

SECTION 42A REPORT

Report on submissions and further submissions on the
Proposed Waikato District

Hearing 25: Zone Extents – Future Urban Zone and Residential Medium Density Zone

Report prepared by: Jonathan Clease

Date: 26 January 2021



TABLE OF CONTENTS

1	Introduction	5
1.1	Qualifications and experience.....	5
1.2	Code of Conduct.....	5
1.3	Conflict of Interest	5
1.4	Preparation of this report	5
	Executive Summary	6
2	Scope of Report and topic overview	8
2.1	Hearing structure and process.....	8
2.2	Matters addressed by this report	8
2.3	Statutory requirements	10
2.3.1	Resource Management Act 1991.....	10
2.4	Procedural matters	11
3	Future Urban Zone	12
	Introduction	12
	Submissions.....	12
	What is meant by a ‘Future Urban Zone’?.....	15
	How do the Operative and Proposed Plans address Future Urban Zones?.....	15
	What does the NPS-UD say about integration with infrastructure and structure plans?	17
	What does the WRPS say about integration with infrastructure and structure plans?	19
	What does Waikato 2070 say about integration with infrastructure and structure plans?.....	20
	What does the Proposed Plan say about integration with infrastructure and structure plans?..	21
	Analysis	24
	Structure Plans	24
	Recommendations regarding structure plans	28
	Infrastructure capacity.....	29
	Recommendations regarding infrastructure availability	32
	Future Urban Zones – an alternative zoning option where structure plans and/or infrastructure delivery is unresolved	32
	Recommendations	35
	Recommended amendments:.....	36
	Section 32AA evaluation	42

Effectiveness and efficiency.....	42
Costs and benefits.....	43
Risk of acting or not acting.....	44
Decision about most appropriate option.....	44
Section 4.2.....	45
Medium Density Residential Zone	45
Submissions.....	45
Analysis	48
What is meant by ‘medium density’?	48
How does the Operative Plan provide for medium density typologies?.....	48
What does the NPS-UD say about medium density housing?	49
What does the WRPS say about medium density housing?	51
What does Waikato 2070 say about medium density housing?	52
Summary of higher order directions regarding intensification	53
What does the Proposed Plan say about medium density housing?	54
Assessment	56
Recommendations regarding MDRZ.....	60
Section 32AA evaluation	62
Appendix 1: Table of submission points	64
Recommendations –Future Urban Zone.....	64
Recommendations – Medium Density Residential Zone	68
Appendix 2: Recommended text changes	72
Appendix 3: Medium Density Residential Zone Provisions.....	83

List of submitters and further submitters addressed in this report

Original Submitter	Submission number
Auckland Council	372
Chanel Hargrave and Travis Miller	751
Future Proof Implementation Committee	606
Housing New Zealand Corporation	749
Pokeno Village Holdings Ltd	386
The Surveying Company	746
Waikato District Health Board	923
Waikato Regional Council	81
Watercare Services Ltd	423

Further Submitter	Submission number
<i>Alstra (2012) Ltd</i>	<i>FSI316</i>
<i>Ambury Properties Ltd</i>	<i>FSI224</i>
<i>Andrew and Christine Gore</i>	<i>FSI062</i>
<i>Auckland Transport</i>	<i>FSI273</i>
<i>Genesis Energy</i>	<i>FSI345</i>
<i>Hamilton City Council</i>	<i>FSI379</i>
<i>Havelock Village Ltd</i>	<i>FSI377</i>
<i>Housing New Zealand Corporation</i>	<i>F S1269</i>
<i>Kiwi Green NZ Ltd</i>	<i>FSI050</i>
<i>Mercury NZ Limited</i>	<i>FSI223 FSI385 FSI388</i>
<i>NZTA</i>	<i>F S1202</i>
<i>NZ Walking Access Commission</i>	<i>FSI307</i>
<i>Perry Group Ltd</i>	<i>FSI313</i>
<i>Pokeno Village Holdings Ltd</i>	<i>FSI281</i>
<i>Rosita Dianne-Lynn Barnes</i>	<i>FSI368</i>
<i>Simon Upton</i>	<i>FSI107</i>
<i>Stephen Roberts</i>	<i>FSI119</i>
<i>Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)</i>	<i>FSI108</i>
<i>The Surveying Company</i>	<i>FSI308</i>
<i>Turangawaewae Trust Board</i>	<i>FSI139</i>
<i>Watercare Services Ltd</i>	<i>FSI176</i>
<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>FSI276</i>

Please refer to Appendix I to see where each submission point is addressed within this report.

I Introduction

I.1 Qualifications and experience

1. My full name is Jonathan Guy Clease. I am employed by a planning and resource management consulting firm Planz Consultants Limited as a Senior Planner and Urban Designer.
2. I hold a Bachelor of Science (Geography), a Master of Regional and Resource Planning, and a Master of Urban Design. I am a Full Member of the New Zealand Planning Institute.
3. I have twenty-three years' experience working as a planner, with this work including policy development, providing s.42A evidence on plan changes, the development of plan changes and associated s32 assessments, and the preparation and processing of resource consent applications. I have worked in both the private and public sectors, in both the United Kingdom and New Zealand.
4. I am the author of the s42A reports for the Village Zone subdivision policy and rule frameworks (Hearing 6) and the Rural Zone policy and land use rule frameworks (Hearing 18).
5. I have also recently been involved in the review of the Christchurch District Plan and presented evidence on the notified provisions on behalf of submitters on commercial, industrial, Lyttleton Port, natural hazards, hazardous substances, and urban design topics. I have also recently been involved in the development of the second generation Timaru, Selwyn and Waimakariri District Plans, and the preparation of s42A reports processing private plan change applications. These topics have included rural-residential housing, commercial, urban design, and signage matters.

I.2 Code of Conduct

6. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
7. I am authorised to give this evidence on the Council's behalf to the Proposed District Plan hearings commissioners.

I.3 Conflict of Interest

8. To the best of my knowledge, I confirm that I have no real or perceived conflict of interest.
9. Planz Consultants Ltd have undertaken work for Kainga Ora through the preparation of resource consents for new social housing units in Christchurch. This consenting work has been geographically limited to Christchurch only. Planz have likewise not provided any advice to Kainga Ora on District Plan or policy matters. As such I do not consider that a conflict of interest is created in assessing submissions lodged by Kainga Ora regarding the potential zone frameworks in Waikato District.
10. Other than the above submitter, Planz do not have any clients that have made submissions on the topics dealt with in this report.

I.4 Preparation of this report

11. I am the author of this report which has prepared in accordance with section 42A of the RMA.

12. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Executive Summary

13. This report addresses two thematic issues related to the suite of zones available in the District Plan 'toolbox'. The first of these zones is a Future Urban Zone ('FUZ'). The Proposed Plan as notified does not include a FUZ and instead presents the Panel (and submitters) with a somewhat binary choice of either a live urban zone or retention of the Rural Zone.
14. Since the Proposed Plan was notified the National Policy Statement – Urban Development ('NPS-UD') has been gazetted, and the Waikato 2070 growth strategy has been developed. These documents, along with the Waikato Regional Policy Statement ('WRPS'), provide consistent direction that the District Plan is to enable sufficient development capacity to meet foreseeable needs, that such growth is to be integrated with existing urban areas and well-designed in order to generate successful and well-functioning communities, and that such growth is to be integrated with the funding and delivery of the necessary network infrastructure.
15. As set out in the separate Framework Report, there is a need for further growth areas in order to provide the necessary capacity over and above what is currently zoned in the Operative Plan. Such growth will be through both intensification within already zoned urban areas, and through greenfield expansion around the edge of townships, where such blocks meet the policy criteria for growth areas. At this point in time a number of these growth areas (and areas sought via submissions) do not have a structure plan in place and/or provision of services is uncertain in the short-medium term. As such the current zoning toolbox is limited in that it provides either for growth areas to be live-zoned without integration, or retain their rural zoning without sufficient capacity or certainty being provided that the community's needs will be met.
16. The recommended FUZ provides a transitional zoning to overcome these limitations. It clearly identifies the 'in principle' suitability for land to be developed for urban purposes over the medium term. As such areas to be rezoned to FUZ will need to be internally consistent with the direction in the policy direction in the Proposed Plan and meet the policy criteria for growth areas established through the higher order NPS-UD and WRPS. The FUZ provisions maintain a rural character and level of development in the short-term, whilst controlling rural activities that would compromise logical urban expansion in the future. The proposed policy framework sets out a clear process by which the land can be live zoned, via a subsequent plan change to incorporate a structure plan into the District Plan, and to confirm the funding and provision of infrastructure, as well as resolution of any more detailed site-specific issues.
17. As an overview, and drawing on the direction provided in the Framework Report, the following is anticipated:
- Live zoning is appropriate for areas that meet wider policy direction e.g. are within the Future Proof areas shown in the WRPS, and can be serviced within 10 years through a combination of LTP (for head works/ trunk) and developer funding for local connections and/or bringing forward head works.
 - For such areas, live zoning may also be appropriate without a structure plan (i.e. a number of the notified growth areas) where either they are small discrete blocks, OR where they are large blocks but under single ownership and with clearly defined physical boundaries. In these situations, a structure plan within the District Plan may

not add significant value relative to the assessment that can be undertaken via the subdivision consent process.

- There is considered to be value in a structure plan being in place for live-zoned growth areas that cover multiple blocks in different ownership to enable coordination between owners to develop a coherent urban layout, and also to agree both funding and the placement of infrastructure such as collector roads, stormwater basins, and facilities such as schools and public open space. There are challenges with achieving such integration through a series of ad hoc subdivision consents, especially if applications are received in a staged manner as a series of small blocks. The Chapter 4 policy framework and associated zone-based subdivision rules (subject to other hearing processes) will need reviewing to ensure they provide the necessary direction, in the event that the Panel conclude that structure plans are of value for large/ complex growth areas.
 - Submitters, or groups of submitters, of large/ complex growth areas may wish to put forward a structure plan in evidence if they are seeking live zoning, for inclusion within the District Plan.
 - Where potential growth areas meet wider policy criteria for future urbanisation but are not required to provide capacity in the short term, no structure plan/ details are in place and the growth area is held across a number of landowners, and/ or there is no certainty regarding the provision of trunk infrastructure, then the FUZ framework is available as a zoning tool. The FUZ maintains urban development potential (i.e. avoids activities such as chicken farms and quarries), signals to landowners and the community that their land is appropriate in principle for urbanisation, provides a clear process by which structure plans can be developed, and provides certainty for informing the funding of infrastructure as part of the 2024-2034 or 2027-2037 LTP processes.
18. Overall the FUZ framework is considered to provide a more effective and effective method for giving effect to the higher order policy direction than the status quo zones in the Proposed Plan as notified.
19. The second thematic issue addressed in this report is in regard to the need (or not) for a Medium Density Residential Zone ('MDRZ'). The higher order NPS-UD, WRPS, and Waikato 2070 growth strategy again provide helpful direction in this regard. To date the Operative Plan has not provided a MDRZ, which in fairness is a valid response to what have until recently been relatively small rural townships. Over the coming decade the population of the District is expected to increase significantly, as will the size of the District's larger townships. As these townships grow, there becomes a greater need to both manage urban growth efficiently through consolidation within existing urban areas, and to ensure that the available housing stock reflects the community's diverse housing needs through a range of housing typologies and price points.
20. The Proposed Plan as notified sought to provide for these two outcomes via a 'pepper-potting' rule framework that enables medium density housing throughout the Residential Zone via a case-by-case assessment through a resource consent process. The proposed built form standards controlling matters such as height and setbacks are however the same as for low density development, and therefore the extent and nature of medium density housing options is limited.
21. An alternative approach sought by submitters is that the twin outcomes would be more effectively delivered through the introduction of a MDRZ within walking distance (approximately 800m) of the town centres of the District's larger urban areas. I agree that in principle a MDRZ is more effective than the notified pepper-potting approach. It also aligns with the outcomes articulated in the recent Waikato 2070 growth strategy.

22. Kainga Ora have provided a helpful draft set of MDRZ provisions and associated s32AA assessment in support of their submission¹, which was circulated to other submitters and further submitters on this topic and made available on the Council's website in November 2020. The draft provisions are able to be further refined through evidence of both submitters and further submitters and a subsequent s42a report.
23. I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of this Plan and other relevant statutory documents, for the reasons set out in the Section 32AA evaluations undertaken and included throughout this report

2 Scope of Report and topic overview

2.1 Hearing structure and process

24. This report should be read in combination with the separate Framework Report prepared by Dr Mark Davey. As directed in minutes from the Hearings Panel², to assist both submitters and ultimately the Panel, Council officers were to prepare a Framework Report that addresses the higher order planning framework established through documents including the National Policy Statement on Urban Development ('NPS-UD'), the Waikato Regional Policy Statement ('WRPS'), and the District-wide Growth and Economic Development Strategy ('Waikato 2070'). The Framework Report also sets out the background to the suite of zones included in the Proposed Plan, the historic growth of the District, and the extent of capacity required to adequately meet the needs of a growing District population.
25. The Framework Report provides a summary of the higher order planning documents which submitters and s42A authors can refer to, rather than having to 'reinvent the wheel' in every subsequent report. As with any resource management topic, it may well be that there are differing views amongst submitters on the higher order framework and therefore it is anticipated that alternative viewpoints will be expressed through evidence.
26. The directions from the Panel is that following release of the Framework Report, submitters will prepare their evidence, followed by further submitters, with Council officers then responding via subsequent s42a reports that address rezoning requests on a geographic (township) basis. Submitters can then respond to matters raised in s42a reports via rebuttal evidence. This approach is a pragmatic response to managing the significant number and variety of submissions seeking rezoning, and enables rezoning requests to be grouped by geographic area so township form and issues can be considered in a coherent manner.

2.2 Matters addressed by this report

27. In the process of reviewing submissions, it has been identified that whilst the majority of submissions seek the rezoning of specific blocks of land, a number of submissions addressed non-geographic themes or topics that are of relevance across a number of townships.
28. These thematic submissions are assessed in two s42a reports, of which this is the first. This report addresses submissions seeking two new zones, namely a Future Urban Zone ('FUZ') and a Medium Density Residential Zone ('MDRZ'). In order for these two potential new zones to be considered by submitters (and in future s42a reports on specific townships), it was

¹ Following feedback from the Panel as part of Hearing 10 on the Residential Chapter

² https://wdcsitefinity.blob.core.windows.net/sitefinity-storage/docs/default-source/your-council/plans-policies-and-bylaws/plans/district-plan-review/hearings/hearings-panel-directions/directions-for-rezoning-hearings-12-may-2020.pdf?sfvrsn=89b188c9_2

considered efficient if an initial Council Officer recommendation was made available in advance of submitters preparing their own evidence.

29. A second s42a report will be released at the same time as the balance of the township-focused s42a reports addressing the remaining thematic submission points.
30. The first of the topics addressed in this report relates to submissions that have sought a Future Urban Zone or similar mechanism that identifies areas suitable for urbanisation. The purpose of a FUZ is to provide for the rezoning of rural land for urban purposes where the location in principle has merit for urban expansion, but where constraints exist that would prevent it from being developed in the short to medium term. Common constraints include the lack of a structure plan to ensure coordinated urban growth and/or the lack of existing or programmed infrastructure capacity. This report recommends a policy and rule framework for a FUZ. The application of the zone to specific blocks of land is a matter that can be considered by submitters in evidence along with any changes to the proposed provisions themselves. Council officers can likewise consider the potential application of a FUZ on a township-by-township basis (noting that the scope afforded by the submissions covered in this report may be used by subsequent s42A authors to make such recommendations to amend zoning).
31. The second topic is the provision of a Medium Density Residential Zone ('MDRZ'). This report has a primary focus on assessing the merit of such a zone in principle and as such does not include a detailed set of recommended MDRZ provisions. During the Hearing 10 (Residential) process, Kainga Ora³ provided evidence on the Residential Zone framework and as part of the relief sought drew the Panel's attention to their detailed original submission which sought a MDRZ and included a draft policy and rule framework. Following questions from the Panel as part of Hearing 10, Kainga Ora have further refined the provisions sought through their original submission. This more refined zone framework was provided to Council on 23 November 2020, and was circulated to submitters and further submitters who had expressed an interest in MDRZ, and is available on the District Plan Review website⁴.
32. I have undertaken a preliminary review of these proposed provisions, and have discussed them with the submitter's planning and legal representatives via two zoom meetings held on 22nd December 2020 and 20th January 2021 in order to better understand the outcomes sought by the submitter.
33. Rather than provide a detailed track-changed response at this point in the process, it is considered more efficient for all parties if I identify the key principles or outcomes that the MDRZ provisions should deliver. Kainga Ora (and indeed any other submitters) are then welcome to provide evidence, putting forward their preferred package of provisions for the zone. Further submitters (in either support or opposition) can then respond in evidence. Following receipt of submitter and further submitter evidence, I will then respond in detail to this package and will provide a recommended version as part of the follow-up s42a report on outstanding thematic submissions (to be released along with the other township-specific s42a reports on 10 May 2021). Submitters will then have a second opportunity to respond to the recommended provisions via rebuttal evidence. As with the FUZ, the identification of the appropriate MDRZ boundaries (if any) is a matter that will be addressed by other s42A authors with reference to specific townships.
34. It is appreciated that the introduction of two new zones late in the plan development process is somewhat unusual, although by no means unique to whole of Plan reviews. I have been

³ Submitter #749, noting that the submission is in the name of 'Housing New Zealand Corporation' which has since been rebranded as 'Kainga Ora'.

⁴ https://wdcsitefinity.blob.core.windows.net/sitefinity-storage/docs/default-source/your-council/plans-policies-and-bylaws/plans/district-plan-review/hearings/communications-to-the-hearing-panel/memorandum-of-counsel-kainga-ora-mdrz-provisions.pdf?sfvrsn=1bce8cc9_2

particularly mindful of scope and the breadth of relief sought by submitters on these two topics. It is noted that as well as having been identified by submitters, the lack of either a FUZ or a MDRZ has been identified through questioning from the Panel as an outstanding matter to be addressed through earlier zone-based hearings on, for example, the Village Zone (Hearing 6) and Residential Zone (Hearing 10) frameworks. This report therefore in part considers matters raised by submitters that have not been explicitly addressed in previous hearings, and also 'looks back' to earlier hearings and associated s42a report and submitter evidence where they have touched on these two topics.

35. The Framework Report sets out the higher order context and the common themes or criteria to be used when considering rezoning submissions on a consistent basis. It does not however make any recommendations on individual submissions and likewise does not recommend any amendments to the Proposed Plan text. This report differs in approach insofar as I do make recommendations on submissions on these two topics and likewise recommend provisions for the FUZ and set out the key principles that a MDRZ framework should achieve.
36. For submitters and further submitters, given that neither FUZ nor MDRZ provisions have been previously available, it is anticipated that submitters may wish to provide evidence on:
 - Whether there is merit in the concept i.e. does the Waikato District Plan need a FUZ and/or MDRZ as part of the suite of zones available?
 - If the concept does have merit, do the recommended FUZ provisions function as effectively as they might?
 - Are the recommended principles for a MDRZ framework appropriate and does the draft set of provisions developed by Kainga Ora achieve those principles?
 - The geographic application of the FUZ or MDRZ to their specific block (in instances where there is scope for such outcomes in the original submissions).
37. Likewise for subsequent s42a zoning report authors, the two new zones are added to the 'toolbox' of zones available to them when recommending whether specific sites or areas should be rezoned.

2.3 Statutory requirements

2.3.1 Resource Management Act 1991

38. As noted in the introduction of the s42A report by Mr Matheson⁵, sections 1.1 and 1.2 of *Chapter 1- introduction* of the Proposed Plan set out the relationship between s5, s32, and s72 of the Resource Management Act 1991 ('RMA'), which are respectively:
 - The purpose of the RMA;
 - The functions of a territorial authority; and
 - The purpose of a district plan.
39. As set out in the various sections within *Chapter 1 – Introduction*, and also in the Framework Report, there are a number of guiding RMA documents such as the NPS-UD, WRPS, strategies such as Waikato 2070, the Future Proof Growth Strategy and associated Implementation Plan, and agreements such as the Waikato River Joint Management Agreement 2010 that provide guidance for the preparation and content of the Proposed Plan. The direction contained in

⁵ Section 42A Report Hearing 3 Strategic Objectives, Alan Matheson (30 September 2019)

these higher order documents of relevance to urban growth management are also discussed in the Framework Report prepared by Dr Davey.

40. District Plans are required to 'give effect to' the WRPS, and likewise must give effect to National Policy Statements. Both the WRPS and the NPS-UD are discussed in more detail below insofar as they relate to these two topics. These documents are likewise discussed more broadly in the Framework Report.
41. The structure of a district plan is required to be consistent with the National Planning Standards ('NPS') that seek to provide a common format for district plans across the country. This report refers to the NPS regarding the potential use of a FUZ and MDRZ.
42. Section 32 of the RMA requires that the objectives of the proposal be examined for their appropriateness in achieving the purpose of the RMA, and the provisions (policies, rules or other methods) of the proposal to be examined for their efficiency, effectiveness and risk. The effects of new policies and rules on the community, the economy, cultural matters and the environment need to be clearly identified and assessed as part of this examination. The analysis must be documented, so stakeholders and decision-makers can understand the reasoning behind policy decisions.
43. Because these two proposed zones did not form part of the Proposed Plan as notified, they likewise did not form part of the s32 assessment that accompanied the preparation of the Proposed Plan. S32AA requirements are therefore considered for each of these two zones at the conclusion of the assessment on these topics.

2.4 Procedural matters

44. At the time of writing this s42A report there have not been any pre-hearing conferences in relation to the FUZ provisions. Due to the clarity of submissions, no correspondence or meetings with submitters needed to be undertaken and there are no procedural matters to consider for this hearing on this topic.
45. Kainga Ora is one of the principal submitters seeking the inclusion of a MDRZ in the District. Its submission included a detailed set of provisions, and also included maps showing where such a zone might be geographically applied. Kainga Ora presented evidence on the need for a MDRZ as part of the hearing of submissions to the Residential Chapter. As noted above, two meetings before and after Christmas were held via zoom with the submitter in order to clarify the outcomes they are seeking from the MDRZ in a Waikato District context.
46. No other pre-hearing meetings, Clause 8AA meetings, or further consultation on the submissions were held prior to the finalisation of this s42A report.

3 Future Urban Zone

Introduction

47. The key focus of submissions that might logically lead to the inclusion of a FUZ in the Waikato District Plan is a need for integration in order for new urban areas to be successful. Such integration is necessary in a spatial sense so that new greenfield growth areas are logically connected to the adjacent urban area so they create a single coherent township and collectively provide access to the range of employment, social, and community facilities necessary for successful communities. The key mechanisms for ensuring effective spatial integration is first the ‘in principle’ decision as to whether a rural area should be rezoned for urban purposes, and secondly the use of Structure Plans or Master Plans that provide a greater level of detail. Structure Plans typically show elements such as the general location and provision of roads, walkways and cycleways, areas of different housing density, the protection of important cultural or natural features, and the location of neighbourhood centres for the provision of local shops and community and recreation facilities.
48. The second means by which new urban areas are integrated is via connection to network infrastructure, primarily the three waters⁶ networks and the roading network. In order for development to occur at scale, the network infrastructure needs to have sufficient capacity to meet the demand generated by the new development.
49. These two integration mechanisms, namely structure plans and infrastructure provision, are key prerequisites to enabling urban development to occur in a coordinated manner. There are a number of submitters that are seeking that greenfield growth areas not be rezoned to a “live” urban zoning until their spatial and infrastructural integration is confirmed.

