (iii) Rule 16.5.9.3 (Subdivisions less than 5ha)

(3) The following precinct plans apply in the Residential Zone within the Lakeside Te Kauwhata Precinct:



(b) Plan 2 Lakeside Precinct Plan: Public Transport, Primary Road Network and Walkways/cycle ways



(c) Plan 3 Lakeside Precinct Plan: Overlays and Open Space



Proposed District Plan (Stage 1)  
(Notified version)

16 Residential Zone

18 July 2018

## 16.5.2 Permitted Activities

- (a) The following activities are permitted activities if they meet all the following:
- (iii) Land Use – Effects rules in Rule 16.2 and Rule 16.5.7 (unless the activity rule and/or activity specific conditions identify condition(s) that does not apply);
  - (iv) Activity-specific conditions.

Activity	Activity-specific conditions
<p>P1 Any activity listed in Rule 16.5.2 P2 (Residential Activity), P3 (Retirement Village) or P7 (Community Activity) below.</p>	<p>(a) Secondary Access Control:</p> <ul style="list-style-type: none"> <li>(i) A secondary road access into the Lakeside Precinct Plan Area (as shown on Lakeside Precinct Plan 16.5.1(3)(a)) must be opened for traffic before the number of dwellings including independent living units within a retirement village, in the Lakeside Precinct Plan Area exceeds 400.</li> <li>(ii) For the purpose of this rule, exceedance of 400 dwellings shall occur at the time of issue of building consent for a dwelling including an independent living unit within a retirement village.</li> </ul>
<p>P2</p>	<p>Residential activity</p> <p>Complies with Rule 16.5.2 P1(a)(i) and (ii) (Secondary Access Control)</p>
<p>P3 A new or alterations to an existing retirement village.</p>	<p>(a) Rule 16.5.2 P1 (a)(i) and (ii) (Secondary Access Control);</p> <p>(b) The site or combination of sites where the retirement village is proposed to be located has a minimum net site area of 2ha;</p> <p>(c) The site is either serviced by or within 400m walking distance of an existing or future public transport route, or is within the location shown in Precinct Plan 16.5.1(3)(b);</p> <p>(d) The site is connected to public water and wastewater infrastructure;</p> <p>(e) Minimum living court or balcony area and dimensions:</p> <ul style="list-style-type: none"> <li>(i) Apartment – 10m<sup>2</sup> area with minimum dimension horizontal and vertical of 2.5m;</li> <li>(ii) Studio unit or 1 bedroom unit – 12.5m<sup>2</sup> area with minimum dimension horizontal and vertical of 2.5m; or</li> <li>(iii) 2 or more bedroomed unit – 15m<sup>2</sup> area with minimum dimension horizontal and vertical of 2.5m;</li> </ul> <p>(f) Minimum service court is either:</p> <ul style="list-style-type: none"> <li>(i) Apartment – Communal outdoor space (ie no individual service courts required); or</li> <li>(ii) All other units – 10m<sup>2</sup> for each unit;</li> </ul> <p>(g) Building height does not exceed 8m, except for 15% of the total site building coverage, where buildings may be up to 10m high;</p> <p>(h) The following Land Use – Effects rule in Rule 16.2 does not apply:</p> <ul style="list-style-type: none"> <li>(i) Rule 16.2.7 (Signs);</li> </ul> <p>(i) The following rules in Rule 16.5 do not apply:</p> <ul style="list-style-type: none"> <li>(i) Rule 16.5.8.1 (Dwelling);</li> <li>(ii) Rule 16.5.8.2 (Building Height);</li> <li>(iii) Rule 16.5.8.6 (Living Court);</li> </ul>

		(j) The following Infrastructure and Energy Rule does not apply: (i) Rule 14.12.1 P4 (Traffic generation).
P4	Home occupation	(a) It is wholly contained within a building; (i) The storage of materials or machinery associated with the home occupation are wholly contained within a building; (ii) No more than 2 people who are not permanent residents of the site are employed at any one time; (iii) Unloading and loading of vehicles or the receiving of customers or deliveries only occur between 7:30am and 7:00pm on any day; (iv) Machinery may be operated between 7:30am and 9pm on any day.
P5	Temporary event	(a) The event occurs no more than 3 times per consecutive 12 month period; (b) The duration of each temporary event is less than 72 hours; (c) It may operate between 7.30am and 8:30pm Monday to Sunday; (d) Temporary structures are: (i) Erected no more than 2 days before the temporary event occurs; (ii) Removed no more than 3 days after the end of the event; (iii) The site is returned to its previous condition no more than 3 days after the end of the temporary event; (iv) There is no direct site access from a national route or regional arterial road.
P6	Home stay	(a) No more than 4 temporary residents; (b) It is wholly contained within a building; (c) The storage of materials or machinery associated with the home occupation are wholly contained within a building; (d) No more than two people who are not permanent residents of the site are employed at any one time.
P7	Community activity	(a) Complies with Rule 16.5.2 P1 (a)(i) and (ii) Secondary Access Control; (b) The gross floor area does not exceed 2,000m <sup>2</sup> within the whole of the Te Kauwhata Lakeside Precinct Plan Area.
P8	Neighbourhood Park	Nil
P9	Grazing and pastoral farming	(k) The site must be more than 5ha.
P10	Neighbourhood centre	(a) Must be within an area identified in a Council approved Structure Plan or Master Plan

### 16.5.3 Restricted Discretionary Activities

- (1) The activities listed below are restricted discretionary activities.
- (2) Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table.

Activity	Council's discretion shall be
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		restricted to the following matters:
RD1	<p>(a) A <b>comprehensive land development consent (CLDC)</b> that meets all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) is in accordance with the Te Kauwhata Lakeside Precinct Plan <b>Rule 16.5.1(3)(a)</b>; the roading network, walkways and cycleways shown on Precinct Plan <b>Rule 16.5.1(3)(b)</b>; and the open space shown on Precinct Plan <b>Rule 16.5.1(3)(c)</b> as set out in the precinct parameters below; and</li> <li>(ii) A <b>CLDC</b> is in accordance with the Lakeside Precinct Plans identified above if: <ul style="list-style-type: none"> <li>A. Primary roads are within 50m of the location shown on Precinct Plan <b>Rule 16.5.1(3)(b)</b>;</li> <li>B. The bus route is either on the alignment shown on Precinct Plan <b>Rule 16.5.1(3)(b)</b> or a continuous alignment that achieves the same circulation;</li> <li>C. The external <b>boundary</b> of the high density area within the Residential Zone is within 10m of the location shown on Precinct Plan <b>Rule 16.5.1(3)(a)</b>;</li> <li>D. Indicative walkways/cycle ways are within 100m of the location shown on Precinct Plan <b>Rule 16.5.1(3)(b)</b> provided connections are retained between the Lakeside Walkway and the residential development;</li> <li>E. Lakeside Walkway is within 10m of the location shown on Precinct Plan <b>Rule 16.5.1(3)(c)</b>;</li> <li>F. <b>Retirement village</b> boundaries are within 50m of the location shown on Precinct Plan <b>Rule 16.5.1(3)(a)</b>;</li> <li>G. Indicative areas of open space are within 200m of the location shown on Precinct Plan <b>Rule 16.5.1(3)(c)</b>;</li> </ul> </li> </ul> <p>(b) A secondary road access into the Lakeside Precinct Plan Area (as shown on Lakeside Precinct Plan <b>Rule 16.5.1(3)(b)</b>) must be opened for traffic before the number of residential allotments in the Lakeside Precinct Plan Area exceeds 400 provided that:</p> <ul style="list-style-type: none"> <li>(i) each independent living unit in a <b>retirement village</b> shall count as one <b>allotment</b>;</li> <li>(ii) for the purpose of this rule, exceedance of 400 residential <b>allotments</b> shall occur at the time of issue of 224C certificate under the Resource Management Act and exceedance of independent living unit shall occur at the time of issue of <b>building</b> consent for that unit.</li> </ul> <p>(c) The following <b>infrastructure</b> requirements are met:</p> <ul style="list-style-type: none"> <li>(i) Demonstrate that adequate capacity within the water, stormwater and wastewater networks will be available to accommodate the proposed <b>subdivision</b> including all necessary treatment required to meet</li> </ul>	<p>(a) Discretion is reserved over:</p> <ul style="list-style-type: none"> <li>(i) consistency with the Te Kauwhata Lakeside Precinct Plans in <b>Rules 16.5.1(3)(a), 16.5.1(3)(b) and 16.5.1(3)(c)</b>;</li> <li>(ii) matters identified in the assessment criteria in X,</li> <li>(iii) managing the effects of wastewater and stormwater,</li> <li>(iv) roading network (including the Te Kauwhata Road level crossing safety) and compliance with a Council approved roading standard,</li> <li>(v) protection, restoration or enhancement of ecological features,</li> <li>(vi) provision and location of existing and future utilities and connections,</li> <li>(vii) location of roads and their connections,</li> <li>(viii) provision for public access to Lake Waikare,</li> <li>(ix) provision of open space, including linkages between residential areas, open space and Lake Waikare,</li> <li>(x) effects of natural hazards (including flooding), geotechnical and land contamination,</li> <li>(xi) provision of the historic Iwi overlay area shown on <b>Precinct Plan Rule 16.5.1(3)(c)</b>.</li> </ul>

	<p>water quality, quantity and disposal requirements; and</p> <p>(ii) Any wastewater disposal into Lake Waikare shall be from a new membrane bioreactor treatment plant (or plant of equal or better functionality), provided that wastewater disposal from up to 400 residential allotments may be connected to the existing Te Kauwhata wastewater treatment plant on a temporary basis until a long-term wastewater disposal system is implemented. Where a retirement village is included as part of the first 400 residential allotments, then each independent living unit shall count as one allotment; and</p> <p>(iii) Every allotment other than a utility allotment, access allotment or open space allotment, must be able to demonstrate how it will connect to a reticulated water supply, and wastewater network that has adequate capacity as per infrastructure standard (i) above; and</p> <p>Every allotment other than a utility allotment, access allotment or open space allotment, must be able to demonstrate how it will provide land drainage and stormwater disposal either through a reticulated network or in accordance with Chapter 14; and</p> <p>iv) Prior to the issue of any building consent for a dwelling or retirement village, the infrastructure requirements detailed in (c)(i)(iii) above shall be implemented and operational.</p> <p>(d) A CLDC can relate to the entire Te Kauwhata Lakeside Precinct Plan Area, or may be for an individual stage or stages, provided that an individual stage must be 5ha or more.</p> <p>(e) Applications for approval of a CLDC as a restricted discretionary activity will be considered without public notification and without the need to serve notice on or obtain the written approval of any affected persons.</p> <p>(f) CLDC approval does not constitute authorisation by the Waikato District Council as road controlling authority in terms of Section 357 of the Local Government Act 1974. Written authorisation is required from the Waikato District Council prior to any works commencing that affect public roads.</p>	
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### 16.5.4 Discretionary Activities

(1) The activities listed below are discretionary activities.

D1	<p>(a) A CLDC that does not comply with Rule 16.5.3 RD1 and meets all of the following conditions and conditions 16.5.3 RD1 (b) and (c) relating to secondary access and infrastructure:</p> <ul style="list-style-type: none"> <li>(i) Primary roads are within 50m-100m of the location shown on Precinct Plan 16.5.1(3)(b);</li> <li>(ii) Bus route is either on the alignment shown on Precinct Plan 16.5.1(3)(b) or a continuous alignment that achieves the same circulation;</li> <li>(iii) The external boundary of the high density area within the Residential Zone is within 10m-20m of the location shown on Precinct Plan 16.5.1(3)(a);</li> <li>(iv) Indicative walkways/cycle ways are within 100m-200m of the location shown on Precinct Plan 16.5.1(3)(c) provided connections are retained between the Lakeside Walkway and the residential development;</li> <li>(v) Lakeside Walkway is within 10m-20m of the location shown on Precinct Plan 16.5.1(3)(c);</li> <li>(vi) Retirement village boundaries are within 50m-100m of the location shown on Precinct Plan 16.5.1(3)(a);</li> <li>(vii) Indicative areas of open space are within 200-400m of the location shown on Precinct Plan 16.5.1(3)(c).</li> </ul> <p>(b) The matters over which Council reserves discretion shall be used for assessing discretionary activity applications under this rule.</p>
D2	Any activity that does not comply with one or more of the activity specific conditions for a permitted activity under Rule 16.1.2 applies under the Land Use – Effects Rule 16.2 or Land Use Buildings Rule 16.3.

