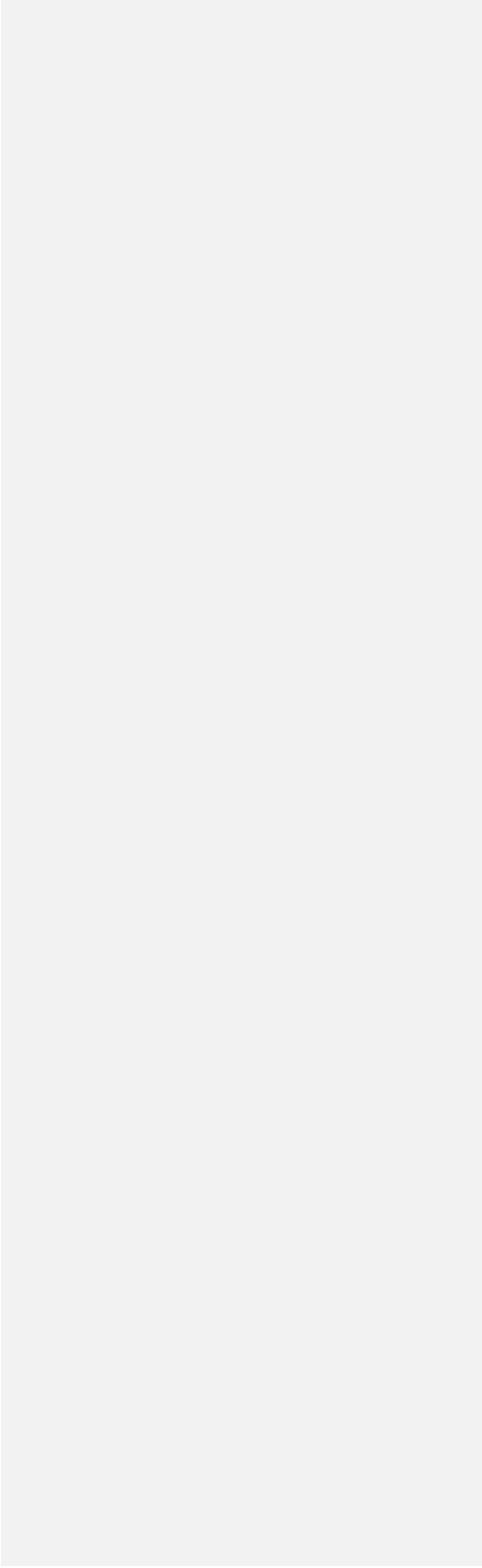


Chapter 29 Ohinewai Precinct; Ohinewai-Specific Provisions

Proposed Waikato District Plan Stage I

High level comments:

- Remains unclear where the structure plans and staging plan sit within the precinct, will these be appendices?
- A more detailed policy framework is required to understand the purpose and outcomes for the precinct and support the detailed provisions
- Subdivision provisions could be compiled into one section to avoid repetition.
- Need to consider whether the rules pulled through from underlying zone are appropriate in the precinct, including the activity status.
- Precinct would benefit from the identification of the provisions cascade including objectives, policies, and rules to road map how the provisions work together including with existing provisions.
- While acknowledging decision to use notified PWDP provisions it would be useful to refer to the s42A reports to identify and reflect any relevant recommendations that could appropriately be picked up in the Ohinewai Precinct.
- It is critical that it is clearly identified in policy and plan provisions that subdivision and development must be required to connect to the Huntly Wastewater Treatment Plan only if the plant is compliant with the conditions of an approved discharge consent.
- Structure Plan changes as per Council's rebuttal:
 - o Identify connections north to OLL land,
 - o add in additional eastern intersection,
 - o relocate neighbourhood centre further east within the residential area
-



29A.1.6 Policy – Commercial and industrial activities

- (a) Provide for commercial and industrial development in the following zones;
 - (i) Business; and
 - (ii) Industrial
- (b) Industry is only to be located in identified Industrial Zones and the industrial strategic growth nodes of:
 - (i) Tuakau;
 - (ii) Pokeno;
 - (iii) Huntly
 - (iv) **Ohinewai**; and
 - (v) Horotiu.

Commented [CT1]: This policy more appropriately stays in Chapter 4 with reference to Ohinewai included because applies to different areas.

29A.1.10 Objective – Ohinewai

- (a) **Development at Ohinewai is concentrated in the Ohinewai Precinct that is defined by the Ohinewai Structure Plan area Ohinewai East, providing a strategically significant area for industrial growth with supporting commercial and residential components.**

Commented [CT2]: A more fulsome set of objectives and policies is appropriate in the context of a precinct. Including the need for additional policies to support rules later and provide matters to assess discretionary activities against including:
 -Ecological restoration goals
 -Landscape effects mitigation
 -Economic effect on Huntly Town Centre

A suggested change after this section.

What is the purpose and intention of the Ohinewai Precinct, why is it required and what outcomes are going to be achieved.

29A.1.11 Policy – Ohinewai

- (a) **Ohinewai is developed to ensure:**
 - (i) **Development in the Ohinewai Precinct Ohinewai East enables restoration of the whenua (land) and a form of urban development that aligns with and upholds cultural values in accordance with Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River).**
 - (ii) **It is in general accordance with the Ohinewai Structure Plan.**
 - (iii) **Development achieves a community with an appropriate range of accessible, walkable and conveniently-located services and community facilities that serve the day-to day needs of people living and working in the Ohinewai Precinct. The rural residential character of Ohinewai West is maintained.**
 - (iv) **Provision of social and community infrastructure is staged to match community needs.**
 - (v) **It is well-connected to Huntly by road, walking and cycling networks.**
 - (vi) **Large scale industrial and limited commercial development is only located in the Ohinewai Precinct Structure Plan to the east of State Highway 1.**
 - (vii) **Commercial development in the Ohinewai Structure Plan Precinct is limited to small scale local convenience retail and community activities.**
 - (viii) **Residential development provides for growth and achieves a compact high quality urban environment by:**
 - a. **Providing a range of housing typologies, including medium and higher density residential development, and incorporating papakainga.**
 - b. **Implementing a high standard of urban design through lot orientation, high quality streetscapes, a high level of connectivity and a well-connected and landscaped green network, through rules, and application of the urban design guidelines (Appendices 29.1, 29.2 and 29.3).**
 - (ix) **Flood hazards and stormwater are managed to ensure that effects on sensitive land uses are mitigated, stormwater is treated to a high standard through LID methods, and flood risk is not increased, including on land beyond the Ohinewai Structure Plan boundary.**
 - (x) **Development is staged to ensure match the staged availability and upgrading of water supply, wastewater and transport infrastructure with the necessary capacity is available prior to development.**
 - (xi) **Development does not occur unless the necessary supporting infrastructure as set out in Table 29B.1 is in place.**

Commented [CT3]: Objective needs to change to reflect that it is now only applying to the precinct

Commented [JO4]: Commissioners Directions para 4a

Commented [CT5]: Having this as one policy doesn't work. Need to split these out with clearer articulation what the precinct is trying to achieve. See suggested approach below policies.

Commented [JO6]: Commissioners Directions para 4b

Commented [JO7]: Commissioners Directions para 4b

Commented [JO8]: S42A Rebuttal para 217

Commented [JO9]: Deleted to avoid setting broader policy outside the OSP.

Commented [JO10]: S42A Rebuttal para 217

Commented [JO11]: Commissioners Directions para 4d

Commented [CT12]: I don't think this is necessary given that the area is delineated by the precinct / structure plan. Policy needs to identify outcomes for these activities

Commented [CT13]: I would separate this out – unless this is about establishing a neighbourhood centre with all these activities, which it currently doesn't do.

Commented [CT14]: At expert conferencing there was discussion about incorporating the key elements of the guidelines into the plan provisions rather than relying on guidelines. This approach should be developed further.

Commented [JO15]: S42A rebuttal para 216

Commented [JO16]: S42A Rebuttal para 216

(xii) All development is connected to a reticulated public water supply and wastewater system, except for initial self-contained on-site water supply and wastewater disposal for initial industrial development.

Redrafted objectives and policies that could apply to the Ohinewai Precinct

Commented [CT17]: Note this is not a full list of all objectives and policies but starts to develop the above draft provisions into a more fulsome set. Further work is required in my opinion.

29.1 Objectives and policies

29.1.1 Objective - Development

(a) Development of a Ohinewai Precinct to establish a new strategic industrial node with supporting residential and commercial activities that does not impact on the rural character of the existing Ohinewai Area.

29.1.2 Policies – Development

- (a) Require development to be consistent with the Ohinewai Structure Plan including:
- (i) The location and function of access points to the existing road network;
 - (ii) The function of the internal road network and shared path network;
 - (iii) The areas of the open space network including Central Park and Wetland Park.
- (b) Enable large scale industrial development within the Ohinewai Precinct to provide for industrial growth and employment.
- (c) Enable a neighbourhood centre in accordance with the Ohinewai Business Area Structure Plan to provide small scale local convenience retail and community activities.
- (d) Residential development provides for growth and achieves a compact high quality urban environment by:
- (i) Providing a range of housing typologies, including medium and higher density residential development, and incorporating papakainga.
 - (ii) Implementing a high standard of urban design through lot orientation, high quality streetscapes, a high level of connectivity and a well-connected and landscaped green network, through rules, and application of urban design guidelines (Appendices 29.1, 29.2 and 29.3).

29.2.1 Objective – Vision and Strategy for the Waikato River

(a) Development in the Ohinewai Precinct enables restoration of the whenua (land) and a form of urban development that aligns with and upholds cultural values in accordance with Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River).

29.2.2 Policies – Vision and Strategy for the Waikato River

(a) |

Commented [CT18]: Need policy to describe how the above objective will be achieved

29.3.1 Objective – Community facilities

(a) Development achieves a community with an appropriate range of accessible, walkable and conveniently-located services and community facilities that serve the day-to day needs of people living and working in the Ohinewai Precinct.

29.3.2 Policies – Community facilities

(a) Require subdivision to identify and provide for social and community infrastructure to be staged to match community needs.

29.4.1 Objective – Infrastructure

- (a) Ohinewai Precinct is well-connected to Huntly by road, walking and cycling networks.
- (b) Development is staged to ensure water supply, wastewater and transport infrastructure with the necessary capacity is available prior to development.

29.4.2 Policies – Infrastructure

- (a) Require infrastructure upgrades necessary to support development to be identified at the time of subdivision in accordance with Table 29B.1 to confirm staging and timing of delivery.
- (b) Require all development to be connected to a reticulated public water supply and wastewater system, except for self-contained on-site water supply and wastewater disposal for initial industrial development.
- (c) Subdivision and development requires a public reticulated wastewater network that connects to the Huntly Wastewater Treatment Plant and that the plant is compliant with the conditions of a relevant discharge consent.

Commented [CT19]: Would prefer to see these discussed in a policy framework at least the critical elements

29.5.1 Objective – Flooding and stormwater

- (a) Flood hazards and stormwater are managed to ensure that effects on sensitive land uses are mitigated.

29.5.2 Policies – Flooding and stormwater

- (a) Ensure stormwater is treated to a high standard through Low Impact Design methods that implement a treatment train with at least two steps, the first of which is on-lot.
- (b) Avoid increase in flood risk on land beyond the Ohinewai Precinct.
- (c) Ensure at the time of subdivision building platforms are located outside the 100 year AEP flood plain.

Commented [CT20]: A strong clear policy direction is needed to establish both the rules that require this but also provide guidance if consent is sought as a non-complying activity. In the first instance the expectation is that a compliant plant is available to be connected to. If this is not possible then an assessment of effects would need to determine to what extent development could connect and what mitigation would be required (i.e. upgrades to the plant via MOU) to ensure that non-compliance is improved and not made worse.

Also need to include objectives and policies to address the following matters:

- Management of reverse sensitivity and the zone interface between residential and industrial activities
- Amenity and landscape effects mitigation to support the landscape buffers particularly for residents on Lumsden Road.
- Open space – purpose of open space, operation and management
- Ecological restoration goals – requirement for ERMP, at what stage and how it is to be implemented.
- Economic effects on Huntly Town Centre – this addresses a discretionary or non-complying activity that does not meet the conditions and ensures that the scale can be assessed
- Maatauranga Maaori

29B Ohinewai Precinct-Infrastructure and Energy

(1) The following Table 29.B.1 specifies the staging and sequencing of infrastructure upgrades in the Ohinewai Precinct. The Ohinewai Precinct is defined by the Ohinewai Structure Plan area. The relevant staging rules are in sections 29C, 29D and 29E. The stages are illustrated on the Staging Plan (P19-176-00-1045 SK) and the infrastructure items are illustrated on the Structure Plan (1805_012a Rev K) and the Business Area Structure Plan (1805_012b Rev F).

(+)(2) Road cross sections apply?

Table 29.B.1 – Infrastructure Upgrades

Upgrade required	Staging and Sequencing and Timing
29B.1.1 Transport	
(a) Walking and cycling linkages to Ohinewai West over the NIMT and the Waikato Expressway, including: (i) Construction of a separate shared path bridge to the south of the Ohinewai interchange and (ii) Construction of shared paths and ramps connecting to the shared path bridge.	Prior to any section 224c certificate for subdivision under the RMA being issued for the completion of Stage 3A or prior to the occupation and use of the first 100 dwellings within the precinct, whichever comes first.
(b) Construction of an interim bus stop on Tahuna Road between the Ohinewai interchange and Lumsden Road.	Prior to any section 224c certificate for subdivision under the RMA being issued for the completion of Stage 2A or 2B, whichever comes first.
(a) Tahuna Road upgrade (from Lumsden Road to Access 2), including: (i) Kerb and channel and street lighting on northern side of the road.	Prior to any section 224c certificate for subdivision under the RMA being issued for the completion of Stage 2A, 2C & 2D.
(b) Construction of Access 2 on Tahuna Road (roundabout), including: (i) Construction of new intersection to provide access to residential area.	Prior to any section 224c certificate for subdivision under the RMA being issued for the completion of Stage 3A.
(c) Balemi Road upgrade (to easternmost access), including: (i) Reconstruction of the road to urbanised industrial cross-section including widening and sealing and kerb and channel on southern side of the road.	Prior to the completion of the Rail Siding.
(d) Lumsden Road upgrade (from Tahuna Road to Access 4), including: (i) Upgrade to urbanised/industrial cross-section with kerb and channel and graded berms; (ii) Construct 620m of shared path on eastern side of road extending from Tahuna Road to Access 4.	Prior to any section 224c certificate for subdivision under the RMA being issued for the completion of Stage 2B or prior to any section 224c certificate for subdivision of more than 10ha (net) of Industrial zoned land, whichever comes first.

Commented [JO21]: Commissioners Directions 4g

Commented [CT22]: This sentence is also unclear as to where the staging provisions are located in these relevant sections. Generally relate to subdivision but should also identify development requirements.

Commented [CT23]: Where will these plans sit – appendices?

The staging plan doesn't have a key so there is some uncertainty how the table relates to the staging plan.

Not all infrastructure items are on the structure plans. The structure plan doesn't clearly identify the walking and cycling connection to Ohinewai West. Reads as part of overall network.

Commented [CT24]: Identify that the road cross sections also apply and where this are located.

Note that the cross sections provided identify Industrial Roads 1-3 and Residential Roads 1-3 but the structure plan includes 5 road types. There needs to be clarity regarding where the road cross sections apply in accordance with the structure plan and Table 29.B.1.

Also note changes to cross sections recommended by Naomi McMinn should be reflected. Specifically Industrial/Commercial Road Cross section lanes should be 3.5m instead of 3m which were identified in para 5.31 of Cameron's evidence.

Commented [JO25]: This table does not show most track changes as they were too extensive. The table is referred to in staging rules in the Residential, Business and Industrial zone sections that follow

Commented [CT26R25]: It would be helpful to have them in the order of the staging

Commented [JO27]: Commissioners Directions para 4g

Commented [CT29]: Stage 2A able to occur without upgrade, but the 100 dwellings applies within precinct regardless of stage?

Commented [CT28]: As identified on the structure plan? Shou

Commented [CT30]: How is the type of urban road determined – reference to appropriate cross section? What about landscaping?

Commented [CT32]: Given that the Rail Siding will need consents and it may or may not happen, should there be another trigger that relates to the staging of development of the Factory?

Commented [CT31]: Reference the appropriate cross section

Commented [CT33]: Reference to appropriate cross section

Commented [EM34]: Is there any issue if they don't undertake a subdivision but establish a lot of industrial land in the first stage of the foam factory etc is 2.3ha of industrial development

Commented [CT35R34]: Development of sleephead factory does not trigger a subdivision. Therefore this upgrade does not apply to the development of the factory. Stage 2B come before later stages of factory development. Assume that current resource consent for first stage factory will necessary upgrades.