Submissions

50. Fourteen submission points were received that sought greater direction regarding urban growth management and the integration of such growth with the provision of infrastructure. Submissions sought the inclusion of structure plans, staging, and alternatives to live zoning including the use of deferred zones or similar overlays to signal the additional steps required prior to the confirmation of urban zones.
51. It is noted that there are other submissions have sought identification of future growth areas e.g. Rangitahi Limited [343.24], but as they are specific to a particular location they will be addressed in detail in the relevant s42A report

Submission point	Submitter	Summary of submission
81.17	Waikato Regional Council	Amend the Proposed District Plan provisions so that any subdivision, use and development in areas that are proposed for unserviced residential where there is uncertainty about funding, staging and timing of infrastructure provision does not compromise them for future development.
FS1176.3	Watercare Services Ltd	Support submission 81.17
FS1202.2	NZ Transport Agency	Support submission 81.17
FS1223.4	Mercury NZ Ltd	Support submission 81.17

⁶ ‘Three waters’ is a short-hand term that refers to wastewater, stormwater, and potable water supply networks

FS1377.3	Havelock Village Ltd	Oppose submission 81.17
FS1379.13	Hamilton City Council	Support submission 81.17
FS1385.66	Mercury NZ Ltd for Mercury B	Support submission 81.17
FS1308.142	The Surveying Company	Oppose submission 81.17
372.23	Auckland Council	Amend Chapter 4 Urban Environment, Chapter 16 Residential Zone, the Planning Maps and any other provisions that are proposed for 'live' Residential zoning in unserviced urban residential areas in and around Pokeno and Tuakau where there is uncertainty about the funding, staging and timing for infrastructure provision.
FS1176.57	Watercare Services Ltd	Support submission 372.23
FS1202.10	NZ Transport Agency	Support submission 372.23
FS1281.10	Pokeno Village Holdings Ltd	Support submission 372.23
FS1308.28	The Surveying Company	Oppose submission 372.23
FS1377.75	Havelock Village Ltd	Oppose in part submission 372.23
FS1269.114	Housing NZ Corporation	Oppose in part submission 372.23
423.1	Watercare Services Ltd	Provide confirmation that existing and planned infrastructure capacity is available to service anticipated growth in the Proposed District Plan in a manner that gives effect to the National Policy Standard: Urban Development Capacity. And Any consequential amendments or further relief to address the matters raised in the submission.
FS1281.11	Pokeno Village Holdings Ltd	Support submission 423.1
FS1377.88	Havelock Village Ltd	Support in part submission 423.1
FS1388.245	Mercury NZ Ltd for Mercury E	Oppose submission 423.1
606.6	Future Proof Implementation Committee	Amend the Proposed District Plan following a review of the extent of live zoning and its ability to be serviced with infrastructure; and If the Zoning approach is retained, add stronger development staging rules which are linked to the provision of infrastructure and the development of infrastructure, including Chapter 4 Urban Environment, Chapter 16 Residential Zone, Planning Maps and any other linked chapters.
FS1313.6	Perry Group Ltd	Support in part submission 606.6
FS1062.87	Andrew and Christine Gore	Oppose submission 606.6
FS1202.98	NZ Transport Agency	Support submission 606.6

FS1281.36	Pokeno Village Holdings Ltd	Support submission 606.6
FS1223.119	Mercury NZ Ltd	Oppose submission 606.6
606.7	Future Proof Implementation Committee	Review the extent of the Village Zones in collaboration with Hamilton City Council, with consequential amendments to Chapter 4 Urban Environment and Chapter 24 Village Zone.
FS1202.133	NZ Transport Agency	Support submission 606.7
FS1223.120	Mercury NZ Ltd	Oppose submission 606.7
FS1379.209	Hamilton City Council	Support submission 606.7
606.12	Future Proof Implementation Committee	<p>Consider alternatives to live zoning including:</p> <ul style="list-style-type: none"> • Using a Rural Zone with an overlay similar to Hamilton's Urban Expansion overlay • Applying an urban zone with an overlay that signals that additional subdivision and development will not be considered until there is certainty about infrastructure provision. • A new Urban Expansion Zone with its own suite of provisions for managing land use and subdivision • A Future Urban Zone to signal additional land would need to be serviced with infrastructure and structure planned before it is zoned for urban development.
FS1119.4	Stephen Roberts	Support submission 606.12
FS1202.20	NZ Transport Agency	Support submission 606.12
FS1308.88	The Surveying Company	Oppose submission 606.12
FS1108.153	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Support submission 606.12
FS1139.138	Turangawaewae Trust Board	Support submission 606.12
FS1176.181	Watercare Services Ltd	Support submission 606.12
FS1379.204	Hamilton City Council	Support submission 606.12
923.73 923.74 923.75 923.76 923.77 923.78	Waikato District Health Board	<p>Review the extent of the live zoning and its ability to be serviced with infrastructure.</p> <p>OR</p> <p>Consider including much stronger development staging rules which are linked to the provision of infrastructure and development of structure plans.</p>
FS1385.82 FS1385.83 FS1385.84	Mercury NZ Ltd for Mercury B	Oppose submission 923.73, 923.74, 923.75

FS1108.146	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Support submission 923.73
FS1176.267 FS1176.268 FS1176.269 FS1176.270 FS1176.271 FS1176.272	Watercare Services Ltd	Support submission 923.73, 923.74, 923.75, 923.76, 923.77
FS1377.289 FS1377.290 FS1377.291	Havelock Village Ltd	Support in part submission 923.73, 923.74, 923.75
FS1091.62	GD Jones	Support submission 923.75
923.96 923.97	Waikato District Health Board	Amend the Planning Maps and relevant provisions by establishing a stronger objective, policy and rule framework than is proposed for un-serviced urban residential areas where there is uncertainty about the funding, staging and timing for infrastructure provision.
FS1307.2	NZ Walking Access Commission	Support submission 923.96
FS1385.86 FS1385.87	Mercury NZ Ltd for Mercury B	Oppose submission 923.96, 923.97
FS1308.172 FS1308.173	The Surveying Company	Oppose submission 923.96, 923.97

What is meant by a ‘Future Urban Zone’?

52. The concept of a Future Urban Zone is a tool used where a given site is appropriate in principle for development for urban purposes, however servicing and structure plans are not currently available. Rather than simply retain a rural zoning until such time as these matters are addressed, District Plans can identify the sites as a FUZ. Such identification confirms that urbanisation is anticipated in the future (and therefore provides both the landowner and the wider community with long-term certainty as to anticipated outcomes), whilst concurrently not enabling urbanisation in the absence of the planning and infrastructure necessary for delivering positive urban outcomes.

How do the Operative and Proposed Plans address Future Urban Zones?

53. The Operative Plan (both Franklin and Waikato sections) does not include a FUZ. Instead land either has a rural zoning, or is ‘live zoned’ as one of the various residential or business zones. Land has generally not been rezoned for urban purposes unless at the time the Operative Plan provisions were confirmed there was a high level of certainty that services could be provided in a timely manner. The adequacy of servicing is also a matter of discretion in the Operative Plan when assessing subdivision applications.
54. The closest parallel with a FUZ that is found in the Operative Plan is the Hamilton Urban Expansion Area (‘UEA’) overlay that is applied to a number of Rural Zoned growth areas located immediately adjacent to Hamilton City’s territorial boundary. The intention is that these areas will be transferred into Hamilton City’s territorial boundary and therefore in the

medium to long term will cease to form part of Waikato District. Once statutory responsibility for them has been transferred to Hamilton City, it will be up to Hamilton Council to progress their rezoning for urban purposes. In the meantime the UEA overlay places a series of restrictions on the use of the land which are more limiting than the general Rural Zone provisions, in order to ensure that no activities or subdivision occurs in the interim that would prejudice the logical expansion of Hamilton City's urban area. The Operative Plan's UEA overlay concept has been carried over into the Proposed Plan, with the rule package considered as part of Hearing 18 on the Rural Zone provisions and Hearing 12 Country Living Zone.

55. Whilst the UEA model is in part concerned with spatial and infrastructural integration, it also creates a holding pattern pending the amendment of local government territorial boundaries. As such it is a model that is serving a specific purpose for Hamilton's fringe, but is of limited applicability to growth areas in the District more generally.
56. The Operative Plan (Franklin Section) includes structure plans for Pokeno and the Whangarata Business Park in Tuakau. Part 54 in the subdivision section addresses the process by which structure plans are to be incorporated into the District Plan. Rule 54.2 states that for growth areas, no subdivision consent will be granted⁷ unless a structure plan has first been approved by Council in accordance with the procedures set out in Rule 54.4. This rule sets out a series of matters to be addressed through the structure plan process, which in summary appear to be simply good practice for the preparation of plan changes. Of significance, the rule requires the structure plan to be incorporated into the District Plan via a plan change process.
57. Whilst not called a FUZ, the Franklin Section rule package does have the effect of deferring urban growth in a manner that is generally similar to the outcome achieved through a FUZ zoning.
58. The Proposed Plan as notified likewise does not include a FUZ. The zone pattern in the Proposed Plan generally reflects the boundaries of existing zoned urban areas, with new greenfield growth areas 'live zoned' where their zoning is proposed to be changed from rural in the Operative Plan to one of the residential or business / industrial zones in the Proposed Plan. In general, these new growth areas are in locations where reticulated servicing is either currently available, or is anticipated to be made available within the life of the Proposed Plan i.e. over the coming decade. Officers reporting on individual townships will consider the appropriate treatment of these areas in more detail, and in particular whether live zoning of notified greenfield areas where servicing is not currently programmed is in fact the most efficient and effective method of managing growth and wider environmental outcomes.
59. The Proposed Plan as notified also includes an approach of managed transition to two greenfield growth areas in Tuakau and Te Kowhai. The notified Plan proposed that these growth areas have a Village Zoning, with initial development to be at low densities with on-site wastewater treatment and disposal and with subdivision rules controlling the placement of dwellings to facilitate future intensification of these growth areas in the event that reticulated services become available. This is not so much a FUZ as a live zone which contains transitional provisions. In my reporting on this matter in the Village Zone (Hearing 6), I identified that such a transitional approach potentially did not give effect to how growth should be managed in the WRPS, and likewise identified that there were a number of potential issues with retrofitting reticulated services into a recently developed very low-density greenfield block. It was noted that the growth areas in question did appear to have merit in principle for urbanisation, however such growth may be more effective if identified as a FUZ, and then once

⁷ Rule 54.3 provides an exception as a discretionary activity for subdivision where it can be demonstrated that the number and layout of lots will not compromise the achievement of a suitable form of residential or urban development for the area.

reticulated services become available are developed straight to Residential Zone densities. The issues with servicing very low density rural-residential development and transitional densities are also set out in the Framework Report.

What does the NPS-UD say about integration with infrastructure and structure plans?

60. The NPS-UD requirements regarding urban growth are discussed in detail in the related Framework Report. In summary, the NPS-UD has as its first objective the provision of well-functioning urban environments that enable the community to provide for their social, economic, and cultural well-being⁸. A key focus for the NPS-UD in achieving such wellbeing is the requirement that Tier 1 Councils (which includes Waikato Council) provide at least sufficient development capacity to meet expected demand for both housing and business needs over the short, medium, and long term. This requires the Council to first determine the demand for housing and business purposes⁹, and secondly to provide for such capacity to be met through ‘plan-enabled’ and ‘infrastructure-ready’ land availability (with development of this land to be feasible and reasonably expected to occur i.e. be commercially plausible).
61. ‘Urban environments’ are defined in the NPS-UD as an area that is or is intended to be predominantly urban in character and is or is intended to be part of a housing and labour market of at least 10,000 people. Whilst the majority of the District’s townships currently have less than 10,000 people, the larger townships such as Pokeno, Tuakau, and potentially Huntly/ Ohinewai and Ngaruawahia/ Horotiu could reach 10,000 residents through the ten-year life of the District Plan. The definition likewise refers to a ‘housing market’ which is potentially larger than a single township i.e. Pokeno and Tuakau arguably form part of the same housing market, just as Te Kowhai and Ngaruawahia arguably form part of the wider Hamilton housing and labour markets. Noting that Waikato District is identified as a Tier 1 high growth district, it is considered that the parts of the district that have an urban zoning are subject to the NPS direction on the anticipated outcomes for urban environments.
62. Objective 6 requires local authority decisions on urban development to be integrated with infrastructure planning and funding decisions, have a medium to long term strategic focus, and to be responsive, particularly in relation to proposals that would supply significant development capacity. In short, the NPS-UD requires Councils to align their RMA decision-making with their LGA budget-setting processes such that new growth areas are able to be supported by the related provision of new infrastructure.
63. Policy 1 seeks the provision of ‘well-functioning’ urban environments that in addition to providing a range of housing typologies and a competitive housing market, also enable good accessibility between housing, jobs, community services, and open spaces including by way of public or active transport. In order for urban environments to be well functioning, it is therefore necessary that new growth areas are properly integrated and connected with the adjacent township.
64. Policy 10 directs Councils that share jurisdiction over urban environments to work together when implementing the NPS-UD; to engage with infrastructure providers to achieve integrated land use and infrastructure planning; and engage with the development sector to identify significant opportunities for urban development. Whilst pre-dating the release of the NPS-UD, the various Waikato Councils have a long history of working together to develop coherent growth strategies for the wider Waikato region. Such initiatives include the Future Proof work programme and the current process examining growth management along the Hamilton to Auckland corridor. Waikato 2070 is a recent District-specific growth and economic development strategy that was developed with input from the Waikato Regional Council, Waipa District Council, NZTA, and Hamilton City Council. This review of the District Plan likewise enables the various Councils and infrastructure providers to provide

⁸ NPS-UD Objective 1

⁹ Via a Housing and Business Development Capacity Assessment prepared in accordance with NPS-UD Part 3(5)

their perspectives on how growth is best to be managed. A key direction in Policy 10 is that new urban areas need to be coordinated with infrastructure.

65. Following the objectives and policies, the NPS-UD sets out a series of steps that are to be undertaken by local authorities in order to implement the NPS. These steps are set out in more detail in the Framework Report, however in summary require Councils to undertake an assessment of existing development capacity, an assessment of housing demand, and a strategy that coordinates the provision of infrastructure with the release of additional land to provide sufficient capacity to meet any shortfall identified between supply and demand. Implementation Clauses 3.3. and 3.4 in particular direct that the Council needs to deliver sufficient zoned land ('plan-enabled') and serviced or programmed to be serviced ('infrastructure ready') to provide the capacity to meet anticipated demand over the short to medium term i.e. the next ten years. Long term (10 years+) urban growth and infrastructure provision is to be identified in a growth strategy in order to inform future LTP and plan change processes.
66. The NPS-UD therefore places a strong emphasis on Council being the agency with the primary responsibility for ensuring that there is sufficient plan-enabled and infrastructure-ready land available in locations where the uptake of that land for housing and businesses is both feasible and reasonably expected to be realised¹⁰.
67. Policy 8 requires local authorities to be responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is unanticipated by RMA planning documents, or is out-of-sequence with planned land release. Policy 8 is a tool to implement Objective 6. Whilst the overall direction of the NPS-UD is to place the onus on Councils to ensure sufficient serviced and zoned land is available to meet demand, Objective 6 and Policy 8 also anticipate that the development community may bring forward proposals to develop land that is neither zoned nor programmed to be serviced. Both the objective and the policy require Councils to be 'responsive' to such proposals. Such proposals need to provide 'significant development capacity' and are also required to deliver 'well-functioning urban environments'. The term 'development capacity' is defined in the NPS-UD. As well as having an urban zoning, it also has to include the provision of adequate 'development infrastructure' to support the development of the land for housing or business use. The term 'development infrastructure' is in turn defined to mean:
- the following, to the extent they are controlled by a local authority or council controlled organisation (as defined in section 6 of the Local Government Act 2002):*
- (a) network infrastructure for water supply, wastewater, or stormwater*
- (b) land transport (as defined in section 5 of the Land Transport Management Act 2003)*
68. In short, unless the infrastructure that services the development is held by the Council (or a CCO such as Watercare Waikato), then the growth area cannot meet the definition of 'development capacity' and therefore cannot deliver the outcomes sought by the policy. This has particular relevance for out-of-sequence development where servicing solutions via site-contained package plants are proposed.
69. The phraseology of Policy 8 also provides a direct link back to the outcomes sought in Policy 1 in terms of what 'well-functioning' might look like. From my reading, Policy 8 does not override or supersede the wider NPS directions that urban areas are to be provided with the necessary infrastructure and be planned such that they will integrate well with adjacent urban areas.
70. For a whole-of-plan review, in any event the District Plan Review provides the opportunity to consider on a first principles basis whether the zoning proposed for any given block of land is the correct zoning and therefore blocks sought by submitters to be rezoned are only 'out-of-

¹⁰ Clause 3.2(2)

sequence' insofar as their location departs from that directed in the WRPS (for example are outside the futureproof areas shown on Map 6C), or their servicing is out of sequence with currently programmed work programmes. Policy 8 does however signal that even where Councils can demonstrate that sufficient zoned and serviced land is available to meet demand, well-conceived additional growth proposals can still be considered, provided that they will result in a well-functioning urban environment and are able to plausibly connect to Council-held reticulated services.

What does the WRPS say about integration with infrastructure and structure plans?

71. The District Plan is required to give effect to the WRPS¹¹, with the WRPS in turn also required to give effect to NPS-UD (along with all other NPS). The WRPS has been developed prior to the NPS-UD which has only recently been gazetted. As such there is the potential that the WRPS may not fully give effect to the NPS-UD. That said, pending review to ensure alignment with the NPS-UD, the WRPS does nonetheless provide regional direction as to how growth is to be managed across the Waikato. The District Plan therefore needs to give effect to the WRPS, unless it can be demonstrated that the WRPS is out of step with the more recent directions contained in the NPS-UD. If this is the case then it will be necessary to 'look through' the WRPS direction to the higher order direction contained in the NPS-UD.
72. Chapter 3 of the WRPS sets out the overarching objectives for the Region, with Objective 3.12 specific to the outcomes anticipated for the built environment. The WRPS seeks that the development of urban environments is undertaken in an integrated, sustainable manner, with land use coordinated with the provision of supporting infrastructure, and the growth of centres undertaken in a manner that does not compromise a range of natural environment outcomes.
73. This objective is to be achieved via a suite of policies, with Chapter 6 being of particular relevance to urban environments. Policy 6.1 seeks that the development of the built environment occurs in a planned and coordinated manner. The explanation to this policy clarifies that "*where district plan changes, growth strategies or structure plans are being considered the term 'planned' covers infrastructure where funding has been allocated to provide for the infrastructure project and where such infrastructure is subject to consenting or designation processes*".
74. Policy 6.1 likewise requires urban development to be undertaken in a manner that is consistent with the principles in Policy 6A. Of relevance to spatial integration and the provision of infrastructure, Policy 6A principles include:
- *Connect well with existing and planned development and infrastructure;*
 - *Identify water requirements necessary to support development and ensure the availability of the volumes required;*
 - *Be planned and designed to achieve the efficient use of water;*
 - *Encourage walking, cycling and multi-modal transport connections.*
75. In addition to plan changes being developed in a manner that is consistent with Policy 6A, Policy 1 is to be implemented through growth strategies that integrate land use planning with infrastructure¹². Before land is rezoned for urban development, planning mechanisms such as structure plans or town plans are to be produced (Policy 6.1.7), with the process of producing them to enable consideration of the information identified in Clause 6.1.8. Of relevance, such information includes the location, type, scale, funding and staging of infrastructure required to

¹¹ S.75 RMA

¹² Clauses 6.1.1 and 6.1.6

service the area¹³, and multi-modal transport links and connectivity both within the new area and to neighbouring urban areas¹⁴.

76. Policy 6.3 provides specific direction regarding the need to coordinate growth and infrastructure. Clause (a) is as follows:
- a) *The nature, timing and sequencing of new development is co-ordinated with the development, funding, implementation and operation of transport and other infrastructure, in order to:*
 - i) *Optimise the efficient and affordable provision of both the development and the infrastructure;*
 - ii) *Maintain or enhance the operational effectiveness, viability and safety of existing and planned infrastructure;*
 - iii) *Protect investment in existing infrastructure; and*
 - iv) *Ensure new development does not occur until provision for appropriate infrastructure necessary to service development is in place.*
77. Clauses (b)-(d) identify the need for growth to inform the Regional Land Transport Plan and align with the provision of growth strategies; maintain the functioning of existing infrastructure and transport corridors, and coordinate the management of growth across local authority boundaries. Clause (e) states that where new infrastructure is provided by the private sector, it should not compromise the function of existing, or the planned provision of infrastructure provided by central, regional and local government agencies.
78. The explanation to Policy 6.3 states that the purpose of this policy is “to ensure co-ordination between land use and infrastructure planning and development so that development can be appropriately serviced by infrastructure in a cost-effective manner, and so that land use change does not result in unplanned effects on the functioning of it. The policy and its methods aim to ensure that the future spatial land use pattern is understood sufficiently to inform future investment in transport infrastructure. To do this, growth strategies will be needed in areas of strong population growth. Where there is no growth strategy (where population growth is not so strong), urban development should be directed to existing urban areas so that there is reasonable certainty that the settlement pattern will not significantly change over the 30-year period”.
79. The WRPS Chapter 6 includes reference to the growth patterns established through the ‘Future Proof’ growth strategy, with growth areas shown graphically on Map 6C. The growth areas shown in the Future Proof Strategy and associated urban limits were established to provide certainty to inform infrastructure funding and provision, and to enable a staged approach to be undertaken to the delivery of infrastructure. The WRPS therefore provides clear direction that urban growth is to occur in a way that both connects the growth area with existing adjacent urban areas and integrates the growth area with the provision of the infrastructure necessary to support such growth.

What does Waikato 2070 say about integration with infrastructure and structure plans?

80. The Waikato 2070 growth strategy provides a framework for how the District’s urban growth is to be managed over the next 50 years. The strategy in particular provides for growth in and around the larger townships, with the timing of this growth linked to infrastructure provision.
81. The introduction to Waikato 2070 notes that this strategy is the latest iteration in a series of ongoing regionally-based strategies to coordinate the management of urban growth. Waikato 2070 helps to deliver the Future Proof Strategy in the WRPS (and is mindful of the review of that strategy which is currently underway), along with the emerging thinking behind the Hamilton to Auckland Corridor spatial plan.

¹³ Clause 6.1.8(b)

¹⁴ Clause 6.1.8(c)

82. A series of priorities are set out in section 3.1-3.2. Of relevance, these matters include the need to integrate land use and transport to make better use of existing infrastructure and transport connections; locate future development in locations that are able to capitalise on existing serviced network infrastructure and town facilities; and ensure that greenfield development is connected and integrated with the street and block layout of adjacent townships.
83. Having established high level outcomes, Waikato 2070 in Section 4 then sets out the anticipated direction and staging of growth in a series of township-specific diagrammatic maps.
84. The implementation of the strategy is set out in Section 5. A key method of implementation is the development of structure plans for greenfield growth areas to guide the development of these blocks. The development of a structure plan must¹⁵:
- Be informed by consultation, particularly with tangata whenua, and must consider the roading, cycling and pedestrian network, public transport, infrastructure and servicing costs, current land use and proposed district plan controls and appropriate technical assessments. The development of a structure plan is required prior to the re-zoning of a site in a District Plan. This is to ensure that there is a clear direction and plan for the development of the growth cell.*
85. Structure plans are anticipated to form the basis for amendments to the District Plan¹⁶. The location and timing (staging) of the growth areas as set out in Waikato 2070 is also intended to inform the Long Term Plan in respect of the necessary funding of infrastructure and services to these growth areas.
86. In short, the Waikato 2070 strategy is intended to come first, and has been developed with reference to existing strategies such as Future Proof, which itself¹⁷ is embedded in the WRPS. The intention is that having established the broad direction and timing of growth on a township-by-township basis, these indicative growth areas will be further refined through a consultative structure plan process. The outcomes of the structure planning process then feeds into a plan change to rezone the site in the District Plan. Waikato 2070 indicates that the development of a structure plan is required prior to the re-zoning of a site in a District Plan. In parallel to these planning processes, the LTP is to be reviewed and is to allocate the necessary funding for the infrastructure necessary to facilitate the development of the growth areas over the coming decade, particularly for ‘head works’, with local infrastructure and trunk connections attributable to a specific development paid for by the developer (along with a contribution towards head works costs via Development Contributions).
87. As is often the case with planning processes, there is a conveyor belt of strategies, National Policy Statements, and RMA and LGA processes that are being progressed to their own timeframes. This multi-layered approach to planning means that an idealised planning process is often challenged by the practical realities of the differing timeframes of these related processes. In this case the District Plan Review is occurring in advance of the preparation of the more refined structure plans anticipated in Waikato 2070. The strategy does none-the-less signal that such structure plans are considered to be an important implementation step that adds considerable value in achieving the ultimate outcome of well-functioning urban areas.

What does the Proposed Plan say about integration with infrastructure and structure plans?

88. The manner in which urban growth is to be managed is set out primarily in Chapter 1 (Introduction) and Chapter 4 (Urban Environment) of the Proposed Plan. Submissions on

¹⁵ Clause 5.2

¹⁶ Clause 5.3

¹⁷ Noting that the Future Proof map in the WRPS is based on the 2009 strategy, and that the Future Proof Strategy was updated in 2017, albeit that these later changes have yet to be incorporated into the WRPS.

these two chapters were considered in Hearings 1 and 3 respectively at the start of the District Plan Review process. Chapter 1 sets out both a description of how the Proposed Plan works, and identifies the key issues facing the District which the subsequent chapters in the Proposed Plan then address. Chapter 1 also includes a series of 'strategic objectives' that are intended to provide high-level direction for the more detailed zone or thematic based objectives and policies that follow. Submissions on Chapter 1 were considered by Ms Deborah Donaldson in Hearing 1 who recommended a significant rationalisation of the more descriptive sections of this chapter. She also recommended that consideration of submissions relating to the Strategic Objectives be deferred and subsequently assessed alongside the policy framework for the urban environment set out in Chapter 4. The strategic objectives were subsequently considered by Mr Alan Matheson alongside the balance of provisions contained in Chapter 4.

89. I note that these earlier hearings (and associated s42A reports and submitter evidence) were held prior to the release of decisions on the Waikato 2070 growth strategy. Of significance, they were also held prior to the NPS-UD being gazetted. The NPS-UD replaced an earlier NPS – Urban Development Capacity 2016 which addressed similar urban growth matters, so the Chapter 1 and 4 hearings did have the benefit of considering alignment of the proposed policies with the NPS-UD's precursor NPS. As is often the case, the timeframes inherent in District Plan Reviews mean that the development of provisions becomes something of an iterative process in order to ensure that they give effect, as far as possible, to what can be an evolving suite of higher order documents.
90. That said, Chapters 1 and 4 were still required to give effect to the WRPS, which is unchanged, and, as identified above, the approaches to growth management of the NPS-UD, the WRPS, and Waikato 2070 are closely aligned regarding the need to properly integrate new greenfield growth areas to their adjacent urban areas, and to stage the development of such areas to align with the provision of the necessary infrastructure to support that growth.
91. I have reviewed the direction sought in the Chapter 1 and 4 policy frameworks on the basis of the text changes recommended by Mr Matheson in his s42A evidence as representative of the most current Council position on how best these provisions can give effect to the higher order documents and with the benefit of having considered submitter evidence on these provisions. It is readily acknowledged that there were a range of views expressed by submitters as to the optimal wording of these provisions and ultimately it will fall on the Panel to make a decision as to their final wording, and to align their decision making regarding rezoning with the policy direction contained in Chapters 1 and 4. Whilst the recommended policy direction in Chapters 1 and 4 is therefore subject to change, I have nonetheless had regard to them in order to provide the Panel with an internally consistent set of provisions across the Proposed Plan as a whole. That said, given that such decisions have yet to be made, and that Mr Matheson's recommendations were made without the benefit of the NPS-UD having been gazetted, in my analysis below I have placed more weight on the need to give effect to the NPS-UD and the WRPS direction.
92. Mr Matheson recommended that the Proposed Plan be structured such that Chapter 1 contains a suite of Strategic Directions that provide an overarching framework for the more detailed objectives and policies that follow in the subsequent Plan chapters. The Strategic Directions cover a broad range of topics and therefore I have focussed the below summary on just those provisions that relate to urban growth management and integration. The numbering referenced below is as shown in Mr Matheson's recommended amendments following consideration of submissions on these provisions.
93. Strategic Direction 1.12.1 reaffirms the Council's commitment to the Future Proof strategy and associated settlement pattern which is focussed on achieving a more compact and concentrated urban form over time i.e. growth is to be within and adjacent to existing townships. Master or Structure Plans are identified as an important method for establishing settlement patterns and integration with transport and servicing networks. Structure Plans

likewise provide the opportunity to demonstrate how any site-specific effects or issues are to be mitigated and provide a foundation for the plan change process required to rezone land from rural to urban.