### 16.5.6 Non-complying Activities

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

NC1	A CLDC that does not meet the requirements of Rule 16.5.3 RD1 (b) and (c) relating to Secondary Road Access Control and/or the Infrastructure Requirements, shall be a non-complying activity.
NC2	A CLDC that does not meet any of the parameters for a discretionary activity outlined in 16.5.4 D1 (a) to (g) is a non-complying activity.
NC3	Any activity that is not listed as a Permitted, Restricted Discretionary or Discretionary activity.

## 16.5.7 Land Use – Effects Rule

### 16.5.7.1 Noise and vibration – North Island Main Trunk Line (NIMT)

P1	<p>(a) Construction or alteration of a <b>building</b> must comply with the following conditions:</p> <ul style="list-style-type: none"> <li>(i) a non-habitable <b>accessory building</b> or attached non-habitable garage and is set back at least 5m from any <b>boundary</b> which adjoins the NIMT, or</li> <li>(ii) a <b>building</b> other than that specified in (a) above and is set back at least 10m from any <b>boundary</b> which adjoins the NIMT and.</li> <li>(iii) If located within 100m of the centreline of the nearest rail track within the NIMT and is designed and constructed to ensure that the following internal design noise limits shall not be exceeded with all external doors and windows closed.</li> </ul> <table border="0" style="margin-left: 40px;"> <tr> <td style="vertical-align: top;"><b>Receiving Environment</b></td><td style="vertical-align: top;"><b>LAeq, 1 hour</b></td></tr> <tr> <td>Residential – bedrooms</td><td>35 dB</td></tr> <tr> <td>Residential – other habitable spaces</td><td>40 dB</td></tr> <tr> <td>Teaching spaces</td><td>40 dB</td></tr> <tr> <td>All other sensitive activity building spaces</td><td>To comply</td></tr> <tr> <td><u>e.g.</u></td><td>with satisfactory</td></tr> <tr> <td style="padding-left: 20px;">- Hospital and Dementia</td><td>sound levels Care Spaces AS/NZS</td></tr> <tr> <td style="padding-left: 20px;">- Commercial Spaces</td><td>2107:2000 (nearest specified equivalent)</td></tr> </table> <ul style="list-style-type: none"> <li>(iv) For the purpose of this rule, the noise levels generated by rail operations on the NIMT shall be as determined by a qualified acoustic specialist, using methods consistent with New Zealand Standards, within five years prior to the date of the design certificate referred to at the end of this clause b)</li> <li>(v) This rule only applies to habitable rooms, teaching spaces and sensitive activity <b>building</b> spaces identified in the table above where those habitable rooms or spaces fall within or partly within the specified 100m distance.</li> <li>(vi) Where it is necessary to have windows closed to achieve the internal acoustic noise limits, an alternative ventilation system shall be provided.</li> <li>(vii) The ventilation system installed shall comply with the following: <ul style="list-style-type: none"> <li>A. Consist of an air conditioning unit(s) provided that the noise level generated by the unit(s) must not exceed 40dB L<sub>Aeq</sub>(30s) in the largest habitable room (excluding bedrooms) and 35dB L<sub>Aeq</sub>(30s) in all other habitable rooms, when measured 1 metre away from any grille or diffuser; or</li> <li>B. A system capable of providing at least 15 air changes per hour (ACH) in the largest habitable room (excluding bedrooms) and at least 5 air changes per hour (ACH) in all other habitable rooms;</li> <li>C. The noise level generated by the system must not exceed 40dB L<sub>Aeq</sub>(30s) in the largest habitable room (excluding bedrooms) and 35dB L<sub>Aeq</sub>(30s) in all other habitable rooms, when measured 1 metre away from any grille or diffuser;</li> <li>D. The internal air pressure must be no more than 10 Pa above ambient air pressure due to the mechanical ventilation;</li> <li>E. Where a high air flow rate setting is provided, the system shall be controllable by the occupants to be able to alter the ventilation rate with at least three equal progressive stages up to the high setting.</li> </ul> </li> <li>(viii) Compliance with this rule shall be demonstrated by providing the Council with a design report and a design certificate prepared by an experienced and qualified acoustic specialist, at the time of building consent application; and</li> <li>(ix) If located within 40m of the centreline of the nearest rail track within the NIMT and is designed and constructed to ensure the following levels of vibration from trains shall not be exceeded based on the procedures specified in the Norwegian Standard NS 8176E: 2nd edition September 2005 Vibration and Shock Measurement of Vibration in Buildings from</li> </ul>	<b>Receiving Environment</b>	<b>LAeq, 1 hour</b>	Residential – bedrooms	35 dB	Residential – other habitable spaces	40 dB	Teaching spaces	40 dB	All other sensitive activity building spaces	To comply	<u>e.g.</u>	with satisfactory	- Hospital and Dementia	sound levels Care Spaces AS/NZS	- Commercial Spaces	2107:2000 (nearest specified equivalent)
<b>Receiving Environment</b>	<b>LAeq, 1 hour</b>																
Residential – bedrooms	35 dB																
Residential – other habitable spaces	40 dB																
Teaching spaces	40 dB																
All other sensitive activity building spaces	To comply																
<u>e.g.</u>	with satisfactory																
- Hospital and Dementia	sound levels Care Spaces AS/NZS																
- Commercial Spaces	2107:2000 (nearest specified equivalent)																

	<p>Land Based Transport and Guidance to Evaluation of its Effects on Human Beings.</p> <p><b>Receiving Environment      Maximum weighted velocity, <math>V^{*95}</math></b></p> <p>Sensitive activities/ buildings      0.3mm/s</p> <p>Or</p> <p>(x) if located within 20m of the centre line of the nearest rail track within the NIMT is designed and constructed to ensure that the level of vibration from trains shall not exceed the criteria set out in the <b>British Standard BS 7385-2:1993</b>.</p> <p>(xi) Compliance with clauses (d) and (e) shall be demonstrated by providing the Council with a design report and a design certificate prepared by an experienced and qualified vibration specialist, at the time of building consent application. Vibration generated by rail operations on the NIMT shall be as determined by a qualified vibration specialist, using methods consistent with New Zealand standards, within five years prior to the date of the design certificate.</p>
RD1	<p>(a) Construction or alteration of a <b>building</b> that does not comply with <b>Rule 16.5.7.1P1</b>.</p> <p>(b) Any restricted discretionary activity will be limited notified to the operator of the rail network (currently KiwiRail).</p> <p>(c) Council's discretion shall be restricted to the following matters:</p> <p>(i) reverse sensitivity issues related to NIMT;</p> <p>(ii) <b>Noise sensitive activities</b> within 100m of a rail track:</p> <p>A. The degree of noise attenuation achieved at the <b>noise sensitive activity</b>;</p> <p>B. The effects of reverse sensitivity on the operation of the rail network, and the ability and suitability of mitigation measures to enable the continued and uninterrupted operation of the rail network;</p> <p>C. A reverse sensitivity covenant.</p> <p>(iii) Vibration sensitive activities within 40m of a rail track:</p> <p>A. The size, nature and location of the <b>building</b> on the site;</p> <p>B. Special topographical, <b>building</b> features or ground conditions which will mitigate vibration impacts;</p> <p>C. Any characteristics of the proposed use which make compliance with the standard unnecessary;</p> <p>D. A reverse sensitivity covenant.</p>

### 16.5.7.2 Earthworks - general

P1	<p>(a) <b>Earthworks</b> (excluding the importation of fill, within a flood risk area, or a <b>CLDC</b>), including <b>earthworks</b> necessary for the construction and maintenance of existing public roads or for construction of new roads in accordance with the Te Kauwhata Lakeside Precinct Plan, must meet all the following conditions:</p> <p>(i) do not disturb or move more than 200m<sup>3</sup> within an individual <b>site</b> in a single calendar year except where the maximum area at any one time shall not exceed 400m<sup>2</sup>, and</p> <p>(ii) in relation to the <b>height</b> of any cut or batter face do not exceed 2m, or</p> <p>(iii) are necessary for <b>building</b> works authorised by a building consent and:</p> <p>A. the area of earthworks is no more than 150% of the area of those <b>building</b> works, or</p> <p>B. the <b>earthworks</b> occur on land with an average gradient no steeper than 1:8, or</p> <p>C. any trenching for network utilities, or on or offsite utilities within the Te Kauwhata Lakeside Precinct Plan Area are backfilled or reinstated to original ground level, or</p> <p>D. traffic associated with the works is managed in accordance with a Construction Traffic Management Plan approved by the Waikato District Council as the road controlling authority;</p> <p>E. Including any cut and batter faces or filled areas, are revegetated to achieve 80% ground cover within 12 months of the <b>earthworks</b> being commenced; and</p> <p>F. Retain sediment within the construction area through the implementation and maintenance of sediment controls.</p>
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	<p><b>Note:</b> The Waikato Pest Management Plan addresses the management of identified pest species, including Alligator Weed. It includes enforceable controls relating to subdivision and land development in infected areas</p>
P2	<p>(a) <b>Earthworks</b> involving imported <b>fill material</b> (other than <b>earthworks</b> approved as part of a <b>CLDC</b>) meets all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) all material for filling is <b>clean fill</b>, and</li> <li>(ii) filling that is not part of <b>building</b> work, or construction of roads, or installation of <b>infrastructure</b>: <ul style="list-style-type: none"> <li>A. does not exceed a volume of 20m<sup>3</sup> and a depth of 1m, and</li> <li>B. does not include a <b>building platform</b>, and</li> <li>C. does not include placing fill into an area of significant <b>indigenous vegetation</b> or habitat, or</li> </ul> </li> <li>(iii) is for minor upgrading of existing electricity lines and does not exceed 50m<sup>3</sup>, and</li> <li>(iv) where traffic associated with the work uses public roads, is managed in accordance with an approved Construction Traffic Management Plan or authorised in writing by Waikato District Council as the road controlling authority.</li> </ul> <p><b>Note:</b> The Waikato Pest Management Plan addresses the management of identified pest species, including alligator weed. It includes enforceable controls relating to subdivision and land development in infected areas.</p>
P3	<p>(a) <b>Earthworks</b> in a Flood Risk Area (other than <b>earthworks</b> approved as part of a <b>CLDC</b>) shall meet the following conditions:</p> <ul style="list-style-type: none"> <li>(i) filling is no more than is necessary to: <ul style="list-style-type: none"> <li>A. provide a foundation for <b>building</b> approved by a building consent, and access to that <b>building</b>, or</li> <li>B. enable minor upgrading of existing electricity lines and does not exceed 50m<sup>3</sup>.</li> </ul> </li> </ul> <p><b>Note 1:</b> The Waikato Pest Management Plan addresses the management of identified pest species, including Alligator Weed. It includes enforceable controls relating to subdivision and land development in infected areas.</p> <p><b>Note 2:</b> Regional <b>earthworks</b> consents may also be needed for works in a high risk erosion area.</p>
C1	<p>(a) <b>Earthworks</b> that do not comply with Rule <b>16.5.7.2 P1</b> are a controlled activity provided it meets the following conditions:</p> <ul style="list-style-type: none"> <li>(i) do not exceed 5000m<sup>2</sup> in total area at any one time except a <b>retirement village</b> where the maximum area at any one time shall not exceed 1ha;</li> <li>(ii) does not involve <b>contaminated land</b> unless that land has been remediated;</li> <li>(iii) have erosion and sediment controls in place which will retain sediment on the <b>site</b>;</li> <li>(iv) any cut and batter faces or filled areas, are revegetated to achieve 80% ground cover within 12 months of the earthworks being commenced, or in the cases where the filled area is to be (in part or whole) within a building platform or hard surface area, the base course has been laid and compacted within 12 months of the <b>earthworks</b> being commenced;</li> <li>(v) any surplus material is disposed of within the Te Kauwhata Lakeside Precinct Plan Area in <b>16.5.1(3)(a)</b>, and</li> <li>(vi) does not adversely affect other land through changes to natural water flows or established drainage paths.</li> </ul>
RD1	<p>(a) <b>Earthworks</b> that do not comply with <b>16.5.7.2 C1</b>.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) effects on amenity values;</li> <li>(ii) visual effects;</li> <li>(iii) mitigation measures including sediment control;</li> <li>(iv) effects on land utilization;</li> <li>(v) effects on erosion;</li> </ul>

	(vi) effects on cultural values; (vii) effects on heritage values; (viii) effects on the Lake Waikare flood plain.
RD2	(a) <b>Earthworks</b> that do not comply with Rule 16.5.7.2 P2. (b) Council discretion shall be restricted to the following matters: (i) effects on amenity values; (ii) visual effects; (iii) effects on <b>indigenous vegetation</b> and habitat; (iv) mitigation measures including replacement planting where vegetation removal is involved; (v) effects on cultural values; (vi) effects on heritage values.
D1	<b>Earthworks</b> that do not comply with Rule 16.5.7.2 P3.