(iii) Street lighting on eastern side of Lumsden Road from Tahuna Road to just north of Balemi Road.	
(e) Construction of Access 1 on Tahuna Road (Left-in, left-out).	Prior to any section 224c certificate for subdivision under the RMA being issued for the completion of Stages 2C and 2D.
(f) Construction of Access 3 on Lumsden Road (T-intersection).	Prior to any section 224c certificate for subdivision under the RMA being issued for the completion of Stage 2B or prior to any section 224c certificate for subdivision of more than 20ha (net) of Industrial zoned land (excluding the land in Stages F1-F4), whichever comes first.
(g) Construction of Access 4 on Lumsden Road (T-intersection).	Prior to any section 224c certificate for subdivision under the RMA being issued for the completion of Stage 3B or prior to any section 224c certificate for subdivision for more than 49ha (net) of Industrial zoned land (excluding the land in Stages F1-F4), whichever comes first.
(h) Construction of new low speed slip lane from the Great South Road to Ohinewai South Road.	Prior to the occupation and use of Factory Stage F3 or when more than 1000 vpd use the Ohinewai Interchange north-bound off-ramp, whichever comes first.
(i) Lumsden Road realignment north of Access 4 for rail siding, including: (i) Relocation and reconstruction of Lumsden Road/Balemi Road intersection, including the necessary sight line improvements; and (ii) Gated speed threshold treatment and speed reduction measures for southbound traffic speed calming.	Prior to the operation of the rail siding.
(j) Sightline improvement to Southbound offramp on the Ohinewai interchange	Prior to the occupation and use of Factory Stage F1 or prior to the occupation and use of the first 100 dwellings within the precinct, whichever comes first.
(k) Walking and cycling linkage to/from Huntly, including: (i) Provision of cycle/pedestrian path on eastern side of Ohinewai South Road, with a crossing facility at the left-slip lane from Great South Road. (ii) Provision of a cycle/pedestrian path along the stopbank on the western side of Ohinewai South Road, extending from the crossing to the existing footpath just south of 46 Great South Road.	Prior to the occupation and use of Factory Stage F3 or prior to any section 224c certificate for subdivision under the RMA being issued for more than 31 ha (net) of Industrial or Business zoned land, whichever comes first.
(l) Safety improvements to NIMT overbridge	
29B.1.2 Water & Wastewater	

Commented [SP36]: 80% of industrial as per Table 31 in the ITA.

Commented [SP37]: As per Table 31 of ITA This would be confirmed via an ITA

Commented [CT38]: How is this going to be monitored? Would be better to identify at what stage of development this is anticipated.

Not sure whether this infrastructure is necessary. Locals indicated not necessarily keen to open up this road.

Commented [CT40]: This upgrade wouldn't be required if the rail siding does not happen. The rail siding itself is not an upgrade required and therefore the linkage with subdivision is not entirely clear. This would not apply to any stage of subdivision unless the subdivision identified the rail siding was going to be provided. Likely this may occur outside subdivision process.

Commented [SP39]: S42A rebuttal para. 229.

Commented [CT41]: No linkage to residential. Is basis for people traveling to the area for work rather than residents travelling to Huntly?

Commented [CT42]: Additional item based on the need for cyclist safety upgrade / widening at NIMT overbridge? APL suggested electronic warning system – what is needed here or elsewhere in the provisions to ensure that this issue is addressed and when.

(a) On-site disposal of wastewater and on-site water supply.	Prior to the occupation and use of Factory Stage F1 and F2
(b) Bulk-Public reticulated wastewater network main connections to Huntly Wastewater Treatment Plant	a) Prior to the occupation and use of Factory Stage F3, F4 and prior to the occupation and use of any other Industrial, Business or Residential development.; and b) The wastewater treatment plant must be certified by the Waikato District Council as being compliant in all regards with the conditions of the relevant discharge consent(s).
(c) Bulk-mainPublic reticulated water network connections to the Huntly Water Treatment Plant or Te Kauwhata Water Treatment Plant	a) Prior to the occupation and use of Factory Stage F3, F4 and prior to the occupation and use of any other Industrial, Business or Residential development.
29B. I.3 Community Infrastructure	
(a) Community facility	Prior to any section 224c certificate for subdivision under the RMA being issued for the completion of Stage 3A, or prior to the occupation and use of more than 350 dwellings in the precinct, whichever comes first.
(b) Sports fields	Prior to any section 224c certificate for subdivision under the RMA being issued for the completion of Stage 4 or prior to the occupation and use of more than 600 dwellings within the precinct, whichever comes first.
(c) Central Park wetland/open space, including recreational paths.	Prior to the occupation and use of the first 100 dwellings within the precinct.
(d) Wetland park/open space, including recreational paths.	Prior to any section 224c certificate for subdivision under the RMA being issued for the completion of Stage 6 or prior to the use and occupation of more than 800 dwellings within the precinct.
(e) Market Gardens	Prior to any section 224c certificate for subdivision under the RMA being issued for the completion of Stage 7.
(f) Orchard/Beehives	Prior to any section 224c certificate for subdivision under the RMA being issued for the completion of Stage 8.

In this Table net land area means land area excluding land for roads and public open space.

Note 1; A private developer agreement between the developer and the Council will allocate financial responsibility for the upgrades where there are shared benefits.

Note 2; Refer to Staging Plan PI9-176-00-1045-SK for location of stages and access points.

Commented [CT43]: Staging plan has no key so unclear where these are.

Commented [CT44]: Wording of this needs to be really clear I think using the terminology elsewhere in the plan rather than bulk

Commented [CT45]: So before any other development can be occupied there needs to be a connection to the Huntly WWTP

Commented [SP46]: Commissioners directions 4 f.

Commented [CT47]: But for what purpose is this? Could relate to any type of community facility or result in the provision of something that is not needed to achieve this.

Commented [CT48]: The stormwater element of the central park is critical infrastructure and should be linked to a stage of subdivision shouldn't it? Not just about residential but industrial also?

Commented [SP49]: S42A rebuttal – para. 224 Provides stormwater treatment and amenity for the first stage of residential development

Commented [CT50]: As per above isn't there a key stormwater infrastructure requirement here also separate from residential amenity.

Commented [SP51]: S42A Rebuttal- Para. 225

Commented [CT52]: Or other parties – not all the Council. E.g. walking and cycling bridge over NIMT and SH1.

Commented [EB53]: Table 14.12.5.14 from the Infrastructure appendices was previously proposed to be modified but an updated version not supplied as part of the material. Is this still the case, if so it should be included in this section. Design speed limits for Ohinewai to be 30-60km/h max.

29C Ohinewai Precinct Residential Zone

- (1) The rules that apply to activities in the **Ohinewai Precinct Residential Zone** are contained in **Rule 29C.1** Land Use – Activities, **Rule 29C.2** Land Use – Effects and **Rule 29C.3** Land Use – Building.
- (2) The rules that apply to subdivision in the **Ohinewai Precinct Residential Zone** are contained in **Rule 29C.4**.
- (3) The activity status tables and standards in the following chapter also apply to activities in the **Ohinewai Precinct Residential Zone**:
29B Infrastructure and Energy.
- (4) In this section the term 'In accordance with the Ohinewai Structure Plan' refers to the Structure Plan (1805_012a Rev K) and the Business Area Structure Plan (1805_012b Trev F), and means:
 - (a) That the location and function of access points to the existing road network must be complied with.
 - (b) Strict compliance with the location of the internal road network and shared path network is not required, provided the functions of the networks are complied with.
 - (c) Strict compliance with the location of buildings and community infrastructure is not required as their locations are indicative.
 - (d) The areas of open space must be provided in the locations shown-but their boundaries are indicative.
- (5)(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

Commented [J054]: Commissioners Directions para 4h consequential

Commented [CT55]: This should be reflected in the policy and then taken through into the relevant conditions or assessment criteria to enable assessment as to whether development is in accordance.

29C.1 Land Use - Activities

29C.1.1 Permitted Activities

- (1) The following activities are permitted activities if they meet all the following:
 - (a) Land Use – Effects rules in **Rule 29C.2** (unless the activity rule and/or activity-specific conditions identify a condition(s) that does not apply);
 - (b) Land Use – Building rules in **Rule 29C.3** (unless the activity rule and/or activity-specific conditions identify a condition(s) that does not apply);
 - (c) Activity-specific conditions.

Activity	Activity-specific conditions
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P1	Residential activity, unless specified below.	Nil
P2	Home occupation	<p>(a) It is wholly contained within a building;</p> <p>(b)(a) The storage of materials or machinery associated with the home occupation are wholly contained within a building;</p> <p>(e)(b) No more than 2 people who are not permanent residents of the site are employed at any one time;</p> <p>(d)(c) 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)(d) Machinery may be operated between 7:30am and 9pm on any day.</p>
P3	Temporary event	<p>(a) The event occurs no more than 3 times per consecutive 12 month period;</p> <p>(b) The duration of each temporary event is less than 72 hours;</p> <p>(c) It may operate between 7.30am and 8:30pm Monday to Sunday;</p> <p>(d) Temporary structures are:</p> <p>(i) erected no more than 2 days before the temporary event occurs;</p> <p>(ii) removed no more than 3 days after the end of the event;</p> <p>(e) The site is returned to its previous condition no more than 3 days after the end of the temporary event;</p> <p>(f) There is no direct site access from a national route or regional arterial road.</p>
P4	Cultural event on Maaori Freehold Land containing a Marae Complex	Nil
P5	Community activity	Nil
P6	Home stay	<p>(a) No more than 4 temporary residents;</p> <p>(b) No more than two people who are not permanent residents of the site are employed at any one time.</p>
P7	Construction, demolition, additions, and alterations of a building	

Commented [CT56]: Can be deleted as reflected in (b)

Commented [CT57]: Is this relevant?

Commented [CT58]: Needs to be included because otherwise technically a non-complying activity by omission.

29C.1.2 Restricted Discretionary Activities

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

Activity	Council's discretion shall be restricted to the following matters:
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RDI	<p>A Multi-Unit development that meets all of the following conditions:</p> <p>(a) The Land Use – Effects rules in Rule 29C.2;</p> <p>(b) The Land Use – Building rules in Rule 29C.3, except the following rules do not apply:</p> <p>(i) Rule 29C.3.1, Dwelling;</p> <p>(ii) Rule 29C.3.8 Building coverage;</p> <p>(iii) Rule 29C.3.9 Living court;</p> <p>(iv) Rule 29C.3.10 Service court;</p> <p>(c) The minimum net site area per residential unit is 300m²;</p> <p>(d) The Multi-Unit development is connected to public wastewater and water reticulation;</p> <p>(e) Total building coverage of the site does not exceed 50%;</p> <p>(f) Each residential unit is designed and constructed to achieve the internal design sound level specified in Appendix I (Acoustic Insulation) – Table 14;</p> <p>(g) Service court areas are provided to meet the following minimum requirements for each residential unit:</p> <p>(i) At least 2.25m² with a minimum dimension of 1.5 metres of outdoor or indoor space at ground floor level for the dedicated storage of waste and recycling bins;</p> <p>(ii) At least 3m² with a minimum dimension of 1.5 metres of outdoor space at ground floor level for washing lines; and</p> <p>(iii) The required spaces in (g)(i) or (g)(ii) for each residential unit shall be provided individually, or as a dedicated communal service court.</p> <p>(h) Living court areas are provided to meet the following minimum requirements for each residential unit:</p> <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>Duplex dwelling</th> <th>Area</th> <th>Minimum dimension</th> </tr> </thead> <tbody> <tr> <td>Studio unit or 1 bedroom</td> <td>30 m²</td> <td>4m</td> </tr> <tr> <td>2 or more bedrooms</td> <td>40 m²</td> <td>4m</td> </tr> </tbody> </table> <table border="1" style="margin-left: 20px;"> <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 m²</td> <td>4m</td> </tr> </tbody> </table>	Duplex dwelling	Area	Minimum dimension	Studio unit or 1 bedroom	30 m ²	4m	2 or more bedrooms	40 m ²	4m	Apartment Building Ground Level Residential Unit	Area	Minimum Dimension	Studio unit or 1 bedroom	20 m ²	4m	<p>(a) Density of the development;</p> <p>(b) The manner in which the provisions of the Multi-Unit Urban Design Guidelines contained in Appendix 29.3 have been incorporated;</p> <p>(c) Contribution of the development to and engagement with adjacent streets and public open space;</p> <p>(d) The visual quality and interest created through design such as the separation of buildings, variety in built form and architectural detailing, glazing, materials and colour, including when viewed from any public space;</p> <p>(e) The incorporation of energy efficiency measures such as passive solar principles;</p> <p>(f) Amenity values for occupants and neighbours in respect of outlook, privacy, noise, light spill, access to sunlight, living court orientation, site design and layout;</p> <p>(g) Staging needed to ensure that development is carried out in a coordinated and timely manner;</p> <p>(h) Avoidance or mitigation of natural hazards;</p> <p>(i) Geotechnical suitability for building, including liquefaction and settlement risks and adequacy of any ground improvements;</p> <p>(j) Provision of infrastructure to individual units,</p> <p>(k) When viewed from any public space, buildings create visual interest through articulation, roof form, openings and variation;</p> <p>(l) Garage doors do not dominate the road elevation, so they are generally set back further than the front face of the building;</p> <p>(m) Fences and walls along any road or public open space boundary are avoided or limited in height;</p> <p>(n)(k) Provision of a transition in height and scale is provided between new development and any neighbouring buildings;</p> <p>(o) Soft landscaping is concentrated along public open space boundaries, with species selected</p>
Duplex dwelling	Area	Minimum dimension															
Studio unit or 1 bedroom	30 m ²	4m															
2 or more bedrooms	40 m ²	4m															
Apartment Building Ground Level Residential Unit	Area	Minimum Dimension															
Studio unit or 1 bedroom	20 m ²	4m															

Commented [CT59]: Needs a condition to address infrastructure upgrades Table 29B.1 – specifically water and wastewater to trigger a discretionary or non-complying activity as per subdivision.

Commented [CT60]: Should identify the key elements of the guidelines that need to be considered

Commented [J061]: S42A Rebuttal para 220 (excluding requirement for ground infiltration)

Commented [J062]: OLL evidence of Tony McLaughlan

	<table border="1"> <tr> <td>2 or more bedrooms</td> <td>30 m²</td> <td>4m</td> </tr> </table> <table border="1"> <thead> <tr> <th>Apartment Building Upper Levels Residential Unit</th> <th>Area</th> <th>Minimum Dimension</th> </tr> </thead> <tbody> <tr> <td>Studio unit or 1 bedroom</td> <td>10m²</td> <td>2m</td> </tr> <tr> <td>2 or more bedrooms</td> <td>15m²</td> <td>2m</td> </tr> </tbody> </table>	2 or more bedrooms	30 m ²	4m	Apartment Building Upper Levels Residential Unit	Area	Minimum Dimension	Studio unit or 1 bedroom	10m ²	2m	2 or more bedrooms	15m ²	2m	<p>to maintain views between residential units and public open space;</p> <p>(p) Buildings are oriented and located to define external spaces that allow adequate daylight to residential units and sunlight to main living rooms and private outdoor spaces;</p> <p>(q) Buildings are positioned to minimise overshadowing or visual domination of adjoining private outdoor spaces;</p> <p>(r) Direct views from the windows of one residential unit into the windows of another are minimised;</p> <p>(s)(l) Proximity of gGarages and parking areas are located adjoining or in close proximity to the residential unit they serve;</p> <p>(t)(m) Effects on the safety and efficiency of the transport network as set out in any ITA prepared in accordance with Rule 29C.2.63, (RD2);</p>
2 or more bedrooms	30 m ²	4m												
Apartment Building Upper Levels Residential Unit	Area	Minimum Dimension												
Studio unit or 1 bedroom	10m ²	2m												
2 or more bedrooms	15m ²	2m												
RD2	<p>A Marae Complex or Papakaainga Housing Development on Maaori Freehold Land or on Maaori Customary Land that meets the following conditions;</p> <p>(a) The total building coverage does not exceed 50%.</p> <p>(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 Council with the associated building consent application:</p> <p>(i) A Concept Management Plan approved by the Māori Land Court and</p> <p>(ii) A Licence to Occupy;</p> <p>(c) Where a Trust Order or Maaori 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> <p>(i) A Concept Management Plan approved by the Māori Land Court;</p> <p>(ii) A lease, or an Occupation Order of the Māori Land Court;</p> <p>(d) The following Land Use – Effects rules in Rule 29C.3 do not apply:</p> <p>(i) Rule 29C.3.1 (Dwelling);</p> <p>(ii) Rule 29C.3.2 (Minor dwellings);</p> <p>(iii) Rule 29C.3.6 (Building Coverage).</p>	<p>(a) Avoidance or mitigation of natural hazards;</p> <p>(e) Geotechnical suitability for building, including liquefaction and settlement risks and adequacy of any ground improvements;</p> <p>(f) Effects on amenity</p> <p>(g) The manner in which the provisions of the Multi-Unit Urban Design Guidelines contained in Appendix 29.3 have been incorporated;</p> <p>(b)(h) Effects on the safety and efficiency of the transport network as set out in any ITA prepared in accordance with Rule 29C3.1 I RDI.</p> <p>(e) 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 Council with the associated building consent application:</p> <p>(d) A Concept Management Plan approved by the Māori Land Court and</p>												

Commented [EB63]: Have deleted ones that I think are covered adequately by the existing matters of discretion and reworded remaining as matters of discretion rather than assessment criteria.