94. Strategic Direction 1.12.2 likewise identifies that amongst other matters, urban development is to be undertaken in a manner that utilises and integrates land and infrastructure most efficiently; that promotes compact sustainable, good quality urban environments; and that focusses growth on existing urban communities that have capacity for expansion.
95. Strategic direction 1.12.4 concerns the built environment and seeks the following:
- (a) *A district which provides a wide variety of housing forms which reflect the demands of its ageing population and increases the accessibility to employment and community facilities, while offering a range of affordable options.*
 - (b) *A district that encourages and celebrates quality design that enhances and reflects local character and the cultural and social needs of the community.*
 - (c) *A district that has compact urban environment that is focused in defined growth areas, and offers ease of movement, community wellbeing and economic growth.*
96. Strategic direction 1.12.5 relates to the ease of movement and seeks integration of a land use pattern with transport and an urban form that is less reliant on cars. This direction is related to the following direction 1.12.6 which seeks a range of easily accessible facilities and activities that meet the community's needs and that facilitates pedestrian amenity and personal safety. Direction 1.12.7 recognises the role of supporting businesses with the necessary infrastructure to provide employment and economic benefits to the community.
97. The final Strategic Direction 1.12.8 relates to change management and seeks “*a district that effectively consults with and includes its community in decision making while cooperating with other authorities on regionally strategic policy. A district that manages development with master plans that matches the community, the capacity of the environment and infrastructure, and avoids the adverse effects of that infrastructure on communities*”.
98. Associated strategic objective 1.13.2 seeks liveable, thriving and connected communities that are sustainable, efficient and coordinated¹⁸.
99. For urban environments, the strategic directions are implemented through the policy framework set out in Chapter 4. These provisions are discussed in more detail in the Framework Report, and of relevance to this report in summary direct the following:
1. Future growth is consolidated in and around existing towns (Objective 4.1.2);
 2. Growth is to occur in towns where infrastructure and services can be efficiently and economically provided (Policy 4.1.3(a));
 3. In locations that are consistent with the Future Proof Strategy 2017 (Policy 4.1.3(b));
 4. Growth is staged and integrated to support existing or planned infrastructure and services (Policy 4.1.4);
 5. New developments are integrated with existing urban areas through strong connectivity for a range of transport modes, provide a range of community facilities and services to meet daily needs, and set aside land for neighbourhood centres and parks identified in structure plans to enable their future development (Policy 4.1.8);
 6. Policies 4.1.10- 4.1.18 provide specific direction concerning the growth outcomes for individual towns. The matters identified in these policies include general reference to the

¹⁸ It is noted that Clause (b) of this objective refers to achieving the capacity numbers required under the NPS-UDC 2016 which has since been superseded by the NPS-UD 2020. As such the text of Strategic Objective 1.13.2(b) will need revising to align with NPS-UD requirements.

need to integrate growth with the existing urban form and to align with infrastructure provision¹⁹.

100. Whilst subject to further refinement through the deliberation process, as an overview both the Strategic Directions in Chapter 1 and the urban growth policies in Chapter 4 (and integration with infrastructure in Chapter 6) appear to generally give effect to the NPS-UD and WRPS directions regarding growth management and the need for such growth to be both integrated with adjacent urban areas and properly coordinated with the provision of network infrastructure. The Proposed Plan provisions likewise align with the Waikato 2070 direction that an important tool for ensuring that such integration is delivered is the use of structure plans to inform rezoning decisions and the subsequent layout and design of more detailed subdivision stages.

Analysis

101. There is broad alignment between the directions set out in the NPS-UD, the WRPS, and Waikato 2070 regarding how urban growth is to be managed. All three documents anticipate that council will assess existing development capacity, assess the likely demand for new housing and business land over the coming decade (and beyond), and will take the necessary steps to ensure that sufficient land and services are made available to meet this demand. Growth is to be accommodated through both intensification within existing urban areas and through new greenfield areas adjacent to existing townships. Growth areas are to be connected and integrated with adjoining urban areas and are to be supported by the necessary network infrastructure. A key method for ensuring that such integration and staging occurs is through a consultative structure planning process that informs changes to the District Plan. In parallel the LTP needs to be reviewed to include the necessary funding and financing for infrastructure upgrades to align with the locations and timing of where growth is anticipated.

Structure Plans

102. The timing of the District Plan Review means that the development of structure plans has yet to occur. The notified District Plan only includes two structure plans for the Te Kauwhata Lakeside Precinct²⁰ and Rangitahi²¹. It is understood that these plans were recently developed through private plan change processes and are essentially 'roll-overs' from the Operative Plan. It is likewise understood that whilst structure planning processes have been initiated in the past for some of the larger townships (and indeed formed part of the Operative Plan in the case of Pokeno and parts of Tuakau), these plans have not formed part of the Proposed Plan as notified²².
103. In my view, the higher order documents include clear direction that in order for urban growth to be well-managed and to achieve positive outcomes for the community, such growth needs to be undertaken in a coordinated and connected manner. Such coordination is best undertaken through a structure planning process, with the structure plan then informing the layout of more detailed subdivision consents. The Te Kauwhata Lakeside and Rangitahi Structure Plans provide two different models for the 'look and feel' of a structure plan with Rangitahi being far more detailed, and including more descriptive narrative, than Te Kauwhata.

¹⁹ It is noted that the need to integrate growth with infrastructure (and implement the outcomes sought in Chapters 1 and 4) formed a key part of the recommended suite of policies in Chapter 6 regarding infrastructure and energy.

²⁰ Chapter 16, Section 16.5

²¹ Proposed Plan Appendix 8

²² I am unclear as to why the Operative Plan structure plans were not carried forward, particularly for areas that have yet to be built-out. If submitters for these areas are proposing structure plans in evidence then the Operative Plan structure plans may well provide a useful starting point.

104. In my experience structure plans are typically a combination of mapped outcomes (and/or diagrams), and narrative description as to the key outcomes that are to be delivered. The matters identified on a structure plan typically include the following elements²³:
- (a) Key roading connections and collector road alignment;
 - (b) Key pedestrian/ cycle linkages where these routes are separate from road or open space corridors;
 - (c) Land to be set aside for stormwater basins;
 - (d) Land to be retained as open space as a form of hazard mitigation, for example waterway or coastal margins at high risk of flooding;
 - (e) Land to be set aside for public open space, noting that this can include both more formal recreation areas such as sports fields and areas with more natural/ ecological value;
 - (f) Sites of significant historic or cultural value;
 - (g) The general location of local commercial/ community hubs and schools (if proposed);
 - (h) The general location of more intensive pockets of medium density residential development (if any), and commentary demonstrating how the minimum density yield across the block will achieve the WRPS yield requirements for greenfield areas;
 - (i) Setbacks, buffer areas, or larger lots to maintain adequate separation between new residential areas and existing activities such as industry, regional infrastructure, mineral extraction, or intensive farming operations;
 - (j) Any site-specific features or values that require a more bespoke response.
105. The National Planning Standards do not include a template for structure plans. In my experience, effective structure plans can be delivered in a manner that is relatively succinct and should be able to show the necessary information on one or two maps, with no more than 2-4 pages of narrative setting out the key outcomes and addressing any area-specific features or issues that need particular consideration.
106. In my experience with other district plans, once a structure plan has been incorporated into the district plan, subsequent subdivision applications need to demonstrate that they are in general accordance with the structure plan as a performance criteria, noting that subdivision consents generally have a restricted discretionary activity status. Where a proposed subdivision layout does not give effect to an applicable structure plan then the activity status shifts to being fully discretionary to enable the consenting authority to consider all relevant matters arising from the change in layout. It is accepted that for large blocks especially, the optimal layout can change over time in response to varying market demand and/or refinement of the optimal routing for connections or network infrastructure. As such fully discretionary rather than non-complying activity status is considered to be appropriate for subdivision layouts that do not align with a structure plan.
107. In the absence of many structure plans being included in the Proposed Plan as notified, in my view the Panel are therefore faced with four options when considering rezoning submissions:
- 1) To rezone blocks without an associated structure plan. Such an approach may be warranted where the block is relatively small in size, is isolated from other growth areas

²³ These matters also align with the outcomes sought in Policies 4.7.2-4.7.11 in the Proposed Plan as notified.

(and therefore there is no cumulative need to align the form and connections of what will ultimately form one large growth area), and where there are obvious existing connections to the adjacent urban area such that a structure plan will provide little additional direction or value. A structure plan may not be necessary where a growth area is under single ownership and has clearly defined boundaries such that a coherent layout can be determined through the subdivision consent process without the need for coordination between landowners. Such situations may well apply to the growth areas included in the Proposed Plan as notified;

- 2) Submitters, through evidence, collaborate to progress a single coherent structure plan for their combined growth areas. This approach enables these structure plans to be refined (if necessary) through the hearings process and incorporated into the District Plan through decisions. Careful consideration will need to be undertaken on a case-by-case basis regarding scope and whether third parties such as neighbours might have an interest (or be affected by) a specific structure plan layout that goes beyond the original submission scope that simply sought an urban zoning. In short, whilst neighbours might be accepting of the general proposition that the site next door becomes residential, they may not be so supportive of having the main collector road being located directly opposite their dwelling (as an example);
- 3) Live-zoning of the block is deferred, with the site having a FUZ zone in the meantime pending the development of a structure plan, with the structure plan incorporated into the District Plan (and the FUZ changed to an appropriate live zone) through a separate plan change process.
- 4) A possible fourth pathway it is to design matters of discretion that would attach to a future subdivision consent application and that require the provision of a structure plan to be approved by Council as the first stage in a subdivision consent process. Alignment of future stages with the structure plan could then form part of subdivision consent conditions or consent notices on the balance lot titles (for any elements requiring ongoing provision).

108. In my view the first three of options all have merit, with their application depending on the Panel's findings as to the most appropriate pathway for any given block, noting that structure plans may not be necessary for live-zoned blocks under single ownership and with clear physical boundaries.

109. It is appreciated that having to undertake a subsequent plan change and the associated costs and delays inherent with that process is likely to be unappealing to submitters. It is important to emphasise that such a pathway is only being recommended where structure plans do not currently exist or are unable to be provided by submitters as part of their evidence i.e. design of the growth area has not progressed beyond a general desire for it to have some form of urban zoning or a mix of uses such as residential and commercial and the locations of these (and therefore their ultimately zoning) is yet to be resolved). The recommended approach is essentially the same as the long-established approach in the Franklin section of the Operative Plan that requires structure plans to be in place via a plan change prior to urban subdivision of a growth area occurring. It also provides a mechanism for the more detailed design of the key elements of the growth area to be progressed through a process that includes community and iwi consultation and enables any more detailed site-specific issues or constraints to be resolved. That said, the subsequent plan change should be relatively narrow in scope with a focus on structure plan layout and should not relitigate the principle of the site being urbanised, as the decision to rezone it to a FUZ is to be made on a 'first principles' basis through this District Plan Review process with suitability considered against the NPS-UD direction, WRPS including Policy 6A matters, and internal consistency with the growth management policies of the Proposed Plan.

110. The relatively recent 2017 amendments to the RMA introduced a streamlined process for undertaking plan changes. Rather than proceeding through a normal process as set out in the First Schedule, the council applies to the Minister to use the streamlined process. If the Minister agrees that the streamlined process can be used then submissions are considered by the Minister (without a hearing), and a decision issued with no rights of appeal except on points of law.
111. In order to be accepted by the Minister for processing, the plan change proponent is required to demonstrate that the change meets at least one of the eligibility criteria²⁴. The applicant is also required to demonstrate why a streamlined process is necessary relative to using the standard First Schedule process²⁵. Whilst such an assessment will necessarily be case-specific, as a general proposition I am cautious that the inclusion of a structure plan for a growth area would meet the eligibility criteria, particularly that relating to the need for a streamlined versus standard process. It is therefore likely that a subsequent plan change to incorporate a structure plan will need to follow the standard First Schedule process.
112. The fourth option of approving a structure plan via some form of certification or resource consent process is potentially more challenging to successfully implement. I am not aware of a vires method to include a structure plan within the District Plan without following a statutory plan change process. I am aware of examples in other District Plans whereby a deferred urban zoning is uplifted or 'turned live' via Council resolution, however the trigger for this occurring is more typically confirmation that network infrastructure capacity is now available, rather than approving a structure plan. This leaves approval via a resource consent as the available process.
113. The primary attraction of such an approach is that it avoids the costs and time delays inherent in having to undertake a plan change process to incorporate the structure plan within the District Plan. The challenges with such an approach are that first such a process provides limited opportunity for public input (unless the subdivision consent application is publicly notified) and associated transparency in decision-making of what are significant additions to existing townships. Some form of 'certification' of the structure plan by council staff (or commissioner) under delegation in my view creates potential issues in terms of robust, equitable, and transparent decision-making which are all matters that are readily resolved through the alternative of a plan change process. Secondly, in the event that a structure plan is 'approved' it results in limited ongoing visibility of the structure plan as it is located as part of a consent application²⁶ rather than forming part of a readily searchable District Plan which is required by the NPS to be publicly available on-line. Alignment of future stages of balance lots against structure plans that formed part of earlier consent processes can also result in a series of condition variations²⁷ that can become challenging to administer over time as the variations accumulate and blocks change hands.
114. I am aware that Waipa District Plan has incorporated such an approach whereby deferred zones are able to have their deferral uplifted through certification of a structure plan through a resource consent process. This approach has been found by Waipa Council to be challenging to administer and is delivering uncertain outcomes. Waipa Council are in the process of

²⁴ As set out in s80C(2).

²⁵ s80B(1)

²⁶ Approved resource consents are public documents, however the general public need to know that the consent exists and have to go through an administrative process to obtain a copy of the approved consent documentation. Whilst by no means insurmountable, and copies of approved consents could be made available on the Council website, the structure plan is nonetheless less readily available than if it forms part of the District Plan.

²⁷ Made under s.127 RMA

progressing Plan Change 13²⁸ which has the explicit purpose of removing the consenting pathway, and instead is establishing a framework that requires future growth areas to go through a plan change process by which structure plans and infrastructure are able to be confirmed.

115. On balance I have not therefore recommended such an approach. If submitters are aware of provisions or examples of processes in other District Plans where the approval of a structure plan via resource consent or other mechanisms rather than plan change has worked successfully then I am open to considering such and responding via evidence. This is especially the case for greenfield blocks where servicing is expected to be available within the next ten years and the lack of a structure plan is the only impediment to confirming a live urban zone.

Recommendations regarding structure plans

116. The following is recommended regarding structure plans:

- 1) That structure plans be required to be included in the District Plan as the default approach for new growth areas. This means that through the District Plan Review process for 'live-zoned' growth areas a structure plan forms part of the decision. Structure plans are not required for a FUZ (see below recommendations);
- 2) That as an exception, a structure plan may not be necessary where the growth areas are under single ownership with clearly defined boundaries and it can be demonstrated through evidence and the hearings process that a structure plan is not needed in order to achieve an integrated urban form or coordinate development outcomes across different landholdings;
- 3) For future plan changes (post-District Plan Review), either they will be to change a FUZ to an urban zone, or they will be seeking to go straight to a live zone and therefore the need for a structure plan can be considered through that process. The scope of this s42a report is on the need for a FUZ. The Chapter 4 policy framework on urban growth would benefit from an additional policy requiring structure plans to be in place in order to provide direction for future plan changes that are not seeking a FUZ (and therefore will not be subject to the FUZ-specific policy framework). Policy 2.2 recommended below regarding structure plans may be equally applicable to Chapter 4 in this regard;
- 4) That structure plans be put forward by submitters in evidence for consideration, with commentary explaining the design rationale and consistency with original submission scope. The structure plan should identify (as relevant) the matters set out above and Policy 1.4 below (see recommended text changes at the end of the next section);
- 5) Where adjoining growth areas are proposed, ideally the parties would liaise to develop a coherent structure plan for the entire growth area, however in the event that such does not occur it may still be possible for a coordinated plan to be developed through the s42A reporting, rebuttal, and decision-making stages;
- 6) That in the absence of a structure plan, and where the exemption in recommendation (3) above does not apply, that blocks not be rezoned to a live urban zone in the absence of a structure plan. Such blocks may be appropriate to be identified as a Future Urban Zone (discussed in more detail below), and will need to go through a separate plan change process to have a structure plan incorporated into the District Plan and be rezoned to a fully urban zone to enable development.

²⁸ <https://www.waipadc.govt.nz/our-council/waipadistrictplan/wpdc-variations/current-plan-changes/proposed-plan-change-13>

- 7) That where a structure plan is incorporated into the District Plan, subdivision consent applications be subject to a performance criteria regarding their alignment with that structure plan as a restricted discretionary activity. Where alignment is not achieved, the subdivision consent is subject to a fully discretionary assessment. Chapter 4 policies and associated zone-specific subdivision provisions considered in other hearings may need refining to ensure they direct implementation.
- 8) The Proposed Plan is currently structured such that each urban zone has its own set of subdivision provisions. As such the text to implement recommendation (7) will need to be incorporated into the subdivision provisions for every 'live' urban zone that is applied to a greenfield growth area²⁹.
- 9) Generic wording to be added to the general subdivision rule as follows:

<u>RDX</u>	<p>(a) <u>Subdivision must comply with all of the following conditions:</u></p> <p style="text-align: center;">...</p> <p>(x) <u>The subdivision is to be in accordance with any applicable structure plan in appendix XX.</u></p>
<u>DX</u>	<u>Subdivision that is not in accordance with an applicable structure plan.</u>

Infrastructure capacity

117. The higher order documents that the District Plan is required to give effect to provide a clear and consistent direction that growth areas are to be appropriately serviced and that certainty as to serviceability needs to be in place prior to these areas being rezoned for urban activities. Such certainty can be delivered either through demonstrated existing capacity being available, programmed spending for necessary upgrades being included in the LTP within a ten year timeframe for head works and trunk infrastructure (with local connections typically being developer-funded), or confirmation that developer-led funding or provision is able to be delivered through other methods as part of the plan change process.
118. The infrastructure network *within* new greenfield blocks is typically constructed by the developer and is then generally vested with Council who is subsequently responsible for its long-term maintenance (funded by ongoing rates). Whether or not there is sufficient network capacity available to service new growth areas is therefore more of a downstream issue to do with the functioning of the wider roading network or larger three-waters facilities such as sewage treatment plants, reservoirs, or large stormwater basins. The Waikato District Council's development contributions policy under the Local Government Act³⁰, requires the developer of new residential units (or commercial/ industrial properties) to pay a development contribution to Council. These contributions are to fund the additional demand placed on network infrastructure by the new development – in short they are a tool to ensure the costs of growth are paid for by those who create the demand for the additional infrastructure and services. Whether or not they are sufficient in themselves to fully pay for the costs of growth

²⁹ Under the current Proposed Plan structure. The National Planning Standards require a structure where subdivision provisions for all zones are located in a stand-alone subdivision chapter. Depending on the final structure of a consolidated subdivision chapter it may be that a single set of general provisions is provided for all urban zones in which case the rule proposed in (8) above simply needs to be incorporated once into the general provisions.

³⁰ S.102 LGA 2002

or whether they need to be supplemented is a balance that is determined through the LTP process.

119. Development contributions are required to be paid prior to a certificate being issued under s224 RMA and as a precursor to titles being released. Growth areas are usually developed in stages in response to demand and buyer uptake, with subdivision consents (and the payment of development contributions) also occurring in stages. The downstream network capacity however has to be delivered in advance of the block being subdivided, to ensure that the capacity is available when the local network connections are created. This means that there either needs to be existing capacity in the wider network as a result of past funding decisions and infrastructure construction, or the Council has to 'act as banker' by borrowing to fund new infrastructure capacity in anticipation of these borrowing costs being recouped through the receipt of development contributions as the land is developed in stages in the future.
120. The speed by which borrowing costs can be recouped through development contributions (and commensurate reduction in the cost of borrowing) obviously improves the quicker the land is developed i.e. if infrastructure is to be funded and provided to service 100ha of residential greenfield land, then the sooner 100ha is developed the sooner the development contributions are received, debt can be repaid, and the money recycled to other projects. As development contributions are not used to cover borrowing costs, as an alternative developer agreements can be entered into that commit the developer to help fund the borrowing costs to bring forward infrastructure investment to facilitate urban development.
121. Slower than anticipated build-out of growth areas also means that surplus infrastructure that is provided but not used still needs to be maintained (and depreciation costs booked), but will not be generating rates income to fund such maintenance.
122. The amount of new infrastructure that has to be funded, and the speed at which land is subsequently taken up and debt repaid, is directly linked to the staging and the overall quantum of 'live zoning'. The NPS-UD requires adequate zoned, infrastructure-ready and market-feasible capacity to be available to meet anticipated short-medium term growth, including a 20% buffer. In order for land to be zoned, plausible servicing (and funding) needs to be in place, yet too much zoned land means that surplus infrastructure over and above what is necessary needs to be funded, with debt repayment slowed through uptake being spread over a wider geographic area and time period. In order for growth to be efficiently managed, the quantum of zoned and serviced land needs to be sufficient to meet NPS-UD obligations, but should not be unduly in excess of anticipated demand in order to manage the cost of providing infrastructure that is in excess of what is required.
123. The LTP is to cover a ten year period, and is subject to a rolling review every three years. The separation of rezoning decisions made under the Resource Management Act, and the funding of the infrastructure necessary to facilitate land development under the Local Government Act can lead to a chicken and egg stand-off where land is not rezoned through an RMA process without certainty that the necessary infrastructure can be funded through the LTP, and conversely such infrastructure funding is not allocated in the LTP without certainty that the land will be rezoned and the infrastructure required. One of the purposes of Waikato 2070 and the associated demand and capacity modelling is to provide this longer-term direction to inform LTP processes.
124. Integration of zoning decisions with infrastructure provision, and sequencing/ staging of land development to match the timing of provision of infrastructure therefore needs to be carefully managed. The need for coordination between LTP and District Plan processes is recognised in the NPS-UD which requires Tier 1 Councils to develop a 'Future Development Strategy' ('FDS') to identify capacity over the long-term (30 year period) for the District's urban

environments³¹. The FDS is to be reviewed every three years to align with the three-yearly rolling review of the LTP. By linking the two processes the intention is that Districts will be in a position to identify capacity need, the spatial location where such need will be provided for, and programme the infrastructure necessary for enabling the land in question to be developed.

- I25. Whilst prepared prior to the NPS-UD being gazetted, and set over a 50 year rather than 30 year timeframe, Waikato 2070 seeks to achieve alignment between the geographic location of growth (RMA decision-making) and infrastructure provision (LTP budget setting). It is anticipated that as required by the NPS-UD, Waikato 2070³² is intended to be reviewed within 3 years on a rolling basis, with the first review to ensure Waikato 2070 is aligned with the NPS-UD requirements for a FDS.
- I26. In short, for new urban zones to integrate with infrastructure, there needs to be:
- sufficient capacity within the existing trunk networks; or
 - the developer is able to demonstrate how any network capacity constraints beyond the site can be separately funded outside of existing LTP budgets; or
 - additional capacity is programmed within existing LTP budgets and is construction-plausible within a short-medium timeframe. Provision within a three year timeframe aligns with ‘short-term’ in the NPS-UD. Provision within 3-10 years aligns with the ‘medium term’ in the NPS-UD, the anticipated ten year life of a District Plan, and the ten year timeframe for LTPs. The short-term growth areas show in Waikato 2070 and Future Proof 2017 provide a useful guide as to areas where such capacity is anticipated as being available.
- I27. Where trunk infrastructure capacity does not currently exist, but is programmed to be delivered within a ten year/ current LTP timeframe, then ‘live-zoning’ is considered to be appropriate, noting that LTP funding is on a township/ trunk infrastructure basis rather than being tagged to specific blocks of land. LTP inclusion provides a clear signal that the land will be serviced and therefore capable of physical development within the life of the District Plan, and enables certainty that Council can move towards the NPS-UD capacity requirements being met through land being both ‘plan-enabled’ and ‘infrastructure-ready’. The draft 2021-2031 LTP and associated asset management plans are all based off the land use pattern in Waikato 2070 and associated capacity / growth data on a township basis.
- I28. Live zoning creates the understandable expectation from landowners that urban development of their land will be able to be plausibly undertaken within the short-medium term, albeit that it may be several years before the network capacity is available. Conversely, where existing capacity does not exist and is not programmed to be delivered within ten years, then rezoning such land for urban purposes sends very mixed messages to the landowner and the surrounding community regarding reasonable expectations of development rights and timeframes. Such rezoning can help to put pressure on future LTP processes to allocate more funding for infrastructure, but carries with it considerable risk that the LTP process will prioritise other funding demands (or alternatively does indeed enable urban growth to be funded but at a cost of other (perhaps more necessary) projects being deferred. It also does not give effect to the clear direction in the higher order documents to ensure that sufficient zoned capacity is integrated with infrastructure delivery processes.

³¹ Townships over 10,000 in population

³² As an alternative, rather than reviewing W2070, it may be that the same outcome can be achieved via a Future Development Strategy undertaken in association with neighbouring Councils as part of the Future Proof work programme.

Recommendations regarding infrastructure availability

129. The following is recommended regarding infrastructure capacity:

- 1) Live-zoning is appropriate from an infrastructure perspective where it can be demonstrated in evidence that either sufficient infrastructure capacity (roading and three waters) currently exists for trunk and head works/ treatment facilities; or is programmed to be delivered within the current LTP over the coming decade; or is able to be funded by the developer³³;
- 2) That recommendation (1) is dependent upon the zone-specific subdivision policies and rules including clear direction that subdivision is to only occur where reticulated services are available³⁴;
- 3) Conversely, where the roading and three waters trunk infrastructure is not currently available, and cannot be demonstrated to be made available within a ten year timeframe, then the land should not be rezoned to a 'live' urban zone. Rezoning to a FUZ may however be appropriate, as discussed below. This scenario could apply to both new sites sought by submitters, and potentially to rural sites shown to be rezoned in the Proposed Plan as notified and where no structure plans or plausible servicing exists³⁵.

Future Urban Zones – an alternative zoning option where structure plans and/or infrastructure delivery is unresolved

130. As noted above, neither the Operative nor the Proposed Plan contain provisions for a 'Future Urban Zone (FUZ)'. The closest both Plans come is with the Hamilton Urban Expansion Area overlay which places additional policies and rules over the Rural Zone for identified blocks adjacent to Hamilton. This suite of policies and rules is aimed primarily at preserving urban growth potential until such time as the land in question is transferred into Hamilton City's territorial boundary, whereby responsibility for subsequent rezoning from rural to urban will sit with Hamilton City Council. The Franklin Section limitations on subdivision of growth areas prior to the development of a structure plan likewise has some parallels with a FUZ.