## 16.5.8 Land Use – Building Rules

### 16.5.8.1 Dwelling

P1	One <b>dwelling</b> within a <b>site</b> .
RD1	(a) Construction of more than one <b>dwelling</b> on land contained in a certificate of title must comply with all of the following conditions: (i) semi-detached or terrace houses meet the following density requirements: A. Medium Density Precinct one <b>dwelling</b> per 300m <sup>2</sup> ; B. Higher Density Precinct one <b>dwelling</b> per 225 m <sup>2</sup> ; or C. Part of a <b>retirement village</b> . (b) Council's discretion shall be restricted to the following matters: (i) Design and location of <b>buildings</b> ; (ii) Amenity values of the locality; (iii) Privacy on other <b>sites</b> ; (iv) Matters referred to in Appendix B (Engineering Standards); (v) Consistency with the Te Kauwhata Lakeside Precinct Plan in Rule 16.5.1(3)(a), 16.5.1(3)(b), and 16.5.1(3)(c).
D1	Construction of more than one <b>dwelling</b> on land contained in a record of title that does not comply with Rule 16.5.8.1 RD1.

### 16.5.8.2 Height

P1	The maximum <b>height</b> of any <b>building</b> must not exceed 8.0m.
RD1	(a) Any <b>building</b> that does not comply with Rule 16.5.8.2 P1. (b) The Council's discretion shall be restricted to the following: (i) design and location of <b>building</b> ; (ii) building dominance effects; (iii) admission of daylight and sunlight to the <b>site</b> and other sites; (iv) privacy on other <b>sites</b> ; (v) amenity values of the locality.

### 16.5.8.3 Building coverage

P1	The total <b>building coverage</b> on a <b>site</b> must not exceed 40% in the Medium Density precinct identified on
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	the Te Kauwhata Lakeside Precinct Plan Rule 16.5.1(3)(a).
P2	The total <b>building coverage</b> on a <b>site</b> must not exceed 65% in the higher density precinct identified on the Te Kauwhata Lakeside Precinct Plan Rule 16.5.1(3)(a).
RD1	(a) Total <b>building coverage</b> on a <b>site</b> that does not exceed the maximum <b>building coverage</b> control by more than an additional 10%. (b) Council's discretion shall be restricted to the following matters: (i) design and location of <b>building</b> ; (ii) effect of the scale of the <b>building</b> on <b>adjoining sites</b> and the streetscape.
D1	Total <b>building coverage</b> that does not comply with Rule 16.5.8.3 P1, P2 or RD1.

#### 16.5.8.4 Daylight admission

P1	Any <b>building</b> within the Medium Density Precinct identified on the Te Kauwhata Lakeside Precinct Plan 16.5.1(3)(a) shall not protrude through a <b>height control plane</b> rising at an angle of 45° commencing at an elevation of 2.5m above ground level at every point of the <b>site</b> boundary, except that this standard does not apply to party walls located along <b>site</b> boundaries.
P2	Any <b>building</b> within the High Density Precinct identified on the Te Kauwhata Lakeside Precinct Plan 16.5.1(3)(a) shall not protrude through a <b>height control plane</b> rising at an angle of 45° commencing at an elevation of 3.5m above ground level at every point of the <b>site boundary</b> within 20m of a street frontage, and 2.5m above ground level at every point on the <b>site boundary</b> greater than 20m from the street frontage; except that this standard does not apply to party walls located along <b>site</b> boundaries.
RD1	(a) Any <b>building</b> which does not comply with Rule 16.5.8.4 P1 or P2. (b) Council's discretion shall be restricted to: (i) height of <b>building</b> ; (ii) design and location of <b>building</b> ; (iii) admission of daylight and sunlight to the site and other sites; (iv) privacy on other <b>sites</b> ; (v) amenity values of the locality.

#### 16.5.8.5 Non-residential building

P1	A non-residential <b>building</b> provided that the gross floor area does not exceed 300m <sup>2</sup> .
D1	A non-residential <b>building</b> which does not comply with Rule 16.5.8.5 P1.

#### 16.5.8.6 Living court

P1	(a) A <b>living court</b> must be provided for each dwelling in the Medium Density Precinct as shown on Te Kauwhata Lakeside Precinct Plan Rule 16.5.1(3)(a) which meets all of the following conditions: (i) the <b>living court</b> is readily accessible from a living area of the <b>dwelling</b> ; and either (ii) on the ground floor the <b>living court</b> has a minimum area of 60m <sup>2</sup> capable of containing a circle of 6m diameter, and has a minimum width of 2.5m; or (iii) if the <b>dwelling</b> does not have a habitable room on the ground floor, a balcony is provided that meets the following: A. has an area of 10m <sup>2</sup> with a diameter of at least 2.0m for 1 bedroom <b>dwellings</b> ; or B. has an area of 15m <sup>2</sup> with a minimum diameter 2.4m for 2 or more bedroom <b>dwellings</b> .
P2	(a) A <b>living court</b> must be provided for each dwelling in the High Density Precinct as shown on Te Kauwhata Lakeside Precinct Plan Rule 16.5.1(3)(a) which meets either Rule (a)(v) or condition (a) (ii): (i) it complies with the living court rules for the medium density precinct, except that the

	<p>ground floor <b>living court</b> must have a minimum area of 50m<sup>2</sup>; or</p> <p>(ii) Communal open space is provided and:</p> <p>(b) the communal open space is accessible from all dwellings subject to this provision, and</p> <p>(i) each <b>dwelling</b> has a legal right to use and enjoy the communal open space, and</p> <p>(ii) an on-site private open space is provided where either:</p> <p>A. on the ground floor the <b>living court</b> has a minimum area of 30m<sup>2</sup> capable of containing a circle of 4m diameter, and has a minimum width of 2.5m; or</p> <p>B. if the <b>dwelling</b> does not have a habitable room on the ground floor, a balcony is provided containing at least 10m<sup>2</sup> and a circle with a diameter of at least 2.0m.</p>
RD1	<p>(a) Construction or alteration of a <b>dwelling</b> which does not comply with <b>Rule 16.5.8.6 P1</b> or <b>P2</b>.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <p>(i) Outdoor amenity;</p> <p>(ii) Functionality of balcony space;</p> <p>(iii) Integration of balconies within building design;</p> <p>(iv) Privacy and overlooking.</p>

#### 16.5.8.7 Building setbacks – All boundaries

P1	<p>(a) A <b>building</b> must be set back a minimum of:</p> <p>(i) 3m from the road <b>boundary</b>;</p> <p>(ii) 1m from the side <b>boundary</b> excluding duplexes or terrace houses;</p> <p>(iii) 1.5m from the rear <b>boundary</b>.</p>
RD1	<p>(a) A <b>building</b> that does not comply with <b>Rule 16.5.8.7 P1</b>.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <p>(i) amenity of neighbouring properties including shadowing, building dominance and privacy;</p> <p>(ii) streetscape quality;</p> <p>(iii) road network safety and efficiency.</p>

#### 16.5.8.8 Fences

P1	<p>(a) Fences and walls between the applicable <b>building</b> setbacks under <b>Rule 16.5.8.7</b> on a site and any road and road reserve boundaries must comply with all of the following conditions:</p> <p>(i) be no higher than 1.2m if solid;</p> <p>(ii) be no higher than 2m if:</p> <p>A. visually permeable for the full 1.8m height of the fence; or</p> <p>B. solid up to 1.2m and visually permeable between 1.2m and 1.8m.</p>
RD1	<p>a) A fence or wall which does not comply with <b>16.5.8.8 P1</b>.</p> <p>b) Council's discretion shall be restricted to the following matters:</p> <p>(i) <b>building</b> materials and design</p> <p>(ii) <b>height</b></p> <p>(iii) effects on amenity</p> <p>(iv) visibility of public space.</p>

#### 16.5.8.9 Overlooking of public spaces

P1	<p>(a) Any <b>dwelling</b> or independent living unit within a <b>retirement village</b> located on a site which fronts a street or public open space must comply with all of the following conditions:</p> <p>(i) at least one habitable room with glazing overlooks the street or public open space, and</p> <p>(ii) the area of glazing shall be a minimum of 25% of that part of the wall area of the habitable room which faces the street or public open space.</p>
RD1	<p>(a) Any <b>dwelling</b> or independent living unit within a <b>retirement village</b> which does not comply with <b>16.5.8.9 P1</b>.</p>

	<p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) visibility of public open space;</li> <li>(ii) public safety.</li> </ul>
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## 16.5.9 Subdivision

### 16.5.9.1 Subdivision Lakeside - general

C1	<p>(a) <b>Subdivision</b> must comply with all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) <b>Subdivision</b> is for an existing or approved housing development.</li> <li>(ii) every <b>allotment</b>, other than a <b>utility allotment</b> or <b>access allotment</b>, has a <b>net site area</b> of at least: <ul style="list-style-type: none"> <li>A. Medium Density Precinct – a minimum <b>site</b> size of 300m<sup>2</sup> with an average <b>site</b> size of 450m<sup>2</sup>, subject to (B) below;</li> <li>B. Higher Density Precinct – a minimum site size of 225m<sup>2</sup>, with a minimum average <b>site</b> size of 250m<sup>2</sup>. Where a <b>site</b> has legal access to private communal open space, then the percentage of that open space related to the number of properties with legal rights to use the private communal open space, will count towards the average <b>site</b> size (but not minimum site size); or</li> <li>C. 2500m<sup>2</sup> in the case of any new <b>allotment</b> that is not connected to a reticulated wastewater system. For the avoidance of doubt this rule does not apply to any <b>allotment</b> created prior to 1 January 2017.</li> </ul> </li> <li>(iii) No <b>allotment</b> adjoining Lot 2 DPS 83606 included in SA66B/985 and/or Lot 4 DPS 83606 included in SA66B/987 shall be smaller than 450m<sup>2</sup> net site area.</li> <li>(iv) every <b>allotment</b> with a road <b>boundary</b>, other than an access <b>allotment</b>, access leg or <b>utility allotment</b>, has a width along the road <b>boundary</b> of at least: <ul style="list-style-type: none"> <li>A. 12m in the Medium Density Precinct shown on Plan <b>Rule 16.5.1(3)(a)</b> or</li> <li>B. 9m in the Higher Density Precinct shown on Plan <b>Rule 16.5.1(3)(a)</b> or</li> </ul> </li> <li>(v) every <b>allotment</b>, other than a <b>utility or access allotment</b>, is capable of containing a <b>building platform</b>: <ul style="list-style-type: none"> <li>A. Upon which a <b>dwelling</b> and <b>living court</b> could be sited as a permitted activity or, in the Higher Density Precinct, outdoor living space meets the communal open space Rule <b>16.5.8.6</b>, or</li> <li>B. In the case of vacant sites with no associated building proposal;</li> <li>C. A rectangle of at least 200m<sup>2</sup> with a minimum dimension of 12m exclusive of yards, and</li> <li>D. No part of the rectangle is located in an area identified as a stream or flood plain.</li> </ul> </li> <li>(vi) every <b>allotment</b>, other than a utility, access or open space <b>allotment</b> meets the <b>infrastructure</b> requirements as below: <ul style="list-style-type: none"> <li>A. Demonstrate that adequate capacity within the water, stormwater and wastewater networks will be available to accommodate the proposed <b>subdivision</b> including all necessary treatment required to meet water quality, quantity and disposal requirements; and</li> <li>B. Every <b>allotment</b> other than a <b>utility allotment</b>, <b>access allotment</b> or open space <b>allotment</b> must be able to demonstrate how it will connect to a reticulated water supply, and wastewater network that has adequate capacity as per infrastructure standard (a) above; and</li> <li>C. Every <b>allotment</b> other than a <b>utility allotment</b>, <b>access allotment</b> or open space <b>allotment</b> must be able to demonstrate how it will provide land drainage and stormwater disposal either through a reticulated network or in accordance with <b>Chapter 14</b>.</li> </ul> </li> <li>(vii) any <b>allotment</b> that creates a walkway or cycle way or any walkway or cycle way forming part of a <b>subdivision</b> is:</li> </ul>
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	<ul style="list-style-type: none"> <li>A. at least 3 metres wide;</li> <li>B. designed for shared pedestrian and cycle use;</li> <li>C. for connections between roads, has unimpeded visibility along the entire length;</li> <li>D. generally in accordance with the walkway route shown on Precinct Plan <b>Rule 16.5.1(3)(c)</b> (recognising that the detailed alignment is indicative only).</li> </ul> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) <b>subdivision</b> layout;</li> <li>(ii) shape and orientation of <b>allotments</b>;</li> <li>(iii) ability of <b>allotments</b> to accommodate a practical <b>building platform</b>;</li> <li>(iv) variation in <b>allotment</b> size;</li> <li>(v) likely location of future buildings and their potential effects on the environment;</li> <li>(vi) avoidance or mitigation of natural hazards geotechnical suitability for <b>building</b>;</li> <li>(vii) road efficiency and safety;</li> <li>(viii) vehicle and pedestrian networks;</li> <li>(ix) connection to open spaces;</li> <li>(x) amenity and streetscape;</li> <li>(xi) drainage;</li> <li>(xii) land stability;</li> <li>(xiii) amenity matters including batter slopes;</li> <li>(xiv) health and safety;</li> <li>(xv) easements to facilitate development beyond the <b>site</b>.</li> </ul>
RD1	<p>(a) <b>Subdivision</b> that does not comply with conditions in <b>Rule 16.5.9.1 C1</b>.</p> <p>(b) The Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) <b>subdivision</b> layout;</li> <li>(ii) shape and orientation of <b>allotments</b>;</li> <li>(iii) ability of <b>allotments</b> to accommodate a practical <b>building platform</b>;</li> <li>(iv) variation in <b>allotment</b> size;</li> <li>(v) likely location of future <b>buildings</b> and their potential effects on the environment;</li> <li>(vi) avoidance or mitigation of natural hazards geotechnical suitability for <b>building</b>;</li> <li>(vii) road efficiency and safety;</li> <li>(viii) vehicle and pedestrian networks;</li> <li>(ix) connection to open spaces;</li> <li>(x) amenity and streetscape;</li> <li>(xi) drainage;</li> <li>(xii) land stability;</li> <li>(xiii) amenity matters including batter slopes;</li> <li>(xiv) health and safety;</li> <li>(xv) easements to facilitate development beyond the site.</li> </ul>