Commented [CT64]: Is this relevant?
I note that these provisions are changing considerably as a result of mediation with Waikato Tainui on Tangata Whenua provisions.

Commented [JO65]: S42A Rebuttal para 220 (excluding requirement for ground infiltration)

		<p>(e) A Licence to Occupy; (f) 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; (g) A Concept Management Plan approved by the Māori Land Court; (h) A lease, or an Occupation Order of the Māori Land Court; (i) The following Land Use—Effects rules in Rule 29C.3 do not apply: (j) Rule 29C.3.1 (Dwelling); (k) Rule 29C.3.2 (Minor dwellings); (l) Rule 29C.3.6 (Building Coverage);</p>
RD3	Neighbourhood park	<p>(a) <u>The extent of consistency with the Ohinewai Structure Plan.</u> (b) <u>The extent of consistency with Appendix 29.3 Urban Design Guidelines, Multi-Unit Development, 2018, Section 8 Communal Open Spaces and Landscape Treatment.</u></p>

29C.1.3 Discretionary Activities

(1) The activities listed below are discretionary activities.

D1	Any permitted activity that does not comply with an 'Activity-Specific Condition' in <u>Rule 29C.1.2</u> .
D2	Any permitted activity that does not comply with the Land Use—Effects Rule 29C.2 or Land Use—Building Rule 29C.3 unless the activity status is specified as controlled, restricted discretionary or non-complying.
D3	Any Multi-unit development that does not comply with <u>Rule 29C.1.2 RD1</u> .
D3	<u>Any Marae Complex or Papakainga Development that does not comply with Rule 29C.1.2 RD2.</u>
D4	<u>A new retirement village or alterations to an existing retirement village.</u>
D5	<u>A corner shop and/or café of no more than 400m² gross leasable floor area in total.</u>

Commented [CT66]: I realise this is a notified provision but not required because each non-compliance has its own cascade.

Commented [JO67]: S42A Rebuttal para 233

29C.1.4 Non-complying Activities

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

NCI	Any activity that is not listed as Prohibited, Permitted, Restricted Discretionary or Discretionary <u>and any activity that is not in accordance with the Ohinewai Structure Plan.</u>
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Commented [JO68]: Commissioners Directions para 4h

29C.2 Land Use – Effects

29C.2.1 Noise

- (1) **Rules 29C.2.1.1** and **29C.2.1.2** provide the permitted noise levels generated by land use activities.
- (2) **Rule 29C.2.1.1** Noise – general provides permitted noise levels in the Residential Zone.
- (3) **Rule 29C.2.1.2** Noise – Construction provides the noise levels for construction activities

29C.2.1.1 Noise – General

P1	Farming noise, and noise generated by emergency generators and emergency sirens .
P2	(a) Noise measured within any other site in the Residential Zone must not exceed: (i) 50dB (L _{Aeq} (15 min)), 7am to 7pm, every day; (ii) 45dB (L _{Aeq} (15 min)), 7pm to 10pm, every day; and (iii) 40dB (L _{Aeq} (15 min)), 10pm to 7am the following day ; and (iii)(iv) (iv) 65dB (L _{Amax}), 10pm to 7am the following day.
P3	(a) Noise levels shall be measured in accordance with the requirements of NZS 6801:2008 "Acoustics - Measurement of Environmental Sound" ; and (b) Noise levels shall be assessed in accordance with the requirements of NZS 6802:2008 "Acoustic-Environmental noise" .
P4	Any habitable rooms which have an acoustic line of sight (ie. visible were it not for vegetation) to the boundary of the Lake Rotokawau Reserve shall be provided with a means of maintaining an appropriate level of fresh air and thermal comfort while the windows are closed, as advised by a suitably qualified building services engineer.
D1	Noise that does not comply with Rule 29C.2.1.1 P2 or P3.
D2	Buildings that do not comply with Rule 29C.2.1.1 P4.

Commented [CT69]: These provisions are changing throughout the PWDP in response to DHB submission.

Commented [CT70]: Why is this retained? For farming activities occurring in the residential zone until such time as land is developed?

Commented [EB71]: This is not sufficiently clear to determine. Needs to be identified on the structure plan perhaps?

Also early stages may have an acoustic line of site before buildings are located in the foreground. Is it the buildings adjoining the wetland park that are of concern?

29C.2.1.2 Noise – Construction

P1	(a) Construction noise must meet the limits in NZS 6803:1999 (Acoustics – Construction Noise); and (b) Construction noise must be measured and assessed in accordance with the requirements of NZS6803:1999 'Acoustics – Construction Noise'.
RDI	(a) Construction noise that does not comply with Rule 29C.2.1.2 P1. (b) Council's discretion shall be restricted to the following matters: (i) Effects on amenity values; (ii) Hours and days of construction; (iii) Noise levels; (iv) Timing and duration; and (v) Methods of construction.

29C2.2 Glare and artificial light spill

PI	Glare and artificial light spill must not exceed 10 lux measured horizontally and vertically within any other site.
P2	Glare and artificial light spill that meets any specified requirements in an approved ERMP.
RDI	<p>(a) Illumination that does not comply with Rule 29C.2.2 PI.</p> <p>(b) The Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Effects on amenity values; (ii) Light spill levels on other sites; (iii) Road safety; (iv) Duration and frequency; (v) Location and orientation of the light source; and (vi) Mitigation measures. (vii) (vii) Effects of light spill on native bats

Commented [CT72]: Trying to think how this could be picked up at the time of development in relation to bats

29C2.3 Earthworks

- (1) Rule 29C.2.3.1 – General, provides the permitted rules for earthworks activities for the Ohinewai Structure Plan Precinct Residential Zone.

29C2.3.1 Earthworks - General

PI	<p>(a) Earthworks (excluding the importation of fill material) within a site must meet all of the following conditions:</p> <ul style="list-style-type: none"> (i) Be located more than 1.5 m horizontally from any waterway, open drain or overland flow path; (ii) Not exceed a volume of 250m³; (iii) Not exceed an area of 1000m² over any consecutive 12 month period; (iv) The total depth of any excavation or filling does not exceed 1.5m above or below ground level; (v) The slope of the resulting cut, filled areas or fill batter face in stable ground, does not exceed a maximum of 1:2 (1 vertical to 2 horizontal); (vi) Earthworks are set back 1.5m from all boundaries; (vii) Areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks; (viii) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; (ix) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.
P2	<p>Earthworks for the purpose of creating a building platform for residential purposes within a site, using imported fill material must meet the following condition:</p> <ul style="list-style-type: none"> (a) Be carried out in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development.

Commented [CT73]: These have been recommended to change substantially in the s42A reports. Should consider whether any of these are relevant.

<p>P3</p>	<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"> (i) Not exceed a total volume of 20m³; (ii) Not exceed a depth of 1m; (iii) The slope of the resulting filled area in stable ground must not exceed a maximum slope of 1:2 (1 vertical to 2 horizontal); (iv) Fill material is setback 1.5m from all boundaries; (v) Areas exposed by filling are revegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks; (vi) Sediment resulting from the filling is retained on the site through implementation and maintenance of erosion and sediment controls; (vii) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.
<p>RDI</p>	<p>Earthworks that do not comply with Rule 29C2.3.1 P1, P2 or P3.</p> <p>An that include an Ecological Rehabilitation and Management Plan (ERMP) must be provided with the application that includes the following:</p> <p>(a) An indigenous fish management plan, including:</p> <ul style="list-style-type: none"> i) a summary of fish habitat and species present; ii) a summary of planned works, permitting requirements, timing of works, procedures for dealing with pest fish, procedures for capturing and relocating indigenous fish prior to and during works and identification of indigenous fish release sites; iii) roles and responsibilities of parties and their reporting requirements; iv) any specific mitigation measures; and v) a monitoring programme to enable an assessment of the success of any mitigation measures, including any translocations. <p>(b) A bat management plan that includes vegetation removal protocols and recommendations for any planting of trees and/or installation of artificial bat roost boxes for bat habitat;</p> <p>(c) An ecological restoration plan for any parts of the site that are to be converted to wetlands for stormwater management or amenity purposes, including habitat creation and enhancement and planting and pest plant control;</p> <p>(d) A predator control programme including:</p> <ul style="list-style-type: none"> (i) An overarching goal of contributing to the restoration and enhancement of indigenous biodiversity within the site; <p>(i) The Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Amenity values and landscape effects; (ii) Volume, extent and depth of earthworks; (iii) Nature of fill material; (iv) Contamination of fill material; (v) Location of the earthworks in relation to waterways, significant indigenous vegetation and habitat; (vi) Compaction of the fill material; (vii) Volume and depth of fill material; (viii) Geotechnical stability, including liquefaction and settlement risks and adequacy of any ground improvements; (ix) Flood risk, including natural water flows and established drainage paths; and (x) Land instability, erosion and sedimentation. (xi) The nature and extent of ecological mitigation measures and any residual ecological effects. (xii) Effects on indigenous fish; (xiii) Effects on bat habitat (xiv) Extent of proposed ecological restoration (xv) Adequacy of ongoing management and monitoring of ecological outcomes under the ERMP (xvi) Adequacy of predator control programme and consistency of the ERMP with the Waikato Regional Pest Management Plan 2014-2024 (xvii) Addressing outcomes of tangata whenua engagement (xviii) The extent to which any post-earthworks mitigation measures are <p>The extent of consistency with the Ohinewai Structure Plan;</p>

Commented [EB74]: Info requirement, not worded as a rule. Policy support currently lacking for this requirement

Commented [EM75R74]: Also, that one size fits all approach to require a ERMP seems potentially over the top if it is for example earthworks on a single residential site for recontouring which only just fails the minimum area or volume – which is currently quite common in other areas (Pokeno, TK West)

Commented [CT76R74]: Relevant for the initial earthworks but not once this has occurred. Quite possible that after subdivision there could be further earthworks do not comply with the permitted thresholds above.

Commented [JO79]: S42A Rebuttal para 220 (excluding requirement for infiltration)

Commented [CT80]: Could reword to 'indigenous biological diversity' to be consistent with functions of TA

Commented [CT77]: Should the bat management plan be limited to vegetation removal. I agree it needs to be captured in the overall ERMP but it just doesn't sit well in the earthworks rule for me. Could potentially identify specific group(s) of trees where this rule would apply rather than to every tree.

Also unsure how it may then filter into requirements for lighting management if that is an outcome required, as this would need to apply to development itself.

Commented [JO81]: Redundant provision if it must be in accordance with the Ohinewai Structure Plan.

	<p>and therefore indirectly within the adjacent Rotokawau Reserve:</p> <p>(ii) Objectives of increasing Ohinewai Precinct occupants' awareness of predator threats, and the need for predator control, including control of domestic cats and dogs, to reduce the threat of predation on indigenous fauna:</p> <p>(iii) A predator control strategy designed to achieve the above goal and objectives;</p> <p>(iv) A monitoring programme to ensure the objectives are being achieved and predator populations are being suppressed sufficiently to achieve biodiversity gains;</p> <p>(e) Provisions for ongoing management and maintenance of wetland areas;</p> <p>(f) A description of the proposed ecological monitoring framework;</p> <p>(g) Evidence of consistency with the Waikato Regional Pest Management Plan 2014-2024; and</p> <p>(h) Evidence of engagement with tangata whenua during preparation of the ERMP including how outcomes of that engagement have been addressed.</p>	<p>required and the methods for implementing them.</p>
NC1	<p>Earthworks that do not comply with Rule 29C2.3.1 RDI and earthworks that are not in accordance with the Ohinewai Structure Plan.</p>	

Commented [J082]: S42A Rebuttal para 221

Commented [CT78]: This would be more appropriate in the subdivision provisions wouldn't it – what is the mechanism for this otherwise, conditions of an earthworks consent. At the time of subdivision there is going to be a detailed consideration of how the open space works given it is to be retained in private ownership, this would include ongoing maintenance and operation of wetland area.

Commented [J083]: Commissioners Directions para 4h

29C2.4 Hazardous substances

P1	<p>(a) The use, storage or disposal of any hazardous substance where:</p> <p>(i) the aggregate quantity of any hazardous substance of any hazard classification on a site is less than the quantity specified in the Residential zone in Table 5.1 contained within Appendix 5 (Hazardous Substances).</p>
P2	<p>(a) The storage or use of radioactive materials is:</p> <p>(i) an approved equipment for medical and diagnostic purposes; or</p> <p>(ii) specified as an exempt activity or article in the Radiation Safety Act and Regulations 2017.</p>
D1	<p>The use, storage or disposal of any hazardous substances that does not comply with Rule 29C.2.4 P1 or P2.</p>

Commented [CT84]: Is this relevant for the residential zone? I also understand that there will be significant changes to the PWDP approach to hazardous substances. Might be better to delete this one.

29C.2.5 Signs

- (1) Rule 29C.2.5.1 Signs – general provides permitted standards for any sign, including real estate signs, across the entire Residential Zone.
- (2) Rule 29C.257.2 Signs – effects on traffic applies specific standards for signs that are directed at road users.

29C2.5.1 Signs – general

PI	A public information sign erected by a government agency.
P2	(a) A sign must comply with all of the following conditions: <ul style="list-style-type: none"> (i) It is the only sign on the site; (ii) The sign is wholly contained within the site; (iii) The sign does not exceed 0.25m²; (iv) The sign height does not exceed 2m; (v) The sign is not illuminated; (vi) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; (vii) The sign does not project over road reserve; (viii) The sign relates to: <ul style="list-style-type: none"> A. goods or services available on the site; or B. a property name sign.
P3	(a) A real estate 'for sale' sign relating to the site on which it is located must comply with all of the following conditions: <ul style="list-style-type: none"> (i) There is no more than 1 sign per agency; (ii) The sign is not illuminated; (iii) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; (iv) The sign does not project into or over road reserve.
RD1	(a) A sign that does not comply with Rule 29C.2.5.1 P1, P2 or P3. (b) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) Amenity values; (ii) Character of the locality; (iii) Effects on traffic safety; (iv) Glare and artificial light spill; (v) Content, colour and location of the sign; (vi) Effects on notable architectural features of a building.

29C.2.5.2 Signs – Effects on traffic

PI	(a) Any sign directed at road users must: <ul style="list-style-type: none"> (i) Not imitate the content, colour or appearance of any traffic control sign; (ii) Be located at least 60m from controlled intersections, pedestrian crossings and any other sign; (iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections; (iv) Be able to be viewed by drivers for at least 130m; (v) Contain no more than 40 characters and no more than 6 symbols; (vi) Have lettering that is at least 150mm high; (vii) Be at least 130m from a site entrance, where the sign directs traffic to the entrance.
DI	Any sign that does not comply with Rule 29C.2.7.2 P1.

29C.2.6 Traffic Effects

<u>P1</u>	<u>There must be no direct vehicle access from any property onto Tahuna Rd</u>
<u>RD1</u>	<u>An activity building that does not comply with Rule 29C.2.116(P1). Councils discretion shall be restricted to the following matters: (a) Effects on the safety and efficiency of the transport network.</u>
<u>RD2</u>	<u>Any Multi-Unit Development, retirement village or alterations to retirement villages, Marae Complex or Papakainga Housing Development must include an Integrated Transport Assessment</u>

	<p>(ITA) that assesses the levels of traffic generation from the development, confirms the staging and timing of transport infrastructure upgrades specified in Table 29B.1 and recommends any necessary mitigation measures.</p> <p>Council's discretion shall be restricted to the following matters:</p> <p>(a) Road network safety and efficiency, particularly at peak traffic times.</p> <p>(b) Requirements for staging and timing of transport infrastructure improvements as set out in Table 29B.1.</p> <p>(c) The extent secured delivery of any transport upgrades required other than those in Table 29B.1, and their staging and timing.</p> <p>(d) Safety of design for vehicles and pedestrians.</p> <p>(e) Mitigation measures such as travel planning and providing alternatives to private vehicle trips.</p>
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Commented [CT85]: Needs to be a condition to meet these upgrade requirements as a RD otherwise needs to trigger a discretionary activity.

Commented [JO86]: S42A Rebuttal para222

29C.2.7 Landscaping

PI	Any activity on a lot that fronts Tahuna Road must provide a 5m wide minimum landscaped strip, excluding access, running parallel with the road boundary.
RD1	Any activity that does not comply with Rule 29C.2.7(PI). Councils discretion shall be restricted to the following matters: (a) Effects on amenity values

29C3.3 Land Use – Building

29C3.1 Dwelling

PI	One dwelling within a site.
DI	A dwelling that does not comply with Rule 29C.3.1 PI.

29C3.2 Minor dwelling

PI	<p>(a) One minor dwelling contained within a site must comply with all of the following conditions:</p> <p>(i) The net site area is 900m² or more;</p> <p>(ii) The site does not contain a Multi-unit development.</p> <p>(iii) The gross floor area shall not exceed 70m²</p>
DI	A minor dwelling that does not comply with Rule 29C.3.2 PI.