131. In providing for urban growth, there are a range of tools available, with these tools located along a continuum depending on the level of certainty and the anticipated time frames for that growth to occur within. This suite of planning tools can be summarised as follows:

- 1) Rezoning a greenfield rural block with an urban zone such that urban development is enabled now (or within the ten year life of the District Plan). This tool is suitable for areas where the growth areas meets wider policy criteria regarding suitability for urbanisation and there is certainty regarding the appropriate built outcome e.g. suburban residential, and there are no servicing or other impediments that cannot be plausibly overcome in the short-medium term;
- 2) Rezoning a greenfield block with a deferred urban zone, that can be 'turned live' and the deferral uplifted once a rule hurdle or some other form of specified pre-requisite has been overcome. An example of such a rule might be confirmation that network infrastructure can be provided, or potentially the approval of a structure plan, noting the above concerns regarding implementation of a structure plan via a consent process. This tool is useful for areas where there are discrete issues that are able to be plausibly overcome within the ten year life of the District Plan and where there is

³³ Local network connections are typically provided by the developer and as such local capacity does not need to be confirmed, rather it is capacity (or funding) for trunk and head works/ treatment plants that needs to be demonstrated.

³⁴ From my review of the proposed subdivision provisions for the main urban zones such direction and matters of discretion are included in the text as recommended in s42a reports

³⁵ For example as discussed in Hearing 6 (Village zones)

a robust and transparent process for confirming when the rule hurdle/ constraint has been resolved;

- 3) Providing a greenfield block with a 'Future Urban Zone' for sites where urbanisation over a 10-20 year timeframe meet wider policy criteria regarding suitability for urbanisation, but where in the short to medium term constraints exist that would prevent 'live' zoning, such as the absence of programmed network infrastructure and/or a structure plan. FUZ provisions can take the form of either an overlay that is applied to a rural zone, or a Future Urban Zone in its own right, albeit that many of the zone provisions could mirror those of a rural zone. Either way, urbanisation can only occur following a subsequent plan change process to change the zoning.
- 4) Retaining a rural zoning in cases where there is too much uncertainty regarding the timing of infrastructure provision, and/or the suitability of the block does not meet wider policy criteria regarding suitability for urbanisation.

132. A fifth option was considered as part of the Village Zone subdivision provisions applying to proposed growth areas in Tuakau and Te Kowhai (addressed in Hearing 6). The Proposed Plan as notified included a transitional mechanism whereby these large greenfield areas could be developed as large lots (>3,000m²) on septic tanks, with the lot layout to enable later intensification when reticulated services became available. In my s42A report for that hearing, and in response to submissions opposing such a transitional approach, I identified that a transitional approach would potentially give rise to the following issues:

- (a) Ad hoc development and individual subdivisions where integration and connection between large blocks in different ownership is sub-optimal;
- (b) The challenges of right-sizing infrastructure such as water supply, parks, footpaths, and roads for 3,000m² lots that are also suitable for subsequent 800m² lots. Either infrastructure is oversized (and expensive) for the initial low density community and or it will need to be upgraded and retrofitted at a later date;
- (c) A poor urban design, as the optimal layout for 3000m² lots versus 800m² lots would be quite different;
- (d) Tension between residents that are seeking a rural country living environment versus those that will further subdivide;
- (e) Discordant character outcomes where some sites are infilled to suburban densities whilst others are kept at low densities;
- (f) Difficulty transitioning wastewater servicing from on-site treatment and disposal (or small package-plants) to a reticulated system.

133. Given these identified issues I recommended that the sites be rezoned to Village Zone to signal that urbanisation was appropriate in principle, but with a 'Village Future Urban Density Precinct' overlay and an associated subdivision rule that limits subdivision to Rural Zone densities until such time as reticulated infrastructure is made available. Once such services are in place subdivision could occur to Residential Suburban densities to better give effect to the densities required in the WRPS for greenfield growth areas adjacent to Waikato District villages and to enable much more efficient use of rural land and a more coherent urban form. The mechanism for activating the zone to urban densities was similar in concept to that described in pathway (2) above.

134. As a general principle, I remain of the view that large lot, serviced development as a transitional pathway to future urbanisation does not give effect to the clear direction on urban growth in the WRPS. Village Zones (and Country Living Zones) should be an 'end state' zoning where their large lot character is expected to be maintained, rather than being used as a non-serviced transitional pathway to higher densities.

135. When I reported on the Village Zone, I made my recommendations on the basis that at that time FUZ provisions were not available as an alternative zoning option. The recommendations likewise preceded the NPS-UD being gazetted. The merit of introducing a FUZ or similar mechanism was raised in questions by the Panel as a matter warranting further consideration.
136. This report and assessment of associated submissions has provided the opportunity for that consideration. Given that a FUZ is considered to be a reasonable method, with clear submission scope being available for its importation into the District Plan, it is recommended that the large greenfield growth areas around Tuakau and Te Kowhai may well be more appropriate as a FUZ rather than Village Zone³⁶. Once servicing and structure plan are in place it may also be that the most appropriate long-term zone is a Residential rather than Village Zone to enable a straight transition from rural to suburban densities, thereby avoiding the transitional issues identified in my earlier report and enabling the Village Zone to genuinely reflect the outcomes sought for existing (often non-reticulated) small settlements rather than being a large-scale greenfield growth pathway. Specific assessment on this matter will form part of the upcoming s42a reports on these two townships
137. LTPs are required to be reviewed every three years. As such I consider that there is merit in clearly identifying in the District Plan blocks are potentially suitable for urban development in a 10-20 year timeframe. This enables provision to be made in later LTPs for the necessary infrastructure to be provided in a staged manner, and provides some certainty regarding the long-term direction of township growth. A FUZ likewise provides time for structure plans to be developed and a plan change process undertaken once constraints have been overcome. A FUZ also assists Council in demonstrating that its planning processes give effect to the NPS-UD requirements to take a long-term view of capacity.
138. Where infrastructure (and the need for the land to meet capacity) is more than 20 years away, then the site should simply retain a rural zoning as the timeframe is in my view too long for future development to be anticipated with any certainty, and the 'holding zone' nature of the FUZ becomes more onerous the longer the additional rural restrictions are in place with no prospect of urbanisation occurring in the near future.
139. I have drafted potential FUZ provisions as a stand-alone zone, albeit that much of the rule framework simply reflects the Rural Zone provisions (and in particular the rule framework that applies to the Hamilton UEA area). A key consideration in terms of the proposed activity controls is to enable ongoing rural activities, and activities that would not unduly prejudice future urbanisation. Conversely activities that are of a scale or nature that have the potential to frustrate or are not compatible with urban environments are subject to a more restrictive activity status.
140. As a holding zone, the proposed rule package simply borrows the 'Land use – effects' and 'land use – buildings' rules that apply to the Rural Zone and that manage matters such as noise, glare, earthworks, signage, heritage, and building bulk and location controls. To minimise report length and complexity, the recommended zone provisions below do not therefore contain lengthy sections which would simply be a copy and pasted from the Rural Zone provisions. It is anticipated that the FUZ will be a self-contained zone with the full suite of rules in a structure that is consistent with that adopted for other zones. It is simply a drafting efficiency that the thematic rules applying to the FUZ are whatever those that the Panel determine to be appropriate for the equivalent provision in the Rural Zone. A drafting note to this effect is included in the below recommended FUZ provisions.

³⁶ There is some procedural overlap between the consideration of submissions on the transitional density approach in the notified Village Zone provisions considered as part of Hearing 6, and the geographic application of zone boundaries (be them Village, FUZ, Rural, or Residential) which will be determined through the upcoming township-based rezoning hearings.

141. The proposed subdivision rules are designed to maintain future development potential through minimising land fragmentation through further ad hoc subdivision. The creation of new lifestyle blocks is considered to be incompatible with coherent urban growth management. As such the Rural Zone minimum lot size of 40ha is recommended, without the ability to create an additional small 'child lot'. Conservation and rural hamlet small lot subdivision pathways are likewise not considered to be appropriate for areas where full urbanisation is anticipated within a 10-20 year timeframe.
142. Evidence was received from CDL Land New Zealand Ltd³⁷ regarding the Hamilton UEA and associated subdivision rules in the Rural Zone Hearing. CDL's key area of concern was that within identified long-term growth areas land development companies need a reasonable lead-in time to acquire landholdings to enable comprehensive development to occur. A key method for acquiring land is to be able to enable the current landowners to remain in their existing dwelling on a small lot. I agree with this submitter that enabling consolidation of land into fewer landholdings/ ownership is a key means of facilitating future urban growth in an integrated and coherent manner. The proposed subdivision rules for the Future Urban Zone therefore include an exemption from the general approach of limiting fragmentation through providing two pathways by which landholdings can be consolidated. The first pathway is via enabling boundary adjustments, which is a form of subdivision that is generally enabled across the various zones. Boundary adjustments are however only an option where the land developer also owns an adjacent title to the block they are seeking to acquire.
143. The second proposed pathway is to enable the creation of a 'development consolidation lot' through providing for an additional lot to be created around an existing dwelling. In order to minimise land fragmentation and to enable as large a landholding as possible for future urbanisation, it is proposed that the new house lot can be as small as 1,000m² (noting that future further subdivision may be possible/ appropriate once an urban zoning is confirmed) and as such is of a size that can be readily integrated into a suburban neighbourhood in the future. The balance lot is to be subject to a consent notice being placed on the title to prevent an additional dwelling being established until such time as the balance is rezoned to an urban zone. This pathway therefore enables land developers to gain control over large blocks of land, existing landowners to remain in place in their homes, and future development potential maintained through not enabling additional dwellings on the new title.
144. Subdivision involving sites with natural or cultural values, and the standard set of subdivision rules relating to matters such as road frontage length and waterway setbacks/ esplanade reserves are recommended to simply repeat the Rural Zone rules on these matters.

Recommendations

145. It is recommended, for the reasons given above, that the Hearings Panel:
- 1) Introduce a Future Urban Zone as a stand-alone zone;
 - 2) The FUZ provides a zoning option that could be applied to blocks that meet the policy tests but where no structure plan is in place and/or capacity is not plausible within the next 10-15 years.;
 - 3) The FUZ is intended to function as a holding zone. As such the focus of provisions is on enabling general rural activities and conversely controlling activities that could prejudice future urbanisation;
 - 4) That it is anticipated that a further plan change process will have to be undertaken in the future to incorporate a structure plan within the District Plan, change the zoning to an appropriate urban zone and to confirm that network services are able to be provided.

³⁷ Submitter #612 as part of Hearing 18

- 5) It is recommended that those submissions (and further submissions in support) seeking the introduction of a FUZ into the District Plan be accepted and those in opposition rejected. In making this recommendation it is noted that the geographic extent of a FUZ will need to be determined on a township-by-township basis through the upcoming hearings. It is also noted that amendments to the Chapter 4 policies regarding growth management more generally are outside the scope of this report (and therefore some submissions relating to wider growth management matters are only accepted in part). The FUZ zone simply provides another zoning tool to address growth management issues relating to integration and layout.

Recommended amendments:

Chapter X: Future Urban Zone

Objective 1 – Maintain future urban potential

- (a) Identify and protect areas adjacent to existing urban areas in order to maintain the opportunity to accommodate future urban growth in a comprehensive manner.

Objective 2 – Urban Growth Integration

- (a) Provide for the long-term expansion of urban areas that results in a connected and integrated urban form and that is able to be serviced by reticulated network infrastructure.

Policy 1.1 – Transition to an urban zone

- (a) Provide the Future Urban Zone as an interim zone to maintain development potential until such time as a plan change is undertaken to confirm the long-term urban zoning for the growth area. The plan change is to include the following:
- (i) Confirmation that transport infrastructure and reticulated water, stormwater, and wastewater services are able to be provided;
 - (ii) A structure plan is prepared and incorporated into the District Plan in accordance with Policy 1.4 below.

Policy 1.2 – Manage subdivision and activities within the Future Urban Zone

- (a) Manage activities to ensure that the ability to develop the area for urban purposes is not compromised;
- (b) Manage subdivision to ensure that future urban development is not compromised through:
- (i) Minimising the creation of additional lots that are smaller than 40ha, unless where directly associated with utilities, network infrastructure, or a development consolidation lot;
 - (ii) Enabling subdivision boundary adjustments and relocations;
 - (iii) Encouraging the consolidation of landholdings into single ownership to facilitate long-term comprehensive urban development by enabling the subdivision of an existing Record of Title to create one new title around an existing dwelling where the balance of the existing lot is subject to a consent notice on the Record of Title preventing further dwellings until such time as the Future Urban Zone is rezoned to a long-term urban zoning.

Policy 1.3 – Maintain Rural Character

- (a) Within the Future Urban Zone:

- (i) maintain existing rural activities, residential unit density and character as anticipated in the Rural Zone;
- (ii) Avoid activities where they have the potential to compromise future urban development, including intensive farming, forestry, and extractive industry.

Policy I.4 – Structure Plans

- (a) Urban subdivision and development is to be in accordance with a structure plan that has been incorporated into Appendix XX of the District Plan through a Plan Change process. The structure plan is to show the following elements:
- i) Key roading connections, collector road alignment, and public transport facilities;
 - ii) Key pedestrian/ cycle linkages where these routes are separate from road or open space corridors;
 - iii) Land to be set aside for stormwater basins;
 - iv) The mitigation of any natural hazards, geotechnical issues, or soil contamination;
 - v) Land to be set aside for public open space;
 - vi) How any existing natural, ecological, or landscape values are to be maintained or enhanced;
 - vii) How any significant historic or cultural values are to be maintained or enhanced;
 - viii) The general location of local commercial/ community hubs and schools (if proposed);
 - ix) The general location of more intensive pockets of medium density residential development (if any);
 - x) For residential developments, demonstrate how the minimum yield required in the Waikato Regional Policy Statement is to be achieved;
 - xi) How potential conflicts between new residential areas and existing industry, regional infrastructure, mineral extraction, or intensive farming operations will be mitigated including the use of setbacks, open space, or large lots to create a buffer area;
 - xii) Any staging necessary to ensure development achieves a good urban form and is able to be serviced

Chapter X: Future Urban Zone

- (1) The rules that apply to activities in the Future Urban Zone are contained in Rule xx.I Land Use – Activities.
- (2) The rules that apply to subdivision in the Future Urban Zone are contained in Rule xx.
- (3) The activity status tables and standards in the following chapters also apply to activities in the Future Urban Zone:
 - 14 Infrastructure and Energy;
 - 15 Natural Hazards and Climate Change (Placeholder).
- (4) The following symbols are used in the tables:

- PR Prohibited activity
 P Permitted activity
 C Controlled activity
 RD Restricted discretionary activity
 D Discretionary activity
 NC Non-complying activity

XX.1 Land Use – Activities

Rules XX.1.1 – XX.1.6 – Permitted to prohibited activities

XX.1.1 – Prohibited activities

PR1	There are no prohibited activities
-----	------------------------------------

Rule xx.1.2 – Permitted Activities

- (1) The following activities are permitted activities if they meet all the following:
- (a) Activity-specific conditions;
 - (b) Land Use – Effects rules in Rural Zone Rule 22.2;
 - (c) Land Use – Building rules in Rural Zone Rule 22.3.

Activity		Activity specific conditions
P1	Farming	Nil
P2	A Marae Complex or Papakainga Housing Development on Maaori Freehold Land or on Maaori Customary Land are subject to the rules on these matters set out in Chapter X ³⁸	Refer Chapter X (Tangata Whenua)
P3	A temporary event	<ul style="list-style-type: none"> (a) The event occurs no more than 6 times per consecutive 12 month period; (b) The duration of each event is less than 72 hours; (c) It may operate between 7.30am to 8:30pm Monday to Sunday; (d) Temporary structures are: <ul style="list-style-type: none"> (i) erected no more than 2 days before the event occurs; (ii) 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; (f) There is no direct site access from a national route or regional arterial road.
P4	Cultural event on Maaori Freehold Land containing a Marae Complex	Nil

³⁸ P2 and P4 are subject to the Panel's decisions regarding Hearing 4, with Maaori matters potentially shifting to their own chapter.

P5	A home-business	<p>(a) It is wholly contained within a building;</p> <p>(b) The storage of materials or machinery associated with the home occupation is either wholly contained within a building, or where outside occupies no more than 100m² of site area and is located where it is not visible from other sites or public roads;</p> <p>(c) No more than 2 people who are not permanent residents of the site are employed at any one time;</p> <p>(d) Unloading and loading of vehicles or the receiving of customers or deliveries only occur after 7:00am and before 7:00pm on any day;</p> <p>(e) Machinery can be operated after 7:30am and up to 7:00pm on any day;</p> <p>(f) The home business shall not occupy more than 200m² in total within buildings and outdoor storage areas.</p>
P6	Produce stall	Nil
P7	Home stay	(a) Have no more than 5 guests.
P8	Equestrian Centre	Nil
P9	Horse Training Centre	Nil
P10	Visitors' Accommodation	<p>(a) Have no more than 5 guests; and</p> <p>(b) Be within a building that was existing as at (<i>insert date of decision</i>).</p>
P11	Residential	Nil
P12	Emergency services training and management activities	Nil
P13	Conservation activity	Nil
P14	Childcare	(a) Have no more than four non-resident children.
P15	Forestry where limited to the harvesting of existing forests	(a) Be undertaken in accordance with Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. Where compliance is not achieved with the permitted activity standards in the NES, then the activity is subject to the activity status as set out in the NES
P16	Construction, demolition, additions or alterations to a building	Nil

XX.1.3 Restricted Discretionary Activities

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

Activity		Matters of Discretion
RDI	Emergency service facilities	(a) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> (i) effects on rural character and amenity, (ii) location, type and scale of development; (iii) nuisance effects including: light spill and glare, odour, dust, noise; (iv) traffic effects.

XX.1.4 Discretionary Activities

(I) The activities listed below are discretionary activities.

D1	Any permitted activity that does not comply with one or more of the an activity specific condition in RDISI.2
D2	Education facilities
D3	Community facilities
D4	A dog or cat boarding, daycare, breeding or training establishment
D5	Any other activity that is not listed as Prohibited, Permitted, Restricted Discretionary or Non-complying.

XX.1.5 Non-Complying Activities

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

NCI	<ul style="list-style-type: none"> (a) intensive farming; (b) storage, processing or disposal of hazardous waste; (c) correctional facility; (d) extractive activity; (e) industrial activity, including rural industry; (f) commercial activity, including rural commercial; (g) agricultural and horticultural research facilities; (h) motorised sport and recreation; (i) transport depot; (j) waste management facility; (k) forestry and afforestation not otherwise provided for in P15.
-----	--

Drafting note: FUZ provisions to duplicate the Rural Zone Rule 22.2 Land Use – Effects and Rule 22.3 Land Use – Building rules.

XX.X Subdivision

Drafting note: FUZ provisions to duplicate the prohibited subdivision activities set out in Rule 22.4.1.1 in the Rural Zone.

- (I) The following rules provide for various types of subdivision in the Future Urban Zone
- (a) Rule XX.4.1.2 - General Subdivision
 - (b) Rule XX.4.1.3 - Boundary Relocation
 - (c) Rule XX.4.1.4 – Development Consolidation Lot

Drafting note: FUZ provisions to duplicate the Rural Zone Rules 22.4.1.2 to 22.4.1.3.

- (a) *Rule 22.4.1.3 – Subdivision of Maaori Freehold Land*
- (b) *Rule 22.4.2 Title boundaries (natural hazard area, contaminated land, significant amenity landscape, notable trees, intensive farming and aggregate extraction areas.*
- (c) *Rule 22.4.3 Title boundaries, SNA’s heritage items*
- (d) *Rule 22.4.4 Road frontage*
- (e) *Rule 22.4.5 Subdivision within identified area*
- (f) *Rule 22.4.6 Subdivision of land containing all or part of an Environmental Protection Area*
- (g) *Rule 22.4.7 Esplanade Reserve and Esplanade strips*
- (h) *Rule 22.4.8 Subdivision of land containing heritage items*
- (i) *Rule 22.4.9 Subdivision – building platform*

XX.4.1.2 General subdivision

RD1	<p>(a) Subdivision must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) The Record of Title to the allotment to be subdivided must be a minimum 80 ha in area and both the balance allotment and the new additional allotment must be a minimum 40 hectares in area. <p>(b) An exception to (a) is provided in Rule XX.4.1.4 where the creation of one additional allotment is to enable consolidation of landholdings to facilitate future urban development.</p> <p>(c) Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout and design including dimensions, shape and orientation of the proposed allotment; (ii) Potential for reverse sensitivity effects; (iii) Extent of earthworks including earthworks for the location of building platforms and accessways. (iv) The provision of infrastructure, including water supply for firefighting purposes, where practicable. (v) Effects on future urban development potential.
NC1	General subdivision that does not comply with any of the conditions of Rule XX.4.1.2. RD1.

XX.4.1.3 Boundary relocation

RD1	<p>(a) The boundary relocation must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) Relocate a common boundary or boundaries between two existing Records of Title; (ii) The Records of Title must form a continuous landholding; (iii) Not result in any additional allotments; (iv) Create one allotment of at least 1,000m² in area. <p>(b) Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout and design including dimension, shape and orientation of the proposed allotment; (ii) Potential for reverse sensitivity effects;
-----	---

	<ul style="list-style-type: none"> (iii) The provision of infrastructure, including water supply for firefighting purposes, where practicable; (iv) Effects on future urban development potential.
D1	A boundary relocation that does not comply with any of the conditions of Rule XX.4.1.3 RD1

XX.4.1.4 Development Consolidation Lot

RD1	<p>(a) Subdivision to create one additional allotment must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) The Record of Title to be subdivided must have been issued prior to <i>(insert date of decision)</i>; (ii) The Record of Title to be subdivided must have a net areas that is greater than 20ha; (iii) The proposed subdivision must create no more than one additional Record of Title; (iv) The additional Record of Title must contain a lawfully established residential unit existing as at <i>(insert date of decision)</i>; (v) The additional Record of Title must have a net site area between 1,000m² and 1ha; (vi) A consent notice or encumbrance must be registered on the Record of Title for the balance large lot that prevents the construction of any additional residential units on the balance large lot title until such time as a plan change has been undertaken and the site has an operative urban zone. <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) subdivision layout and design including dimension, shape and orientation of the proposed allotment; (ii) potential for reverse sensitivity effects; (iii) The provision of infrastructure, including water supply for firefighting purposes, where practicable; (iv) Effects on future urban development potential.
NC1	A subdivision that does not comply with any of the conditions of Rule XX.4.1.4 RD1

Section 32AA evaluation

146. The above assessment of submissions addresses the need (or not) for a FUZ in order to improve the overall effectiveness and efficiency of the District Plan provisions, along with the costs and benefits of the recommended changes. The below evaluation is therefore a summary and should be read together with the substantive discussion set out above, which together form the s32AA evaluation.

Effectiveness and efficiency

147. The recommended amendments to create a FUZ and the associated zone objectives and policies improve the direction provided at a policy level as to how urban growth is to be managed. As such they are considered to be more effective than the status quo notified suite of zones which only provides for either a 'live' urban zoning or rural zoning.

148. The creation of the FUZ better gives effect to the higher order direction provided in the NPS-UD and WRPS regarding the need for structure planning and the integration of urban growth with appropriate network infrastructure. Identification of a FUZ provides certainty to Council regarding its LTP budget-setting processes by clearly identifying areas where urbanisation is

anticipated in the medium term. This certainty enables Council to determine how best to fund and deliver infrastructure and overcomes the ‘chicken and egg’ conundrum that can occur through disconnected RMA and LTP processes whereby funding is not made available without zoning certainty, and conversely areas are not rezoned without certainty that infrastructure will be made available. As such it is more effective than the status quo of having either a live urban zone or a rural zone.

149. In short, without a FUZ in the ‘toolbox’, the Panel are faced with the choice of either keeping a potential growth area rural or live zoned. Retention of a rural zone is inefficient and ineffective in signalling its medium-term suitability for urban expansion and associated capacity and likewise carries the risk that inappropriate activities may establish in the meantime that would preclude or constrain future urbanisation. Conversely providing the site with a live urban zone in the knowledge that servicing is unlikely to be available for some years and where there is no certainty as to the design or layout of key urban elements is not efficient or effective in delivering high quality urban environments and sends mixed messages to both landowners and the community as to how and when the land is able to be developed. It also places significant onus on the subdivision consent process to determine an appropriate subdivision layout (which can be especially challenging when a block is developed in stages or by different landowners) and the capacity and adequacy of network services, especially when again such provision can often be more efficiently undertaken when servicing a wider growth area than an individual site.
150. The recommended FUZ policy framework provides clear direction as to the steps to be undertaken in order to shift from a FUZ to a live urban zone. This includes a plan change process in order to change the zoning, incorporate a structure plan into the District Plan and to include site-specific rules if necessary to address more detailed matters. Having to undertake a subsequent plan change is an effective process with clear statutory requirements. It is considered to be more effective than alternative methods such as some form of certification or approval of structure plans via a resource consent process. In this regard it is noted that the neighbouring Waipa Council is in the process of undertaking a plan change (supported by a detailed s32 assessment) to remove a resource consent-based mechanism and shift to a plan change process on the basis that a plan change provides a more efficient and effective method than approving structure plans through consents. The use of plan changes to confirm live zoning and shift from a FUZ is likewise consistent with a similar approach to future growth areas in the Auckland Unitary Plan, which again was supported by a detailed s32 assessment as being an effective and efficient method.
151. The proposed rule package enables ongoing use of the FUZ areas for a wide range of rural activities, whilst limiting those rural activities such as intensive farming, extractive industry, forestry, or lifestyle block subdivision that have the potential to significantly constrain future urban growth. As such it is more effective in maintaining the potential for comprehensive urban development than the status quo of a rural zone.

Costs and benefits

152. Provision of a FUZ and articulation of the zone purpose and outcomes is considered to provide benefit to Plan users with few if any associated costs relative to the status quo of potential growth areas retaining a rural zone (or conversely being live zoned with no structure plan and uncertainty regarding servicing). The recommended provision of a FUZ provides both land owners and the wider community with certainty regarding the medium term use of the land covered by the zone, with associated benefits in terms of providing for the community’s housing and business needs and enabling urban growth to be properly integrated with adjacent urban areas and network infrastructure.
153. The recommended process of requiring a further plan change to be undertaken in order to shift to a live zone does impose process costs on the landowner. The costs of this additional procedural step are considered to be outweighed by the benefits of following a clear and

transparent process that enables full public participation and enables a more nuanced and detailed assessment of the design of the growth area to ensure effects are appropriately managed and a successful urban area created.