### 16.5.9.2 Lakeside Comprehensive Subdivision Consent (CS)

RD1	<p>(a) A <b>Comprehensive Subdivision Consent (CS)</b> that meets all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) is in accordance with Te Kauwhata Lakeside Precinct Plan <b>Rule 16.5.1(3)(a)</b>; the roading network, walkways and cycleways shown on Precinct Plan <b>Rule 16.5.1(3)(b)</b>; and the open space shown on Precinct Plan <b>Rule 16.5.1(3)(c)</b> as set out in the precinct parameters below; and</li> <li>(ii) A <b>CS</b> is in accordance with the Lakeside Precinct Plans identified above if: <ul style="list-style-type: none"> <li>A. Primary roads are within 50m of the location shown on Precinct Plan <b>Rule 16.5.1(3)(b)</b>;</li> <li>B. Bus route is either on the alignment shown on Precinct Plan <b>Rule 16.5.1(3)(b)</b> or a continuous alignment that achieves the same circulation;</li> </ul> </li> </ul>
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	<p>C. The external boundary of the high density area within the Residential Zone is within 10m of the location shown on Precinct Plan Rule 16.5.1(3)(a);</p> <p>(iii) Indicative walkways/cycleways are within 100m of the location shown on Precinct Plan Rule 16.5.1(3)(c) provided connections are retained between the Lakeside Walkway and the residential development;</p> <p>(iv) The Lakeside Walkway is within 10m of the location shown on Precinct Plan Rule 16.5.1(3)(c);</p> <p>(v) Retirement village boundaries are within 50m of the location shown on Precinct Plan Rule 16.5.1(3)(b); and</p> <p>(vi) Indicative areas of open space are within 200m of the location shown on Precinct Plan Rule 16.5.1(3)(c).</p> <p>(vii) A secondary road access into the Lakeside Precinct Plan Area (as shown on Lakeside Precinct Plan Rule 16.5.1(3)(b)) must be opened for traffic before the number of residential allotments in the Lakeside Precinct Plan Area exceeds 400 provided that:</p> <ol style="list-style-type: none"> <li>each independent living unit in a retirement village shall count as one allotment;</li> <li>for the purpose of this rule, exceedance of 400 residential allotments shall occur at the time of issue of 224C certificate under the Resource Management Act, and exceedance of independent living unit shall occur at the time of issue of building consent for that unit.</li> </ol> <p>(viii) The following infrastructure requirements are met:</p> <ol style="list-style-type: none"> <li>Demonstrate that adequate capacity within the water, stormwater and wastewater networks will be available to accommodate the proposed subdivision including all necessary treatment required to meet water quality, quantity and disposal requirements; and</li> <li>Any wastewater disposal into Lake Waikare shall be from a new membrane bioreactor treatment plant (or plant of equal or better functionality), provided that wastewater disposal from up to 400 residential allotments may be connected to the existing Te Kauwhata wastewater treatment plant on a temporary basis until a long-term wastewater disposal system is implemented. Where a retirement village is included as part of the first 400 residential allotments, then each independent living unit shall count as one allotment; and</li> <li>Every allotment other than a utility allotment, access allotment or open space allotment, must be able to demonstrate how it will connect to a reticulated water supply, and wastewater network that has adequate capacity as per infrastructure standard (i) above; and</li> <li>Every allotment other than a utility allotment, access allotment or open space allotment, must be able to demonstrate how it will provide land drainage and stormwater disposal either through a reticulated network or in accordance with Chapter 14;</li> <li>and prior to the issue of any 224C approval, the infrastructure requirements detailed in (viii) A-D above shall be implemented and operational.</li> </ol> <p>(ix) Individual site sizes shall not be less than the following for the identified areas on the Te Kauwhata Lakeside Precinct Plan Rule 16.5.1(3)(a).</p> <ol style="list-style-type: none"> <li>Medium Density- a minimum site size of 300m<sup>2</sup> with a minimum average site size of 450m<sup>2</sup>, subject to E below.</li> <li>Higher Density - a minimum site size of 225m<sup>2</sup> with a minimum average site size of 250m<sup>2</sup>. Where a site has legal access to private communal open space, the percentage of that open space related to the number of properties with legal rights to use the private communal open space, will count towards average site size (but not minimum site size).</li> <li>Retirement village - Medium Density precinct - a minimum exclusive area for an independent dwelling of 120m<sup>2</sup>.</li> <li>Retirement village - Higher Density precinct - no density limit.</li> <li>No allotment adjoining Lot 2 DPS 83606 included in SA66B/985 and/or Lot 4 DPS 83606 included in SA66B/987 shall be smaller than 450m<sup>2</sup> net site area.</li> <li>Where the averaging rule applies in A and B above this shall be calculated as the average of all sites zoned Residential, intended for residential purposes, and less than 2000m<sup>2</sup>. Any allotment greater than 2000m<sup>2</sup> or any allotment primarily intended for roading or public</li> </ol>
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	<p>infrastructure shall not be included within the average calculation.</p> <p>(x) A CS can relate to the entire Te Kauwhata Lakeside Precinct Plan Area, or may be for an individual stage or stages, provided that an individual stage must be 5ha or more.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) consistency with the Te Kauwhata Lakeside Precinct Plan in Rules 16.5.1(3)(a), 16.5.1(3)(b) and 16.5.1(3)(c);</li> <li>(ii) matters identified in the assessment criteria in X;</li> <li>(iii) managing the effects of wastewater and stormwater;</li> <li>(iv) extent of any non-compliance with site density control;</li> <li>(v) roading network (including the Te Kauwhata Road level crossing safety);</li> <li>(vi) compliance with a Council approved roading standard;</li> <li>(vii) protection, restoration or enhancement of ecological features;</li> <li>(viii) provision and location of existing and future utilities and connections;</li> <li>(ix) location of roads and their connections;</li> <li>(x) provision for public access to Lake Waikare;</li> <li>(xi) provision of open space, including linkages between residential areas, open space and Lake Waikare;</li> <li>(xii) effects of natural hazards (including flooding), geotechnical and land contamination;</li> <li>(xiii) provision of the historic Iwi overlay area shown on Precinct Plan Rule 3/7 16.5.1(3)(c).</li> </ul> <p>(c) Applications for approval of a Comprehensive Subdivision Consent as a restricted discretionary activity will be considered without public notification and without the need to serve notice on or obtain the written approval of any affected persons.</p> <p><b>Note 1</b></p> <p>CS approval does not constitute authorisation by the Waikato District Council as road controlling authority in terms of Section 357 of the Local Government Act 1974. Written authorisation is required from the Waikato District Council prior to any works commencing that affect public roads.</p>
D1	<p>(a) A CS that does not comply with Rule 16.5.9.2 RD1 and meets all of the following conditions and conditions 16.5.9.2 RD1 (i) and (ii) relating to secondary access and infrastructure:</p> <ul style="list-style-type: none"> <li>(i) Primary roads are within 50m-100m of the location shown on Precinct Plan Rule 16.5.1(3)(b);</li> <li>(ii) Bus route is either on the alignment shown on Precinct Plan Rule 16.5.1(3)(b) or a continuous alignment that achieves the same circulation;</li> <li>(iii) The external boundary of the high density area within the Residential Zone is within 10m-20m of the location shown on Precinct Plan Rule 16.5.1(3)(a);</li> <li>(iv) Indicative walkways/cycleways are within 100m-200m of the location shown on Precinct Plan Rule 15.5.2.3 provided that connections are retained between the Lakeside Walkway and the residential development;</li> <li>(v) Lakeside Walkway is within 10m-20m of the location shown on Precinct Plan Rule 16.5.1(3)(c);</li> <li>(vi) Retirement village boundaries are within 50m-100m of the location shown on Precinct Plan 16.5.1(3)(a);</li> <li>(vii) Indicative areas of open space are within 200-400m of the location shown on Precinct Plan 16.5.1(3)(c).</li> </ul> <p>(b) The matters over which Council reserves discretion shall be used for assessing discretionary activity applications under this rule.</p>
NC1	<p>A CS that does not meet the requirements of Rule 16.5.9.2 RD1 (vii) and (viii) relating to Secondary Road Access Control and/or the Infrastructure Requirements, shall be a non-complying activity.</p>
NC2	<p>A CS that does not meet any of the parameters for a discretionary activity outlined in Rule 16.5.9.2 D1 (i) to (vii) is a non-complying activity.</p>

### 16.5.9.3 Subdivision – Sites less than 5ha

RD1	<p>(a) Subdivision on sites less than 5 ha that complies with the conditions as set out below:</p> <ul style="list-style-type: none"> <li>(i) it is in accordance with the Te Kauwhata Lakeside Precinct Plan in 16.5.1(3)(a), 16.5.1(3)(b) and 16.5.1(3)(c);</li> <li>(ii) environmental improvements required by the Te Kauwhata Lakeside Precinct Plan (including, but not limited to landscaping and provision of walkways and cycleways shown on the Precinct Plan Rule 16.5.1(3)(c) have been implemented to the extent required; or</li> <li>(iii) the requisite environmental improvements in (ii) above 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.</li> </ul> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) consistency with the Te Kauwhata Lakeside Precinct Plans Rules 16.5.1(3)(a), 16.5.1(3)(b) and 16.5.1(3)(c);</li> <li>(ii) matters identified in the assessment criteria in X;</li> <li>(iii) managing the effects of wastewater and stormwater;</li> <li>(iv) extent of any non-compliance with site density control;</li> <li>(v) roading network and compliance with a Council approved roading standard;</li> <li>(vi) provision and location of existing and future utilities and connections;</li> <li>(vii) location of roads and their connections;</li> <li>(viii) effects of natural hazards (including flooding), geotechnical and land contamination.</li> </ul>
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**Annexure 3: Evaluation of Other Matters Raised in the Submissions and  
Further Submissions of Kainga Ora**