Commented [CT87]: I understand this is likely to change. Also what would be appropriate at Ohinewai given the masterplan. Not sure there will be any sites of 900m2 or more.

29C3.3 Height

- (1) Rule 29C.3.3.1 provides permitted height for buildings.
- (2) Rule 29C.3.3.1 Height – Building general provides permitted height limits across the Residential Zone.

29C3.3.1 Height - Building general

PI	The maximum height of any building must not exceed 7.5m.
DI	Any building that does not comply with Rule 29C.3.3.1 PI.

29C3.4 Fences or walls – Road boundaries

PI	(a) Fences and walls between the applicable building setbacks under Rule 29C.3.9 on a site and any road boundaries must comply with all of the following conditions: (i) Be no higher than 1.2m if solid; (ii) Be no higher than 1.8m if: A. visually permeable for the full 1.8m height of the fence or wall; or B. solid up to 1.2m and visually permeable between 1.2 and 1.8m.
RD1	(a) Fences or walls that do not comply with Rule 29C.3.4 PI . (b) Council’s discretion shall be restricted to the following matters: (i) Building materials and design; (ii) Effects on amenity; and (iii) Public space visibility.

29C3.5 Daylight admission

PI	Buildings must not protrude through a height control plane rising at an angle of 37 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary .
RD1	(a) A building that does not comply with Rule 29C.3.5 PI . (b) Council’s discretion shall be restricted to the following matters: (i) Height of the building ; (ii) Design and location of the building ; (iii) Extent of shading on adjacent sites ; (iv) Privacy on another sites ; and (v) Effects on amenity values and residential character.

Commented [CT88]: I understand that this is likely to change, s42A recommends a different number.

29C3.6 Building coverage

PI	The total building coverage must not exceed 40%.
DI	Total building coverage that does not comply with Rule 29C.3.6 PI .

29C3.7 Living court

PI	(a) A living court must be provided for each dwelling that meets all of the following conditions: (i) It is for the exclusive use of the occupants of the dwelling ; (ii) It is readily accessible from a living area of the dwelling ; (iii) When located on the ground floor, it has a minimum area of 80m ² and a minimum dimension of 4m in any direction; and (iv) When located on a balcony of an above ground apartment , it must have a minimum area of 15m ² and a minimum dimension of 2m in any direction.
P2	(a) A living court must be provided for each minor dwelling that meets all of the following conditions: (i) It is for the exclusive use of the occupants of the minor dwelling ; (ii) It is readily accessible from a living area of the minor dwelling ; (iii) When located on the ground floor it has a minimum area of 40m ² and a minimum dimension of 4m in any direction; (iv) When located on a balcony of an above ground apartment , it must have a minimum area of 15m ² and a minimum dimension of 2m in any direction.
DI	A living court that does not comply with Rule 29C.3.7 PI or P2 .

29C3.8 Service court

PI	(a) A service court must be provided for each dwelling and minor dwelling , each with all the following dimensions: (i) minimum area of 15m ² ; and (ii) contains a circle of at least 3m diameter.
DI	A service court that does not comply with Rule 29C.3.8 PI .

29C3.9 Building setbacks

- (1) **Rule 29C.3.9.1** provides the permitted building setback distances for buildings from **site** boundaries.
- (2) **Rule 29C.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**.

29C3.9.1 Building setbacks – All boundaries

PI	(a) A building must be set back a minimum of: (i) 3m from the road boundary , except for Tahuna Rd ; (ii) 15m from the road boundary of Tahuna Rd ; (iii) 1.5m from every boundary other than a road boundary ; (iv) 1.5m from every vehicle access to another site ; and (v) 15m from the boundary of the Rural Zone .
P2	(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 façade of the dwelling .
RDI	(a) A building that does not comply with Rule 29C.3.9.1 PI, P2, P3 or P4 . (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

29C.3.10 Density

PI	The average density of residential development must be at least 25 units per ha of net developable land (ie. excluding roads and public open spaces).
RDI	Building that does not comply with Rule 29C.3.10 PI. Councils discretion shall be restricted to the following matters: The extent of departure from the minimum density requirement.

Commented [J089]: S42A Rebuttal para 234

29C.3.10 Infrastructure and Site Suitability

PI	All dwellings must include a site-specific geotechnical assessment and be constructed in accordance with any necessary ground improvement works and specific foundation design.
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Commented [CT90]: This rule doesn't quite work. Geotech investigation is required at subdivision, it may then be most appropriate to impose a consent notice at the time of subdivision requiring specific geotech assessment that would be assessed at the time of building consent. Therefore leave within the subdivision requirements. Feedback from development engineer that assessment happens at building consent.

P2	All dwellings must include provision for on-lot Low Impact Design stormwater devices based on at least a two-step treatment train approach with the first step being included on the residential lot.
RD1	A dwelling that does not comply with Rule 29C.3.10 P1 or P2. (a) Councils discretion shall be restricted to the following matters: (i) Extent of compliance with the Regional Infrastructure Technical Standards (RITS) (ii) Extent of compliance with any recommendations of a site-specific geotechnical assessment. (iii) The likely effectiveness of the system to avoid flooding nuisance or damage to other buildings and sites (ii)(iv) The capacity of the stormwater systems and suitability of the treatment train to manage stormwater

Commented [CT91]: How does this relate to Rule 14.11.1 P1. As drafted it is not very clear how this would be achieved. Feedback from development engineer is that two step is confusing because this could only be implemented at the time of subdivision. For clarity this rule should only refer to the requirement for on-site stormwater management and specify what this is required to achieve (e.g. retention or detention, reuse). The treatment train itself should be assessed at subdivision

Commented [CT92]: This are taken from Ch14 Rule 14.11.2 RD1

29C.3.11 Building Finished Floor Levels

P1	Any residential units (including attached garages) must have a minimum finished floor level of 8.5mRL.
P2	Any non-habitable residential buildings and detached garages must have a minimum finished floor level of 8.3mRL.
RD1	A building that does not comply with Rule 29C.3.11 P1 or P2. (a) Councils discretion shall be restricted to the following matters: (i) Flooding effects

Commented [CT93]: Required to address flood risks. Although subdivision may establish the GL at the time of building these need to be reflected in FFL.

29C.3.12 Car parking

P1	Car parking for dwellings must meet the following conditions: (i) 2 car spaces are required for dwellings with 2 or more bedrooms; and (ii) one car space is required for studio or 1-bedroom residential units
RD1	Car parking that does comply with Rule 29C.3.12 P1

Commented [CT94]: I think you need a specific car parking rule potentially to provide certainty of sufficient parking being provided in the precinct given potentially higher density housing and smaller sites. Infrastructure s42A recommends only one car park for sites of less than 300m².

29C.4 Subdivision

- (1) Rule 29C.4.1 provides for subdivision density and applies across the Residential Zone.
- (2) The following rules apply to specific areas and/or activities:
 - (a) Rules 29C.4.1 to 29C.4.4 are also subject to the following subdivision controls:
 - (i) Rule 29C.4.5 – subdivision boundary adjustments;
 - (ii) Rule 29C.4.6 – subdivision amendments and updates to cross lease flats plan and conversion to freehold;
 - (iii) Rule 29C.4.11 – subdivision road frontage;

- (iv) Rule 29C.4.12 – subdivision building platform;
- (v) Rule 29C.4.13 – subdivision reserves.

29C4.1 Subdivision - General

RDI	<p>(a) Subdivision must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) Proposed lots must have a minimum net site area of 450m², except where the proposed lot is an access allotment or utility allotment or reserve to vest; (ii) Proposed lots must be able to connect to public-reticulated water supply and wastewater; (iii) Where roads are to be vested in Council, they must follow a grid layout; (iv) Where 4 or more proposed lots are proposed to be created, the number of rear lots do not exceed 15% of the total number of lots being created; (v) Subdivision must be in accordance with the Ohinewai Structure Plan. (i) Any subdivision of more than 3 lots must include an ERMP as set out in Rule 29C2.3.1(RD1) if one has not already been prepared in relation to the subject land. (ii) All subdivision applications must be in accordance with the recommendations of any ERMP prepared for associated earthworks under Rule 29C2.3.1(RD1). This may include lighting design that is sensitive to bat habitat, the retention and protection of identified bat roosting trees, and the imposition of relevant ongoing predator control requirements through consent notices or other instrument in accordance with any recommendations in any ERMP. (iii) Subdivision must be staged in accordance with Table 29B.1 and the Staging Plan (Dwg No PI9-176-00-1045-SK). All subdivision applications must include details of (i)(iv) Subdivision must identify and provide infrastructure upgrades in accordance with Table 29B.1, that is are to be constructed or upgraded prior to s224c RMA approval of any lots in that stage and must be in accordance with the Staging Plan. (v) Any subdivision of more than 3 lots must include an Integrated Transport Assessment (ITA) that assesses the levels of traffic generation from the development for that stage, confirms the staging and timing of transport infrastructure upgrades specified in Table 29B.1 and recommends any necessary mitigation measures. (vi) All subdivision applications must include a geotechnical report that demonstrates the ability of each site to accommodate a building, and recommends necessary ground improvement works and specific foundation design requirements. (i)(vii) _____ <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout; (ii) Shape of lots and variation in lot sizes; (iii) Ability of lots to accommodate a practical building platform including geotechnical stability for building; (iv) Likely location of future buildings and their potential effects on the environment; (v) Avoidance or mitigation of natural hazards; (vi) Amenity values and streetscape landscaping; (vii) Consistency with the matters contained within Appendix 29.1 (Residential Subdivision Guidelines) (viii) Vehicle and pedestrian networks; (ix) Consistency with the Ohinewai Structure Plan including the provision of neighbourhood parks/the open space network; (x) Provision of infrastructure. (xi) Road network safety and efficiency, particularly at peak traffic times. (xii) Requirements for staging and timing of transport infrastructure improvements as set out in Table 29B.1. (xiii) The extent of any transport upgrades required other than those in Table 29B.1, and their staging and timing.
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Commented [CT95]: There is a disconnect between requiring the ERMP at the time of earthworks and how this is reflected in the subdivision. Subdivision could occur without earthworks and vice versa

Commented [CT96]: This would be replaced with an appropriate figure number for where it sits in the Plan.

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Commented [CT97]: Not sure how this works as a condition – this could be a matter of discretion to support imposing conditions on a subdivision. Need to know that if infrastructure is not in accordance with Table 29B.1 then subdivision triggers

Commented [JO98]: S42A Rebuttal para 222

Commented [CT99]: Naomi McMinn had suggested that once stage 2 had been fully developed and occupied that at ITA could be redone for the remainder of the development to update the findings with some real data. Therefore may not need to do one for over 3 lots. Instead link to the stages of development.

Commented [CT100]: Reflects better consistency with the structure plan notation

Commented [CT101]: Why is this just transport infrastrucutre

Commented [JO102]: S42A Rebuttal para 222

	(xiv) Safety of design for vehicles and pedestrians. (xv) Mitigation measures such as travel planning and providing alternatives to private vehicle trips. (xvi) Consistency with the recommendations of the ERMP (xvii) The requirement for consent notices on new titles requiring future buildings adhere to the recommendations of the geotechnical report
D1	Subdivision that does not comply with a condition in Rule 29C.4.1 RD1.
D2	Any development or subdivision that is not in accordance with the Staging Plan (Dwg No P19-176-00-1040-SK) or Table 29B.1 (excluding bulk main connections to Huntly Wastewater Treatment Plant and Water Treatment Plant).
D3	A corner shop and café of not more than 400m ² gross leasable floor area each, in accordance with the Ohinewai Structure Plan. Assessment criteria: (a) the extent to which the total floor area of commercial activities in the Ohinewai Structure Plan area is consistent with Business Zone Rule 29D.6.2 RD1.
NC1	Subdivision that is not in accordance with the Ohinewai Structure Plan.
NC2	Any subdivision that does not comply with is not in accordance with the infrastructure upgrades in Table 29B.1 Rule 29B.1.2 (b) or (c) in Table 29B.1 (bulk main connections to Huntly Wastewater Treatment Plant and Water Treatment Plant) and their staging and sequencing requirements.

Commented [CT103]: But D1 already identifies that if don't meet a condition it is a discretionary activity

Commented [CT104]: Need to reflect that this is a non-complying activity to avoid confusion

Commented [CT105]: Moved to activities

Commented [JO106]: Commissioners Directions para 4h

Commented [CT107]: The table does not appear to be written as a rule. The subdivision rule are what makes the table a rule isn't it?

Commented [CT108]: There are two components of the table and multiple references to (a) and (b) so needs to be made clearer

Commented [JO109]: Commissioners Directions para 4f

Commented [CT110]: If the general subdivision conditions do not apply then the same conditions need to be repeated here to ensure that the infrastructure upgrades in Table 29B.1 are implemented or a higher activity status consent is triggered

Commented [JO111]: Commissioners Directions para 4h

29C4.2 Subdivision - Multi-unit development

RDI	(b) Multi-Unit development must comply with all of the following conditions: (i) An application for land use consent under Rule 29C.1.2 (Multi-Unit Development) must accompany the subdivision or have been granted land use consent by Council; (ii) The Multi-Unit development is able to be connected to public wastewater and water reticulation; (iii) The minimum existing lot size where a new freehold (fee simple) lot is being created must be 300m ² net site area. (iv) Subdivision must be in accordance with the Ohinewai Structure Plan. (v) Where a residential unit is being created in accordance with the Unit Titles Act 2010 it must meet the following minimum residential unit size:							
	<table border="1"> <thead> <tr> <th>Unit of Multi-Unit</th> <th>Minimum Unit Area</th> </tr> </thead> <tbody> <tr> <td>Studio unit or 1 bedroom unit</td> <td>60m²</td> </tr> <tr> <td>2 bedroom unit</td> <td>80m²</td> </tr> <tr> <td>3 or more bedroom unit</td> <td>100m²</td> </tr> </tbody> </table>	Unit of Multi-Unit	Minimum Unit Area	Studio unit or 1 bedroom unit	60m ²	2 bedroom unit	80m ²	3 or more bedroom unit
Unit of Multi-Unit	Minimum Unit Area							
Studio unit or 1 bedroom unit	60m ²							
2 bedroom unit	80m ²							
3 or more bedroom unit	100m ²							
	(c) Council's discretion shall be restricted to the following matters: (i) Subdivision layout including common boundary and party walls for the Multi-unit development; (ii) Provision of common areas for shared spaces, access and services; (iii) Provision of infrastructure to individual residential units; (iv) Avoidance or mitigation of natural hazards;							

	<ul style="list-style-type: none"> (v) Geotechnical suitability of site for buildings; (vi) Amenity values and streetscape; (vii) Consistency with the matters contained, and outcomes sought, in Appendix 3.4 (Multi-Unit Development Guideline) (viii) Consistency with any relevant structure plan or master plan, including the provision of neighbourhood parks, and neighbourhood centres; (ix) Vehicle, pedestrian and cycle networks; (x) Safety, function and efficiency of road network and any internal roads or accessways.
D1	Subdivision that does not comply with Rule 29C.4.2 RDI except for Rule 29.4.2RDI(a)(iv).
D2	Any development or subdivision that is not in accordance with the Staging Plan (Dwg No PI9-176-00-1040-SK) or Table 29B.1 (excluding bulk main connections to Huntly Wastewater Treatment Plant and Water Treatment Plant).
NC1	Subdivision that does not comply with Rule 29C.4.2RDI(a)(iv).
NC2	Any subdivision that is not in accordance with the infrastructure upgrades in Table 29B.1 Rule 29B.1.2 (b) or (c) in Table 29B.1 (bulk main connections to Huntly Wastewater Treatment Plant and Water Treatment Plant) and their staging and sequencing requirements.

Commented [CT112]: But D1 already identifies that if don't meet a condition it is a discretionary activity

Commented [CT113]: Need to reflect that this is a non-complying activity to avoid confusion

Commented [JO114]: Commissioners Directions para 4h

Commented [CT115R114]: This doesn't address infrastructure

Commented [JO116]: Commissioners Directions para 4f

29C4.3 Subdivision – Boundary adjustments

CI	<ul style="list-style-type: none"> (a) Boundary adjustments must comply with all of the following conditions: <ul style="list-style-type: none"> (i) The conditions specified in: <ul style="list-style-type: none"> A. Rule 29C.4.1 Subdivision - General; B. Rule 29C.4.2 Subdivision in the Te Kauwhata Ecological Residential Area; C. Rule 29C.4.3 Subdivision in the Te Kauwhata West Residential Area; or D. Rule 29C.4.4 Subdivision- Multi-unit development; (b) Proposed lots must not generate any additional building infringements to those which legally existed prior to the boundary relocation. (c) Council's control is reserved over the following matters: <ul style="list-style-type: none"> (i) Subdivision layout; (ii) Shape of titles and variation in lot sizes.
D1	Boundary adjustments that does not comply with Rule 29C.4.5 CI.

29C4.4 Subdivision - Road frontage

RDI	<ul style="list-style-type: none"> (a) Every proposed lot with a road boundary, other than an access allotment, utility allotment, or a proposed lot containing a ROW or access leg must have a width along the road boundary of at least 15m. (b) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) Safety and efficiency of vehicle access and road network; and (ii) Amenity values and rural character.
D1	Subdivision that does not comply with Rule 29C.4.1 RDI.