154. The introduction of a FUZ does impose some additional restrictions (costs) on landowners relative to a rural zone i.e. controls on rural activities that would constrain growth, however these costs are considered to be readily outweighed by the benefits of ensuring that growth areas adjacent to existing townships are not unduly constrained over the medium-term. These costs are also compensated through the landowner having the certainty (benefit) of their land being recognised as being suitable for urban development in the medium-term. It is noted that FUZ is only likely to be applied to areas where the owners have sought rezoning via submissions, so presumably the owners would much prefer their land to be identified for urban development than remaining in rural use over the long-term.

Risk of acting or not acting

155. The primary consequence of not acting is that the status quo binary choice of live zone (without integration) or rural zone is perpetuated. The status quo option means that either the community potentially incurs costs through additional land being live-zoned without the certainty that such areas can be properly designed and integrated, or costs are incurred through these areas retaining a rural zoning, with the community losing certainty regarding the medium-term direction of growth, capacity for housing and business, uncertainty regarding prioritisation of infrastructure funding and risk that incompatible rural activities will be established that preclude future urban expansion into otherwise suitable areas.
156. Conversely there are considered to be few risks of acting i.e. introducing a FUZ. The FUZ provides medium-term certainty regarding capacity and the direction of growth, and also enables further investigations and design work to be undertaken to ensure future development of these growth areas occurs in a well-considered and integrated manner. In order to be identified as a FUZ, the growth area must in principle be consistent with the higher order policy direction regarding suitable urban expansion and therefore the FUZ should not be applied to areas where there are fundamental constraints or reasons why a Rural Zone should be preferred.

Decision about most appropriate option

157. On balance, the proposed amendments are considered to be more appropriate in achieving the purpose of the RMA than the notified plan which does not provide for a FUZ.

Section 4.2

Medium Density Residential Zone

Submissions

158. In determining the application of a Medium Density Residential Zone ('MDRZ') in Waikato District there is in my view a three-step process:
- 1) Is there a legitimate need or role for a MDRZ?
 - 2) If so, what does that zone policy and rule framework contain in order to ensure such redevelopment fits comfortably within a Waikato township context?
 - 3) What is the criteria to determine the geographic location of the MDRZ?
159. This report addresses the first step only, although I do make some general observations as to the outcomes that a policy and rule framework for a MDRZ should deliver, referencing the previously circulated set of draft submissions provided by Kainga Ora³⁹. As noted earlier in this report, it is anticipated that submitters seeking the introduction of a MDRZ will put forward their preferred zone provisions in evidence, which further submitters and officers can then respond to. The geographic application of the zone boundaries is likewise a matter to be determined via submitter evidence and s42a reporting officer responses on a township-by-township basis.
160. Eight submissions were received on the principle of a MDRZ. All eight submissions seek the inclusion of such a zone within the Proposed Plan's suite of zones as an important tool in facilitating a consolidated urban form, to enable a greater range of housing typologies, and to enable more people to be able to live in close proximity to a range of services and public transport options.
161. Eighteen further submissions were received in support of these primary submissions, with the reasons for support echoing the reasons provided by the primary submitters. An additional six further submissions were received in opposition. The reasons given for this opposition were:
- Retention of the valued existing low density character of Raglan by Whaingaroa Environmental Defence Inc. Society [FS1276.152];
 - Opposition to accommodating growth through intensification if this is to be instead of (rather than as well as) greenfield expansion by Alstra (2012) Ltd [1316.53];
 - Opposition to further intensification in Huntly where such could result in a reverse sensitivity issue for Huntly Power Station by Genesis Energy Ltd [1345.118];
 - Opposition to that part of the submission seeking greenfield expansion by Hamilton City Council [1379.299];

³⁹ https://wdcsitefinity.blob.core.windows.net/sitefinity-storage/docs/default-source/your-council/plans-policies-and-bylaws/plans/district-plan-review/hearings/communications-to-the-hearing-panel/memorandum-of-counsel-kainga-ora-mdrz-provisions.pdf?sfvrsn=1bce8cc9_2

- General opposition from Mercury NZ Ltd [1377.268 & 1387.1087] to all primary submissions, regardless of the relief sought.

Submission point	Submitter	Summary of submission
81.152	Waikato Regional Council	Add a new alternative residential or mixed use zone or an overlay to the residential zone, or any other method, that includes objective(s) and policy(ies) that provide for a more intensive residential pattern around the Business Town Centre zones at Huntly, Ngaruawahia, Pokeno, Raglan, Te Kauwhata and Tuakau.
<i>FS1107.3</i>	<i>Simon Upton</i>	<i>Support submission 81.152</i>
<i>FS1202.5</i>	<i>NZ Transport Agency</i>	<i>Support submission 81.152</i>
386.10	Pokeno Village Holdings Ltd	Amend the Proposed District Plan to include additional residential zone types - consistent with those proposed through the Draft National Planning Standards - in particular a "Medium-density residential" zone AND Any further, other or consequential relief necessary
<i>FS1269.118</i>	<i>Housing NZ Corporation</i>	<i>Support in part submission 386.10</i>
606.11	Future Proof Implementation Committee	Amend the Proposed District Plan, to allow for higher density and mixed use developments close to transport hubs, especially train stations that have been signalled for potential re-opening, town centres and community hubs,
<i>FS1107.6</i>	<i>Simon Upton</i>	<i>Support submission 606.11</i>
<i>FS1224.6</i>	<i>Ambury Properties Ltd</i>	<i>Support submission 606.11</i>
<i>FS1202.19</i>	<i>NZ Transport Agency</i>	<i>Support submission 606.11</i>
<i>FS1269.55</i>	<i>Housing NZ Corporation</i>	<i>Support submission 606.11</i>
<i>FS1308.87</i>	<i>The Surveying Company</i>	<i>Support submission 606.11</i>
<i>FS1377.184</i>	<i>Havelock Village Ltd</i>	<i>Support submission 606.11</i>
746.103	The Surveying Company	Add a new residential zone to the Proposed District Plan, separating the residential zone into two zones to support intensification and compact growth within existing town centres and future public transport stations. A zone similar to the mixed housing zone used in the Auckland Unitary Plan or the medium density zone as defined in the Draft National Planning Standards would be suitable.
<i>FS1377</i>	<i>Havelock Village Ltd</i>	<i>Support submission 746.103</i>
746.137	The Surveying Company	No specific decision sought, but submission supports the direction of the Proposed District Plan as it gives effect to the National Policy Statement on Urban Development Capacity through rezoning of land and allowing for some intensification of existing urban areas.
749.154	Housing NZ Corporation	Add a new "Medium Density Residential Zone" to the Proposed District Plan zone maps as contained in Attachment 4 of the submission for the following urban

		settlements: Huntly Ngaruawahia Pokeno Raglan Taupiri Te Kauwhata Tuakau AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
FS1050.4	Kiwi Green NZ Ltd	Support submission 749.154
FS1316.48	Alstra (2012) Ltd	Support submission 749.154
FS1368.10	Rosita Dianne-Lynn Barnes	Support submission 749.154
FS1368.15	Rosita Dianne-Lynn Barnes	Support submission 749.154
FS1108.157	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Support submission 749.154
FS1139.142	Turangawaewae Trust Board	Support submission 749.154
FS1202.105	NZ Transport Agency	Support submission 749.154
FS1276.152	Whaingaroa Environmental Defence Inc. Society	Oppose submission 749.154
FS1345.118	Genesis Energy Ltd	Oppose in part submission 749.154
FS1377.268	Havelock Village Ltd	Support submission 749.154
FS1377.268	Mercury NZ Ltd for Mercury D	Oppose submission 749.154
751.39	Chanel Hargrave and Travis Miller	Amend the Proposed Waikato District Plan to provide for an additional Residential Zone to support intensification and compact growth within existing Town Centres and future public transport stations. The proposed new Residential Zone shall be similar to the Auckland Unitary Plan's Mixed Housing Zone or the medium density zone as defined in the Draft National Planning Standards. The Residential Zone should be broken into overlays to recognise the specific characteristics of each town.
FS1316.53	Alstra (2012) Ltd	Oppose submission 751.39
FS1387.1087	Mercury NZ Limited for Mercury D	Oppose submission 751.39
751.58	Chanel Hargrave and Travis Miller	No decision sought, but submission supports growth in existing centres of Pokeno, Tuakau, Ngaruawahia and Huntly and the rezoning of greenfield on the edge of the existing centres.
FS1387.1162	Hamilton City Council	HCC opposes the relief sought. Although HCC supports growth within existing centres, it does not consider the rezoning of greenfield land on the edge of existing centres is appropriate, within Hamilton's Area of Interest.

Analysis

What is meant by ‘medium density’?

162. The term ‘medium density’ can mean different things to different people, and likewise can vary considerably depending on context, for instance a ‘medium density’ development in Auckland may be at a much higher density than a development considered to be medium density in say Huntly or Tuakau. The National Planning Standards (‘NPS’) include a suite of potential zones that can be included in district plans. This suite includes a qualitative zone description, which for the ‘Medium Density Residential Zone’ (‘MDRZ’) means “*areas used predominantly for residential activities with moderate concentration and bulk of buildings, such as detached, semi-detached and terraced housing, low-rise apartments, and other compatible activities*”.
163. This zone description generally aligns with the outcomes anticipated in Waikato 2070 for identified existing residential areas located adjacent to the District’s larger town centres. These inner suburbs are anticipated to be redeveloped over time through enabling ‘townhouse/ duplex/ terraces’. Waikato 2070 also identifies the anticipated number of stories for these areas, which range between 2-3 stories depending on the township. Where ‘medium density’ is referred to in this assessment, it is therefore a term that means 2-3 storey townhouses, terraces, and low-rise apartments in accordance with the NPS description of the MDRZ.
164. It is noted that in addition to medium density *residential* zones, the WRPS supports intensification in town centres as part of an overall approach to growth management and both the NPS and Waikato 2070 anticipate higher density housing topologies in town centre *commercial* zones i.e. in addition to retail and office uses, town centres are also anticipated to contain residential activities housed predominantly within multi-storey apartment blocks. Both the NPS and Waikato 2070 therefore anticipate a range of housing options across the District whereby density increases along a spectrum from rural farmhouses, to lifestyle blocks, to suburban stand-alone houses, to townhouses and terraces, to multi-level apartments. The increase in both density and building height is typically expressed spatially through an increase in both metrics the closer the site is to a town centre.

How does the Operative Plan provide for medium density typologies?

165. Neither the Franklin nor the Waikato sections of the Operative Plan include a medium density zone, with the closest example being the Residential 2 Zone which applies to a relatively small area in Pokeno. The Franklin Section of the Operative District Plan also makes limited provision for medium density housing where such was identified in a ‘Residential Medium Density Overlay Area’⁴⁰ which applies to a limited number of structure plan/ greenfield growth areas.
166. The lack of medium density housing typologies to date is in part a function of Operative Plan zoning that provides only for large lot to suburban densities (with a discretionary⁴¹, or non-complying⁴² activity status for lots below the minimum permitted site size), and is in part a function of township size. In my experience, medium density housing typologies tend to occur primarily in either the larger metro urban centres or tourist resort towns where there is a combination of high growth and constraints on land supply that provide a commercial incentive to develop upwards rather than outwards. Where these land supply factors are present, residents are willing to make a trade-off between a general reduction in dwelling size and outdoor living space against the benefits of location-based amenity/ public transport

⁴⁰ Operative Plan Franklin section, rules 27B.1-3

⁴¹ Operative Plan Waikato Section, rule 21.63.2

⁴² Operative Plan Franklin Section, rule 27B.4

accessibility and a pricepoint that is typically lower than the cost of larger detached homes in a similar location.

167. The Operative Plan zoning limitations, potentially combined with the modest size of townships and the ready availability of land for low density sections and lifestyle blocks, has meant that the current built form for the District is very much one of detached dwellings set within generous garden areas.
168. The introduction of a medium density zone would therefore constitute a change in the type and visual appearance of dwellings in the District. It would of course also result in the delivery of a more diverse range of homes that potentially better meet the equally diverse housing needs of the community compared to the current low density offering.

What does the NPS-UD say about medium density housing?

169. As identified in the Framework Report, the NPS-UD has a focus on delivering successful and sustainable urban areas that provide sufficient capacity to ensure the residential needs of the community are able to be met.
170. Of relevance to medium density housing, NPS-UD Policy 1 requires urban environments that as a minimum have or enable a variety of homes that meet the needs, in terms of type, price, and location, or different households⁴³; and have good accessibility for all people between housing, jobs, community services natural spaces, and open spaces, including by way of public or active transport⁴⁴. As noted above, the Waikato District currently provides limited diversity in terms of housing topology, especially in the way of smaller, low maintenance homes for households that do not want or need a traditional detached family home. Locating these more diverse housing typologies close to town centres and public transport enables people to live in close proximity to a range of services and alternative transport modes.
171. Policy 3(a) requires the maximisation of development potential in city centre zones (which do not apply to the Waikato District context), with clauses (b) and (cii-iii) requiring at least 6 storeys in metropolitan centre or city centre fringe zones (which again do not apply to a Waikato township context). Clause (c)(i) requires minimum building heights of at least 6 stories within at least a walkable catchment of existing and planned rapid transit stops. No such stops (or associated rapid transit service⁴⁵) currently exist in Waikato District, however this clause may come into play in the event that a high quality public transport service is established between Hamilton and Auckland, with stops in the larger townships. Such a service could take the form of either passenger rail, or express bus services in dedicated bus lanes.
172. Policy 3(d) addresses all other locations in Tier 1 urban environments and as such is the applicable direction for Waikato District. This clause requires building heights and density of urban form commensurate with the greater of:
- (i) *The level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or*
 - (ii) *Relative demand for housing and business use in that location.*
173. As a general rule-of-thumb, active transport (walking) equates to between 400-800m as a walkable catchment, on the basis that such a distance can be covered within 10 minutes and where journey times exceed 10 minutes⁴⁶ then people start to look at using alternative modes of transport such as taking the car. Accessibility is of course also dependant on a range of site-specific environmental factors such as the amenity, safety, and topography of the area. Accessible cycling catchments are several kilometres, however in my experience medium

⁴³ Policy 1(a)(i)

⁴⁴ Policy 1(c)

⁴⁵ 'rapid transit service' is defined as 'any existing or planned frequent, quick, reliable and high-capacity public transport service that operates on a permanent route (road or rail) that is largely separated from other traffic'.

⁴⁶ The average walking speed of 4-5km/hr equates to approximately 800m covered in 10 minutes.

density housing zone boundaries have a greater focus on walkable (rather than cycling) catchments from town centres.

174. Unlike for city and metropolitan centre locations, there is no specific direction in Policy 3 regarding building heights or limits on the number of stories. The direction is instead more contextually nuanced such that development potential is to simply be commensurate with accessibility to services (and therefore mindful of the quality and range of those services i.e. the scale of the town centre), and demand for such housing typologies. Policy 4 provides further scope to determine building heights so that they are contextually appropriate where there are specific values present such as heritage precincts or culturally significant view shafts⁴⁷.
175. Policy 6 provides specific direction when making decisions that affect urban environments. The way in which Policy 6 is framed implies that such direction is more for resource consent decisions being made under District Plans that have been developed to give effect to the NPS-UD. We are currently at an earlier point in the process whereby the focus is on ensuring that the District Plan itself gives effect to the NPS-UD. Policy 6 is nonetheless helpful in being explicit in Clause (b) that the planned urban built form may involve significant changes to an area, and that those changes:
- (i) *may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities and future generations, including by providing increased and varied housing densities and types; and*
 - (ii) *are not of themselves, an adverse effect.*
176. In essence Policy 6 is saying that with a shift to more dense forms of housing, amenity values will change, and that whilst impressions of subjective values such as amenity will vary from person to person, such change is not inherently adverse.
177. Implementation Clause 3.31 requires councils to identify, by location, the building heights and densities required by Policy 3. Whilst the current level of services and public transport accessibility is modest in the District's town centres, such provision is anticipated to improve over the ten year life of the District Plan. I do not consider that a suburban level of density as anticipated by the notified Residential Zone (even with 'pepper-potting' enablement of medium density developments), is commensurate with the level of services currently provided or anticipated to be available over the coming decade. A commensurate response in my view is consistent with the implementation of a MDRZ in the town centre fringe locations that are subject to Policy 3(d), with the geographic extent of the MRDZ in individual townships to be in proportion in the size of the town and the range of services available.
178. Clause 3.35 requires the objectives for urban zones to describe the development outcomes intended for the zone, with the subsequent policies and rules likewise expected to be consistent with the anticipated outcomes.
179. Policy 3 regarding intensification is to be implemented via a change to the District Plan within two years of the NPS-UD commencing i.e. August 2022. The District Plan Review timeframes for hearings and decisions in 2021 therefore align with the NPS-UD implementation timeframes.
180. In summary, the NPS-UD seeks urban environments that provide for a range of housing types in appropriate locations, and in sufficient numbers, to readily meet anticipated demand. Councils are obliged to assess both demand and capacity to ensure adequate provision for housing and business is made. Zone frameworks in and around town centres are required to enable a level of development that is commensurate with the size of the town centre, the availability of public transport services, and housing demand for more intensive typologies, that are anticipated to be in place over the coming decade. Given that the Operative Plan and

⁴⁷ Clause 3.32 sets out the 'qualifying matters' that provide a basis for lower height limits

the Proposed Plan both only provide for low density suburban outcomes, in my view there is a clear need to enable an increase in residential density adjacent to the District's larger town centres in order to meet NPS-UD directions. The NPS-UD recognises that an increase in density will result in consequent changes to amenity. Such amenity change is not however inherently adverse, provided that the increase in density is contextually appropriate, so 'medium density' in a Waikato context may well be less dense than that appropriate adjacent to the large metropolitan centres of Auckland.

What does the WRPS say about medium density housing?

181. As noted above, Chapter 6 provides the key directions regarding urban growth and development. Policy 6.1 seeks planned and coordinate development that occurs in accordance with the development principles set out in section 6A. Of relevance to intensification, these principles include that new development should:

- i) Support existing urban areas in preference to creating new ones;
- ii) Make use of opportunities for urban intensification and redevelopment to minimise the need for urban development in greenfield areas;
- iii) Promote compact urban form, design and location to:
 - Minimise energy and carbon use;
 - Minimise the need for private motor vehicle use;
 - Maximise opportunities to support and take advantage of public transport in particular by encouraging employment activities in locations that are or can be in the future be served efficiently by public transport;
 - Encourage walking, cycling and multi-modal transport connections; and
 - Maximise opportunities for people to live, work and play within their local area.

Policies 6.12-6.14 identify the need for urban development to be in accordance with growth strategies, of which the relevant ones are the somewhat dated Franklin Growth Strategy and the Future Proof Growth Strategy. Waikato 2070 represents a more up-to-date iteration of both these strategies. These strategies all seek to manage growth through consolidation/intensification of existing townships and greenfield expansion adjacent to townships.

182. Policy 6.15 requires residential growth within the Future Proof area to achieve minimum densities, in order to limit the rate of urban expansion over productive rural farmland and areas with natural values. For greenfield growth areas in Waikato District's larger townships⁴⁸, residential development is to achieve 12-15 households per hectare, with greenfield development adjacent to smaller rural villages to achieve 8-10 households per hectare where reticulated sewerage is available. Intensification within Hamilton City is to achieve a minimum of 30 households per hectare, however there is no equivalent density target for intensification within Waikato District's townships.

183. Accommodation of growth through intensification of already urbanised areas is consistent with a number of policies that identify areas where growth should not occur (or needs to be carefully managed). These areas are summarised in Section 6A, and include the coastal environment⁴⁹, where growth is not coordinated with infrastructure⁵⁰, where it would limit the development and operation of regionally significant infrastructure⁵¹, where it would limit access to mineral resources⁵², or where it is not in accordance with the Future Proof land use

⁴⁸ For the Future Proof area these townships are Te Kauwhata, Huntly, Ngaruawahia, and Raglan.

⁴⁹ Policy 6.2

⁵⁰ Policy 6.3

⁵¹ Policy 6.6

⁵² Policy 6.8

pattern⁵³. Intensification is likewise consistent with broader WRPS directions regarding the maintenance of matters such as significant landscapes, ecological areas, cultural values, versatile soils, urban forms that support lower carbon emissions, or limiting development in areas that are exposed to significant natural hazard risk.

What does Waikato 2070 say about medium density housing?

184. As set out above, Waikato 2070 at a high level seeks that growth for both residential and business needs is to be accommodated through both intensification and urban expansion. Greenfield expansion is generally anticipated as being at suburban densities with a low rise, detached built form that is similar to the long-established patterns of development that currently exist. There are however some exceptions to this pattern whereby two storey townhouse development is anticipated in greenfield areas in southeast Te Kauwhata, Huntly, and north Taupiri. Apart from these exceptions, large-scale greenfield development at medium densities does not form a significant part of the anticipated outcomes in the Waikato 2070 document.
185. In addition to expanding outwards, Waikato 2070 also anticipates that some growth will be accommodated through intensification within the larger townships in the form of site-by-site redevelopment. Section 3.1 provides direction on the growth of communities. Of relevance to medium density housing, growth is to support the regeneration of town centres and quality in-fill developments is to be encouraged around future mass transit stations. Towns are also to provide housing choice, with communities to have easy access to infrastructure and services.
186. Having established the broad principles for the growth and well-being of communities, Waikato 2070 then provides general direction for the growth of individual townships. This direction is indicated spatially in the form of a series of diagrammatic maps that cover both greenfield expansion and areas for infill. For infill areas, the anticipated heights and dwelling typologies are also indicated. This intensification includes apartments up to four stories high in the commercial centres i.e. the business zones, and townhouses or short terraces that are generally two to three stories high in a residential ring around these centres. Intensification in the inner residential areas is anticipated for the District's larger townships of Pokeno, Te Kauwhata, Huntly, and Ngaruawahia.
187. As the name suggests, Waikato 2070 is a long-term, 50 year plan. As such the diagrammatic maps also include indicative timeframes for when various blocks are to be developed (and infrastructure provided). These indicative timeframes also apply to intensification areas. They vary across the four 'intensification' townships and include areas of short-term (1-3 years), medium term (3-10 years), and long term (10-30 years) intensification. These timeframes are the period within which development is anticipated to occur. As such in an infill context they can be distinguished from the timeframes within which the areas are to be up-zoned to enable medium density development. In short, in order to enable the anticipated medium density development over the short and medium terms, these areas could be rezoned now as part of the District Plan Review. The new zone would then provide the opportunity for alternative housing typologies, which would then be taken up gradually over the next decade as sites are incrementally redeveloped.
188. Waikato 2070 concludes by identifying a series of key processes or methods for implementation. Of relevance to medium density, these methods include the development of town centre plans that will have a focus on a specific township and are to identify a growth pattern that supports the character and amenity of the town, including the anticipated density and scale of development. Such plans are to be completed in the short term i.e. the next 3 years, and are to form the basis for amendments to the District Plan via a plan change process. As noted above, a similar process is anticipated for greenfield areas, whereby the direction

⁵³ Policy 6.14

and nature of growth is refined through a structure plan process, that then forms the basis for an amendment to the District Plan via a plan change process.

189. To date it is my understanding that town centre plans have been completed for Pokeno and Huntly. Town centre plans for Te Kauwhata, Tuakau, Ngaruawhaia, and Raglan have yet to be prepared.
190. In summary, the Waikato 2070 strategy provides direction for the long-term growth of the District in terms of both spatial growth and the timing of that growth. It anticipates growth will be accommodated through both greenfield expansion and intensification of existing townships. It is a 'high level' document that was prepared through a consultative process under the Local Government Act. It necessarily covers the whole District, and as such provides general direction for each township, but also acknowledges that further, more detailed, work is needed on the nature and extent of growth at an individual township level. For medium density typologies, the principle of accommodating a portion of growth through infill is integral to the overall strategy, with the general location, heights, and timing of that infill also identified. The identification of all three metrics (spatial extent, heights, and timing) is however general in nature. If the Waikato 2070 implementation process is to be followed, town centre plans would now be prepared for each town to refine the location and heights of medium density development, with the District Plan then updated to reflect whatever conclusions are reached. Obviously at the present time these more detailed town centre plans are yet to be prepared for a number of the larger townships. Given that the District Plan Review is well underway, this presents something of a timing issue.

Summary of higher order directions regarding intensification

191. The NPS-UD, WRPS, and Waikato 2070 all have a strong and consistent focus on the need to provide for the community's housing requirements. Sufficient capacity is to be made available in locations that are appropriately serviced, with both new greenfield areas and areas of intensification to result in good quality urban environments. For intensification areas, the NPS-UD in particular acknowledges that a change in housing density and forms will result in a consequent change in amenity. This change is not however inherently adverse, but rather is simply different, and as with any change, different members of the community may regard the new different amenity as being either positive or negative.
192. The direction provided in all three documents is towards an urban form that includes intensification. Opportunities for such intensification are to be provided in locations that are:
- 1) Within a walkable catchment of the commercial centres of the larger townships (generally no more than 800m);
 - 2) In townships where there is the potential for rapid public transport (which in a Waikato context is primarily the potential for a future regular Hamilton to Auckland commuter rail service);
 - 3) In townships where existing network infrastructure capacity exists;
 - 4) As a component of greenfield master planned developments that achieve the required WRPS density targets and where the provision of communal open space or natural features such as wetlands or waterways can provide an amenity 'trade-off' for smaller private gardens;
 - 5) Able to avoid areas with high landscape, ecological, heritage or cultural values;
 - 6) Able to avoid areas where natural hazard risk (typically flooding) cannot be readily mitigated;
 - 7) Able to avoid areas that would give rise to significant reverse sensitivity issues with existing industry, regionally significant infrastructure, or other established activities that cannot be readily mitigated.

What does the Proposed Plan say about medium density housing?