## ANNEXURE 3: EVALUATION OF OTHER MATTERS RAISED IN THE SUBMISSIONS AND FURTHER SUBMISSIONS OF KĀINGA ORA

### **Chapter 4: Urban Environments – Objectives and Policies**

#### 4.2.12 (Outdoor living court – Multi-unit development) and 4.2.18(a) (Multi-unit development)

- 1.1 Kāinga Ora's submission sought to delete Policy 4.2.12 and merge the policy with Policy 4.2.18(a) on the basis that there is no need to differentiate and create a separate policy on outdoor living courts related to multi-unit developments.
- 1.2 Council s42A report has recommended adopting Kāinga Ora's relief sought. I support this approach to delete Policy 4.2.12 and incorporate the outdoor living court matters within Policy 4.2.18(a). However, I note that Appendix 2 – Chapter 4: Urban Environment of the s42A report (Hearing 10) does not indicate the recommendation of Council.
- 1.3 For clarity, I support the deletion of Policy 4.2.12 and amendments to Policy 4.2.18(a) as sought by Kāinga Ora and recommended for adoption by Council. Policy 4.2.18(a) would read as follows in ~~red strikethrough~~ and underline:
  - (a) *Ensure multi-unit residential subdivision and development is designed and located in a way that:*
    - i. *Provides a range of housing types*
    - ii. ~~Addresses and~~ Integrates *with adjacent residential development, town centres and public open space;*
    - iii. ~~Addresses~~ Manages *and responds to the constraints of the site, including ~~typography~~ topography, natural features and heritage values;*
    - iv. *Provides usable and accessible outdoor living courts that maximises light access, functionality and privacy;*
    - v. *Supports an integrated transport network, including walking and cycling connections to public open space network.*
    - ~~vi. Maintains the amenity values of neighbouring sites.~~

## ***Chapter 16: Residential Zone – Rules***

### Submission Point 749.80 – Rule 16.1.3 (Restricted Discretionary Activities – RD1)

- 1.4 Kāinga Ora's submission sought to increase the maximum height to 11m, insert a less restrictive daylight recession plane and reduce the notified living court dimensions to better enable multi-unit development up to a maximum of 3 storeys in height in the Residential Zone.
- 1.5 In the s.42A report, Council recommends rejecting the relief sought by Kāinga Ora on the basis that the submission does not address the potential effects on residential amenity and townscape from the proposed relief sought<sup>1</sup>.
- 1.6 In response to various other submitters, Council recommends the deletion of all the notified conditions of Rule 16.1.3, with the exception of condition (d) - pertaining to the requirement for multi-unit development to connect to a public wastewater and water reticulation system<sup>2</sup>. Council has based this recommendation upon recognition of the fundamental difficulty with Rule 16.1.3 - insofar as a minor non-compliance with any of the exhaustive activity conditions (a)-(h) results in a Discretionary Activity consent<sup>2</sup>.
- 1.7 Further, Council acknowledge that requiring compliance with all the conditions of Rule 16.1.3 to retain a Restricted Discretionary Activity status has the opposite effect of encouraging innovative and clever ways in which to provide for multi-unit development, while still achieving residential amenity values<sup>2</sup>.
- 1.8 In summary, Council notes that Rule 16.1.3, as notified, creates an outcome contrary to the relevant objectives and policies<sup>2</sup>.
- 1.9 Upon review of Kāinga Ora's submission to retain Rule 16.1.3 subject to amendments, and Council's recommendation to delete all but condition (d) of the Restricted Discretionary Activity conditions from Rule 16.1.3, I support Council's position.

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<sup>1</sup> s42A report (Hearing 10). Paragraph 274, Pg. 112

<sup>2</sup> s42A report (Hearing 10). Paragraph 252, Pg. 108

- 1.10 I echo the rationale provided by Council as summarised in the body of my evidence (section 7). Further, I agree with Council's rationale to retain condition (d) as notified, as I agree that a connection to a water supply and wastewater system is a fundamental prerequisite for any multi-unit development<sup>2</sup>.
- 1.11 However, given my support for the inclusion of a MDRZ as discussed in my evidence, I consider that Rule 16.1.3 RD1 can remain as it is proposed to be amended (subject to the other relief sought by the submitter in respect of Appendix 3.4 – Multi-Unit Design). This relief would be consequential and premised upon the implementation of a MDRZ. This consequential relief would then enable the realisation of a filtering of density from the “cores” of each settlement to the outskirts; but recognising that some multi-unit typologies should be enabled within the Residential Zone.
- 1.12 Should the Panel not accept the MDRZ, then I wish to clarify that I support Kāinga Ora's submission to increase the maximum height to 11m, insert a less restrictive daylight recession plane and reduce the notified living court dimensions with other consequential amendments as originally sought to better enable multi-unit development up to a maximum of 3 storeys in height in the Residential Zone.

## **2. PROVIDING FOR A RANGE OF BUILT FORM OUTCOMES AND DWELLING TYPES**

### Submission Point 749.1– Policy 4.2.8 (Excessive building scale)

- 2.1 Kāinga Ora's submission supported the intent of Policy 4.2.8, however sought the deletion of the word “excessive” from the Policy heading to ensure the policy focus is on ‘building scale’.
- 2.2 Council s42A report has recommended deleting the word “excessive” from the heading of Policy 4.2.8. I support this recommendation of Council.

## ***Chapter 16: Residential Zone – Rules***

### Submission Point 749.79 – Rule 16.1.2 (Permitted Activities)

- 2.3 Kāinga Ora's primary submission sought to retain Rule 16.1.2, however, sought the inclusion of a “Boarding House” activity.

- 2.4 In the s42 report, Council recommend rejecting the relief sought given 'boarding houses' are generally not provided for in the Residential Zone and that both the notified definition of 'Residential Activity' and the recommended definition<sup>3</sup> would apply to 'boarding houses'<sup>4</sup>.
- 2.5 I support the recommendation of Council to reject the proposed 'boarding house' activity from Rule 16.1.2. I understand there are no rules in the PDP that seek to regulate 'boarding houses' differently from other households. Further, the National Planning Standards definition of a 'residential activity' is suitably broad to capture the meaning of 'boarding house'. I note Council recommended adopting the 'residential activity' definition from the National Planning Standards in its' s42A report for Hearing 5 (Definitions) – which was supported by Kāinga Ora's planning evidence on that topic<sup>5</sup>. As such, the introduction of a 'boarding house' activity in Rule 16.1.2 is not necessary.

Submission Point 749.87 and 749.88 – Rule 16.3.1 (Dwelling) and Rule 16.3.2 (Minor dwelling)

- 2.6 Kāinga Ora's submission sought to increase the permitted number of dwellings per site in Rule 16.3.1 from one dwelling per site to three and make various amendments to the minor dwelling permitted activity standards in Rule 16.3.2 to better enable and incentivise residential development at different scales and typologies within the District.
- 2.7 Regarding Rule 16.3.1, Council has recommended retaining one dwelling per site as a permitted activity, citing research undertaken on nearby districts to ascertain how their multi-unit development rules worked in practice<sup>6</sup>. However, Council recommend providing for up to two dwellings per site as a new Restricted Discretionary Activity noting the intent behind the activity status differentiation between restricted discretionary activity for a multi-unit and discretionary for just an infill of a second dwelling as a discretionary activity, was to provide an incentive for the multi-unit development<sup>7</sup>.

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<sup>3</sup> s42A report (Hearing 5). Paragraph 375, Pg. 96

<sup>4</sup> s42A report (Hearing 10). Paragraph 420, Pg. 168

<sup>5</sup> Paragraph 5.30, Pg. 13

<sup>6</sup> s42A report (Hearing 10). Paragraph 239, Pg. 106

<sup>7</sup> s42A report (Hearing 10). Paragraph 245, Pg. 106

- 2.8 I consider triggering a discretionary activity for more than one dwelling per site is overly restrictive. This cascade in activity status acts to discourage any new in-fill with a rule framework encouraging either one dwelling per site or a multi-unit development. Given, as notified, two or more dwellings per site is a Discretionary Activity and a multi-unit development is a Restricted Discretionary Activity. I consider this approach discourages housing choice and variety in residential built form within the Residential Zone.
- 2.9 Therefore, I support Kāinga Ora's submission to increase the permitted number of dwellings per site in Rule 16.3.1 from one dwelling per site to three.
- 2.10 Regarding Rule 16.3.2, Council has recommended retaining the rule as notified. In the s42A report, Council identifies that 900m<sup>2</sup> would allow increased housing options and efficient use of the residential land resource whilst not undermining the overall density – that is, one house per 450m<sup>28</sup>. Council also notes that a change to the activity status to restricted discretionary where the permitted conditions could not be complied with would be the preferable option, however it considered that there is no scope to make that amendment<sup>9</sup>.
- 2.11 I do not support the recommendation of Council to retain the rule, as notified. Rule 16.3.2 is restrictive and discourages the desired urban uplift sought in the District. The retention of Rule 16.3.2 as notified does not encourage sufficient housing choice and variety in residential built form to support changing demographics, lifestyles, rising housing costs, future housing demands and population growth within the Waikato District.
- 2.12 If the MDRZ relief sought is rejected; and no amendments to Rule 16.3.2 are made; I do not consider that the uptake of land for redevelopment into medium density housing and particularly multi-unit higher density can be realistically achieved. The controls are in combination too onerous if this zone is expected to provide additional capacity through redevelopment. My experience in such matters is that there will be a level of "infill" housing that can be accommodated on sites that can accommodate an additional dwelling, but the enabling of progressive redevelopment of sites with high

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<sup>8</sup> s42A report (Hearing 10). Paragraph 246, Pg. 107

<sup>9</sup> s42A report (Hearing 10). Paragraph 248, Pg.107

standards and design and amenity will be significantly constrained under the current rules structure proposed.

- 2.13 Therefore, I support Kāinga Ora's submission to amend Rule 16.3.2 to better enable residential intensification at different scales and typologies.

Submission Point 749.89 – Rule 16.3.3.1 (Height)

- 2.14 Kāinga Ora's submission sought to increase the maximum permitted height limit from 7.5m to 8m in the Residential Zone.
- 2.15 In the s42A report, Council has recommended increasing the maximum permitted height limit from 7.5m to 8m. Outlining the view that, upon analysis of the maximum height provision of the surrounding districts, the 8m height limit is considered "appropriate"<sup>10</sup>. Further, this 8m height limit aligns with the maximum height limit in the Lakeside Te Kauwhata Precinct and existing Franklin Section of the Operative District Plan<sup>10</sup>.
- 2.16 I support the recommend of Council to increase the maximum permitted height limit to 8m within the Residential Zone as this encourages further housing choice and variety in residential built form.

Submission Point 749.109 – Rule 16.3.5 (Daylight admission)

- 2.17 Kāinga Ora's submission sought to increase the height control plane from 37 degrees to 45 degrees, remove and replace reference to "another" site with "adjoining site" and delete reference to "effects on amenity values and residential character".
- 2.18 In the s42A report, Council recommended retaining the rule, as notified, subject to increase the height recession plane from 37 degrees to 45 degrees as this is an easier dimension to measures and generally aligns with common roof pitches<sup>11</sup>.
- 2.19 I support the recommendation to alter the height recession plane from 37 degrees to 45 degrees on the basis that this is generally used by adjacent Council's, as noted by Kelly Cattermole in her s42A report<sup>12</sup>.

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<sup>10</sup> s42A report (Hearing 10). Paragraph 476, Pg.186

<sup>11</sup> s42A report (Hearing 10), Paragraph 129, Pg. 48-49

<sup>12</sup> s42A report (Hearing 6), Paragraph 438, Pg. 134

- 2.20 In regard to the removal and replacement of the word “another” with “adjoining”, Council considers that consideration of effects should not be restricted to “adjoining” sites, and the word “another” should be retained to provide clarity and ensure consistency with other zones<sup>13</sup>.
- 2.21 In regard to the deletion of Clause (g), Council considers it appropriate to retain Clause (g) on the basis that residential amenity and character are an important factor to be considered<sup>13</sup>.
- 2.22 I support Kāinga Ora’s submission to amend Rule 16.3.5 to remove and replace “another” with “adjoining” and to delete Clause (g) from the matters of discretion. I consider Council’s discretion should be appropriately restricted to adjoining properties only and there should be no ability to provide scope for the wider residential neighbourhood in relation to Daylight Admission given the discrete and known nature of the potential adverse effects associated with exceeding the permitted height control plane (that is, shadowing).