Commented [CT117]: Higher density areas will already require discretionary consent but this would trigger additional discretionary consent. May not be needed but if intending to have standard lots then this should be retained. May not need to fall to discretionary though.

29C4.5 Subdivision - Building platform

RDI	<ul style="list-style-type: none"> (a) Every proposed lot, other than one designed specifically for access, utility allotment must be capable of containing a building platform upon which a dwelling and living court could be sited as a permitted activity, with the building platform being contained within either of the following dimensions: <ul style="list-style-type: none"> (i) a circle with a diameter of at least 18m exclusive of yards; or (ii) a rectangle of at least 200m² with a minimum dimension of 12m exclusive of yards.
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Commented [CT118]: I understand that in relying on the underlying residential zone these come through but is this the outcome being sought?

	<p>(b) <u>Every lot, other than one designed specifically for access or as a utility allotment, must have a building platform that is above 8.5m RL (ground level).</u></p> <p>(c) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) <u>Subdivision</u> layout; (ii) Shape of <u>allotments</u>; (iii) Ability of <u>allotments</u> to accommodate a practical <u>building platform</u>; (iv) Likely location of future <u>buildings</u> and their potential effects on the environment; (v) Avoidance or mitigation of natural hazards; (vi) Geotechnical suitability for <u>building</u>; and (vii) Ponding areas and primary <u>overland flow paths</u>.
DI	<u>Subdivision</u> that does not comply with <u>Rule 29C.4.5 RDI</u> .

Commented [CT119]: This change attempts to provide a stronger requirement that will ensure that earthworks are required to achieve this prior to 224c. Feedback from development engineer that rule doesn't require consent holder to create building platforms as part of subdivision only demonstrate that it can be done. Wants the rule to explicitly require the earthworks prior to 224c.

Commented [JO120]: Evidence of Ajay Desai

29C.4.6 Subdivision- Landscape Concept

RDI	<p><u>All subdivision applications must include a Landscape Concept Plan that includes the following:</u></p> <ul style="list-style-type: none"> (a) <u>Landscape concept design for all areas of public open space and stormwater management areas;</u> (b) <u>Details of landscape treatment of streets, footpaths and cycleways;</u> (c) <u>Details of landscape treatment of stormwater swales, wetlands, detention areas and riparian margins;</u> (d) <u>Details of landscape treatment to integrate the site with the vegetation on the adjacent Lake Rotokawau Reserve;</u> (e) <u>Details of plant types and species including eco-sourcing of plants from within the Meremere Ecological District;</u> (f) <u>Use of indigenous species and landscape design that reflects cultural perspectives including food gathering species and those that support habitat for mahinga kai, indigenous birds and lizards;</u> (g) <u>Details of ongoing maintenance plans to ensure the planting achieves acceptable establishment, survival and canopy closure targets;</u> (h) <u>Identification of areas for public access and any areas that are not public and the legal mechanisms to secure and maintain public access;</u> (i) <u>Details of any commemorative or other interpretation material communicating the history and significance of places and resources;</u> (j) <u>Details of any tangata whenua inspired artwork or features;</u> (k) <u>Details of fencing and landscape treatment of the land along the Tahuna Road frontage, to create an attractive and open interface to Tahuna Road;</u> (l) <u>Evidence of consistency with any Ecological Rehabilitation and Management Plan;</u> (m) <u>Evidence of consistency with the Waikato District Council Park Strategy 2014, the Urban Design Guidelines, Multi-Unit Development 2018 (Appendix 29.3), the Urban Design Guidelines, Residential Subdivision 2018 (Appendix 29.1); and</u> (n) <u>Evidence of engagement with tangata whenua in preparation of the landscape concept plan, including how the outcomes of that engagement have been addressed.</u> <p><u>Councils discretion shall be restricted to the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>Extent of consistency with the Ohinewai Structure Plan.</u> (ii) <u>Extent of consistency with the Waikato District Park Strategy 2014, the Urban Design Guidelines, Multi-Unit Development 2018, and the Urban Design Guidelines Residential Subdivision 2018.</u> (iii) <u>Quantity, species, size, distribution and spacing of landscape planting and extent to which it will mitigate landscape, visual and amenity effects.</u> (iv) <u>Extent of consistency with any Ecological Rehabilitation and Management Plan.</u> (v) <u>Adequacy of maintenance plans.</u> (vi) <u>Extent of provision for public access and nature of legal instruments to secure access.</u> (vii) <u>Extent of recognition of cultural values.</u>
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Commented [EB121]: Needs policy support

Commented [JO122]: OLL evidence of Tony McLaughlan

Commented [JO123]: S42A Rebuttal para 223

	(viii) <u>The extent to which fencing and landscaping proposals will create an attractive and open interface with Tahuna Road.</u>
DI	<u>A subdivision application that does not include one or more of the items in 29C.4.6 RDI.</u>

Commented [JO124]: OLL evidence of Tony Mclauchlan; consequential

29C.4.7 Subdivision – Stormwater Management

RDI	<p><u>All subdivision applications must be accompanied by a stormwater management report and plans. The report and plans must:</u></p> <p>(a) <u>describe how stormwater management will achieve Low Impact Design through at least a two-step treatment train approach with the first stage on-lot.</u> (a)(b) <u>describe how the plans comply with any relevant discharge consent;</u> (b)(c) <u>identify overland flow paths;</u> (c)(d) <u>describe the nature and extent of any off-site stormwater management devices and how these devices are to be delivered if they are on land outside the application site including identification of land areas that are to be allocated to open space to maintain their stormwater function and the methods of protection of them for that purpose;</u> (e) <u>if stormwater devices are to be located below 8.05m RL, describe how these devices are to be designed to be resilient to flood-related damage while not exacerbating flood risks for upstream or downstream activities;</u> (d)(f) <u>assess the extent of any flooding.</u></p> <p><u>Council's discretion shall be restricted to the following matters:</u></p> <p>(i) <u>the effects of any inconsistency with any discharge consent;</u> (ii) <u>the methods of accessing and maintaining stormwater devices;</u> (iii) <u>the requirement for consent notices on new titles requiring provision for on-lot Low Impact Design stormwater devices based on at least a two-step treatment train approach with the first step being included on the residential lot as part of a two-step treatment train approach;</u> (iv) <u>avoidance or mitigation of flooding hazards; the likely effectiveness of the stormwater system to avoid flooding, nuisance or damage to other buildings or sites.</u> (iii)(vi) <u>The capacity of the system to suitably manage stormwater through a treatment train approach</u></p>
DI	<u>A subdivision application that does not include one or more of the items in 29C.4.7 RDI.</u>

Commented [CT125]: This is required at the time of subdivision

Commented [CT126]: Wanted to ensure a mechanism for reassessment of flooding effects at subdivision stage if these are remodelled in future. This might be the most suitable place to add that matter for discretion

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29D Ohinewai Precinct Business Zone

- (1) The rules that apply to activities in the Ohinewai Precinct Business Zone are contained in Rule 29D.1 Land Use – Activities, Rule 29D.2 Land Use – Effects and Rule 29D.3 are contained in Rule 29D.4.
- (2) The activity status tables and standards in the following chapters also apply to activities in the Ohinewai Precinct Business Zone:
29B Infrastructure and Energy;
- (3) In this section the term 'In accordance with the Ohinewai Structure Plan' refers to the Structure Plan (1805_012a RevK) and the Business Area Structure Plan (1805_012b Rev F), and means:
 - a) That the location and function of access points to the existing road network must be complied with.
 - b) Strict compliance with the location of the internal road network and shared path network is not required, provided the functions of the networks are complied with.
 - c) Strict compliance with the location of buildings and community infrastructure is not required as their locations are indicative.
 - d) The areas of open space must be provided in the locations shown but their boundaries are indicative.

Commented [JO127]: Commissioners Directions 4h consequential

~~(iv)~~(v) The following symbols are used in the tables:

- (g) PR Prohibited activity
- (h) P Permitted activity
- (i) C Controlled activity
- (j) RD Restricted discretionary activity
- (k) D Discretionary activity
- (l) NC Non-complying activity

29D.1 Land Use – Activities

29D.1.1 Permitted Activities

- (1) The following activities are permitted activities if they comply with all of the:
 - (a) Land Use – Effects rules in Rule 29D.2 and Land Use – Building rules in Rule 29D.3 (unless the activity-specific rule and/or conditions identifies a condition(s) that does not apply); and
 - (b) Activity-specific conditions.

Activity	Activity-specific conditions
PI Temporary Event	<ul style="list-style-type: none"> (a) The event occurs no more than 3 times per consecutive 12 month period; (b) The duration of each event is less than 72 hours; (c) It may operate between 7.30am and 8:30pm Monday to Sunday; (d) Temporary structures are: <ul style="list-style-type: none"> (iii) erected no more than 2 days before the event occurs; and (iv) removed no more than 3 days after the end of the event; (e) The site is returned to its previous condition no

	more than 3 days after the end of the event.
P2	<u>Construction, demolition, additions and alterations to a building</u>

29D.1.2 Restricted Discretionary Activities

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

Activity	Matters of Discretion
<p>RDI</p> <p>(a) A neighbourhood centre Commercial activities identified on the Ohinewai Structure Plan that comprises a grouping of commercial activities that meet all of the following conditions:</p> <p>(i) Located in the neighbourhood centre in accordance with the Ohinewai Business Structure Plan</p> <p>(ii) Individual leasable retail units shall have a gross leasable floor area of no more than 400m².</p> <p>(iii) Any grocery store (a retail unit primarily selling pre-prepared fresh food/groceries and beverages, together with other non-food goods that are ancillary) shall have a gross leasable floor area of no more than 1,000m².</p> <p>(iv) Offices shall have a gross leasable floor area of no more than 200m².</p> <p>(v) The total combined gross leasable floor area of commercial activities within the Ohinewai Precinct, excluding any service station, shall not exceed 2,500m².</p> <p>(vi) The neighbourhood centre is in accordance with the Ohinewai Structure Plan.</p>	<p>(a) Council's discretion is limited to the following matters:</p> <p>(i) The extent to which the development is consistent with Town Centre Guidelines contained in Appendix 3.3;</p> <p>(ii) The extent to which the development is consistent with the Ohinewai Structure Plan.</p> <p>(iii) The safety and efficiency of any private vehicle access.</p> <p>(iv) Avoidance or mitigation of natural hazards.</p> <p>(v) Geotechnical suitability for building, including liquefaction and settlement risks and adequacy of any ground improvements.</p> <p>(vi) Effects on the safety and efficiency of the transport network as set out in any ITA prepared in accordance with Rule 29D.2.8.</p>
<p>RD2</p> <p>(a) A service station, public transport facility and community facilities that meet the following condition:</p> <p>(i) They are in accordance with the Ohinewai Structure Plan.</p> <p>A service station that meet the following conditions:</p> <p>(i) Located in accordance with the Ohinewai Business Area structure Plan (Figure XX)</p> <p>(ii) ...</p>	<p>(b) Council's discretion is limited to the following matters:</p> <p>(i) The extent to which the development is consistent with the Ohinewai structure Plan.</p> <p>(ii) The safety and efficiency of any private vehicle access</p> <p>(i) The extent to which the development is consistent with Town Centre Guidelines contained in Appendix 3.3;</p> <p>(ii) The extent to which the development is consistent with the Ohinewai structure Plan.</p> <p>(iii) The safety and efficiency of any private vehicle access</p>
<p>RD3</p> <p>Public transport facility that meet the following conditions:</p>	

Commented [CT128]: Neighbourhood centre is not an activity – it's not a defined term and could create some uncertainty. Suggest referring to commercial activities.

Commented [JO129]: S42A Rebuttal para 220

Commented [CT130]: Some additional conditions to manage scale?

Commented [CT132]: Should there be some conditions around scale?

	(i) Located in accordance with the Ohinewai Business Area structure Plan (Figure XX) (ii) ...	(iii) Avoidance or mitigation of natural hazards. (iv) Geotechnical suitability for building, including liquefaction and settlement risks and adequacy of any ground improvements. (v) Effects on the safety and efficiency of the transport network as set out in any ITA prepared in accordance with Rule 29D.2.8.
RD4	Community facilities that meet the following conditions: (i) Located in accordance with the Ohinewai Business Area structure Plan (Figure XX) (ii) ...	

Commented [CT133]: What other conditions – what is the scale anticipated? Is this outside of the 2,500m2 GFA for commercial activities?

Commented [JO131]: S42A rebuttal para 22

29D.1.3 Discretionary Activities

(I) The activities listed below are discretionary activities.

D1	Any activity that does not comply with Land Use – Effects or Land Use – Building rules, unless specified in Rule 29D.2 or 29D.3 applies.
D2	Any activity that does not comply with one or more activity-specific conditions for a permitted activity under Rule 29D.1.1.
D3	Any activity that does not comply with one or more conditions for a restricted discretionary activity under Rule 29D.1.2 RD1 and RD2, except for Rule 29D.1.2 RD 1(a)(v) and Rule 29D.1.2 RD2 (a)(i)

29D.1.5 Non-Complying Activities

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

NCI	Any activity that is not listed as Prohibited, Permitted, Restricted Discretionary or Discretionary and any activity that is not in accordance with the Ohinewai Structure Plan and the Ohinewai Business Area Structure Plan.
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Commented [JO134]: Commissioners Directions para 4h

Commented [CT135]: May be more appropriately identified as a Discretionary activity but it is relevant needs to be addressed

29D.2 Land Use – Effects

29D.2.1 Noise

- (1) Rules 29D.2.1.1 and 29D.2.1.2 provide the permitted noise limits for noise generated by land use activities.
- (2) Rule 29D.2.1.1 Noise – general provides permitted noise limits.
- (3) Rule 29D.2.1.2 Noise – Construction provides the noise limits for construction activities.

29D.2.1.1 Noise – General

PI	Farming noise, and noise generated by emergency generators and emergency sirens.
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P2	<p>(a) Noise measured within any site:</p> <p>(i) In the Business Zone must not exceed:</p> <p>A. 65dB (LAeq) (15 mins), 7am to 11pm every day; and</p> <p>B. 55dB (LAeq) (15 mins), 11pm to 7am the following; and</p> <p>B-C. 85dB (L_{Amax}), 11pm to 7am the following day;</p> <p>(ii) In the Residential or Village Zone must not exceed:</p> <p>A. 55dB (LAeq) (15 mins), 7am to 7pm;</p> <p>B. 50dB (LAeq) (15 mins), 7pm to 10pm;</p> <p>C. 45dB (LAeq) (15 mins), 10pm to 7am the following day; and</p> <p>C-D. 75dB (L_{Amax}), 10pm to 7am the following day.</p>
P3	<p>(a) Noise measured within any site in any zone other than the Business Zone, Residential Zone or Village Zone must meet the permitted noise levels for that zone.</p>
P4	<p>(a) Noise levels must be measured in accordance with the requirements of NZS 6801:2008 "Acoustics - Measurement of Environmental Sound".</p> <p>(b) Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 "Acoustics - Environmental noise".</p>
DI	<p>Noise that does not comply with Rule 29D.2.1 P2, P3 or P4.</p>

29D.2.1.2 Noise – Construction

PI	<p>(a) Construction noise must meet 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 29D.2.2 P1.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Effects on amenity values;</p> <p>(ii) Hours and days of construction;</p> <p>(iii) Noise levels;</p> <p>(iv) Timing and duration; and</p> <p>(v) Methods of construction.</p>

29D.2.2 Servicing and hours of operation

PI	<p>The loading and unloading of vehicles and the receiving of customers and deliveries associated with a commercial activity on a site adjoining the Residential Zone may occur between 6.30am and 7.30pm.</p>
RD1	<p>(a) Servicing and operation of a commercial activity that does not comply with Rule 29D.2.2 P1.</p> <p>(b) Council's discretion is limited to the following matters:</p> <p>(i) Effects on amenity values on adjoining sites within the Residential Zone and Village Zone;</p> <p>(ii) Timing, duration and frequency of adverse effects;</p> <p>(iii) Location of activity in relation to zone boundary;</p> <p>(iv) Location of activity in relation to dwellings on adjoining sites; and</p> <p>(v) The means to avoid, remedy or mitigate adverse effects on adjoining sites.</p>

29D.2.3 Onsite parking areas - Landscaping -

PI	<p>(a) Onsite car parking area for 5 or more parking spaces located adjoining a road, must comply with the following conditions:</p>
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	<ul style="list-style-type: none"> (i) The car parking area must be separated from the road by a 1.5m wide planting strip, with the exception of vehicle access points; (ii) Plants within the planting and pedestrian strip must be maintained to a height no greater than 1 metre.
DI	Onsite parking areas that do not comply with Rule 29D.2.3 PI .