193. The Proposed Plan as notified has three Residential Zones, namely the Residential Zone, Village Zone, and Country Living Zone⁵⁴. The Residential Zone is the zone that applies to the larger townships and 'suburban' areas that typically comprise detached, largely single storey, residential dwellings set within suburban sized sections that typically range from approximately 500m² to 1,000m² in area⁵⁵. The Village Zone applies to smaller settlements and the Country Living Zone applies to large lot lifestyle areas that are generally located on the fringe of townships and where the minimum lot size is 5,000m². The three proposed residential zones therefore reflect existing levels of density/ built outcomes i.e. they perpetuate and maintain the status quo.
194. In addition to the Residential Zones, residential units are also permitted in the Business town centre and Business zones, with the rule framework for these zones providing for apartment style housing that is located above ground floor retail.
195. As discussed above, the Proposed Plan directions regarding urban growth management are set out in Chapters 1 and 4. As the notified plan does not include a MDRZ, not surprisingly there is no specific policy reference to such a zone or its anticipated outcomes. That said, the general direction regarding urban growth management is still relevant when considering the role that a MDRZ could play in achieving these higher level outcomes. Without wanting to unnecessarily repeat the directions set out in the FUZ section above, of specific relevance to medium density housing the strategic directions can be summarised as follows:
- Shifts in housing preferences, including location and typology, will be a key driver of growth (Strategic Direction 1.12.1(e)(iii));
 - The need to provide a variety of housing forms to meet diverse community needs (1.12.4(a));
 - Quality design outcomes that enhance and reflect local character (1.12.4(b));
 - Compact urban form that is consolidated in and around existing towns (1.12.4(c) and Policy 4.1.2);
 - Ease of movement and support for non-car modes of transport (1.12.5 and Policy 4.1.8(i));
 - Easily accessible facilities and activities (1.12.6 and Policy 4.1.8(iii)).
196. A growth management direction of consolidation, housing typology choice, and housing provision in locations close to services and facilities are outcomes that the provision of a MDRZ is able to help implement.
197. Objective 4.1.7 relates to the character of towns and seeks that development be attractive, connected, and reflective of the existing character of the town. Amendments recommended by Mr Matheson include adding that such character is to be enhanced by new growth and development. A MDRZ will inherently result in a change in character as the point of the zone is to enable a range of different housing typologies to meet the diverse housing needs of the community. As such a MDRZ is inherently a zone of change rather than maintenance of the status quo. As areas redevelop to higher densities, they should nonetheless still deliver good quality design outcomes and appropriate levels of amenity, albeit that such designs will be different to what currently exists. If the Panel are minded to include a MDRZ then the wording of Objective 4.1.7 may benefit from being revisited to ensure that it also recognises that

⁵⁴ Noting that the Proposed Plan structure currently has the Country Living Zone sitting as a sub-set of the Rural Zone.

⁵⁵ Bespoke variations of this zone are located in Te Kauwhata Lakeside and Rangitahi Peninsula greenfield areas. The Residential Zone also provides for medium density subject to a Restricted Discretionary consent process and compliance with the built form standards applicable to a low density suburban environment.

character may change where a transition to higher densities is determined to better give effect to the other strategic directions (and indeed to NPS-UD Policy 6).

198. Policy 4.1.5 sets out the anticipated residential densities or yield that new development is expected to realise. If the Panel are minded to include a MDRZ then the wording of this policy may likewise benefit from being revisited to include an appropriate minimum yield target for medium density areas. Determination of an appropriate yield will be dependent on the final form of the MDRZ rule package, however in my experience a minimum yield of somewhere between 30-50 households per hectare⁵⁶ is readily realisable in medium density residential contexts. The WRPS likewise seeks a minimum yield of 30 households per hectare for redevelopment within Hamilton City as an indication of a possible minimum intensification target. Submitters providing evidence on the MDRZ provisions may likewise wish to consider whether alternative wording for these two Chapter 4 provisions is necessary as a consequential amendment to their primary relief sought.
199. The Proposed Plan urban growth directions set out in Chapters 1 and 4 therefore seek a growth strategy of consolidation in and around existing townships. Whilst the policy framework does not currently include specific reference to a MDRZ, the overall direction nonetheless supports intensification within existing areas, the provision of a range of housing typologies, and the provision of additional housing within walking distance to a range of services and facilities. As such the introduction of a MDRZ appears to sit comfortably within the currently proposed growth framework of the Proposed Plan.
200. Whilst the Proposed Plan did not include a MDRZ, it did nonetheless make provision for higher density housing within the Residential Zone. In summary, the notified Plan provided a framework as follows:
- 1) The policies noted above that are supportive of intensification in appropriate locations;
 - 2) Provision for multi-unit residential development as a restricted discretionary activity, subject to meeting various conditions regarding site size, site coverage, service court, and outdoor living spaces⁵⁷;
 - 3) Where any of these conditions are not met then the activity becomes fully discretionary⁵⁸;
 - 4) In addition to having to meet specified conditions, such development is also subject to an urban design assessment in terms of the listed matters of discretion;
 - 5) These matters included the degree to which the proposal incorporates the design outcomes in Appendix 3.4 which is a multi-unit design guide;
 - 6) Multi-unit development remains subject to the same section 16.3 land use rules that controlling building mass as low density development in terms of height, fencing, daylight admission, and boundary setbacks;
 - 7) Subdivision for multi-unit developments is required to be accompanied by a land use consent under rule 16.1.3. The subdivision rule also contains minimum unit size requirements where a development is to be unit-titled⁵⁹.
201. The notified approach of providing a pathway for multi-unit development throughout the Residential Zone was considered by Mr Matheson in Hearing 10. Mr Matheson recommended that the notified approach be retained (subject to relatively minor refinement of the associated provisions). He also assessed the merit of introducing a MDRZ. He concluded the following:

In my opinion, although the introduction of a Medium Density Residential Zone has merit as one way in which to implement the objectives and policies of the PWDP, I am concerned as

⁵⁶ A yield of 30-50 households/ ha equates to a 1,000m² section being redeveloped into 3-5 units.

⁵⁷ Rule 16.1.3(RD1)

⁵⁸ Rule 16.4.4(D3)

⁵⁹ Rule 16.4.4(RD1)

to the robustness of the proposed provisions and the analysis that has been undertaken to support them On the basis of the information I have available to me at this stage, in my opinion, significant s32 analysis would need to be provided to enable the Panel to undertake its own s32AA analysis. I therefore recommend that the panel reject the relief sought.

202. I have had the benefit of having further time to consider the role of a MDRZ, its relationship with the proposed Residential Zone, and a more fulsome s32AA assessment prepared by Kainga Ora and provided along with their proposed draft provisions. The NPS-UD and Waikato 2070 have also both been released since Mr Matheson made his recommendations at the start of 2020, with both recent documents providing additional direction regarding intensification. I agree with Mr Matheson that the inclusion of a MDRZ requires a robust s32AA analysis, and that both the zone provisions and the zone's geographic application will need careful consideration. As noted above, Kainga Ora have developed detailed provisions and an associated s32AA which will form part of their evidence. The below assessment is limited to considering the principle of a MDRZ and its alignment (or not) with the higher order direction set out above, along with a summary of the key outcomes a MDRZ policy and rule framework should deliver.

Assessment

203. As notified, the Proposed Plan does not include a MDRZ framework, so such intensification does not form part of the suite of residential zone options available for either the inner suburbs close to town centres or as part of a master-planned greenfield areas. The submissions made through the District Plan Review provides the opportunity to consider on a 'first principles' basis whether there is merit in having a MDRZ as part of the suite of zones or tools available to implement and 'give effect to' the higher order directions regarding how growth is to be accommodated.
204. In considering the merit (or not) of a MDRZ, a range of reasons are identified by submitters in support of the benefits of such a zone, summarised as follows:
- Limits the loss of productive farmland through accommodating urban growth within existing urban areas;
 - Provides housing choice through a range of different housing typologies for members of the community who do not want or need a large detached dwelling and garden;
 - Potentially assists with housing affordability (through a combination of units being smaller and the percentage of land cost per unit being reduced);
 - Enables more people to live in close proximity to a range of employment and services available in town centres;
 - Supports the viability and vitality of town centres by increasing the number of people living within their commercial catchment;
 - Reduces congestion and carbon emissions by enabling more people to live in close proximity to jobs and services, and to public transport routes to larger centres.
205. In my experience existing communities often raise the following concerns regarding perceived adverse effects arising through changes in zoning to higher densities, with these concerns reflected in some of the matters raised by further submitters:
- Loss of character as low density suburbs with large gardens transition to denser townhouses;
 - Loss of sunlight and outlook through neighbouring sites redeveloping to higher densities;
 - Loss of privacy through more neighbours and taller buildings with overlooking windows and balconies;

- Loss of amenity through more neighbours resulting in more noise and general disturbance/ vehicle movements;
 - Concern about congestion and overspill parking onto the adjacent road network;
 - Concern about the lack of existing public services/ amenities such as local parks, school roll capacity, and infrastructure to cope with increased demands.
206. As set out in the introduction to Waikato 2070, the core role of the District's townships has traditionally been to service the rural hinterland or specific large industrial facilities such as the Huntly power station or the freezing works at Horotiu. As a consequence, the District's townships have comprised of relatively small urban areas that are centred around a modestly scaled commercial main street. Until the last decade there has been relatively low growth pressure, with this demand able to be readily met through a steady supply of greenfield land and vacant sections.
207. As set out in the Framework Report, this role and the level of growth has changed significantly over the past decade. The growth of Auckland and the rapid escalation of house prices in the metro area has created a 'halo' effect that has extended out to Hamilton along the corridor between these two cities. This growth pressure means that the size and character of the District's larger townships is changing, and will continue to change over the coming decade. Waikato 2070 identifies that the larger townships of Pokeno, Te Kauwhata, Huntly, Ngaruawahia and Raglan are all likely to expand to over 10,000 residents each. As they increase in size, there is a commensurate need for a more varied housing stock to provide housing choice for the more diverse needs of the community i.e. smaller units for elderly, single person or couple households, and households that do not want or need larger gardens. The increase in township size likewise changes the character of these townships from that of a large rural village to one of a small town. This change in size carries with it a change in character and a change in the mix of anticipated activities and building scale.
208. In general, as towns get larger there is a commensurate expectation that the buildings within their centres will also get larger/ higher, and that the town will take on a more urban form and character. The range of activities also increases as the commercial viability of a greater range of businesses increases with growth in the catchment, and this diversity of activity drives a diversity of building designs as form follows function. In parallel with changing and increasing commercial areas, the adjacent residential areas likewise change in nature, with larger towns (and ultimately cities) having apartments in the centre and terrace or townhouse forms in the inner suburbs. Within the life of the proposed Plan (and indeed the 50 year life of Waikato 2070) it is considered unlikely that the district's townships will grow to such an extent that high rise apartment towers are commercially viable or necessary. Apartments in the commercial areas anticipated by Waikato 2070 are therefore low-rise buildings up to four stories in height, with the town centre fringe comprising of 2-3 storey terraces and townhouses.
209. With the anticipated increase in population, there is an associated increase in the number of passengers that could make use of commuter rail or bus services and an increase in the viability of providing such services. Having an increased population living in close proximity to rail or bus routes increases the viability of these services and enables a reduction in car-based commuting patterns.
210. In my view there is a clear direction in the higher order documents that intensification of existing urban areas should occur. The key choice is whether such intensification is most efficiently and effectively delivered through a MDRZ located close to centres, or the Proposed Plan approach of enabling medium density housing to be 'pepper-potted' throughout the Residential Zone, albeit remaining subject to a number of built form rules that are designed to deliver amenity outcomes associated with low density residential environments.

211. The Panel in essence have four options:
- 1) The notified approach of a single zone with medium density enabled (subject to consent) throughout the Residential Zone;
 - 2) The approach as sought by submitters of introducing a MDRZ where rules are more enabling of medium density built forms, and a lower density Residential Zone where medium density typologies are not provided for i.e. the medium density provisions would be deleted from the Residential Zone;
 - 3) Adoption of both a MDRZ and an enabling approach to medium density development in the Residential Zone;
 - 4) Retention of a single Residential Zone with the notified pepper-potting approach deleted i.e not provide for medium density at all.
212. In my view there is a role for medium density housing typologies in order to provide a choice of house sizes to meet diverse housing needs of the community. Such provision is in my view best located adjacent to the centres of the larger townships and future rapid transit public transport stops, in line with the outcomes signalled in both Waikato 2070 and the NPS-UD. The benefits for such provision are set out above, and in particular include the accommodation of urban growth pressure in locations best suited to servicing the needs of that growth, along with enabling a reduction in car use through enabling more people to live within walking distance of a range of services and public transport. Whilst randomly located infill throughout existing suburban areas would deliver improved choice in terms of housing typology, it would do so in an ad hoc manner where many of the benefits of increased numbers living close to centres would not be realised.
213. It is therefore considered that at a conceptual level, the higher order direction is better given effect to through a MDRZ close to centres, whilst maintaining the existing low density character of more peripheral suburban locations.
214. I acknowledge that the development of a MDRZ as part of the District Plan Review process will happen in advance of the more fine-grained analysis of some of the town centres anticipated in Waikato 2070. The District Plan Review process can nonetheless develop a generic or standard set of MDRZ provisions.
215. The geographic boundaries of the zone is a matter that needs to be determined on a township-by-township basis. This can occur through this same District Plan Review process, noting that Kainga Ora in particular has identified specific zone boundaries as part of their submission, and that Waikato 2070 has identified some medium density areas falling within a 1-3 year time period. If alternatively the Panel are reluctant to identify such boundaries in advance of Town Centre Plans being prepared, then it may be that the zone and its provisions are included in the District Plan as part of the current review process, with their geographic extent limited until more detailed character analysis is available. Extension of the MDRZ boundaries can then occur through a subsequent plan change process without the need to relitigate the policy and rule zone framework.
216. Whilst much of the focus of introducing a MDRZ has been on existing suburbs located adjacent to town centres, a second context is where medium density housing is located within new greenfield subdivisions. It is becoming more common for large-scale greenfield developments to include areas earmarked for 'comprehensive development' where large lots are on-sold to house-builders who then construct a higher density development, with the dwellings unit titled as a later site-specific subdivision following building completion. This context has the disadvantage that greenfield sites are generally located on the periphery of townships where they can be some distance from town centre services and amenities, but have the advantages of being master-planned where higher density units overlook new public open space areas. They also enable housing typology choice in new urban growth areas to meet diverse housing needs (and budgets), enable greenfield developments to better meet the WRPS density targets,

and likewise enable new owners to go in ‘with their eyes open’ in terms of the anticipated built form, especially where higher density units are constructed at the same time as nearby lower density dwellings i.e. it avoids the transitional tensions that arise with new infill development locating next to low density neighbours. It is noted that both the Te Kauwhata and Rangitahi Structure Plans identify areas where medium density housing is anticipated, as examples of this approach. It is noted that the Kainga Ora submission and associated MDRZ provisions have a primary focus on a town centre context and therefore do not include policy direction regarding their possible application to master-planned greenfield areas.

217. In District Plans generally, MDRZs are applied to the first context where inner suburbs have a zoning that enables multi-unit development. Higher density typologies in greenfield areas conversely are typically enabled through the use of structure/ master plans that identify general locations for multi-unit or comprehensive development, with requirements for the subdivision to be in general accordance with the structure plan. Subsequent development is then guided either through the greenfield area having its own zoning with differing built form rule packages for differing typologies, or the Structure Plan cross-references to the relevant residential zone i.e. “development in the cross-hatched area is subject to the MDRZ rule package”.
218. Whilst the MDRZ provisions would apply primarily to identified urban locations, they should also be able to be identified on structure plans as an applicable rule framework that can be applied to areas of medium density housing in locations identified on a structure plan.
219. I have undertaken a preliminary review of the proposed policy and rule framework put forward by Kainga Ora. In my view the proposed framework is a helpful initial draft. It is recommended that the proposed framework could be further refined through consideration of the following matters:
- More clearly articulating the purpose/ role of the MDRZ, including housing typology choice, efficient use of existing infrastructure, support of commercial centres and public transport; and limiting outward expansion over farmland;
 - More clearly articulating the built form outcomes to be delivered by the MDRZ, including reasonable amenity commensurate with a medium density environment, townhouse and low-rise apartment typologies, and a more intensive built environment;
 - More clearly articulating the geographic/ locational criteria for the MDRZ location such as within walkable distance to commercial town centres and likely future rapid transit stations (typically no more than 800m and potentially less for smaller town centres), in locations identified in Waikato 2070, or master-planned greenfield areas adjacent to new commercial centres or larger areas of public open space (noting this later context is not part of Kainga Ora’s submission focus). Conversely further intensification may not be appropriate where existing residential areas contain identified heritage, cultural, or natural environment values, or are subject to constraints that cannot be readily mitigated such as natural hazards or proximity to established industry or infrastructure;
 - More clearly articulating the enablement (and restriction) on non-residential activities including limited provision for small-scale community and work from home activities and limitations on commercial activities more generally, noting that the proposed MDRZ locations are all within walking distance of town centres where a wide range of facilities are available;
 - Inclusion of a qualitative resource consent assessment on urban design matters for multi-unit (4 or more units) as a restricted discretionary activity, with the matters of discretion addressing site layout, building design and articulation, carparking design and location (if

such is provided)⁶⁰, and amenity matters such as the adequacy of outdoor living space, privacy and outlook for both on-site residents and neighbours;

- The Proposed Plan as notified includes a multi-unit design guide⁶¹ as Appendix 3.4 with consistency with this guide one of the matters to be considered when assessing multi-unit proposal in the Residential Zone. As a general proposition, I am cautious that design guides are useful tools when included as part of District Plans. In my experience they lead to confusion as to whether they are simply guides, or whether they act as de facto rules or assessment matters and therefore their content becomes a 'hard line' that proposals must meet. In my view design guides do have an important role to play as an educational tool that sits outside of District Plans, however the matters of discretion should be limited to just those matters specified in the rule itself;
- A set of thematic rules that are generally consistent with those of the Residential Zone for matters such as noise, glare, signage, earthworks, and heritage;
- A set of built form rules that provide a suitable building envelope for medium density development whilst maintaining an acceptable interface with established low-density neighbours. This is perhaps the most challenging element in developing a context-appropriate MDRZ rule framework. Built form and character will change, with larger buildings, closer to boundaries, than low density suburban typologies inherent in a change in zone. Amenity levels will therefore change, but should still be adequate and appropriate to a medium density context. At this point I am cautious that the draft framework previously circulated by Kainga Ora achieves an appropriate balance. The submitter is encouraged to provide further modelling of possible outcomes to ensure the proposed framework is suitable.
- Subdivision provisions that set minimum lot sizes where vacant lots are to be created, along with a requirement for a plausible building footprint to demonstrate that the lot is developable. Where multi-unit development is proposed have no requirements for minimum lot sizes per unit, however have controls on subdivision (typically as unit titles) once building commitment has been confirmed.

220. As noted above, following receipt of submitter and further submitter evidence I will respond with detailed recommendations and associated text changes (if necessary) via a second s42a report that addresses remaining thematic rezoning submissions. Submitters will have an opportunity to then respond in turn to these more detailed recommendations via rebuttal evidence.

Recommendations regarding MDRZ

221. The following is therefore recommended regarding the principle of a MDRZ:

- 1) That a MDRZ more effectively gives effect to the WRPS and NPS-UD regarding growth management that the notified Plan approach of enabling medium density throughout the Residential Zone (subject to consent);
- 2) That the detailed MDRZ provisions be refined through evidence from submitters and further submitters who have expressed an interest in this topic and subsequent s42a

⁶⁰ Noting that NPS-UD directs that District Plans are to remove all minimum carparking requirements (Clause 3.38)

⁶¹ https://wdcsitefinity.blob.core.windows.net/sitefinity-storage/docs/default-source/your-council/plans-policies-and-bylaws/plans/district-plan-review/appendices/appendix-3-4-multi-unit-development-notified-18072018.pdf?sfvrsn=5d8980c9_4

reports, noting the above bullet points as a guide to the outcomes and content of the framework;

- 3) That the medium density ‘pepper-potting’ approach in the Residential Zone be deleted so that the Residential Zone provides unambiguously for low density suburban outcomes⁶²;
- 4) That the medium density design guide in Appendix 3.4 be removed from the District Plan and instead be used as an educational tool that sits outside the District Plan.
- 5) The specific MDRZ boundaries be refined through submitter evidence and subsequent township-specific s42a reports, noting the general locational criteria set out in the above bullet points that include areas in close proximity (generally less than 800m) to the town centres of the District’s larger townships. Waikato 2070 also provides a general indication of such areas on a township basis;
- 6) That MDRZ may likewise be appropriate in large master-planned greenfield areas where identified as part of an overall structure plan for the area. In general such areas will be located close to new commercial/ community centres and/or adjacent to large areas of public open space;
- 7) It is recommended that the following towns, given their existing attributes, are suitable for intensified residential activity and expanded business development within defined limits, as set out in Policies 4.2.16, and 4.5.3 of the Proposed Plan:
 - a. Tuakau
 - b. Pokeno
 - c. Te Kauwhata
 - d. Huntly
 - e. Ngaruawahia
 - f. Raglan.
- 8) Taupiri⁶³ should be added to this list as a growth town, as it meets the following characteristics:
 - transport accessibility north/south via the new Waikato Expressway and the existing Great South Road north to Huntly and south to Ngaruawahia
 - existing trunk main waters infrastructure (which runs through Taupiri, between Ngaruawahia and Huntly)
 - existing public amenities and social infrastructure
 - existing road layout and historic town centre

⁶² Subject obviously to the scope and the Panel’s conclusions regarding this separate Hearing 10.

⁶³ Taupiri’s residential zone was extended under the Operative Plan, signalling an acknowledgement at that time that additional growth at Taupiri was considered acceptable. Subsequent to this, Waikato 2070 and the Waikato Metro Spatial Plan both identify Taupiri as a future growth node at the northern extent of the Waikato Metro area and Waikato basin. Policy 4.1.14 (PWDP) articulates the direction and form of future growth.

- proximity and accessibility to existing and planned employment activities at Hopuhopu, Ngaruawahia, Huntly and Te Rapa.
- 9) It is recommended that those submissions (and further submissions in support) seeking the introduction of a MDRZ into the District Plan be accepted and those in opposition rejected. In making this recommendation it is noted that the geographic extent of a MDRZ will need to be determined on a township-by-township basis through the upcoming hearings and as such site-specific concerns raised by submitters regarding matters such as the character of Raglan or reverse sensitivity issues with Huntly Power Station will be able to be considered in more detail.

Section 32AA evaluation

222. Mr Matheson in his s42A report on the Residential Zone identified the need for a robust s32AA assessment to be undertaken in order to properly inform a decision on whether or not a MDRZ should be introduced into the District Plan. Following his report, Kainga Ora have prepared a detailed s32AA assessment which was provided at the same time as their draft zone provisions. The conclusions reached in that assessment generally align with my own conclusions following a review of the higher order directions provided in the NPS-UD and the WRPS. The submitter may wish to update their s32AA assessment to reflect any further refinement made to the proposed zone package, and include it as part of their evidence.
223. As with the zone provisions themselves, I will respond to the adequacy of the S32AA assessment in my second report and will include any further assessment should such be necessary.