Point 749.90 – Rule 16.3.4.1 (Fences or walls – Road boundaries and Reserve Zone Boundaries)

- 2.23 Kāinga Ora’s submission sought to amend Rule 16.3.4.1 to both remove reference from the ‘Reserve Zone’ and increase the permitted maximum height of a ‘solid’ fence from 1.2m to 1.5m.
- 2.24 Council recommended retaining Rule 16.3.4.1, as notified, given it is important to provide a degree of passive surveillance along reserves and implement CPTED principles, and the 1.5m sought by Kāinga Ora would not achieve that outcome<sup>14</sup>. Council also notes that no rationale has been provided by Kāinga Ora for the amendments sought to Rule 16.3.4.1<sup>14</sup>.
- 2.25 I support Kāinga Ora’s submission to increase the fence height to 1.5m and remove reference to “Reserve Zone” from Rule 16.3.4. I note that the Operative Hamilton City District Plan (“**OHCDP**”) (Plan Change 2, 3 & 6) adopts a 1.8m maximum permitted fence height<sup>15</sup> for the General Residential Zone, Residential Intensification Zone and Large Lot Residential Zone and the Plan does not distinguish the maximum

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<sup>13</sup> s42A report (Hearing 10), Paragraph 134-135, Pg. 50)

<sup>14</sup> s42A report (Hearing 10). Paragraph 502, Pg. 191

<sup>15</sup> Hamilton City District Plan - Rule 4.4.8(a)

permitted fence height in relation to the adjoining zone. I therefore consider it appropriate to adopt a more permissive fence standard in the Waikato District.

Submission Point 749.111 and 749.112 – Rule 16.3.7 (Living court) and Rule 16.3.8 (Service court)

- 2.26 Kāinga Ora's submission sought amend Rule 16.3.7 and Rule 16.7.8 to reduce the minimum permitted area of outdoor living courts and service courts to enable better utilisation of a site for residential development.
- 2.27 Regarding Rule 16.3.7, Council recommended opposing the reduced minimum outdoor living court and areas and retaining the minimum areas as notified. Council considers that the notified size and dimensions of the outdoor living space for minor units is appropriate for their likely reduced occupancy while still providing on-site residential amenity.
- 2.28 Regarding Rule 16.3.8, Council recommended alterations to the minimum service court area dimensions because the manner in which service court requirements are delivered in modern dwellings has changed with some of the service court functions being provided with garages and clotheslines being attached to wall. On this basis, Council recommends that the two functions - being the storage of waste and recycling bins and washing lines – be separated and the dimensions be made specific to each function.
- 2.29 I do not support Council's recommendation to retain the minimum outdoor living court areas as notified. I consider that the minimum outdoor living areas are too large to encourage practical and effective use of a site for residential development. Further, I consider the minimum areas are unlikely to result in compliant multi-unit developments (therefore triggering a Discretionary Activity consent requirement).
- 2.30 Therefore, amendments to Rule 16.3.7 are required to reduce the size of the permitted minimum outdoor living areas to better enable residential development at different scales and typologies within a site and reduce instances of non-compliance for multi-unit developments. I adopt those amendments sought in Kāinga Ora's submission<sup>16</sup>.
- 2.31 However, I support Council's recommendation to delete the minimum service court area and replace it with two separate minimum service court

areas that, either as two separate areas or one combined area, equate to 8m<sup>2</sup>.

- 2.32 For clarity, I support the amendments sought in Kāinga Ora's submission<sup>16</sup> to reduce the permitted minimum outdoor living court areas in Rule 16.3.7, and support the amendments recommended by Council to reduce the permitted minimum service court areas in Rule 16.3.8.

Submission Points 749.113, 749.114 and 749.116 – Rule 16.3.9.1(a)(i) - (iii) and 16.3.9.2 (Building setbacks – All boundaries), Rule 16.3.9.2 (Building setback – Sensitive land use) and Rule 16.3.9.3(a)(i) (Building setback – Water Bodies)

- 2.33 Kāinga Ora's primary submission sought to amend Rule 16.3.9.1(a)(ii)(iii), 16.3.9.2(a) and 16.3.9.3 to reduce the proposed setback distances from all boundaries other than the road boundary and delete the setback requirement from road boundaries. Kāinga Ora also sought to delete Rule 16.3.9.2 in its entirety.
- 2.34 Council's s42A report recommended the retention of the building setback distances in rules 16.3.9.1 and 16.3.9.2, as notified, subject to minor amendments for clarity. In response to Kāinga Ora submission points in relation to these rules, Council stated that there was no justification, reason or analysis provided for the proposed amendments sought.
- 2.35 I consider the proposed setback distances onerous for the potential adverse amenity effects the rule is seeking to manage. Building dominance and shadowing, for example, are largely controlled through height and height in relation to boundary controls – noting my support for the recommendation of Council in relation to both these rules.
- 2.36 I draw attention to Rule 4.4.6 from the OHCDP (Plan Change 2, 3 & 6) which permits, of relevance, a minimum 3m setback for buildings from local and collector transport corridors, 5m from arterial transport corridors and 1.5m from both Internal vehicle accesses and other boundaries.
- 2.37 Therefore, I consider the proposed 13m minimum setback from the edge of an indicative road onerous and support Kāinga Ora's submission to reduce this to 3m. I am not opposed to the retention of either Rule

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<sup>16</sup> No.749.111

16.3.9.1(a)(iii) and (iv) given these align with the OHCDP (Plan Change 2, 3 & 6).

- 2.38 In response to the deletion of Rule 16.3.9.2, Council stated this rule “manages reverse sensitivity between land uses that create on-going effects and the Residential Zone”<sup>17</sup>.
- 2.39 While I consider that the effects of reverse sensitivity require addressing, in my opinion, the approach proposed by Council to manage the potential adverse amenity effects resulting from incompatible land uses in proximity to one is not achieved by way of a blanket setback rule for all activities and all zones.

### **3. DENSITY AND MINIMUM RESIDENTIAL UNIT SIZES**

Submission Point 749.80 and 749.119 – Rule 16.1.3 (Restricted Discretionary Activities – RD1) and Rule 16.4.4 (Subdivision – Multi unit development)

- 3.1 Kāinga Ora’s submission sought to delete the minimum lot size requirements for multi-unit developments from Rule 16.1.3(c) and Rule 16.4.4(a)(iii) and sought to reduce the minimum residential unit sizes from Rule 16.4.4(a)(iv). Kāinga Ora considers that the bulk, location, site coverage and assessment criteria of Rule 16.1.3, as notified, sufficiently addresses the likely impacts on amenity values while providing for a range of housing typologies and that the minimum residential unit sizes in Rule 16.4.4(a)(iv), as notified, are high and will discourage any new residential development to occur.
- 3.2 Council recommends rejecting the relief sought by Kāinga Ora in relation to Rule 16.1.3 on the basis that the submission does not address the potential effects on residential amenity and townscape from the proposed relief sought<sup>18</sup>. However, in the s.42A report and associated Appendix 3 – Chapter 16: Residential Zone, Council’s tracked changes indicate the deletion of the minimum lot size condition (that is, Condition c). Although this is contrary to Council’s response<sup>18</sup> to Kāinga Ora’s submission to delete the minimum net site area condition. I further note that all Conditions from Rule 16.1.3 have been recommended for deletion in

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<sup>17</sup> s42A Report (Hearing 10), Paragraph 85, Pg. 33

<sup>18</sup> s42A report (Hearing 10). Paragraph 274, Pg. 112

Appendix 3, except for Condition (d) pertaining to the ability or the multi-unit development to be connected to public wastewater and water reticulation.

- 3.3 I support Council's position to delete the minimum lot size condition from Rule 16.1.3. In response to Council's concern with addressing the potential effects on residential amenity and townscape, I consider these potential effects are sufficiently addressed by way of the notified matters of discretion, the Land Use Building Rules (that is, Section 16.3).
- 3.4 In response to the amendments sought by Kāinga Ora's to Rule 16.4.4(a)(iii), Council recommends retaining the minimum lot size requirement subject to a minor amendments to include reference to the 'exclusive area for each residential unit' and delete the phrase 'minimum existing lot size where a new freehold (fee simple) lot is'. Council considers that the current wording of Rule 16.4.4(a)(iii) is nonsensical as it is referring to a lot that has not been created<sup>19</sup>. It is noted that Council does not respond directly to Kāinga Ora's submission regarding the deletion of the minimum lot size, but rather responds to various other submitters on this matter.
- 3.5 I do not support Council's recommendation to retain the minimum lot size or the addition of the phrase "exclusive area for each residential unit". Adopting the recommended wording of Rule 16.4.4 by Council, every unit of a multi-unit development requires 300m<sup>2</sup> exclusive area. In practice, a three studio multi-unit development achieving the minimum unit area (that is, 60m<sup>2</sup>) will require an exclusive area of 900m<sup>2</sup> to comply with Rule 16.4.4. This will discourage the urban uplift sought in the District and will be contrary to the objectives and policies of the PDP, as discussed in my main evidence above.
- 3.6 Therefore, I support the deletion of the minimum lot size area as sought in Kāinga Ora's submission.
- 3.7 Regarding Rule 16.4.4(a)(iv), Council recommends retaining the unit sizes as notified, given the occupation typology varies within the District so it is important that a range of housing options and sizes is provided and that smaller sizes of units can be accommodated throughout the

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<sup>19</sup> s42A report (Hearing 10). Paragraph 283, Pg. 113-114

resource consent process, particularly where the subdivision is giving effect to a land use consent that already incorporates the smaller units<sup>20</sup>. Council's recommendation is based on the research forming the section 32A report<sup>21</sup>.

- 3.8 It is similarly noted that Council does not specifically respond to Kāinga Ora's submission regarding the reduction of the minimum residential unit sizes, but rather responds to various other submitters on this matter.
- 3.9 I do not support the recommendation of Council to retain the minimum lot size requirements in Rule 16.4.4(a)(iii) and the minimum residential unit sizes in Rule 16.4.4(a)(iv).
- 3.10 In my view, the retention of these provisions results in a restrictive framework that discourages any new residential development - providing a framework that discourages the desired urban uplift sought in the Waikato District. Further, I consider that these provisions do not encourage sufficient housing choice and variety in residential built form to support changing demographics, lifestyles, rising house costs, future housing demands and population growth in the Waikato District.
- 3.11 The amendments sought in Kāinga Ora's submission better enable and incentivise residential development in the Waikato District through enabling more units to be accommodated in a development and the better utilisation of the site.
- 3.12 Therefore, I consider the amendments sought by Kāinga Ora in relation to Rule 16.4.4(a)(iii) and 16.4.4(a)(iv) are appropriate and should be adopted.

#### **4. URBAN DEVELOPMENT DESIGN GUIDELINES**

Submission Point 749.3, 749.80, 749.119 and 749.151 – Policy 4.2.18(b) (Multi-unit development), Rule 16.1.3 (Restricted Discretionary Activities – RD1), Rule 16.4.4 (Subdivision – Multi unit development), Appendix 3.4 (Urban Design Guidelines Multi-Unit Development 2018) and Rule 16.4.1 (Subdivision – General)

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<sup>20</sup> s42A report (Hearing 10). Paragraph 279, Pg. 113

<sup>21</sup> s42A report (Hearing 10). Paragraph 278, Pg.113

- 4.1 Kāinga Ora's submission sought to delete reference to the multi-unit development urban design guidelines from Policy 4.2.18(b), Rule 16.1.3, Rule 16.4.4(b)(vii) and Rule 16.4.1(RD1)(b)(vii) and delete Appendix 3.4 from the PDP. The Urban Design Guidelines Multi-Unit Development 2018 (Appendix 3.4 of the PDP) ("**design guidelines**") should be treated as non-statutory documents to inform design and development within the District.
- 4.2 Council has recommended that the deletion of the reference to the design guidelines sought by Kāinga Ora be rejected, noting that the deletion of Appendix 3.4 is "not agreed with"<sup>22</sup> and that Kāinga Ora's submission does not address the potential effects on residential amenity and townscape from the proposed relief sought<sup>23</sup>.
- 4.3 In response Kāinga Ora's submission<sup>24</sup> to delete Appendix 3.4 from the Plan, Council is of the opinion that Appendix 3.4 is only used as a matter of discretion or to provide the link within the policy between the specific matters of the policy and where those matters are located within Appendix 3.4 and, therefore, recommends the retention of Appendix 3.4 in the PDP<sup>25</sup>.
- 4.4 Regarding the deletion of the reference to the design guidelines from the matters of discretion of Rule 16.1.3 and Rule 16.4.1, Council considers the purpose of the reference to the design guides is so that the design of subdivision is underpinned by the outcomes sought by the design guidelines<sup>26</sup>. Council further notes that if the reference was removed it would not facilitate good design within the District<sup>26</sup>.
- 4.5 I support Kāinga Ora's submission to delete reference to the design guidelines from the provisions of the PDP. While I am not opposed to the use of urban design guidelines by Council to provide further detail and guidance regarding best practice design outcomes, I am opposed to providing statutory weight to these documents through District Plans, particularly any approach within a statutory District Plan which would

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<sup>22</sup> s42A report (Hearing 10), Paragraph 224, Pg. 83

<sup>23</sup> s42A report (Hearing 10). Paragraph 274, Pg. 112

<sup>24</sup> No. 749.151

<sup>25</sup> s42A report (Hearing 10). Paragraph 556, Pg. 206

<sup>26</sup> s42A report (Hearing 10). Paragraph 281, Pg. 113

require compliance with any non-statutory guidelines. I consider that such documents should be treated as non-statutory documents to inform design and development and I do not support any policy or rule approach which would require a development proposal to comply with design guidelines. Further, incorporation of design guidelines within the PDP results in the requirement to undertake a formal RMA Schedule 1 plan change process to alter or update the guidelines, which I do not consider to be an efficient approach from a plan-making point of view.