29D.2.4 Glare and artificial light spill

PI	Glare and artificial light spill shall not exceed 10 lux measured horizontally and vertically at any point within any other site.
RDI	<ul style="list-style-type: none"> (a) Glare and artificial light spill that does not comply with Rule 29D.2.4 PI. (b) Council's discretion is limited to the following matters: <ul style="list-style-type: none"> (vii)(viii) Effects on amenity values; (viii)(ix) Light spill levels on other sites; (ix)(x) Road safety; (x)(xi) Duration and frequency; (xi)(xii) Location and orientation of the light source; (xii)(xiii) Mitigation measures.

17.2.5 Earthworks

- (1) [Rules 29D.2.5.1](#) – Earthworks - General provides the permitted rules for earthworks activities for the Business Zone.

29D.2.5.1 Earthworks – General

PI	<ul style="list-style-type: none"> (a) Earthworks within a site must meet the following conditions: <ul style="list-style-type: none"> (i) Be located more than 1.5m from a public sewer, open drain, overland flow path or other service pipe; (ii) Not exceed a volume of more than 250m³ and an area of more than 1,000m² within a site; (iii) The height of the resulting cut, filled areas or fill batter face in stable ground, not including any surcharge, does not exceed 1.5m, with a maximum slope of 1:2 (1 vertical to 2 horizontal); (iv) Areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks; (v) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; (vi) Do not divert or change the nature of natural water flows, water bodies or established drainage paths. ;
P2	<ul style="list-style-type: none"> (a) The importation of fill material to a site must meet all of the following conditions in addition to Rule 29D.2.5.1 PI: <ul style="list-style-type: none"> (i) Does not exceed a total volume of 500m³ per site and a depth of 1m; (ii) Is fit for compaction; (iii) The height of the resulting batter face in stable ground must not exceed 1.5m with a maximum slope of 1:2 (1m vertical to 2m horizontal); (iv) Does not restrict the ability for land to drain; (v) Is not located within 1.5m of public sewers, utility services or manholes; (vi) The sediment from fill material is retained on the site.

RDI	<p><u>Earthworks that do not comply with Rule 29D.2.5.1 P1 and P2 and are in accordance with the Ohinewai Structure Plan are a restricted discretionary activity and must include an Ecological Rehabilitation and Management Plan (ERMP) that includes the following:</u></p> <ul style="list-style-type: none"> (a) <u>An indigenous fish management plan, including:</u> <ul style="list-style-type: none"> i) <u>a summary of fish habitat and species present;</u> ii) <u>a summary of planned works, permitting requirements, timing of works, procedures for dealing with pest fish, procedures for capturing and relocating indigenous fish prior to and during works and identification of indigenous fish release sites;</u> iii) <u>roles and responsibilities of parties and their reporting requirements;</u> iv) <u>any specific mitigation measures; and</u> v) <u>a monitoring programme to enable an assessment of the success of any mitigation measures, including any translocations.</u> (b) <u>A bat management plan that includes vegetation removal protocols and recommendations for any planting of trees and/or installation of artificial bat roost boxes for bat habitat;</u> (c) <u>An ecological restoration plan for any parts of the site that are to be converted to wetlands for stormwater management or amenity purposes, including habitat creation and enhancement and planting and pest plant control;</u> (d) <u>A predator control programme including:</u> <ul style="list-style-type: none"> (i) <u>An overarching goal of contributing to the restoration and enhancement of indigenous biodiversity within the site, and therefore indirectly within the adjacent Rotokawau Reserve;</u> (ii) <u>Objectives of increasing Ohinewai Structure Plan occupants' awareness of predator threats, and the need for predator control, including control of domestic cats and dogs, to reduce the threat of predation on indigenous fauna:</u> <ul style="list-style-type: none"> (i) <u>A predator control strategy designed to achieve the above goal and objectives; and</u> (ii) <u>A monitoring programme to ensure the objectives are being achieved and predator populations are being suppressed sufficiently to achieve biodiversity gains;</u> (e) <u>Provisions for ongoing management and maintenance of wetland areas;</u> (f) <u>A description of the proposed ecological monitoring framework;</u> (g) <u>Evidence of consistency with the Waikato Regional Pest Management Plan 2014-2024; and</u> (h) <u>Evidence of engagement with tangata whenua during preparation of the ERMP including how outcomes of that engagement have been addressed.</u> <p>(a) Council's discretion is limited to the following matters:</p> <ul style="list-style-type: none"> (i) Amenity values and landscape effects; (ii) Volume, extent and depth of earthworks; (iii) Nature of fill material; (iv) Contamination of fill material; (v) Location of the earthworks to waterways, significant indigenous vegetation and habitat; (vi) Compaction of the fill material; (vii) Volume and depth of fill material; (viii) <u>Geotechnical stability including liquefaction and settlement risks and adequacy of any ground improvements;</u> (ix) Flood risk, including natural water flows and established drainage paths (x) Land instability, erosion and sedimentation; and (xi) Proximity to underground services and service connections. (xii) <u>The nature and extent of ecological mitigation measures and any residual ecological effects;</u> (xiii) <u>The extent to which any post-earthworks mitigation measures are required and the methods for implementing them;</u>
NCI	<u>Earthworks that are not in accordance with the Ohinewai Structure Plan;</u>

Commented [EB136]: As per previous track changes in residential section

Commented [JO137]: S42A Rebuttal para 220

Commented [JO138]: S42A Rebuttal para 221

Commented [JO139]: Commissioners Directions para 4h

29D.2.5.2 Hazardous substances

PI	(a) The use, storage or disposal of any hazardous substances must meet the following conditions: (i) The aggregate quantity of hazardous substances of any hazard classification on a site is less than the quantity specified for the Business Zone in Table 5.1 contained within Appendix 5 (Hazardous Substances) (ii) The storage or use of radioactive materials is in approved equipment for medical and diagnostic purposes, or specified as an exempt activity or article in the Radiation Safety Act and Regulations 2029D.
CI	(a) Service station with a maximum storage for retail sale of: (i) 100,000 litres of petrol in underground storage tanks; (ii) 50,000 litres of diesel in underground storage tanks; and (iii) 6 tonnes of LPG (single vessel storage). (b) Council's control is limited to the following matters: (i) the proposed site design and layout in relation to: A. the sensitivity of the surrounding natural, human and physical environment; potential hazards and exposure pathways arising from the proposed facility, including cumulative risks with other facilities; and B. interaction with natural hazards (flooding, instability), as applicable; C. proposed emergency management planning (spills, fire and other relevant hazards); (ii) proposed procedures for the monitoring and reporting of incidents.
DI	The use, storage or disposal of any hazardous substances that does not comply with Rule 29D.2.5.4 PI.
DI	A service station that does not comply with Rule 29D.2.4.5 CI.

29D.2.6 Signs

- (1) Rule 29D.2.6.1 Signs – general provides permitted standards for any sign, including real estate signs, across the Business Zone.
- (2) Rule 29D.2.6.2 Signs – effects on traffic provides specific standards for any sign that is directed at road users.

29D.2.6.1 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"> (i) The sign is wholly contained on the site; (ii) The sign height must not exceed 10m; (iii) Where the sign is illuminated it must: <ul style="list-style-type: none"> A. Not have a light source that flashes or moves; B. Not contain moving parts or reflective materials; and C. Be focused to ensure that it does not spill light beyond the site; (iv) Where the sign is attached to a building, it must: <ul style="list-style-type: none"> A. Not extend more than 300mm from the building wall; and B. Not exceed the height of the building; (v) Where the sign is a freestanding sign, it must: <ul style="list-style-type: none"> A. Not exceed an area of 3m² for one sign per site, and 1m² for any other freestanding sign on the site; and B. Be set back at least 5m from the boundary of the Residential Zone; (vi) The sign relates to: <ul style="list-style-type: none"> A. goods or services available on the site; or B. a property name sign.
P3	<p>(a) A real estate 'for sale' sign must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) It relates to the sale of the site on which it is located; (ii) There is no more than 1 sign per agency; (iii) The sign is not illuminated; (iv) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials.
RD1	<p>(a) A sign that does not comply with Rule 29D.2.6.1, P2 or P3.</p> <p>(b) The Council's discretion shall be limited to the following matters:</p> <ul style="list-style-type: none"> (i) Amenity values; (ii) Effects on traffic safety; (iii) Effects of glare and artificial light spill; (iv) Content, colour and location of the sign; (v) Effects on notable architectural features of the building.

29D.2.6.2 Signs - Effects on traffic

PI	(a) Any sign directed at road users must: <ul style="list-style-type: none"> (i) Not imitate the content, colour or appearance of any traffic control sign; (ii) Be located at least 60m from controlled intersections, pedestrian crossings and any other sign; (iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections; (iv) Contain no more than 40 characters and no more than 6 symbols; (v) Have lettering that is at least 150mm high; and (vi) Where the sign directs traffic to a site entrance, the sign must be at least 130m from the entrance.
DI	Any sign that does not comply with Rule 29D.2.6.2 PI.

29D.2.7 Outdoor storage

PI	(a) Outdoor storage of goods or materials must: <ul style="list-style-type: none"> (i) Be associated with the activity operating from the site; (ii) Not encroach on required parking or loading areas; and (iii) Be fully screened from view by a close boarded fence or solid fence or wall to a height of 1.8m fencing or landscaping from any: <ul style="list-style-type: none"> A. Public road; B. Public reserve; and C. Adjoining site in another zone.
RDI	(a) Outdoor storage of materials that does not comply with Rule 29D.2.7 PI. (b) The Council's discretion shall be limited to the following matters: <ul style="list-style-type: none"> (i) Visual amenity; (ii) Effects on loading and parking areas; (iii) Size and location of storage area; and (iv) Measures to mitigate adverse effects.

29D.2.8 Traffic Effects

PI	There must be no direct vehicle access from any property onto Tahuna Rd
RDI	<p>Any neighbourhood centre, service station, public transport facility and community facilities must include an Integrated Transport Assessment (ITA) that assesses the levels of traffic generation from the development, confirms the staging and timing of transport infrastructure upgrades specified in Table 29B.1 and recommends any necessary mitigation measures.</p> <p>Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Road network safety and efficiency, particularly at peak traffic times. (b) Requirements for staging and timing of transport infrastructure improvements as set out in Table 29B.1. (c) The extent of any transport upgrades required either in addition to than those in Table 29B.1, and their staging and timing. (d) Safety of design for vehicles and pedestrians. (e) Mitigation measures such as travel planning and providing alternatives to private vehicle trips. (e)(f) The need for and location and design of any vehicle access to Tahuna Road.

Commented [CT140]: Same as residential rule

Commented [CT141]: Would this be addressed at the time of subdivision? Concerned that this is not a defined term but intention is that it would be an integrated development.

Commented [CT142]: Does any little community facility need to provide an ITA should there be a threshold. How does this relate to Rule 14.12.1 traffic generation.

The ITA may be better addressed at the subdivision stage, and each stage of the subdivision. Then after that could rely on the traffic generation rules for activities, with the expectation that they need t

Commented [CT143]: As per comments on residential – needs to trigger discretionary activity if not complied with for development

Commented [JO144]: S42A Rebuttal para 222

29D.2.9 Landscaping

PI	Any activity on a lot that fronts Lumsden Road or Tahuna Road must provide a 3.5m wide minimum landscaped strip, excluding access, running parallel with the road boundary.
RDI	Any activity that does not comply with Rule 29D.2.9(PI). Council's discretion shall be restricted to the following matters: (a) Effects on amenity values.

Commented [EB145]: Council sought 5m

Commented [EM146R145]: Is there a minimum height requirement or definition of landscaped strip – would a few grasses would meet this but would it achieve the purpose of this rule?

29D.3 Land Use – Building

29D.3.1 Height

- (1) Rule 29D.3.1.1 provides permitted heights for buildings, structure or vegetation.

29D.3.1.1 Height – Building General

PI	The maximum height of any building must not exceed 10m.
DI	Any building that does not comply Rule 29D.3.1.1 PI.

29D.3.2 Daylight admission

PI	(a) Any building must not protrude through a height control plane rising at an angle of 37 degrees commencing at an elevation of 2.5m above ground level at the site boundary where it adjoins a: <ul style="list-style-type: none"> (i) Residential Zone; or (ii) The boundary of Lumsden Rd or Tahuna Rd.
RDI	(a) Any building that does not comply with Rule 29D.3.2 PI. (b) The Council's discretion shall be limited to the following matters: <ul style="list-style-type: none"> (i) Height of building; (ii) Design and location of the building; (iii) Level of shading on an adjoining site; (iv) Privacy on other site; (v) Amenity values of the locality.

29D.3.3 Building setbacks

- (1) Rule 29D.3.4 provides the permitted building setback distances for buildings from zone boundaries.
- (2) Rule 29D.3.4.1 Building setback – zone boundaries provides permitted setback distances on any site within the business zone where the site adjoins a different zone. Different setback distances are applied based on the zone.

29D.3.3.1 Building setbacks - Zone boundaries

PI	(a) Any building must be set back at least: <ul style="list-style-type: none"> (i) 7.5m from rear and side boundaries adjoining the: <ul style="list-style-type: none"> A. Residential Zone; (ii) 1.5m from rear and side boundaries adjoining the: <ul style="list-style-type: none"> A. Industrial Zone.
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	(iii) 15m from the road boundary of Lumsden Rd.
DI	Any building that does not comply with Rule 29D.3.3.1 P1.

Commented [EM147]: What about Tahuna Road?

29D.3.4 Infrastructure and Site Suitability

RDP1	All applications for buildings must include a site-specific geotechnical assessment and be designed and constructed in accordance with it, including any necessary ground improvement works and specific foundation design.
RD2P2	All buildings must include provision for on-lot Low Impact Design stormwater devices based on at least a two-step treatment train approach with the first step being included on the lot.
RD1	A building that does not comply with Rule 29C.3.4 P1 or P2. (a) Councils discretion shall be restricted to the following matters: (i) Extent of compliance with the Regional Infrastructure Technical Standards (RITS) (ii) Extent of compliance with any recommendations of a site-specific geotechnical assessment.

Commented [CT148]: See comments on residential zone

Commented [EB149]: Either make report a requirement at subdivision like res zone or be RD as a building rule. All buildings in this zone are RD anyway

29D.3.5 Building Finished Floor Levels

PI	Any building must have a minimum finished floor level of 8.3mRL.
RD1	A building that does not comply with Rule 29D.3.5 P1. (a) Councils discretion shall be restricted to the following matters: (i) Flooding effects

29D.4 Subdivision

- (1) Rule 29D.4.1 provides for subdivision density.
- (2) Rules 29D.4.1 and Rule 29D.4.1.1 apply across the Ohinewai Precinct Business Zone.
- (3) Rules 29D.4.1 are subject to the following subdivision controls:
 - (i) Rule 29D.4.1.3 – subdivision boundary adjustments
 - (ii) Rule 29D.4.1.7 – subdivision road frontage

29D.4.1 General subdivision

RD1	(i) Subdivision of land must comply with all of the following conditions: (ii) Proposed lots must have a minimum size of 225m ² net site area with the exception of access or utility allotments or reserves to vest; (iii) Proposed lots must be connected to public-reticulated water supply and wastewater. (iv) Subdivision must be in accordance with the Ohinewai Structure Plan. (v) All subdivision applications must be in accordance with the recommendations of any ERMP prepared for associated earthworks under Rule 29C2.3.1 (RD1). This may include lighting design that is sensitive to bat habitat, the retention and protection of identified bat roosting trees, and the imposition of relevant predator control requirements through consent notices or other instrument.
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Commented [CT150]: Apply same changes as residential zone

	<p>(vi) Any subdivision application must include an ERMP as set out in Rule 29D2.5.1(RD1) if one has not already been prepared in relation to the subject land.</p> <p>(v) All subdivision applications must include lighting design that is sensitive to bat habitat in accordance with any recommendations in any ERMP.</p> <p>(vii)(viii) Subdivision must be staged in accordance with Table 29B.1 and the Staging Plan (Dwg No P19-176-00-1040-SK). All subdivision applications must include details of infrastructure to be constructed or upgraded prior to s224c RMA approval of any lots in that stage and must be in accordance with the Staging Plan.</p> <p>(vii)(viii) Any subdivision to create additional lots must include an Integrated Transport Assessment (ITA) that assesses the levels of traffic generation from the development, confirms the staging and timing of transport infrastructure upgrades specified in Table 29B.1 and recommends any necessary mitigation measures.</p> <p>(viii)(ix) The Council's discretion shall be limited to the following matters:</p> <p>(ix)(x) amenity values;</p> <p>(x)(xi) the extent to which a range of business activities provided for can be accommodated.</p> <p>(xii) road network safety and efficiency, particularly at peak traffic times;</p> <p>(xiii)(xiii) the need for a landscaped buffer to be provided along the boundaries of Lots 1-3 DP 4743475 if residential activities remain on these sites at the time of subdivision.</p>
DI	Subdivision that does not comply with a condition in Rule 29D.4.1 RD1.
D2	Any subdivision that is not in accordance with the Staging Plan (Dwg No P19-176-00-1040-SK) or the infrastructure upgrades in Table 29B.1, excluding Rule 29B.1.2 (b) or (c).
NC1	Any subdivision that is not in accordance with the Ohinewai Structure Plan.
NC2	Any subdivision that does not comply with Rule 29B.1.2 (b) or (c) in Table 29B.1 (bulk main connections to Huntly Wastewater Treatment Plant and Water Treatment Plant).