Appendix I: Table of submission points

Recommendations –Future Urban Zone

Submission point	Submitter	Summary of submission	Recommendation
81.17	Waikato Regional Council	Amend the Proposed District Plan provisions so that any subdivision, use and development in areas that are proposed for unserviced residential where there is uncertainty about funding, staging and timing of infrastructure provision does not compromise them for future development.	Accept
FSI176.3	Watercare Services Ltd	Support submission 81.17	Accept
FSI202.2	NZ Transport Agency	Support submission 81.17	Accept
FSI223.4	Mercury NZ Ltd	Support submission 81.17	Accept
FSI377.3	Havelock Village Ltd	Oppose submission 81.17	Reject
FSI379.13	Hamilton City Council	Support submission 81.17	Accept
FSI385.66	Mercury NZ Ltd for Mercury B	Support submission 81.17	Accept
FSI308.142	The Surveying Company	Oppose submission 81.17	Reject
372.23	Auckland Council	Amend Chapter 4 Urban Environment, Chapter 16 Residential Zone, the Planning Maps and any other provisions that are proposed for 'live' Residential zoning in unserviced urban residential areas in and around Pokeno and Tuakau where there is uncertainty about the funding, staging and timing for infrastructure provision.	Accept-in-part
FSI176.57	Watercare Services Ltd	Support submission 372.23	Accept-in-part
FSI202.10	NZ Transport Agency	Support submission 372.23	Accept-in-part

FSI281.10	Pokeno Village Holdings Ltd	Support submission 372.23	Accept-in-part
FSI308.28	The Surveying Company	Oppose submission 372.23	Accept-in-part
FSI377.75	Havelock Village Ltd	Oppose in part submission 372.23	Accept-in-part
FSI269.114	Housing NZ Corporation	Oppose in part submission 372.23	Accept-in-part
423.1	Watercare Services Ltd	Provide confirmation that existing and planned infrastructure capacity is available to service anticipated growth in the Proposed District Plan in a manner that gives effect to the National Policy Standard: Urban Development Capacity. And Any consequential amendments or further relief to address the matters raised in the submission.	Accept-in-part
FSI281.11	Pokeno Village Holdings Ltd	Support submission 423.1	Accept-in-part
FSI377.88	Havelock Village Ltd	Support in part submission 423.1	Accept-in-part
FSI388.245	Mercury NZ Ltd for Mercury E	Oppose submission 423.1	Accept-in-part
606.6	Future Proof Implementation Committee	Amend the Proposed District Plan following a review of the extent of live zoning and its ability to be serviced with infrastructure; and If the Zoning approach is retained, add stronger development staging rules which are linked to the provision of infrastructure and the development of infrastructure, including Chapter 4 Urban Environment, Chapter 16 Residential Zone, Planning Maps and any other linked chapters.	Accept-in-part
FSI313.6	Perry Group Ltd	Support in part submission 606.6	Accept-in-part
FSI062.87	Andrew and Christine Gore	Oppose submission 606.6	Accept-in-part
FSI202.98	NZ Transport Agency	Support submission 606.6	Accept-in-part

FSI281.36	<i>Pokeno Village Holdings Ltd</i>	<i>Support submission 606.6</i>	Accept-in-part
FSI223.119	<i>Mercury NZ Ltd</i>	<i>Oppose submission 606.6</i>	Accept-in-part
606.7	Future Proof Implementation Committee	Review the extent of the Village Zones in collaboration with Hamilton City Council, with consequential amendments to Chapter 4 Urban Environment and Chapter 24 Village Zone.	Accept-in-part
FSI202.133	<i>NZ Transport Agency</i>	<i>Support submission 606.7</i>	Accept-in-part
FSI223.120	<i>Mercury NZ Ltd</i>	<i>Oppose submission 606.7</i>	Accept-in-part
FSI379.209	<i>Hamilton City Council</i>	<i>Support submission 606.7</i>	Accept-in-part
606.12	Future Proof Implementation Committee	<p>Consider alternatives to live zoning including:</p> <ol style="list-style-type: none"> 1) Using a Rural Zone with an overlay similar to Hamilton's Urban Expansion overlay 2) Applying an urban zone with an overlay that signals that additional subdivision and development will not be considered until there is certainty about infrastructure provision. 3) A new Urban Expansion Zone with its own suite of provisions for managing land use and subdivision 4) A Future Urban Zone to signal additional land would need to be serviced with infrastructure and structure planned before it is zoned for urban development. 	Accept
FSI119.4	<i>Stephen Roberts</i>	<i>Support submission 606.12</i>	Accept
FSI202.20	<i>NZ Transport Agency</i>	<i>Support submission 606.12</i>	Accept
FSI308.88	<i>The Surveying Company</i>	<i>Oppose submission 606.12</i>	Reject
FSI108.153	<i>Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)</i>	<i>Support submission 606.12</i>	Accept

FSI139.138	Turangawaewae Trust Board	Support submission 606.12	Accept
FSI176.181	Watercare Services Ltd	Support submission 606.12	Accept
FSI379.204	Hamilton City Council	Support submission 606.12	Accept
923.73 923.74 923.75 923.76 923.77 923.78	Waikato District Health Board	Review the extent of the live zoning and its ability to be serviced with infrastructure. OR Consider including much stronger development staging rules which are linked to the provision of infrastructure and development of structure plans.	Accept
FSI385.82 FSI385.83 FSI385.84	Mercury NZ Ltd for Mercury B	Oppose submission 923.73, 923.74, 923.75	Reject
FSI108.146	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Support submission 923.73	Accept
FSI176.267 FSI176.268 FSI176.269 FSI176.270 FSI176.271 FSI176.272	Watercare Services Ltd	Support submission 923.73, 923.74, 923.75, 923.76, 923.77	Accept
FSI377.289 FSI377.290 FSI377.291	Havelock Village Ltd	Support in part submission 923.73, 923.74, 923.75	Accept
FSI091.62	GD Jones	Support submission 923.75	Accept

923.96 923.97	Waikato District Health Board	Amend the Planning Maps and relevant provisions by establishing a stronger objective, policy and rule framework than is proposed for un-serviced urban residential areas where there is uncertainty about the funding, staging and timing for infrastructure provision.	Accept
FSI307.2	NZ Walking Access Commission	Support submission 923.96	Accept
FSI385.86 FSI385.87	Mercury NZ Ltd for Mercury B	Oppose submission 923.96, 923.97	Reject
FSI308.172 FSI308.173	The Surveying Company	Oppose submission 923.96, 923.97	Reject

Recommendations – Medium Density Residential Zone

Submission point	Submitter	Summary of submission	Recommendation
81.152	Waikato Regional Council	Add a new alternative residential or mixed use zone or an overlay to the residential zone, or any other method, that includes objective(s) and policy(ies) that provide for a more intensive residential pattern around the Business Town Centre zones at Huntly, Ngaruawahia, Pokeno, Raglan, Te Kauwhata and Tuakau.	Accept
FSI107.3	Simon Upton	Support submission 81.152	Accept
FSI202.5	NZ Transport Agency	Support submission 81.152	Accept
386.10	Pokeno Village Holdings Ltd	Amend the Proposed District Plan to include additional residential zone types - consistent with those proposed through the Draft National Planning Standards - in particular a "Medium-density residential" zone AND Any further, other or consequential relief necessary	Accept
FSI269.118	Housing NZ Corporation	Support in part submission 386.10	Accept

606.11	Future Proof Implementation Committee	Amend the Proposed District Plan, to allow for higher density and mixed use developments close to transport hubs, especially train stations that have been signalled for potential re-opening, town centres and community hubs,	Accept
FSI107.6	Simon Upton	Support submission 606.11	Accept
FSI224.6	Ambury Properties Ltd	Support submission 606.11	Accept
FSI202.19	NZ Transport Agency	Support submission 606.11	Accept
FSI269.55	Housing NZ Corporation	Support submission 606.11	Accept
FSI308.87	The Surveying Company	Support submission 606.11	Accept
FSI377.184	Havelock Village Ltd	Support submission 606.11	Accept
746.103	The Surveying Company	Add a new residential zone to the Proposed District Plan, separating the residential zone into two zones to support intensification and compact growth within existing town centres and future public transport stations. A zone similar to the mixed housing zone used in the Auckland Unitary Plan or the medium density zone as defined in the Draft National Planning Standards would be suitable.	Accept
FSI377	Havelock Village Ltd	Support submission 746.103	Accept
746.137	The Surveying Company	No specific decision sought, but submission supports the direction of the Proposed District Plan as it gives effect to the National Policy Statement on Urban Development Capacity through rezoning of land and allowing for some intensification of existing urban areas.	Accept
749.154	Housing NZ Corporation	Add a new "Medium Density Residential Zone" to the Proposed District Plan zone maps as contained in Attachment 4 of the submission for the following urban settlements: Huntly Ngaruawahia Pokeno Raglan Taupiri Te Kauwhata Tuakau AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.	Accept
FSI050.4	Kiwi Green NZ Ltd	Support submission 749.154	Accept

FSI316.48	Alstra (2012) Ltd	Support submission 749.154	Accept
FSI368.10	Rosita Dianne-Lynn Barnes	Support submission 749.154	Accept
FSI368.15	Rosita Dianne-Lynn Barnes	Support submission 749.154	Accept
FSI108.157	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Support submission 749.154	Accept
FSI139.142	Turangawaewae Trust Board	Support submission 749.154	Accept
FSI202.105	NZ Transport Agency	Support submission 749.154	Accept
FSI276.152	Whaingaroa Environmental Defence Inc. Society	Oppose submission 749.154	Reject
FSI345.118	Genesis Energy Ltd	Oppose in part submission 749.154	Accept in Part
FSI377.268	Havelock Village Ltd	Support submission 749.154	Accept
FSI377.268	Mercury NZ Ltd for Mercury D	Oppose submission 749.154	Reject
751.39	Chanel Hargrave and Travis Miller	Amend the Proposed Waikato District Plan to provide for an additional Residential Zone to support intensification and compact growth within existing Town Centres and future public transport stations. The proposed new Residential Zone shall be similar to the Auckland Unitary Plan's Mixed Housing Zone or the medium density zone as defined in the Draft National Planning Standards. The Residential Zone should be broken into overlays to recognise the specific characteristics of each town.	Accept
FSI316.53	Alstra (2012) Ltd	Oppose submission 751.39	Reject

<i>FS1387.1087</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose submission 751.39</i>	Reject
751.58	Chanel Hargrave and Travis Miller	No decision sought, but submission supports growth in existing centres of Pokeno, Tuakau, Ngaruawahia and Huntly and the rezoning of greenfield on the edge of the existing centres.	Accept in part
<i>FS1387.1162</i>	<i>Hamilton City Council</i>	<i>HCC opposes the relief sought. Although HCC supports growth within existing centres, it does not consider the rezoning of greenfield land on the edge of existing centres is appropriate, within Hamilton's Area of Interest.</i>	Accept in part

Appendix 2: Recommended text changes

Generic wording to be added to the general subdivision rule as follows:

<u>RDX</u>	<p><u>(a) Subdivision must comply with all of the following conditions:</u></p> <p><u>...</u></p> <p><u>The subdivision is to be in accordance with any applicable structure plan in appendix XX.</u></p>
<u>DX</u>	<p><u>Subdivision that is not in accordance with an applicable structure plan.</u></p>

Future Urban Zone

<p><u>Objective 1 – Maintain future urban potential</u></p> <p><u>(b) Identify and protect areas adjacent to existing urban areas in order to maintain the opportunity to accommodate future urban growth in a comprehensive manner.</u></p>
<p><u>Objective 2 – Urban Growth Integration</u></p> <p><u>(a) Provide for the long-term expansion of urban areas that results in a connected and integrated urban form and that is able to be serviced by reticulated network infrastructure.</u></p>
<p><u>Policy 1.1 – Transition to an urban zone</u></p>

(b) Provide the Future Urban Zone as an interim zone to maintain development potential until such time as a plan change is undertaken to confirm the long-term urban zoning for the growth area. The plan change is to include the following:

- (iii) Confirmation that transport infrastructure and reticulated water, stormwater, and wastewater services are able to be provided;
- (iv) A structure plan is prepared and incorporated into the District Plan in accordance with Policy 1.4 below.

Policy 1.2 – Manage subdivision and activities within the Future Urban Zone

- (a) Manage activities to ensure that the ability to develop the area for urban purposes is not compromised;
- (b) Manage subdivision to ensure that future urban development is not compromised through:
 - (i) Minimising the creation of additional lots that are smaller than 40ha, unless where directly associated with utilities, network infrastructure, or a development consolidation lot;
 - (ii) Enabling subdivision boundary adjustments and relocations;
 - (iii) Encouraging the consolidation of landholdings into single ownership to facilitate long-term comprehensive urban development by enabling the subdivision of an existing Record of Title to create one new title around an existing dwelling where the balance of the existing lot is subject to a consent notice on the Record of Title preventing further dwellings until such time as the Future Urban Zone is rezoned to a long-term urban zoning.

Policy 1.3 – Maintain Rural Character

- (a) Within the Future Urban Zone:
 - (i) maintain existing rural activities, residential unit density and character as anticipated in the Rural Zone;
 - (ii) Avoid activities where they have the potential to compromise future urban development, including intensive farming, forestry, and extractive industry.

Policy 1.4 – Structure Plans

- (a) Urban subdivision and development is to be in accordance with a structure plan that has been incorporated into Appendix XX of the District Plan through a plan change process. The structure plan is to show the following elements:
- i) Key roading connections, collector road alignment, and public transport facilities;
 - ii) Key pedestrian/ cycle linkages where these routes are separate from road or open space corridors;
 - iii) Land to be set aside for stormwater basins;
 - iv) The mitigation of any natural hazards, geotechnical issues, or soil contamination;
 - v) Land to be set aside for public open space;
 - vi) How any existing natural, ecological, or landscape values are to be maintained or enhanced;
 - vii) How any significant historic or cultural values are to be maintained or enhanced;
 - viii) The general location of local commercial/ community hubs and schools (if proposed);
 - ix) The general location of more intensive pockets of medium density residential development (if any);
 - x) For residential developments, demonstrate how the minimum yield required in the Waikato Regional Policy Statement is to be achieved;
 - xi) How potential conflicts between new residential areas and existing industry, regional infrastructure, mineral extraction, or intensive farming operations will be mitigated including the use of setbacks, open space, or large lots to create a buffer area;
 - xii) Any staging necessary to ensure development achieves a good urban form and is able to be serviced

Chapter X: Future Urban Zone

- (1) The rules that apply to activities in the Future Urban Zone are contained in Rule xx.1 Land Use – Activities.
- (2) The rules that apply to subdivision in the Future Urban Zone are contained in Rule xx.
- (3) The activity status tables and standards in the following chapters also apply to activities in the Future Urban Zone:
 - 14 Infrastructure and Energy;
 - 15 Natural Hazards and Climate Change (Placeholder).
- (4) The following symbols are used in the tables:
 - PR Prohibited activity
 - P Permitted activity
 - C Controlled activity
 - RD Restricted discretionary activity
 - D Discretionary activity
 - NC Non-complying activity

XX.1 Land Use – Activities

Rules XX.1.1 – XX.1.6 – Permitted to prohibited activities

XX.1.1 – Prohibited activities

<u>PR1</u>	<u>There are no prohibited activities</u>
------------	---

Rule xx.1.2 – Permitted Activities

- (1) The following activities are permitted activities if they meet all the following:
 - (a) Activity-specific conditions;
 - (b) Land Use – Effects rules in Rural Zone Rule 22.2;

(c) Land Use – Building rules in Rural Zone Rule 22.3.

Activity		Activity specific conditions
<u>P1</u>	<u>Farming</u>	<u>Nil</u>
<u>P2</u>	<u>A Marae Complex or Papakaainga Housing Development on Maaori Freehold Land or on Maaori Customary Land are subject to the rules on these matters set out in Chapter X⁶⁴</u>	<u>Refer Chapter X (Tangata Whenua)</u>
<u>P3</u>	<u>A temporary event</u>	<ul style="list-style-type: none"> (a) <u>The event occurs no more than 6 times per consecutive 12 month period;</u> (b) <u>The duration of each event is less than 72 hours;</u> (c) <u>It may operate between 7.30am to 8:30pm Monday to Sunday;</u> (d) <u>Temporary structures are:</u> <ul style="list-style-type: none"> (i) <u>erected no more than 2 days before the event occurs;</u> (ii) <u>removed no more than 3 days after the end of the event;</u> (e) <u>The site is returned to its previous condition no more than 3 days after the end of the event;</u> (f) <u>There is no direct site access from a national route or regional arterial road.</u>
<u>P4</u>	<u>Cultural event on Maaori Freehold Land containing a Marae Complex</u>	<u>Nil</u>
<u>P5</u>	<u>A home-business</u>	<ul style="list-style-type: none"> (a) <u>It is wholly contained within a building;</u> (b) <u>The storage of materials or machinery associated with the home occupation is either</u>

⁶⁴ P2 and P4 are subject to the Panel's decisions regarding Hearing 4, with Maaori matters potentially shifting to their own chapter.

		<p><u>wholly contained within a building, or where outside occupies no more than 100m² of site area and is located where it is not visible from other sites or public roads;</u></p> <p>(c) <u>No more than 2 people who are not permanent residents of the site are employed at any one time;</u></p> <p>(d) <u>Unloading and loading of vehicles or the receiving of customers or deliveries only occur after 7:00am and before 7:00pm on any day;</u></p> <p>(e) <u>Machinery can be operated after 7:30am and up to 7:00pm on any day;</u></p> <p>(f) <u>The home business shall not occupy more than 200m² in total within buildings and outdoor storage areas.</u></p>
<u>P6</u>	<u>Produce stall</u>	<u>Nil</u>
<u>P7</u>	<u>Home stay</u>	(a) <u>Have no more than 5 guests.</u>
<u>P8</u>	<u>Equestrian Centre</u>	<u>Nil</u>
<u>P9</u>	<u>Horse Training Centre</u>	<u>Nil</u>
<u>P10</u>	<u>Visitors' Accommodation</u>	(a) <u>Have no more than 5 guests; and</u> (b) <u>Be within a building that was existing as at (insert date of decision).</u>
<u>P11</u>	<u>Residential</u>	<u>Nil</u>
<u>P12</u>	<u>Emergency services training and management activities</u>	<u>Nil</u>
<u>P13</u>	<u>Conservation activity</u>	<u>Nil</u>
<u>P14</u>	<u>Childcare</u>	(a) <u>Have no more than four non-resident children.</u>

PI5	<u>Forestry where limited to the harvesting of existing forests</u>	(a) <u>Be undertaken in accordance with Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. Where compliance is not achieved with the permitted activity standards in the NES, then the activity is subject to the activity status as set out in the NES</u>
PI6	<u>Construction, demolition, additions or alterations to a building</u>	<u>Nil</u>

XX.1.3 Restricted Discretionary Activities

(I) The activities listed below are restricted discretionary activities.

<u>Activity</u>		<u>Matters of Discretion</u>
<u>RDI</u>	<u>Emergency service facilities</u>	(a) <u>Council's discretion is restricted to the following matters:</u> (i) <u>effects on rural character and amenity,</u> (ii) <u>location, type and scale of development;</u> (iii) <u>nuisance effects including: light spill and glare, odour, dust, noise;</u> (iv) <u>traffic effects.</u>

XX.1.4 Discretionary Activities

(I) The activities listed below are discretionary activities.

<u>D1</u>	<u>Any permitted activity that does not comply with one or more of the an activity specific condition in RDISI.2</u>
<u>D2</u>	<u>Education facilities</u>
<u>D3</u>	<u>Community facilities</u>
<u>D4</u>	<u>A dog or cat boarding, daycare, breeding or training establishment</u>
<u>D5</u>	<u>Any other activity that is not listed as Prohibited, Permitted, Restricted Discretionary or Non-complying.</u>

XX.1.5 Non-Complying Activities

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

<u>NCI</u>	<ul style="list-style-type: none"> (l) <u>intensive farming;</u> (m) <u>storage, processing or disposal of hazardous waste;</u> (n) <u>correctional facility;</u> (o) <u>extractive activity;</u> (p) <u>industrial activity, including rural industry;</u> (q) <u>commercial activity, including rural commercial;</u> (r) <u>agricultural and horticultural research facilities;</u> (s) <u>motorised sport and recreation;</u> (t) <u>transport depot;</u> (u) <u>waste management facility;</u> (v) <u>forestry and afforestation not otherwise provided for in P15.</u>
------------	---

Drafting note: FUZ provisions to duplicate the Rural Zone Rule 22.2 Land Use – Effects and Rule 22.3 Land Use – Building rules.

XX.X Subdivision

Drafting note: FUZ provisions to duplicate the prohibited subdivision activities set out in Rule 22.4.1.1 in the Rural Zone.

(2) The following rules provide for various types of subdivision in the Future Urban Zone

- (d) [Rule XX.4.1.2 - General Subdivision](#)
- (e) [Rule XX.4.1.3 - Boundary Relocation](#)
- (f) [Rule XX.4.1.4 – Development Consolidation Lot](#)

Drafting note: FUZ provisions to duplicate the Rural Zone Rules 22.4.1.2 to 22.4.1.3.

- (j) Rule 22.4.1.3 – Subdivision of Maori Freehold Land
- (k) Rule 22.4.2 Title boundaries (natural hazard area, contaminated land, significant amenity landscape, notable trees, intensive farming and aggregate extraction areas.
- (l) Rule 22.4.3 Title boundaries, SNA's heritage items
- (m) Rule 22.4.4 Road frontage
- (n) Rule 22.4.5 Subdivision within identified area
- (o) Rule 22.4.6 Subdivision of land containing all or part of an Environmental Protection Area
- (p) Rule 22.4.7 Esplanade Reserve and Esplanade strips
- (q) Rule 22.4.8 Subdivision of land containing heritage items
- (r) Rule 22.4.9 Subdivision – building platform

XX.4.1.2 General subdivision

RD1	<ul style="list-style-type: none"> (d) <u>Subdivision must comply with all of the following conditions:</u> <ul style="list-style-type: none"> (ii) <u>The Record of Title to the allotment to be subdivided must be a minimum 80 ha in area and both the balance allotment and the new additional allotment must be a minimum 40 hectares in area.</u> (e) <u>An exception to (a) is provided in Rule XX.4.1.4 where the creation of one additional allotment is to enable consolidation of landholdings to facilitate future urban development.</u> (f) <u>Council's discretion is restricted to the following matters:</u> <ul style="list-style-type: none"> (vi) <u>Subdivision layout and design including dimensions, shape and orientation of the proposed allotment;</u> (vii) <u>Potential for reverse sensitivity effects;</u> (viii) <u>Extent of earthworks including earthworks for the location of building platforms and accessways.</u> (ix) <u>The provision of infrastructure, including water supply for firefighting purposes, where practicable.</u>
-----	--

	(x) <u>Effects on future urban development potential.</u>
<u>NC1</u>	<u>General subdivision that does not comply with any of the conditions of Rule XX.4.1.2. RD1.</u>

XX.4.1.3 Boundary relocation

<u>RD1</u>	<p>(c) <u>The boundary relocation must comply with all of the following conditions:</u></p> <ul style="list-style-type: none"> (v) <u>Relocate a common boundary or boundaries between two existing Records of Title;</u> (vi) <u>The Records of Title must form a continuous landholding;</u> (vii) <u>Not result in any additional allotments;</u> (viii) <u>Create one allotment of at least 1,000m² in area.</u> <p>(d) <u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> (v) <u>Subdivision layout and design including dimension, shape and orientation of the proposed allotment;</u> (vi) <u>Potential for reverse sensitivity effects;</u> (vii) <u>The provision of infrastructure, including water supply for firefighting purposes, where practicable;</u> (viii) <u>Effects on future urban development potential.</u>
<u>D1</u>	<u>A boundary relocation that does not comply with any of the conditions of Rule XX.4.1.3 RD1</u>

XX.4.1.4 Development Consolidation Lot

<u>RD1</u>	<p>(c) <u>Subdivision to create one additional allotment must comply with all of the following conditions:</u></p> <ul style="list-style-type: none"> (vii) <u>The Record of Title to be subdivided must have been issued prior to <i>(insert date of decision)</i>;</u> (viii) <u>The Record of Title to be subdivided must have a net areas that is greater than 20ha;</u> (ix) <u>The proposed subdivision must create no more than one additional Record of Title;</u> (x) <u>The additional Record of Title must contain a lawfully established residential unit existing as at <i>(insert date of decision)</i>;</u> (xi) <u>The additional Record of Title must have a net site area between 1,000m² and 1ha;</u> (xii) <u>A consent notice or encumbrance must be registered on the Record of Title for the balance large lot that prevents the construction of any additional residential units on the balance large</u>
------------	--

	<p><u>lot title until such time as a plan change has been undertaken and the site has an operative urban zone.</u></p> <p>(d) <u>Council's discretion is restricted to the following matters:</u></p> <p>(v) <u>subdivision layout and design including dimension, shape and orientation of the proposed allotment;</u></p> <p>(vi) <u>potential for reverse sensitivity effects;</u></p> <p>(vii) <u>The provision of infrastructure, including water supply for firefighting purposes, where practicable;</u></p> <p>(viii) <u>Effects on future urban development potential.</u></p>
<u>NC1</u>	<u>A subdivision that does not comply with any of the conditions of Rule XX.4.1.4 RD1</u>

Appendix 3: Medium Density Residential Zone Provisions

** As circulated by Kainga Ora to the Hearings Panel and submitters on 23 November 2020, on a without prejudice basis

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

Zone Statement - Medium Density Residential

The purpose of the Medium Density Residential zone is to enable the more efficient use of residentially zoned land and infrastructure by providing for a higher intensity of residential development than typically found in the General Residential Zone. The zone provides for development within a walkable catchment of existing town centres, strategic transport corridors and community facilities.

The zone provisions enable a variety of dwelling sizes and typologies to be delivered which provides opportunity for greater housing variety and choice. Development in the zone is guided by rules which encourage innovation and flexibility in design responses. The Matters of Discretion for development enable appropriate design outcomes regarding:

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

4.2A Medium Density Residential Zone

4.2A.1 Objective – Efficient Use of Land and Infrastructure

- (a) Land and infrastructure near the Business Town Centre Zone, Business Zone and close to public transport networks, strategic transport corridors and community facilities is efficiently used for medium density residential living resulting in a compact urban settlement pattern.

4.2A.2 Policy - Efficient Use of Land and Infrastructure

- (a) Enable land adjacent to the Business and Business Town Centre Zones and within a walkable catchment of transport networks to be used for higher intensity residential living.

- (b) Recognise the social, economic and environmental benefits arising from higher density development being situated closer to community facilities and open spaces when considering development proposals.
- (c) Recognise the economic and environmental benefits of higher density development utilising the existing and planned investment in transport and three waters infrastructure.

4.2A.3 Objective – Housing Typology

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

4.2A.4 Policy – Housing Typology and Type

- (a) Enable a variety of housing typologies in the Medium Density Residential Zone including apartments, terrace housing and duplexes.

4.2A.5 Objective – Residential Amenity

- (a) Achieve a high level of residential amenity within the Zone that reflects the planned built form and compact urban settlement pattern.

4.2A.6 Policy – Changes to Amenity Values

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

4.2A.7 Policy – Building Form, Massing and Coverage

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

4.2A.8 Policy – Streetscape, Yards and Outdoor Living Courts

- (a) Enable residential development that contributes to attractive and safe streets and public open spaces by:
 - (i) providing for passive surveillance to public open spaces and streets through siting of dwellings and rooms, façade design and fencing/landscaping.
 - (ii) Incorporating front yard landscaping that will enhance streetscape amenity;
 - (iii) Minimising the prevalence of garage doors, carparking and driveways fronting the street.
- (b) Require development to have sufficient side yard setbacks to provide for:
 - (i) Landscaping and permeable surfaces;

- (ii) Privacy;
 - (iii) Sunlight and daylight;
 - (iv) Useable and accessible outdoor living space; and
 - (v) Driveways and accessways.
- (c) Require the provision of Outdoor Living Spaces that are attractive and functional whilst enabling flexibility and innovation in the provision of such spaces by recognising the varying means by which suitable outdoor spaces can be provided for a particular form of development including shared outdoor spaces, roof terraces or other communal outdoor living spaces.

4.2A.9 Objective – Earthworks

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

4.2A.10 Policy - Earthworks

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

4.2A.11 Policy – Bankart Street and Wainui

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

4.2A.12 Objective – Activities

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

4.2A.13 Policy – Non-Residential Activities

- (a) Maintain the Medium Density Residential Zone primarily for residential activities while also:

- (i) Providing for retirement villages, rest home and aged care accommodation within the Zone;
 - (ii) Ensuring non-residential activities, commercial activities and community facilities within the Zone are in keeping with the scale and intensity of development anticipated by the Medium Density Residential Zone and that contribute to the amenity of the neighbourhood;
 - (iii) Providing for activities that provide for the social and economic wellbeing of the residential community and service or support an identified local need;
 - (iv) Avoiding the establishment of new non-residential activities on rear sites, or sites located on cul-de-sacs; and
 - (v) Ensuring that the design and scale of non-residential activities and associated buildings mitigates adverse effects related to traffic generation, access, noise, vibration, outdoor storage of materials and light spill.
- (b) Enabling existing non-residential activities to continue and support their redevelopment and expansion provided they do not have a significant adverse effect on the character and amenity of the Medium Density Residential Zone.