- 4.6 I also acknowledge that while there is no requirement in either Policy 4.2.18(b) or Rules 16.1.3, 16.4.4 and 16.4.1 to 'adhere' or 'meet' the guidelines, Policy 4.2.18(b) encourages developments that "promote the outcomes" of the design guidelines and the assessment matters contained in Rules 16.1.3 16.4.4 and 16.4.1 require Council's discretion to be restricted to the "manner in which" the design guidelines "have been incorporated" and the "consistency with" the "matters" and "outcomes" of the design guidelines for restricted discretionary resource consent applications respectively.
- 4.7 As an example, the design guidelines state a design statement "should be provided with every development"<sup>27</sup>. Retaining reference to the guidelines within Policy 4.2.18(b) and Rules 16.1.3 16.4.4 and 16.4.1, as recommended by Council, creates ambiguity and uncertainty in how one 'promotes' the provision of, or assesses the 'incorporation' of, a design statement without providing a design statement.
- 4.8 Therefore, I support Kāinga Ora's submission to remove all design guidelines from the PDP to ensure there is no uncertainty in responding to the guidelines, while allowing the guidelines to be updated frequently in response to updated best practice design outcomes.
- 4.9 I consider that the policies, rules and assessment frameworks (e.g. matters of discretion and assessment criteria) within District Plans should identify and articulate the built form / design outcome which the Council is seeking to achieve, with non-statutory design guidelines sitting outside of the District Plan to provide additional guidance, usually with regard to

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<sup>27</sup> Refer to 'Supporting Design Statements' section (pg. 6) of Appendix 3.4: Urban Design Guidelines Multi-Unit Development 2018

a variety of differing design approaches or responses, which can assist an applicant to achieve the outcomes stated in the District Plan.

- 4.10 Specific to Policy 4.2.18(b), the intent in relation to the outcomes that Policy 4.2.18 is seeking can still be achieved, without the need for a specific reference to the design guidelines themselves within Policy 4.2.18(b).
- 4.11 I therefore consider that an appropriate alternative wording for Policy 4.2.18(b) would read as follows in ~~red strikethrough~~ and underline (which also incorporates the amendment proposed by the Council in their s42a report):

*Encourage the design of multi-unit residential developments ~~to that promote the outcomes of the Waikato District Council's Multi-unit Development Urban Design Guidelines (Appendix 3.4), in particular section 3 (site and context analysis), section 4 (movement, access and parking), section 5 (neighbourhood character), section 6 (street and public realm interface), and section 8 (communal open spaces and landscape treatment), in particular by:~~*

- ~~(i) Responding to the immediate urban and built form;~~*
- (ii) ~~Designing and~~ locating development to support connection to the surrounding context and local amenities;*
- (iii) ~~Promoting~~ the safe movement of pedestrians and vehicles on site;*
- (iv) ~~Ensuring design is~~ Be contextually appropriate and ~~promotes promoting of~~ local characteristics ~~to that~~ contribute to community identity;*
- (v) ~~Designs that r~~Respond to and promote the public interface by the provisions of:*
  - A. Streets and public spaces;*
  - B. Pedestrian safety and amenity*
  - C. Side setbacks; and*
  - D. Variation in roof form*
- (vi) ~~Ensuring~~ Provide a communal outdoor living court is provided where private individual outdoor living courts are limited.*

- 4.12 Specific to Rules 16.1.3, 16.4.4 and 16.4.1, I consider that Clause (b) and Clause (b)(vii) should be deleted from the 'Matters of Discretion'.

- 4.13 I consider the amendments set out above will still assist to deliver upon the multi-unit development outcomes which the Council is seeking to achieve, without the need for Appendix 3.4 or specific reference within

Policy 4.2.18 and Rules 16.1.3, 16.4.4 and 16.4.1 to the design guidelines.

**5. RECOGNISING THAT AMENITY VALUES ARE DYNAMIC AND CHANGE OVER TIME**

***Chapter 16: Residential Zone – Rules***

Submission Point 749.[unknown] – Rule 16.3.11.6 (Heritage precincts – Matangi and Huntly)

- 5.1 Kāinga Ora's submission sought to remove the phrase "amenity values and character" from the matters of control associated with Rules 16.3.11.6 (C1 – C3) and (RD1).
- 5.2 In the s.42A report, Council does not recognise or respond to Kāinga Ora's submission in relation to Rule 16.3.11.6. I note Appendix 3 of the s.42A report indicates Council's position is to retain Rule 16.3.11.6 (C1 – C3) and (RD1) as notified.
- 5.3 I support Kāinga Ora's submission to remove the phrase "amenity values and character" from the matters of control and matters of discretion associated with Rules 16.3.11.6 (C1 – C3) and (RD1) respectively. I consider "amenity values" are dynamic and change over time, along with changes in communities, and that there is a need to shift the current perception that urban development and intensification only has negative effects on amenity for individuals and rather recognise that development can enhance amenity for people and communities as a whole.
- 5.4 Further, retaining building height, side setbacks, scale, form, materials and architectural style as matters of control and matters of discretion will ensure consideration of amenity is still enabled by Council however this consideration is focused, as appropriate.

**6. ADOPTION OF RESTRICTED DISCRETIONARY ACTIVITY STATUS**

***Chapter 16: Residential Zone – Rules***

Submission Point 749.81 – Rule 16.1.4(D2) (Discretionary Activities)

- 6.1 Kāinga Ora's submission sought to delete Rule 16.1.4(D2) and replace it with a Restricted Discretionary Activity rule with an appropriate suite of

matters of discretion to address permitted activities which do not meet Rules 16.2 (Effects) and 16.3 (Buildings).

- 6.2 In the s42A report, Council recommend accepting the deletion of Rule 16.1.4(D2), however recommended rejecting the replacement of the rule with a Restricted Discretionary Activity rule on the basis that rather than taking a 'blanket' approach to this matter, submissions in relation to each activity should be used to determine the relevant default status<sup>28</sup>.
- 6.3 I support the recommendation of Council to delete Rule 16.1.4(D2) and to not include a default Restricted Discretionary Activity rule for activities that do not comply with section 16.2 (Land Use – Effects) and section 16.3 (Building Rule), on the basis that non-compliance with the individual activity rules in section 16.2 and 16.3 default to a mixture of restricted discretionary, discretionary and non-complying rules in any case and I have talked to those rules where I consider a change in activity status is appropriate.

Submission Point 749.86, 749.87, 749.89, 749.110, 749.111 and 749.120 – Rule 16.2.7.2 (Signs – Effects on traffic), Rule 16.3.1 (Dwelling), Rule 16.3.3.1 (Height), Rule 16.3.6.1 (Building coverage), Rule 16.3.7.1 (Living court), Rule 16.3.8.1 (Service court) and Rule 16.4.5.1

- 6.4 Kāinga Ora's submission sought to alter the activity status for non-compliance with Rules 16.2.7.2, 16.3.1, 16.3.3.1, 16.3.6.1, 16.3.7.1, 16.3.8.1 and 16.4.5.1 from a Discretionary Activity to a Restricted Discretionary Activity.
- 6.5 In the s42A report, Council recommended accepting the change in activity status for non-compliance with Rules 16.2.7.2, 16.3.1, 16.3.3.1, 16.3.6.1, 16.3.7.1, 16.3.8.1 and 16.4.5.1.
- 6.6 I support the recommendation of Council to change the activity status for the rules set out at paragraph 6.4 above.

## **7. SUBDIVISION**

Submission Point 749.118 – Rule 16.4 (Subdivision)

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<sup>28</sup> s42A report (Hearing 10). Paragraph 432, Pg. 171

- 7.1 Kāinga Ora's submission sought various amendments to Rule 16.4 to reduce of the minimum net site area, restrict Rule 16.4.1 to 'vacant' lots, require subdivision to 'generally' follow a grid pattern, and to enable the subdivision of approved land uses as a controlled activity.
- 7.2 Regarding the restriction of Rule 16.4.1 to 'vacant' lots, Council recommended rejecting this approach on the basis that only providing for subdivision of vacant lots would make the subdivision of lots with existing buildings and activities a discretionary activity – nothing that this is not logical<sup>29</sup>.
- 7.3 I do not support the recommendation of Council to reject the "vacant" lot subdivision as sought in Kāinga Ora's submission. Kāinga Ora's submission sought to include reference to a new activity for subdivision in accordance with an approved land use resource consent. While I do not support the Controlled Activity status of this proposed activity, as discussed below, I support the inclusion of this activity as a Restricted Discretionary Activity. Therefore, the subdivision of lots with existing building and activities will not default to a Discretionary Activity, rather a Restricted Discretionary Activity, if my suggested relief is adopted.
- 7.4 Regarding the minimum net site area, Council recommended retaining the 450m<sup>2</sup> area as notified, stating that the minimum area for proposed lots has been arrived at through a consideration of enabling the subdivision of existing '1/4 acre' lots into two, a general lot size suitable for the Residential Zone, with smaller lots sizes enabled in accordance with the objective and policy direction – particularly for subdivision of multi-unit development<sup>30</sup>.
- 7.5 I do not support Council's recommendation to retain the 450m<sup>2</sup> minimum net site area on the basis that, if my suggested relief is adopted, subdivision around existing buildings and activities will be assessed as a separate Restricted Discretionary Activity. Therefore, the minimum lot size will only apply to "vacant" lots for which a minimum net site area of 200m<sup>2</sup> is considered appropriate.

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<sup>29</sup> s42A report (Hearing 10). Paragraph 578, Pg. 219

<sup>30</sup> s42a report (Hearing 10). Paragraph 576, Pg. 219

- 7.6 Regarding the requirement for subdivision to “generally” follow a grid layout, Council recommend deleting the condition in its entirety and including reference to ‘grid layout’ within the associated Matters of Discretion, on the basis that the ‘grid layout’ can be considered through the resource consent process (specifically through assessment criteria 16.4.1RDA(b)(i).)
- 7.7 I support the recommendation of Council insofar as it recommends deleting Condition (iii) from Rule 16.4.1 to remove the absolute requirement for roads to follow a grid layout.
- 7.8 Regarding the Controlled Activity provision, Council consider this approach ‘problematic’, as although the resource consent has been approved, it may not be implemented<sup>31</sup>. Further, Council considers that there is no guarantee as to how long the activity will be in place and, therefore, it would be preferable for this matter to be considered through the discretionary subdivision resource consent process<sup>31</sup>.
- 7.9 I support Council’s recommendation to reject a Controlled Activity status for subdivision in accordance with an approved land use resource consent. A Controlled Activity status prevents Council from declining applications that meet the relevant criteria. I consider this is problematic as it restricts the Council’s ability to ensure appropriate subdivision occurs across the Residential Zone.
- 7.10 Rather, I consider a Restricted Discretionary Activity status for subdivision in accordance with an approved land use resource consent. The introduction of subdivision in accordance with an approved land use consent is appropriate in the context of the aforementioned “vacant” lot subdivision.

Submission Point 749.119 – Rule 16.4.4 (Subdivision – Multi unit development)

- 7.11 Kāinga Ora’s submission sought to change the activity status for non-compliance with Rule 16.4.4 to a Controlled Activity Status.
- 7.12 Regarding the change in activity status, Council recommended rejecting this change of activity status. Council is of the opinion that in order to

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<sup>31</sup> s42A report (Hearing 10). Paragraph 580, Pg. 219

provide for maximum flexibility for multi-unit developments, it is preferable for the restricted discretionary activity status to be used over the controlled activity status<sup>32</sup>. Further, Council note that during the development of the PDP, research was undertaken on the multi-unit development rules and how they work in practice within nearby Districts – including how their activity status worked<sup>33</sup>.

- 7.13 I support Council's recommendation to reject a Controlled Activity status for Rule 16.4.4. A Controlled Activity status prevents Council from declining applications that meet the relevant criteria. I consider this is problematic as it restricts the Council's ability to ensure appropriate subdivision occurs across the Residential Zone.
- 7.14 Rather, I consider the notified Restricted Discretionary Activity status for Rule 16.4.4 is appropriate and should be retained.