Commented [EM151]: Do we need a criteria requiring an ERMP to be provided as part of the subdivision

Commented [JO152]: S42A Rebuttal para 222

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Commented [JO154]: Commissioners Directions para 4f

29D.4.2 Subdivision – Boundary adjustments

CI	<p>(b) Boundary adjustments must comply with the following:</p> <p>(i) the conditions specified in:</p> <p>A. Rule 29D.4.1 (Subdivision - General).</p> <p>(ii) Proposed lot must not generate any additional building infringements to those which legally existed prior to the boundary adjustment.</p> <p>(b) The Council's control shall be limited to the following matters:</p> <p>(i) Subdivision layout;</p> <p>(ii) Shape of title and variation in title size.</p>
DI	Boundary adjustment that does not comply with Rule 29D.4.2 CI.

29D.4.3 Subdivision - Road frontage

RD1	<p>(a) Subdivision of land with a road frontage must provide:</p> <p>(i) A width along the road boundary of at least 15m; and</p> <p>(b) Rule 29D.4.1.6 (a)(i) (a) does not apply to a proposed access allotment or utility allotment.</p> <p>(c) The Council's discretion shall be limited to the following matters:</p> <p>(ii) Road efficiency and safety;</p> <p>(iii) Amenity and streetscape.</p>
DI	Subdivision that does not comply with Rule 29D.4.1.6 RD1.

29D.4.4 – Landscape Concept

RDI	<p>All subdivision applications must include a Landscape Concept Plan that includes the following:</p> <ul style="list-style-type: none"> (a) <u>Landscape concept design for all areas of open space and stormwater management areas;</u> (b) <u>Details of landscape treatment of streets, footpaths and cycleways;</u> (c) <u>Details of plant types and species including eco-sourcing of plants from within the Meremere Ecological District;</u> (d) <u>Use of indigenous species and landscape design that reflects cultural perspectives including food gathering species and those that support habitat for mahinga kai, indigenous birds and lizards;</u> (e) <u>Details of ongoing maintenance plans to ensure the planting achieves acceptable establishment, survival and canopy closure targets;</u> (f) <u>Identification of areas for public access and any areas that are not public and the legal mechanisms to secure and maintain public access;</u> (g) <u>Details of any commemorative or other interpretation material communicating the history and significance of places and resources;</u> (h) <u>Details of any tangata whenua inspired artwork or features;</u> (i) <u>Evidence of consistency with any Ecological Rehabilitation and Management Plan;</u> (j) <u>Evidence of consistency with the Waikato District Council Park Strategy 2014, the Urban Design Guidelines: Town Centres, 2018; and</u> (k) <u>Evidence of engagement with tangata whenua in preparation of the landscape concept plan, including how the outcomes of that engagement have been addressed.</u> <p><u>Council's discretion shall be restricted to the following matters:</u></p> <ul style="list-style-type: none"> i) <u>effects on amenity values;</u> ii) <u>extent of consistency with any Ecological Rehabilitation and Management Plan;</u> iii) <u>extent of consistency with the Waikato District Council Park Strategy 2014 and the Urban Design Guidelines: Town Centres, 2018.</u> iv) <u>quantity, species, size, distribution and spacing of landscape planting and extent to which it will mitigate landscape, visual and amenity effects.</u> v) <u>adequacy of maintenance plans.</u> vi) <u>extent of provision for public access and legal instruments to implement it.</u> vii) <u>extent of recognition of cultural values.</u>
DI	<p>A subdivision application that does not include one or more of the items in 29D.4.4 RDI.</p>

Commented [J0155]: S42A Rebuttal para 223

29D.4.5 – Subdivision – Stormwater Management

RDI	<p>All applications for subdivision must be accompanied by a stormwater management report and plans. The report and plans must;</p> <ul style="list-style-type: none"> (a) <u>describe how the plans comply with any relevant discharge consent;</u> (b) <u>identify overland flow paths;</u> (c) <u>describe the nature and extent of any off-site stormwater management devices and how these devices are to be delivered if they are on land outside the application site including identification of land areas that are to be allocated to open space to maintain their stormwater function and the methods of protection of them for that purpose;</u> (d) <u>if stormwater devices are to be located below 8.0m RL, describe how these devices are to be designed to be resilient to flood-related damage while not exacerbating flood risks for upstream or downstream activities.</u> (d)(e) <u>Assess the extent of any flooding</u> <p><u>Council's discretion shall be restricted to</u></p>
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	<p>(i) the effects of any inconsistency with any discharge consent and</p> <p>(ii) the methods of accessing and maintaining stormwater devices.</p> <p>(iii) avoidance or mitigation of flooding hazards.</p>
DI	A subdivision application that does not include one or more of the items in 29D.4.5 RD1.

29D.4.6 – Subdivision – Building platform

RD13	<p>Every lot, other than one designed specifically for access or as a utility allotment must have a building platform that is above 8.3m RL (ground level).</p> <p>Council's discretion is restricted to avoidance or mitigation of natural hazards.</p>
DI	Subdivision that does not comply with Rule 29D.4.6 RD1.

29E Ohinewai Precinct Industrial Zone

- (1) The rules that apply to activities in the Ohinewai Precinct Industrial Zone are contained in Rule 29E.1 Land Use – Activities, Rule 29E.2 Land Use – Effects and Rule 29E.3 Land Use – Building.
- (2) The rules that apply to subdivision in the Ohinewai Precinct Industrial Zone are contained in Rule 29E.4.
- (3) The activity status tables and standards in the following chapters also apply to activities in the Ohinewai Precinct Industrial Zone:
 - 29B Infrastructure and Energy;
 - In this section the term 'In accordance with the Ohinewai Structure Plan' refers to the Structure Plan (1805_012a RevK) and the Business Area Structure Plan (1805_012b Rev F), and means:
 - (a) That the location and function of access points to the existing road network must be complied with.
 - (b) Strict compliance with the location of the internal road network and shared path network is not required, provided the functions of the networks are complied with.
 - (c) Strict compliance with the location of buildings and community infrastructure is not required as their locations are indicative.
 - (d) The areas of open space must be provided but their boundaries are indicative in the locations shown.
- (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

Commented [JO156]: Commissioners Directions 4h consequential

29E.1 Land Use – Activities

29E.1.1 Restricted Discretionary Activities

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

Activity	Matters of Discretion
<u>RD1</u> Industrial activity <u>that meets the following condition: It is in accordance with the Ohinewai Structure Plan.</u>	Councils discretion shall be limited to the following: <ul style="list-style-type: none"> (a) <u>Thewhen viewed from any public space, the building creates visual interest created through articulation, roof form, minimal blank walls, and variations when viewed from any public space;</u> (b) <u>Contribution of the development to and engagement with adjacent streets and public open space;</u>
<u>RD2</u> Trade and industry training activity <u>that meets the following condition: It is in accordance with the Ohinewai Structure Plan</u>	
<u>RD3</u> Truck stop for refueling <u>that meets the following condition:</u>	

Commented [CT157]: Should there be conditions relating to being in accordance with infrastructure upgrades. If these are not identified through subdivision then still need a mechanism for requiring them for any development.

	It is in accordance with the Ohinewai Structure Plan	(b) ancillary offices and ancillary retail buildings are set forward of any storage or warehouse buildings and address the street;
RD4	Office ancillary to an industrial activity that meets the following conditions: (a) Less than 100m ² gfa; or (b) Does not exceed 30% of all buildings on the site; and (c) It is in accordance with the Ohinewai Structure Plan	(c) screenage of storage areas are screened when viewed from any public place; (d) landscaping of any carparking which is forward of the building has sufficient landscaped areas; (e) soft landscaping layout and species selection is concentrated along public space boundaries, with species selected to complement the scale of the building;
RD5	Food outlet that meets the following conditions: (a) Less than 200m ² gfa. (b) It is in accordance with the Ohinewai Structure Plan	(f) visibility of signage is clearly visible from the street. (g) The extent to which the development is consistent with Town Centre Guidelines contained in Appendix 29.3 ;
RD6	Ancillary retail that meets the following conditions: (a) That does not exceed 10% of all buildings on the site. (b) It is in accordance with Ohinewai Structure Plan	(h) The extent to which the development is consistent with the Ohinewai Structure Plan ; (i) The safety and efficiency of any private vehicle access. (j) Avoidance or mitigation of natural hazards. (k) Geotechnical suitability for building, including liquefaction and settlement risks and adequacy of any ground improvements. (l) Effects on the safety and efficiency of the transport network as set out in any ITA prepared in accordance with Rule 29E.2.8 , (m) Water and wastewater servicing

Commented [JO158]: S42A Rebuttal para 220

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Commented [CT159]: Concerned that this may get missed from a development proposal that could occur without subdivision

29E.1.2 Discretionary Activities

(a) The activities listed below are discretionary activities.

D1	Any restricted discretionary activity that does not comply with an activity specific condition in Rule 29E.1.1 .
D2	Any activity that does not comply with Land Use - Effects Rule 29E.2 or Land Use - Building Rule 29E.3 unless the activity status is specified as controlled, restricted, discretionary or non-complying.
D3	A waste management facility
D4	Hazardous waste storage , processing or disposal
D5	An extractive industry
D6	An office that is not ancillary to an industrial activity
D7	A retail activity that is not ancillary to an industrial activity

29E.1.3 Non-Complying Activities

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

NC1	Any activity that is not listed as a restricted discretionary or discretionary activity.
NC2	Any activity that is not in accordance with the Ohinewai Structure Plan .

Commented [CT160]: Also should include requirement to connect to compliant Huntly Wastewater Treatment Plant here to addressing servicing issues if no subdivision

Commented [JO161]: Commissioners Directions para 4h

29E.2 Land Use - Effects

29E.2.1 Servicing and hours of operation

PI	Servicing and operation of an industrial activity adjoining any Residential Zone may load or unload vehicles or receive customers or deliveries between 7.30am and 6.30pm.
RD1	(a) Servicing and operation of an industrial activity that does not comply with Rule 29E.2.1.PI. Council's discretion is restricted to the following matters: (i) effects on amenity values; (ii) distance to the nearest residential activity; (iii) nature and frequency of the after hours activity; (iv) noise, lighting and glare; and (v) type of vehicles involved.

29E.2.2 Landscape planting

PI	(a) Any activity on a lot that has a side and/or rear boundary adjoining any Residential Zone shall provide a 3m wide landscaped strip running parallel with the side and/or rear boundary.
P2	(a) A 3m wide landscaped strip, excluding accesses, must be provided on the road boundary of any site, except where a different requirement is included in Rule P3 below.
P3	(a) Any activity on a lot that fronts Lumsden Road must provide a 1.5m wide landscaped strip adjoining the road boundary, excluding accesses. (b) Any activity that fronts Balemi Road must provide an 8m wide landscaped strip along the road boundary, excluding accesses. (c) Planting required by (a), (b) and (c) above must include species capable of reaching a minimum height of 5m within 5 years that are capable of substantially screening development.
RD1	(a) Any activity that does not comply with Rule 29E.2.2 P1-P3. (b) Council's discretion is restricted to the following matters: (i) adequacy of the width of landscaped strip; (ii) type, density and height of plantings conducive to the location; (iii) maintenance measures; (iv) amenity values.

Commented [EM162]: Is there a minimum height requirement or definition of landscaped strip – would a few grasses would meet this but would it achieve the purpose of this rule?

Commented [EB163]: As a PA, how would this be confirmed? All activities in industrial zone are minimum RD anyway

Commented [EM164]: Need a minimum spacing requirement too?

29E.2.3 Noise

- (1) Rule 29E.2.3.1 Noise – General provides permitted noise levels in the Ohinewai Precinct Industrial Zone.
- (2) Rule 29E.2.3.2 Noise – Construction provides the noise limits for construction activities.

29E.2.3.1 Noise – General

PI	Noise generated by emergency generators and emergency sirens.
P2	(a) Noise measured within any other site: (i) In an Industrial Zone must not exceed: A. 75dB (L _{Aeq}) (15 mins) 7am to 10pm; and B. 55dB (L _{Aeq}) (15 mins), 10pm to 7am the following day; and B-C. 85dB (L _{Amax}) 10pm to 7am the following day.
P3	(a) Noise measured within any site in any zone other, than the Industrial Zone and the Heavy Industrial Zone, must meet the permitted noise levels for that zone.

P4	<p>(a) Noise levels must be measured in accordance with the requirements of NZS 6801:2008 'Acoustics - Measurement of Environmental Sound'.</p> <p>(b) Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 'Acoustics - Environmental noise'.</p>
P5	<p>Noise measured at the notional boundaries of the dwellings on Lots 1-3 DP 4743475 existing as at 1 September 2020 must not exceed;</p> <p>(a) 55dB (LAeq), 7am to 7pm every day</p> <p>(b) 50dB (LAeq), 7pm to 10pm every day</p> <p>(c) 45dB (LAeq), and 75dB (LAmx), 10pm to 7am the following day.</p> <p>Noise levels shall be measured in accordance with the requirements of NZS 6801:2008 Acoustics – Measurement of Environmental Sound; and</p> <p>Noise levels shall be assessed in accordance with the requirements of NZS 6802:2008 Acoustics – Environmental noise.</p>
D2	Noise that does not comply with Rule 29E.2.3.1 P2, P3, P4 or P5.

29E.2.3.2 Noise – Construction

PI	<p>(a) Construction noise must meet the limits in NZS 6803:1999 (Acoustics – Construction Noise);</p> <p>(b) Construction noise must be measured and assessed in accordance with the requirements of NZS6803:1999 'Acoustics – Construction Noise'.</p>
RDI	<p>(a) Construction noise that does not comply with Rule 29E.2.3.2 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) effects on amenity values; (ii) hours and days of construction; (iii) noise levels; (iv) timing and duration; and (v) methods of construction.

29E.2.4 Glare and Artificial Light Spill

PI	Glare and artificial light spill must not exceed 10 lux measured horizontally and vertically within any other site.
RDI	<p>(c) Illumination that does not comply with Rule 29E.2.4 PI.</p> <p>(d) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (xiii)(xiv) effects on amenity values; (xiv)(xv) light spill levels on another site; (xv)(xvi) road safety; (xvi)(xvii) duration and frequency; (xvii)(xviii) location and orientation of the light source; and (xviii)(xix) mitigation measures.

Commented [CT165]: As per comments on residential zone need to ensure there is a mechanism to address light effects of development on bats particularly if no subdivision

29E.2.5 Earthworks

- (1) Rule 29E.2.5.1 Earthworks - General provides the permitted rules for earthwork activities in the Ohinewai Precinct Industrial Zone.

29E.2.5.1 Earthworks – General

<p>PI</p>	<p>(a) Earthworks (excluding the importation of fill material) within a site must meet all of the following conditions:</p> <ul style="list-style-type: none"> (i) be located more than 1.5 m horizontally from any waterway, open drain or overland flow path; (ii) not exceed a volume of more than 250m³; (iii) not exceed an area of more than 1000m² over any consecutive 12 month period; (iv) the total depth of any excavation or filling does not exceed 1.5m above or below ground level; (v) the slope of the resulting cut, filled areas or fill batter face in stable ground, does not exceed a maximum of 1:2 (1 vertical to 2 horizontal); (vi) earthworks are set back 1.5m from all boundaries; (vii) areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks; (viii) sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; and (ix) do not divert or change the nature of natural water flows, water bodies or established drainage paths.
<p>RDI</p>	<p>Earthworks that do not comply with Rule 29E.2.5.1 PI are a restricted discretionary activity and must include an Ecological Rehabilitation and Management Plan (ERMP) that includes the following:</p> <ul style="list-style-type: none"> (a) An indigenous fish management plan, including: <ul style="list-style-type: none"> (i) a summary of fish habitat and species present; (ii) a summary of planned works, permitting requirements, timing of works, procedures for dealing with pest fish, procedures for capturing and relocating indigenous fish prior to and during works and identification of indigenous fish release sites; (iii) roles and responsibilities of parties and their reporting requirements; (iv) any specific mitigation measures; and (v) a monitoring programme to enable an assessment of the success of any mitigation measures, including any translocations. (b) A bat management plan that includes vegetation removal protocols and recommendations for any planting of trees and/or installation of artificial bat roost boxes for bat habitat; (c) An ecological restoration plan for any parts of the site that are to be converted to wetlands for stormwater management or amenity purposes, including habitat creation and enhancement and planting and pest plant control; (d) A predator control programme including: <ul style="list-style-type: none"> (i) An overarching goal of contributing to the restoration and enhancement of indigenous biodiversity within the site, and therefore indirectly within the adjacent Rotokawau Reserve; (ii) Objectives of increasing Ohinewai Structure Plan occupants' awareness of predator threats, and the need for predator control, including control of domestic cats and dogs, to reduce the threat of predation on indigenous fauna; (iii) A predator control strategy designed to achieve the above goal and objectives; and (iv) A monitoring programme to ensure the objectives are being achieved and predator populations are being suppressed sufficiently to achieve biodiversity gains; (e) Provisions for ongoing management and maintenance of wetland areas; (f) A description of the proposed ecological monitoring framework; (g) Evidence of consistency with the Waikato Regional Pest Management Plan 2014-2024; and (h) Evidence of engagement with tangata whenua during preparation of the ERMP including how outcomes of that engagement have been addressed. (i) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) amenity values and landscape effects; (ii) volume, extent and depth of earthworks; (iii) nature of fill material; (iv) contamination of fill material; (v) location of the earthworks in relation to waterways, significant indigenous vegetation and habitat; (vi) compaction of the fill material; (vii) volume and depth of fill material; (viii) protection of the Hauraki Gulf Catchment Area;

Commented [EB166]: Same track changes as res zone

	<p>(viii) geotechnical stability including liquefaction and settlement risks and adequacy of any ground improvements;</p> <p>(ix) flood risk, including natural water flows and established drainage paths; and</p> <p>(x) land instability, erosion and sedimentation.</p> <p>(xi) proximity to underground services and service connections.</p> <p>(xii) The nature and extent of ecological mitigation measures and any residual ecological effects.</p> <p>(xiii) The extent to which any post-earthworks mitigation measures are required and the methods for implementing them.</p>
NCI	<p>Earthworks that are not in accordance with the Ohinewai Structure Plan.</p>

Commented [JO167]: S42A Rebuttal para 220

Commented [JO168]: S42A Rebuttal para 221

Commented [JO169]: Commissioners Directions para 4h

29E.2.6 Hazardous Substances

P1	(b) The use, storage or disposal of any hazardous substance where: (ii) the aggregate quantity of a hazardous substance of any hazard classification on a site is less than the quantity specified for the Industrial Zone in Table 5I contained within Appendix 5 (Hazardous Substances).
P2	(b) The storage or use of radioactive materials is: (iii) an approved equipment for medical and diagnostic purposes; or (iv) specified as an exempt activity or article in the Radiation Safety Act and Regulations 29E17.
CI	(iv) The storage of the following maximum volumes of fuel for retail sale within a service station: (i) 100,000 litres of petrol in underground storage tanks; (ii) 50,000 litres of diesel in underground storage tanks; and (iii) 6 tonnes of LPG (single vessel storage). (v) Council shall reserve its control over the following matters: (i) The proposed site design and layout in relation to: A. the sensitivity of the surrounding natural, human and physical environment; potential hazards and exposure pathways arising from the proposed facility, including cumulative risks with other facilities; B. interaction with natural hazards (flooding, instability), as applicable. proposed emergency management planning (spills, fire and other relevant hazards); (ii) Procedures for monitoring and reporting of incidents.
DI	The use, storage or disposal of any hazardous substances that does not comply with Rule 29E.2.6 P1, P2 or CI.

29E.2.7 Signs

- (1) Rule 29E.2.7.1 Signs – General provides permitted standards for any sign, including a real estate sign, across the Ohinewai Precinct Industrial Zone.
- (2) Rule 29E.2.7.2 Signs – Effects on traffic applies to specific standards for a sign directed at road users.

29E.2.7.1 Signs – General

PI	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"> (i) The sign height does not exceed 10m; (ii) The sign is wholly contained on the site; (iii) An illuminated sign must: <ul style="list-style-type: none"> A. not have a light source that flashes or moves; and B. not contain moving parts or reflective materials; and <p>(b) Where the sign is attached to a building, it must:</p> <ul style="list-style-type: none"> (i) not extend more than 300mm from the building wall; and (ii) not exceed the height of the building; <p>(c) Where the sign is a freestanding sign, it must:</p> <ul style="list-style-type: none"> (i) not exceed an area of 3m² for one sign per site, and 1m² for any other freestanding sign on the site; and (ii) be set back at least 5m from the boundary of any site a Residential, Village or Country Living Zone; <p>(d) The sign relates to:</p> <ul style="list-style-type: none"> (i) goods or services available on the site; or (ii) a property name sign.
P3	<p>(a) A real estate 'for sale' sign must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) The sign relates to the sale of the site on which it is located; (ii) There is no more than 1 sign per agency; (iii) The sign is not illuminated; (iv) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; (v) The sign does not project into or over road reserve.
RDI	<p>(a) A sign that does not comply with Rules 29E.2.7.1 P2 or P3.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) visual amenity; (ii) character of the locality; (iii) effects on traffic safety; (iv) glare and artificial light spill; and (v) content, colour and location of the sign.

29E.2.7.2 Signs – effects on traffic

PI	<p>(a) Any sign directed at road users must:</p> <ul style="list-style-type: none"> (i) Not imitate the content, colour or appearance of any traffic control sign; and (ii) Be located at least 60m from controlled intersections, pedestrian crossings and another advertising sign; and (iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections; and (iv) Contain no more than 40 characters and no more than 6 symbols; and (v) Have lettering that is at least 150mm high; and (vi) Be at least 130m from a site entrance, where the sign directs traffic to the entrance.
DI	Any sign that does not comply with Rule 29E.2.7.2 PI.

29E.2.8 Outdoor storage

PI	<p>(a) Outdoor storage of goods or materials must comply with all the following conditions:</p> <ul style="list-style-type: none"> (i) be associated with the activity operating from the site; (ii) not encroach on required parking or loading areas; (iii) not exceed a height of 9m; (iv) not exceed 30% site coverage; (v) be set back at least 3m from the boundary of any: <ul style="list-style-type: none"> A. public road; B. Residential Zone; and (vi) be screened from any public road, public reserve and adjoining site in another zone, by the following: <ul style="list-style-type: none"> A. a landscaped strip consisting of plant species that achieve a minimum height of 1.8m at maturity; or B. a close-boarded or solid fence or wall to a height of 1.8m.
RDI	<p>(a) Outdoor storage of goods or materials that does not comply with Rule 29E.2.8 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) visual amenity; and (ii) traffic safety.

29E.2.8 Traffic Effects

PI	There must be no direct vehicle access from any property onto Tahuna Rd
RDI	<p>An activity that does not comply with Rule 29E2.8(PI).</p> <p>Councils discretion shall be restricted to the following matters:</p> <p>(a) Effects on the safety and efficiency of the transport network.</p>
RD2PI	<p>All applications for development must include an Integrated Transport Assessment (ITA) that assesses the level of traffic generation from the development, confirms the staging and timing of transport infrastructure upgrades specified in Table 29B.1 and recommends any necessary mitigation measures.</p> <p>Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (c) Road network safety and efficiency, particularly at peak traffic times. (d) Requirements for staged and timing of transport infrastructure improvements as set out in Table 29B.1. (e) The secured delivery of the extent of any transport upgrades required other than those in Table 29B.1, and their staging and timing. (f) Safety of design for vehicles and pedestrians.

Commented [CT170]: Should be a condition of RD so that if do not comply with upgrades trigger discretionary activity consent

Commented [JO171]: S42A Rebuttal para 222

	<p>(g) Mitigation measures such as travel planning and providing alternatives to private vehicle trips.</p> <p>(g)(h) The need for, location and design of vehicle accesses</p>
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29E.2.9 Infrastructure and Site Suitability

Commented [CT172]: Same comments as residential zone

P1	All development must be designed and constructed in accordance with the recommendations of a site-specific geotechnical assessment and include any necessary ground improvement works and specific foundation design.
P2	All development must include provision for Low Impact Design stormwater devices based on at least a two-step treatment train approach with the first step being included on the industrial lot.
RDI	<p>Any development that does not comply with Rule 29E.2.9 P1 or P2</p> <p>(b) Councils discretion shall be restricted to the following matters:</p> <p>(iii) Extent of compliance with the Regional Infrastructure Technical Standards (RITS)</p> <p>(iv) Extent of compliance with any recommendations of a site-specific geotechnical assessment.</p>

29E.3 Land Use - Building

(I) [Rule 29E.3.1](#) provides permitted heights for buildings.

29E.3.1 Building height

PI	<p>(a) The maximum height of a building must not exceed:</p> <p>(i) 17.5m</p>
RDI	<p>(a) Any building that does not comply with Rule 29E.3.1 P1.</p> <p>(b) Council's discretion is restricted to the following matter:</p> <p>(i) effects on amenity.</p>

29E.3.2 Daylight Admission

PI	<p>(a) A building, structure, sign, or any stack or stockpile of goods or materials must not protrude through a height control plane rising at an angle of:</p> <p>(i) 45 degrees commencing at an elevation of 2.5m above ground level at any boundary of the Industrial Zone with any other zone;</p> <p>(ii) 37 degrees commencing at an elevation of 2.5m above ground level at any boundary of the Industrial Zone with any other zone between south-east or south-west of the building or stockpile.</p> <p>(iii) 30 degrees commencing at an elevation of 2.5m above ground level at any boundary along Lumsden Road.</p>
RDI	<p>(a) A building, structure, sign, or any stack or stockpile of goods or materials that does not comply with Rule 29E.3.2 P1.</p> <p>(b) Council's discretion is restricted to the following matter:</p> <p>(i) effects on amenity.</p>

29E.3.4 Building setbacks

(1) **Rule 29E.3.4.1** provides the permitted building setbacks from boundaries

29E.3.4.1 Building setbacks

PI	(a) A building must be set back at least: (i) 5m from a road boundary ; (ii) 7.5m from any other boundary where the site adjoins another zone, and (iii) 15m from the boundary of Lumsden Road.
RDI	(a) A building that does not comply with Rule 29E.3.4.1 PI. (b) Council's discretion is restricted to the following matters: (i) effects on amenity values; (i) effects on streetscape; (ii) traffic and road safety.

29E.3.5 Building Finished Floor Levels

PI	<u>Any building must have a minimum finished floor level of 8.3mRL.</u>
RDI	<u>A building that does not comply with Rule 29E.3.5 PI.</u> <u>(a) Councils discretion shall be restricted to the following matters:</u> <u>(i) Flooding effects</u>

29E.4 Subdivision

- (1) **Rule 29E.4.1 – General** provides for subdivision density.
- (2) Other subdivision provisions are contained in:
 - (a) **Rule 29E.4.2** – Boundaries for Records of Title
 - (b) **Rule 29E.4.3** – Road Frontage

29E.4.1 Subdivision - General

RDI	(a) Subdivision must comply with all of the following conditions: (i) proposed lots must have a minimum net site area of 1000m ² ; (ii) proposed lots must have an average area of at least 2000m ² ; and (iii) no more than 20% rear lots are created. (iv) All subdivision must be in accordance with the Ohinewai Structure Plan (v) All lots must have building platforms that are above 8.3mRL (ground level). (vi) Subdivision must be staged in accordance with Table 29B.1 and the Staging Plan (Dwg No P19-176-1040-SK). All subdivision applications must include details of infrastructure that is to be constructed or upgraded prior to s224c approval of any lots in that stage and must be in accordance with the Staging Plan. (xiv) All subdivision applications must be in accordance with the recommendations of any ERMP prepared for associated earthworks under Rule 29C2.3.1(RD1). This may include lighting design that is sensitive to bat habitat, the retention and protection of identified bat roosting
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Commented [CT173]: Refer also to comments on residential zone

	<p><u>trees, and the imposition of relevant ongoing predator control requirements through consent notices or other instrument.</u></p> <p><u>(xv) Any subdivision application must include an ERMP as set out in Rule 29E2.5.1(RD1) if one has not already been prepared in relation to the subject land.</u></p> <p><u>(vii) All subdivision applications must include lighting design that is sensitive to bat habitat in accordance with any recommendations in any ERMP.</u></p> <p><u>(xiii)(xvi) Any subdivision must include an Integrated Transport Assessment (ITA) that assesses the levels of traffic generation from the development, confirms the staging and timing of transport infrastructure upgrades specified in Table 29B.1 and recommends any necessary mitigation measures.</u></p> <p>(b) <u>The Council's discretion shall be limited to the following matters:</u></p> <p>(i) <u>amenity values;</u></p> <p>(ii) <u>the extent to which a range of business activities provided for can be accommodated.</u></p> <p>(iii) <u>road network safety and efficiency, particularly at peak traffic times.</u></p>
D1	<u>Subdivision that does not comply with a condition in Rule 29C.4.1 RD1.</u>
D2	<u>Any subdivision that is not in accordance with the Staging Plan (Dwg No P19-176-00-1040-SK) or the infrastructure upgrades in Table 29B.1, excluding Rule 29B.1.2 (b) or (c).</u>
NC1	<u>Any subdivision that is not in accordance with the Ohinewai Structure Plan.</u>
NC2	<u>Any subdivision that does not comply with Rule 29B.1.2 (b) or (c) in Table 29B.1 (bulk main connections to Huntly Wastewater Treatment Plant and Water Treatment Plant).</u>

Commented [JO174]: S42A Rebuttal para 222

Commented [JO175]: Commissioners Directions para 4h

Commented [JO176]: Commissioners Directions para 4f

29E.4.2 Subdivision – Boundaries for Records of Title

RD1	<p>(a) Any boundary of a proposed lot must be located so that:</p> <p>(i) existing buildings comply with the permitted activity rules relating to setbacks and daylight admission, except to the extent of any non-compliance that existed lawfully prior to the subdivision; and</p> <p>(ii) no contaminated land, heritage item, archaeological site, or wetland is divided between any proposed lot.</p> <p>(b) Council's discretion is restricted to:</p> <p>(i) amenity;</p> <p>(ii) effects on contaminated land;</p> <p>(iii) effects on any wetland;</p> <p>(iv) the extent to which a range of future industrial activities can be accommodated.</p>
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29E.4.3 Subdivision - Road Frontage

RD1	<p>(a) Any proposed lot must have a road frontage of least 15m.</p> <p>(b) Rule 29E.4.3 (a) does not apply to any proposed rear lot or to a proposed access allotment.</p> <p>(c) Council's discretion is restricted to the following matters:</p> <p>(i) traffic effects; and</p> <p>(ii) amenity and streetscape.</p>
D1	<u>Subdivision that does not comply with Rule 29E.4.3 RD1</u>

29E.4.4 Subdivision – Landscape Concept

RD1	<p>All subdivision applications must include a Landscape Concept Plan that includes the following:</p> <p>(a) <u>Landscape concept design for all areas of open space and stormwater management areas;</u></p> <p>(b) <u>Details of landscape treatment of streets, footpaths and cycleways;</u></p> <p>(c) <u>Details of planting adjacent to Tahuna Road to screen views of industrial buildings.</u></p>
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Commented [JO177]: S42A Rebuttal para 239

	<p>(d) <u>Details of plant types and species including eco-sourcing of plants from within the Meremere Ecological District;</u></p> <p>(e) <u>Use of indigenous species and landscape design that reflects cultural perspectives including food gathering species and those that support habitat for mahinga kai, indigenous birds and lizards;</u></p> <p>(f) <u>Details of ongoing maintenance plans to ensure the planting achieves acceptable establishment, survival and canopy closure targets;</u></p> <p>(g) <u>Identification of areas for public access and any areas that are not public and the legal mechanisms to secure and maintain public access;</u></p> <p>(h) <u>Details of any commemorative or other interpretation material communicating the history and significance of places and resources;</u></p> <p>(i) <u>Details of any tangata whenua inspired artwork or features;</u></p> <p>(j) <u>Evidence of consistency with any Ecological Rehabilitation and Management Plan; and</u></p> <p>(k) <u>Evidence of engagement with tangata whenua in preparation of the landscape concept plan, including how the outcomes of that engagement have been addressed.</u></p> <p>Council's discretion shall be restricted to the following matters:</p> <p>i) <u>effects on amenity values;</u></p> <p>ii) <u>extent of consistency with any Ecological Rehabilitation and Management Plan;</u></p> <p>iii) <u>extent of consistency with the Waikato District Council Park Strategy 2014 and the Urban Design Guidelines; Town Centres, 2018.</u></p> <p>iv) <u>quantity, species, size, distribution and spacing of landscape planting and extent to which it will mitigate landscape, visual and amenity effects.</u></p> <p>v) <u>adequacy of maintenance plans.</u></p> <p>vi) <u>extent of security and certainty of public access.</u></p> <p>vii) <u>extent of recognition of cultural values</u></p>
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Commented [JO178]: S42A Rebuttal para 223

29E.4.4 Subdivision – Stormwater Management

	<p>RDI All applications for subdivision must be accompanied by a stormwater management report and plans. The report and plans must:</p> <p>(a) <u>describe how the plans comply with any relevant discharge consent;</u></p> <p>(b) <u>identify overland flow paths;</u></p> <p>(c) <u>describe the nature and extent of any off-site stormwater management devices and how these devices are to be delivered if they are on land outside the application site including identification of land areas that are to be allocated to open space to maintain their stormwater function and the methods of protection of them for that purpose;</u></p> <p>(d) <u>if stormwater devices are to be located below 8.05m RL, describe how these devices are to be designed to be resilient to flood-related damage while not exacerbating flood risks for upstream or downstream activities.</u></p> <p>Council's discretion shall be restricted to the effects of any inconsistency with any discharge consent and the methods of accessing and maintaining stormwater devices.</p>
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Commented [CT179]: Refer to comments in residential zone

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