Submission Point 749.121 and 749.122 – Rule 16.4.11 (Subdivision – Road frontage) and Rule 16.4.12 (Subdivision – Building platform)

- 7.15 Kāinga Ora's submission sought to reduce the minimum width of the road boundary and the minimum building platform dimensions from Rule 16.4.11 and 16.4.12 respectively and to restrict the application of both rules to 'vacant' lots only. Further Kāinga Ora sought to delete the matter of discretion pertaining to "amenity values and rural character" from Rule 16.4.11 and delete standard 16.4.12(a)(i). Kāinga Ora considers that the amendments sought will enable better utilisation of the site for residential development and potentially create more lots in a given site.
- 7.16 In response to the reduction to the minimum width of the road boundary, Council has recommended retaining the minimum width as notified. Council states that the purpose of Rule 16.4.11 is to ensure that lots have full frontage to the road, rather than a series of 3m-wide strips being created to facilitate rear lots, and to assist in the implementation of

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<sup>32</sup> s42A report (Hearing 10). Paragraph 225, Pg. 108

<sup>33</sup> s42A report (Hearing 10). Paragraph 281, Pg.113

CPTED<sup>34</sup>. Council further notes that the minimum width, as notified, is the same width as that used in the Franklin District Plan<sup>35</sup>.

- 7.17 In response to the reduction to the minimum building platform dimensions and deletion of standard 16.4.12(a)(i), Council has recommended retaining both the minimum building platform dimensions and standard 16.4.12(a)(i) as notified. Council states that the purpose of Rule 16.4.12 is to ensure that a suitably sized and shaped area of land is available for a dwelling to be easily built upon and considers that the minimum dimensions provided in Rule 16.4.12 can easily accommodate various shaped sections within the overall 450m<sup>2</sup> section size.<sup>36</sup>
- 7.18 I do not support the recommendation of Council to reject Kāinga Ora's submission seeking a reduction to both the minimum width of the road boundary and the minimum building platform dimensions and the deletion of standard 16.4.12(a)(i). I support Kāinga Ora's submission insofar as the reductions and deletion ensures better utilisation of sites for residential development and better achieves the objectives and policies of the PDP as discussed in my evidence above.
- 7.19 Regarding the restriction of Rules 16.4.11 and 16.4.12 to 'vacant' lots only, Council questions the rationale for applying the rules to vacant lots only, noting that lots with existing development need to be considered<sup>37</sup>, and recommended rejecting the relief sought by Kāinga Ora.
- 7.20 I do not support Council's recommendation to reject the relief sought by Kāinga Ora to restrict Rule 16.4.11 and 16.4.12 to "vacant" lots only. It is not practicable to assess established developments against the minimum road boundary and building platform thresholds given these are already existing at the time an application would be assessed. Therefore, it is appropriate to apply Rule 16.4.11 and 16.4.12 to "vacant" lots only, as sought in Kāinga Ora's submission.
- 7.21 Regarding the deletion of matter of discretion (b)(ii) from Rule 16.4.11, Council recommended amending the matter of discretion (b)(ii) to

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<sup>34</sup> s42A report (Hearing 10). Paragraph 642, Pg. 245

<sup>35</sup> Rule 26.6.1 of the Franklin District Plan

<sup>36</sup> s42A report (Hearing 10). Paragraph 649, Pg. 248

<sup>37</sup> s42A report (Hearing 10). Paragraph 643, Pg. 245

reference “residential” character, rather than “rural” character, noting that reference to “rural” was an error<sup>37</sup>. However, Council does not comment on the rationale to retain the matter of discretion (b)(ii).

- 7.22 I support Kāinga Ora’s submission to remove the phrase “amenity values and rural character” from the matters of discretion associated with Rule 16.4.11 (RD1). I consider “amenity values” are dynamic and change over time, along with changes in communities, and that there is a need to shift the current perception that urban development and intensification only has negative effects on amenity for individuals and rather recognise that development can enhance amenity for people and communities as a whole. Further the perceived amenity value of a 15m verse 10m road boundary is not considered discernible, rather the built form of the development on site will largely affect the perceived amenity of the site.

Submission Point 749.123 – Rule 16.4.14 (Subdivision of esplanade reserves and esplanade strips)

- 7.23 Kāinga Ora’s submission sought to retain Rule 16.4.14, as notified.
- 7.24 In the s42A report, Council recommended retaining Rule 16.4.14 subject to a minor amendment to correct a wording error.
- 7.25 I support the recommendation of Council to retain Rule 16.4.14, subject to the correction of a wording error.

## **8. RULES: EARTHWORKS, SIGNS**

### ***Chapter 4: Urban Environment - Objective and Policies***

Submission Point 749.5 – Objective 4.4.1 (Adverse effects of land use and development), Policy 4.4.2 (Noise), Policy 4.4.3 (Artificial outdoor lighting), Policy 4.4.4 (Outdoor Storage), Policy 4.4.5 (Objectionable odour), Policy 4.4.6 (Signage), Policy 4.4.7 (Managing the adverse effects of signs)

- 8.1 Kāinga Ora’s submission sought to retain Objective 4.4.1 and Policies 4.4.2 – 4.4.7, as notified.
- 8.2 Regarding Objective 4.4.1, Council has recommended the retention of the objective, except for a minor amendment to include the word “safety” to align it with section 5(2) of the RMA.

- 8.3 I support the recommendation of Council to include the word “safety” into Objective 4.4.1 for the reasons outlined in the s42A report (Hearing 10).
- 8.4 Regarding Policies 4.4.2 – 4.4.7, Council has recommended the retention of the policies except for minor amendments to Policy 4.4.7 in response to NZTA’s submission<sup>38</sup> which sought amendments to Policy 4.4.7 to reference to “road uses”, rather than “traffic”, and to recognise “moving” signs have the potential to generate adverse effects.
- 8.5 I support Council’s recommendation insofar as it adopts, in part, NZTA’s submission<sup>38</sup> to improve grammar and recognise “moving” signs have the potential to generate adverse effects on road users.

### ***Chapter 16: Residential Zone - Earthworks***

#### **Submission Point 749.83 – Rule 16.2.4.1 (Earthworks – General)**

- 8.6 Kāinga Ora’s submission sought to increase the permitted activity volume and area thresholds, remove the 1.5m earthworks setback requirement from boundaries and remove reference to the protection of the Hauraki Gulf Catchment Area in Rule 16.2.4.1.
- 8.7 Council has recommended rejecting the relief sought by Kāinga Ora on the basis that no analysis, research or information to justify the changes sought was provided. Further, Council notes that most developments would occur during the subdivision stage of a project and therefore subject to the regional earthwork provisions in addition to the district plan provision and therefore the notified earthwork provisions are considered suitable for a Residential-zoned site<sup>39</sup>.
- 8.8 I do not support the recommendation of Council to retain the permitted earthwork area and volume thresholds or the 1.5m setback, as notified.
- 8.9 Regarding the maximum permitted earthwork thresholds and areas, I consider these volumes can be increased while still achieving good environmental outcomes through appropriate controls. I note that regardless of the permitted earthworks thresholds within the Residential Zone, these thresholds will be overridden by the more prescriptive

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<sup>38</sup> No 742.25

<sup>39</sup> s42A report (Hearing 10), Paragraph 186. Pg. 68-69

earthworks thresholds in overlays, as and where they apply, and the suite of assessment matters relevant to earthworks in that overlay.

8.10 I note there is no area control for earthworks within the OHCDP (Plan Change 2, 3 & 6), only a standard requiring all earthworks to be stabilised and sown within ground cover within three months<sup>40</sup>. However, the maximum permitted volume of earthworks in the OHCDP (Plan Change 2, 3 & 6) is 500m<sup>3</sup> for earthworks associated with an activity requiring building consent or associated with a subdivision within a Residential Zone<sup>41</sup>.

8.11 Therefore, I support the increasing the permitted earthwork volume threshold to 500m<sup>3</sup>, and deleting the permitted earthwork area threshold to align the PDP with the OHCDP with regards to undertaking earthworks within a Residential Zone, as follows (~~red strikethrough is deletions and~~ underline is additions):

*(ii) Not exceed a volume of ~~250~~500m<sup>3</sup>*

*~~(iii) Not exceed an area of 1000m<sup>3</sup> over any consecutive 12-month period;~~*

8.12 Regarding the 1.5m setback, I consider the issue the rule is trying to manage is the potential for earthworks to result in the instability of land or structures on adjoining sites. If the standard is retained, as recommended by Council, any earthworks within 1.5m of a boundary will require consent regardless of the scale and nature of the works. Further, large scale earthworks at least 1.5m from the boundary could result in the instability of land or structures on adjoining sites however could be undertaken as a permitted activity if the other permitted activity standards are met.

8.13 I am therefore of the opinion that the standard Rule 16.2.4.1(P1)(a)(vi) is deleted, as sought in Kāinga Ora's submission, and replaced with the following (~~red strikethrough is deletions and~~ underline is additions):

*~~(vi) Earthworks are set back 1.5m from all boundaries. Earthworks must not result in any instability of land or structures at or beyond the boundary of the site where the land disturbance occurs.~~*

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<sup>40</sup> Operative Hamilton City District Plan (Plan Change 6) – Rule 25.2.4.1(b)

<sup>41</sup> Operative Hamilton City District Plan (Plan Change 6) – Rule 25.2.4.1(h)

## **Chapter 16: Residential Zone - Signage Rules**

### Submission Point 749.85 – Rule 16.2.7.1 (Signs – General)

- 8.14 Kāinga Ora's submission sought to increase the permitted dimensions of a sign and provide clarity as to how 'sign height' is measured.
- 8.15 In the s42A report, Council has recommended rejecting the increase in the permitted area of a sign, however, accepts the amendment in regard to the inclusion of 'height' at the end of Rule 16.2.7.1(P2)(a)(iv) on the basis the rule, as notified, is unclear whether it is restricting the height of the actual sign or the height of the sign above ground level.
- 8.16 I support the recommendation of Council to retaining the permitted area of a sign and including the word "height" at the end of Rule 16.2.7.1(P2)(a)(iv) to provide clarity to the application of the rule.

## **9. RULES: ACTIVITY STATUS – NON-COMPLYING**

### Submission Point 749.82 – Rule 16.1.5 (Non-Complying Activities)

- 9.1 Kāinga Ora's submission sought to delete Rule 16.1.5(NC1) and replace it with a Discretionary Activity rule, to remove the Non-complying Activity status from Chapter 16: Residential Zone.
- 9.2 In the s42A report, Council recommend the retention of Rule 16.1.5(NC1) given a default category of a non-complying activity is appropriate in this situations as Chapter 16 has been drafted to provide for and enable activities which should be located within the Residential Zone, and restrict activities which are generally considered problematic or cause the most disturbance, or should be subject to more rigorous assessment<sup>42</sup>. Further, Council considers the notified objective and policy framework associated with the Residential Zone is specifically set up to facilitate this approach<sup>42</sup>.
- 9.3 I support the recommendation of Council to retain Rule 16.1.5(NC1) for the reasons outlined in the s42A report (Hearing 10).

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<sup>42</sup> s42A report (Hearing 10). Paragraph 434, Pg. 171

## 10. DEFINITIONS

### ***Chapter 13: Definitions – “Duplex”***

#### Submission Point 749.44 – Definition – “Duplex”

- 10.1 Kāinga Ora’s submission sought to amend the definition of “*duplex*” to note that a duplex could be connected by a common wall and / or by an accessory building, such as a garage or carport.
- 10.2 In the s42A report, Council recommended accepting Kāinga Ora’s submission point to clarify the definition and recommended accepting Waikato District Council’s submission<sup>43</sup> to exclude ‘minor dwellings’ from the definition. I support the recommendation of Council to adopt both Kāinga Ora’s and Waikato District Council’s submission points for the reasons outlined in the s42A report (Hearing 10).

### ***Chapter 13: Definitions – “Visually permeable”***

#### Submission Point 749654 – Definition – “Visually permeable”

- 10.3 Kāinga Ora’s submission sought to retain the definition of “*visually permeable*”, as notified.
- 10.4 In the s42A report, Council recommended retaining the definition of “*visually permeable*” on the basis the definition is clear, and it achieves what it needs to – that is, the definition outlines what it must have and how<sup>44</sup>. I support the recommendation of Council to retain the definition of “*visually permeable*”, as notified.

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<sup>43</sup> No. 697.380

<sup>44</sup> s42A report (Hearing 10). Paragraph 447, Pg. 178