4.2A.14 Policy – Home Occupations

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

4.2A.15 Policy - Temporary Events

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

Chapter 16A: Medium Density Residential Zone

Contents

Chapter 16A: Medium Density Residential Zone	Error! Bookmark not defined.
16A.1 Land Use - Activities	Error! Bookmark not defined.
16A.1.1 Prohibited Activities	Error! Bookmark not defined.
16A.1.2 Permitted Activities	Error! Bookmark not defined.
16A.1.3 Restricted Discretionary Activities	Error! Bookmark not defined.
16A.1.4 Discretionary Activities.....	Error! Bookmark not defined.
16A.2 Land Use – Effects	Error! Bookmark not defined.
16A.2.1 Noise	Error! Bookmark not defined.
16A.2.1.1 Noise – General.....	Error! Bookmark not defined.
16A.2.1.2 Noise – Construction.....	Error! Bookmark not defined.
16A.2.2 Servicing and hours of operation - Bankart Street and Wainui Road Business Overlay Area - Raglan.....	Error! Bookmark not defined.
16A.2.3 Glare and artificial light spill	Error! Bookmark not defined.
16A.2.4 Earthworks.....	Error! Bookmark not defined.
16A.2.4.1 Earthworks - General	Error! Bookmark not defined.
16A.2.4.3 Earthworks - Significant Natural Areas.....	Error! Bookmark not defined.
16A.2.5 Hazardous substances	Error! Bookmark not defined.
16A.2.6 Notable trees	Error! Bookmark not defined.
16A.2.6.1 Notable trees – Removal or destruction	Error! Bookmark not defined.
16A.2.6.2 Notable tree – Trimming.....	Error! Bookmark not defined.
16A.2.6.3 Notable tree – Activities within the dripline ..	Error! Bookmark not defined.
16A.2.7 Signs	Error! Bookmark not defined.
16A.2.7.1 Signs – general.....	Error! Bookmark not defined.
16A.2.7.2 Signs – Effects on traffic.....	Error! Bookmark not defined.
16A.2.8 Indigenous vegetation clearance inside a Significant Natural Area	Error! Bookmark not defined.
16A.3 Land Use – Building	Error! Bookmark not defined.

16A.3.1 Dwellings	Error! Bookmark not defined.
16A.3.2 Height	Error! Bookmark not defined.
16A.3.2.1 Height - Building general.....	Error! Bookmark not defined.
16A.3.3 Fences or Walls – Road Boundaries.....	Error! Bookmark not defined.
16A.3.4 Daylight admission.....	Error! Bookmark not defined.
16A.3.5 Building coverage	Error! Bookmark not defined.8
16A.3.6 Impervious surfaces.....	Error! Bookmark not defined.8
16A.3.7 Outdoor Living Court.....	Error! Bookmark not defined.8
16A.3.8 Building setbacksl	Error! Bookmark not defined.9
16A.3.8.1 Building setbacks – All boundaries.....	Error! Bookmark not defined.9
16A.3.8.2 Building setbacks – Water bodies	Error! Bookmark not defined.9
16A.3.9 Histroci Heritage	Error! Bookmark not defined.9
16A.3.9.1 Group A heritage item – Demolition, removal or relocation	20
16A.3.9.2 Group B heritage item – Demolition, removal or relocation	20
16A.3.9.3 All heritage itmes – Alterations or addition	20
16A.3.9.4 All heritage items – Maintenance or repair	20
16A.3.9.5 All heritage items – Site Development.....	20
16A.4 Subdivision.....	Error! Bookmark not defined.
16A.4.1 Subdivision – General.....	Error! Bookmark not defined.
16A.4.2 Subdivision – Te Kauwhata West Residential Area.....	Error! Bookmark not defined.2
16A.4.3 Subdivision – Boundary Adjustment.....	Error! Bookmark not defined.3
16A.4.4 Subdivision – Amendments and updates to cross lease flats plans and conversion to freehold.....	Error! Bookmark not defined.3
16A.4.5 Title boundaries – contaminatd land, notable trees.....	Error! Bookmark not defined.3
16A.4.6 Title boundaries – Significant Natural Areas	Error! Bookmark not defined.4
16A.4.7 Subdivision of land containing heritage items...	Error! Bookmark not defined.4
16A.4.8 Subdivision – Road frontage.....	Error! Bookmark not defined.4
16A.4.9 Subdivision creating reserves	Error! Bookmark not defined.5
16A.4.10 Subdivision of esplanade reserves and esplanade strips.....	Error! Bookmark not defined.5
16A.4.11 Subdivision of land containing mapped off-road walkways.....	Error! Bookmark not defined.6

Chapter 16A: Medium Density Residential Zone

1. The rules that apply to activities in the Medium Density Residential Zone are contained in Rule 16A.1 Land Use – Activities, Rule 16A.2 Land Use – Effects and Rule 16A.3 Land Use – Building.
2. The rules that apply to subdivision in the Medium Density Residential Zone are contained in Rule 16A.4.
3. The activity status tables and standards in the following chapters also apply to activities in the Medium Density Residential Zone:
 - 14 Infrastructure and Energy;
 - 15 Natural Hazards and Climate Change (Placeholder).
4. The following symbols are used in the tables:
 - (a) P Permitted activity
 - (b) C Controlled activity
 - (c) RD Restricted discretionary activity
 - (d) D Discretionary activity
 - (e) NC Non-complying activity
 - (f) PR Prohibited activity

16A.1 Land Use - Activities

16A.1.1 Prohibited Activities

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

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

16A.1.2 Permitted Activities

1. The following activities are permitted activities if they meet all the following:
 - (a) Land Use – Effects rules in Rule 16A.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 16A.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
P1	Residential activity, unless specified below.	Nil
P2	Construction of, or alterations and additions to a building	Nil
P2	A Marae Complex or Papakaainga Housing Development on Māori Freehold Land or on Māori Customary Land	<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 Māori Incorporation, the following is provided to Council with the associated building consent application:</p> <ul style="list-style-type: none"> (i) A Concept Management Plan approved by the Māori Land Court and (ii) A Licence to Occupy; <p>(c) Where a Trust Order or Māori Incorporation does not exist, one of the following instruments is provided to Council at the time lodgement of the application for building consent:</p> <ul style="list-style-type: none"> (i) A Concept Management Plan approved by the Māori Land Court; (ii) A lease, or an Occupation Order of the Māori Land Court; <p>(d) The following Land Use Effects rules in Rule 16A.3 do not apply:</p> <ul style="list-style-type: none"> (i) Rule 16A.3.1 (Dwelling); (ii) Rule 16A.3.2 (Minor dwellings); (iii) Rule 16A.3.6 (Building Coverage)
P3	A new retirement village or alterations to an existing retirement village:	<p>(a) The site is connected to public water and wastewater infrastructure;</p> <p>(b) Minimum living court or balcony area and dimensions</p> <ul style="list-style-type: none"> (i) Apartment – 10m² area with minimum dimension horizontal and vertical of 2.5m; (ii) Studio unit or 1 bedroom unit – 12.5m² area with minimum dimension horizontal and vertical 2.5m; or (iii) 2 or more bedroomed unit – 15m² area with minimum dimension horizontal and vertical of 2.5m;

		<p>(c) Minimum service court is either:</p> <ul style="list-style-type: none"> (i) Apartment – Communal outdoor space (i.e. no individual service courts required); or (ii) All other units – 10m² for each unit <p>(d) The following Land Use – Effects rule in Rule 16A.2 does not apply:</p> <ul style="list-style-type: none"> (i) Rule 16A.2.7 (Signs); <p>(e) The following Land Use – Building rules in Rule 16A.3 do not apply:</p> <ul style="list-style-type: none"> (i) Rule 16A.3.1 (Dwelling); (ii) Rule 16A.3.7 (Living Court) (iii) Rule 16A.3.8 (Service Court); <p>(f) The following Infrastructure and Energy rule in Chapter 14 does not apply:</p> <ul style="list-style-type: none"> (i) i. Rule 14.12.1 P4(1)(a) (Traffic generation).
P4	Home occupation	<p>(a) It is wholly contained within a building;</p> <p>(b) The storage of materials or machinery associated with the home occupation are wholly contained within a building;</p> <p>(c) No more than 2 people who are not permanent residents of the site are employed at any one time;</p> <p>(d) Unloading and loading of vehicles or the receiving of customers or deliveries only occur between 7:30am and 7:00pm on any day;</p> <p>(e) Machinery may be operated between 7:30am and 9pm on any day.</p>
P5	Temporary event	<p>(a) The event occurs no more than 3 times per consecutive 12 month period;</p> <p>(b) The duration of each temporary event is less than 72 hours;</p> <p>(c) It may operate between 7:30am and 8:30pm</p> <p>(d) Temporary structures are:</p> <ul style="list-style-type: none"> (i) erected no more than 2 days before the temporary events occurs; (ii) removed no more than 3 days after the end of the event;

		(e) The site is returned to its previous conditions no more than 3 days after the end of the temporary event; (f) There is no direct site access from a national route or regional arterial road.
P6	Cultural event on Māori Freehold Land containing a Marae Complex	Nil
P7	Community facilities	Nil
P8	Neighbourhood park	Nil
P9	Home stay	(a) No more than 4 temporary residents; (b) No more than two people who are not permanent residents of the site are employed at any one time
P10	Commercial activity	(a) Must be within the Raglan Bankart Street and Wainui Road Business Overlay Area.
P11	Boarding houses/boarding establishments	(a) No more than 10 people per site inclusive of staff and residents

16A.1.3 Restricted Discretionary Activities

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

RD1	Any permitted activity that does not comply with the Activity Specific Conditions.	Council's discretion shall be restricted to any of the following matters: (a) Consideration of the effects of the standard not met. (b) Measures to avoid, remedy or mitigate adverse effects. (c) Cumulative effects.
-----	--	---

16A.1.4 Discretionary Activities

- The activities listed below are discretionary activities.

D1	Any activity that is not listed as Prohibited, Permitted or Restricted Discretionary.
----	---

16A.2 Land Use – Effects

16A.2.1 Noise

1. Rules 16A.2.1.1 and 16A.2.1.2 provide the permitted noise levels generated by land use activities.
2. Rule 16A.2.1.1 Noise – general provides permitted noise levels in the Medium Density Residential Zone.
3. Rule 16A.2.1.2 Noise – Construction provides the noise levels for construction activities

16A.2.1.1 Noise – General

P1	Noise generated by emergency generators and emergency sirens.
P2	(a) Noise measured within any other site in the Medium Density Residential Zone must not exceed: (i) 50dB (LAeq), 7am to 7pm, every day; (ii) 45dB (LAeq) 7pm to 10pm every day; and (iii) 40 dB (LAeq) and 65dB (Lamax), 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 NZS6802:2008 'Acoustics – Environmental Noise'.
D1	Noise that does not comply with Rule 16A.2.1.1 P2 or P3.

16A.2.1.2 Noise – Construction

P1	(a) Construction noise must meet the limits in the 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'
RD1	(a) Construction noise that does not comply with Rule 16A.2.1.2 P1. (b) Council's discretion shall be restricted to any of 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

16A.2.2 Servicing and hours of operation - Bankart Street and Wainui Road Business Overlay Area - Raglan

P1	The loading and unloading of vehicles and the receiving of customers and deliveries associated with a commercial activity within the Bankart Street and Wainui Road Business Overlay Area may occur between 7:30am and 6:30pm.
D1	The servicing and hours of operation of a commercial activity that does not comply with Rule 16A.2.2 P1

16A.2.3 Glare and artificial light spill

P1	Glare and artificial light spill must not exceed 10 lux measured horizontally and vertically within any other site.
RD1	<p>(a) Illumination that does not comply with Rule 16A.2.3 P1.</p> <p>(b) The Council's discretion shall be restricted to any of 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.

16A.2.4 Earthworks

1. Rule 16A.2.4.1 – General, provides the permitted rules for earthworks activities for the Medium Density Residential Zone.
2. There are specific standards for earthworks within rules:
 - (a) **Rule 16A.2.4.3 – Significant Natural Areas.**

16A.2.4.1 Earthworks – General

P1	<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 1000m³; (iii) Not exceed an area of 1ha 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) Areas exposed by earthworks are revegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks; (vii) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; (viii) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.
P2	<p>(a) 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"> (i) Be carried out in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development.
P3	<p>(a) Earthworks for purposes other than creating a building platform for residential purposes within a site, using imported fill material must meet all of the following conditions:</p>

	<ul style="list-style-type: none"> (i) Not exceed a total volume of 50m³; (ii) Not exceed a depth of 1.5m; (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
RD1	<ul style="list-style-type: none"> (a) Earthworks that do not comply with Rule 16A.2.4.1 P1, P2 or P3. (b) The Council's discretion shall be restricted to any of 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) Geotechnical stability; (ix) Flood risk, including natural water flows and established drainage paths; and (x) Land instability, erosion and sedimentation.
NC1	Any earthworks not listed above, including the importation of cleanfill to a site.

16A.2.4.3 Earthworks - Significant Natural Areas

P1	<ul style="list-style-type: none"> (a) Earthworks for the maintenance of existing tracks, fences or drains within an identified Significant Natural Area and must meet all of the following conditions: <ul style="list-style-type: none"> (i) Maximum volume of 50m³ in a single consecutive 12 month period; (ii) Maximum area of 250m² in a single consecutive 12 month period; and (iii) Not include importing any fill material.
RD1	<ul style="list-style-type: none"> (a) Earthworks that do not comply with Rule 16A.2.4.3 P1. (b) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) The location of earthworks in relation to waterways, significant indigenous vegetation or habitat; (ii) The protection of adverse effects on the Significant Natural Area values.
D1	Earthworks within an identified Significant Natural Area not provided for in Rule 16A.2.4.3 P1 or RD1.

16A.2.5 Hazardous Substances

P1	(a) The use, storage or disposal of any hazardous substance where:
----	--

	(i) The aggregate quantity of any hazardous substance of any hazard classification on a site is less than the quantity specified in the Medium Density Residential Zone in Table 5.1 contained within Appendix 5 (Hazardous Substances).
P2	(a) The storage or use of radioactive materials is: (i) an approved equipment for medical and diagnostic purposes; or (ii) specified as an exempt activity or article in the Radiation Safety Act and Regulations 2017.
D1	The use, storage or disposal of any hazardous substances that does not comply with Rule 16A.2.5 P1 or P2.

16A.2.6 Notable Trees

(1) Rules 16A.2.6.1 to 16A.2.6.4 provide permitted rules for works on notable trees, which are identified in Schedule 30.2 (Notable Trees) as follows:

- (a) Rule 16A.2.6.1 - Removal or destruction;
- (b) Rule 16A.2.6.2 – Trimming;
- (c) Rule 16A.2.6.3 - Activities within the dripline

16A.2.6.1 Notable Trees – Removal or Destruction

P1	Removal or destruction of a notable tree identified in Schedule 30.2 (Notable Trees) where certification is provided to Council from a works arborist that states that the tree is dead, dying, diseased or is unsafe in accordance with Appendix 11 Tree Removal Certificate.
RD1	(a) Removal or destruction of a notable tree identified in Schedule 30.2 (Notable Trees) that does not comply with Rule 16A.2.6.1 P1. (b) Council's discretion is restricted to any of the following matters: (i) Timing and manner in which the activity is carried out; (ii) Effects on amenity values; and (iii) Effects on heritage values.

16A.2.6.2 Notable Tree – Trimming

P1	(a) The trimming of a notable tree identified in Schedule 30.2 (Notable Trees) is either: (i) to remove dead, dying, or diseased branches and the tree work is undertaken by a works arborist; or (ii) the maximum branch diameter does not exceed 50mm at severance and no more than 10% of live foliage growth is removed in any single consecutive 12 month period.
RD1	(a) The trimming of a notable tree that does not comply with Rule 16A.2.6.2. P1. (b) Council's discretion is restricted to any of the following matters: (i) Timing and manner in which the activity is carried out; (ii) Effects on amenity values.

16A.2.6.3 Notable Tree – Activities within the Dripline

P1	<p>(a) Any activity within the dripline of a notable tree identified in Schedule 30.2 (Notable Trees) must comply with <u>all of the following conditions</u>:</p> <ul style="list-style-type: none"> (i) No excavation, compaction, sealing or soil disturbance and placement of fill material, except for the sealing of an existing road or <u>footpath</u>; (ii) No parking or storage of materials, vehicles or <u>machinery</u>; (iii) Discharge of an eco-toxic substance; and (iv) No construction of structures.
RD1	<p>(a) Any activity that does not comply with Rule <u>16A.2.6.3 P1</u>.</p> <p>(b) Council's discretion shall be restricted to any of the following matters:</p> <ul style="list-style-type: none"> (i) Location of activity in relation to the <u>tree</u>; (ii) Timing and manner in which the activity is carried <u>out</u>; (iii) Remedial <u>measures</u>; (iv) Effect on the health of the tree; and (v) Amenity values.

16A.2.7 Signs

1. Rule 16A.2.7.1 Signs – general provides permitted standards for any sign, including real estate signs, across the entire Medium Density Residential Zone.
2. Rule 16A.2.7.2 Signs – effects on traffic applies specific standards for signs that are directed at road users.

16A.2.7.1 Signs – General

P1	A public information sign erected by a government agency.
P2	<p>(a) A sign must comply with <u>all of the following conditions</u>:</p> <ul style="list-style-type: none"> (i) It is the only sign on the <u>site</u>; (ii) The sign is wholly contained within the <u>site</u>; (iii) The sign does not exceed <u>1m²</u>; (iv) The sign height does not exceed <u>2m in height</u>; (v) The sign is not <u>illuminated</u>;

	<ul style="list-style-type: none"> (vi) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective <u>materials</u>; (vii) The sign is set back at least <u>50m</u> from the designated boundary of a state highway and the Waikato <u>Expressway</u>; (viii) The sign does not project over road <u>reserve</u>; (ix) The sign is not attached to a tree identified in Schedule 30.2 Notable Trees, except for the purpose of identification and <u>interpretation</u>; (x) The sign is not attached to a heritage item listed in Schedule 30.1 (Heritage Items), except for the purpose of identification and <u>interpretation</u>; (xi) The sign is not attached to a Māori Site of Significance listed in Schedule 30.3 (Māori Sites of Significance), except for the purpose of identification and <u>interpretation</u>; (xii) The sign relates to: <ul style="list-style-type: none"> (A) goods or services available on the site; or (B) a property name sign.
<u>P3</u>	<ul style="list-style-type: none"> (a) A real estate 'for sale' sign relating to the site on which it is located must comply with <u>all of</u> the following conditions: <ul style="list-style-type: none"> (i) There is no more than 1 sign per <u>agency</u>; (ii) The sign is not <u>illuminated</u>; (iii) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective <u>materials</u>; (iv) The sign does not project into or over road reserve.
<u>RD1</u>	<ul style="list-style-type: none"> (a) A sign that does not comply with Rule <u>16A.2.7.1 P2</u> or <u>P3</u>. (b) Council's discretion shall be restricted to any of the following matters: <ul style="list-style-type: none"> (i) Amenity <u>values</u>; (ii) Character of the <u>locality</u>; (iii) Effects on traffic <u>safety</u>; (iv) Glare and artificial light <u>spill</u>; (v) Content, colour and location of the <u>sign</u>; (vi) Effects on a notable <u>tree</u>; (vii) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the <u>sign</u>;

	<ul style="list-style-type: none"> (viii) Effects on cultural values of any Māori Site of Significance; and (ix) Effects on notable architectural features of a building.
--	---

16A 2.7.2 Signs – Effects on Traffic

<u>P1</u>	<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 <u>sign</u>; (ii) Be located at least <u>60m</u> from controlled intersections, pedestrian crossings and any other <u>sign</u>; (iii) Not obstruct sight lines of drivers turning into or out of a site entrance and <u>intersections</u>; (iv) Be able to be viewed by drivers for at least <u>130m</u>; (v) Contain no more than 40 characters and no more than 6 <u>symbols</u>; (vi) Have lettering that is at least <u>150mm high</u>; (vii) Be at least <u>130m</u> from a site entrance, where the sign directs traffic to the entrance.
<u>D1</u>	Any sign that does not comply with Rule <u>16A 2.7.2 P1</u> .

16A 2.8 Indigenous Vegetation Clearance inside a Significant Natural Area

<u>P1</u>	<p>(a) Indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) for the following purposes:</p> <ul style="list-style-type: none"> (i) Removing vegetation that endangers human life or existing buildings or <u>structures</u>; (ii) Conservation fencing to exclude stock or <u>pests</u>; (iii) Maintaining existing farm <u>drains</u>; (iv) Maintaining existing tracks and <u>fences</u>; (v) Gathering plants in accordance with Maaori customs and values;
<u>P2</u>	Removal of up to <u>5m³</u> of manuka and/or kanuka outside of the Coastal Environment per year per property for domestic firewood purposes or arts and crafts provided the removal will not directly result in the death, destruction or irreparable damage of any other tree, <u>bush</u> or plant.
<u>P3</u>	(a) Indigenous vegetation clearance for building, access, <u>parking</u> and manoeuvring areas in a Significant Natural Area identified on the

	<p>planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) There is no alternative development area on the site outside the Significant Natural Area; and (ii) The total indigenous vegetation clearance does not exceed <u>250m²</u>.
<u>P4</u>	<p>(a) On Māori Freehold Land or Māori Customary Land, indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) where:</p> <ul style="list-style-type: none"> (i) There is no alternative development area on the site outside the Significant Natural <u>Area</u>; (ii) The following total areas are not exceeded: <ul style="list-style-type: none"> (b) <u>1500m²</u> for a Marae complex, including areas associated with access parking and <u>manoeuvring</u>; (c) <u>500m²</u> per dwelling, including areas associated with access parking and manoeuvring; and (d) <u>500m²</u> for a <u>papakaainga</u> building including areas associated with access parking and manoeuvring.
<u>P5</u>	<p>(a) On Māori Freehold Land or Māori Customary Land, indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) for the following purposes:</p> <ul style="list-style-type: none"> (i) Removing vegetation that endangers human life or existing buildings or <u>structures</u>; (ii) Conservation fencing to exclude stock or <u>pests</u>; (iii) Maintaining existing farm <u>drains</u>; (iv) Maintaining existing tracks and fences; or (v) Gathering plants in accordance with Māori customs and values.
<u>P6</u>	Removal of up to <u>5m³</u> of manuka and/or kanuka outside of the Coastal Environment per year per property for domestic firewood purposes or arts and crafts provided the removal will not directly result in the death, destruction or irreparable damage of any other tree, <u>bush</u> or plant
<u>D1</u>	Indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) that does not comply with one or more conditions in Rule <u>16A.2.8 P1, P2, P3, P4, P5 or P6</u> .

16A.3 Land Use – Building

16A.3.1 Dwellings

<u>P1</u>	Up to three residential dwellings per site.
<u>RD1</u>	<p>(a) Four or more residential dwellings per site.</p> <p>(b) Council's discretion shall be restricted to any of the following matters:</p> <ul style="list-style-type: none"> (i) Intensity of the <u>development</u>; (ii) Design and location of <u>buildings</u>; (iii) Extent of shading on adjacent <u>sites</u>; (iv) Provision of infrastructure to individual <u>units</u>; (v) Privacy on adjoining sites; and (vi) Impervious area

16A.3.2 Height

1. Rule 16A.3.2.1 Height – Building general provides permitted height limits across the entire Medium Density Residential Zone.

16A.3.2.1 Height - Building General

<u>P1</u>	The permitted height of any building is <u>11m</u> above ground level
<u>RD1</u>	<p>(a) Any building that does not comply with Rule <u>16A.3.2.1 P1</u>.</p> <p>(b) Council's discretion shall be restricted to any of the following matters:</p> <ul style="list-style-type: none"> (i) Height of the <u>building</u>; (ii) Design and location of the <u>building</u>; (iii) Extent of shading on adjacent <u>sites</u>; (iv) Privacy on adjoining sites.

16A.3.3 Fences or Walls – Road Boundaries

<u>P1</u>	<p>(a) Fences and walls between the applicable building setbacks under Rule <u>16A.3.8</u> on a site and any road boundaries must comply with <u>all of</u> the following conditions:</p> <ul style="list-style-type: none"> (i) Be no higher than <u>1.5m</u> if solid: (ii) Be no higher than <u>1.8m</u> if:
-----------	---

	<p>(b) Visually permeable for the full <u>1.8m</u> height of the fence or wall; or</p> <p>(c) Solid up to <u>1.5m</u> and visually permeable between 1.5 and <u>1.8m</u></p>
<u>P2</u>	Fences or walls between the applicable building setbacks under Rule <u>16A.3.8</u> on a site and along the northern boundary of the Medium Density Residential Zone between Wayside Road and Travers Road, Te Kauwhata, adjacent to the Country Living Zone, must be of a rural-type post and wire or post and rail construction.
<u>RD1</u>	<p>(a) Fences or walls that do not comply with Rule <u>16A.3.3 P1</u> or <u>P2</u>.</p> <p>(b) Council's discretion shall be restricted to any of the following matters:</p> <p>(i) Building materials and <u>design</u>;</p> <p>(ii) Effects on amenity; and</p> <p>(iii) Public space visibility.</p>

16A.3.4 Daylight Admission

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

16A.3.5 Building Coverage

P1	The total building coverage must not exceed 45%.
P2	Within the Te Kauwhata Residential West Area as identified on the planning maps, the total building coverage must not exceed 35%.
P3	Within the Bankart Street and Wainui Road Business Overlay Area as identified on the planning maps, total building coverage must not exceed 50%.
RD1	<p>(a) Total building coverage that does not comply with Rule <u>16A.3.5 P1</u>.</p> <p>(b) Council's discretion shall be restricted to any of the following matters:</p> <ul style="list-style-type: none"> (i) Design and location of the <u>building</u>; (ii) Provision for outdoor living space and service courts, (iii) Privacy on adjoining sites; and (iv) Effects on amenity values in the surrounding residential area.

16A.3.6 Impervious Surfaces

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

16A.3.7 Outdoor Living Court

P1	<p>(a) An outdoor living court must be provided for each dwelling that meets <u>all</u> of the following conditions:</p> <ul style="list-style-type: none"> (i) It is for the exclusive use of the occupants of the <u>dwelling</u>; (ii) It is readily accessible from a living area of the <u>dwelling</u>; (iii) When located on the ground floor, it has a minimum area of <u>20m²</u> and a minimum dimension of <u>4m</u> in any direction; and (iv) When located on a balcony of an above ground apartment, it must have a minimum area of <u>5m²</u> for studio and one-bedroom dwellings, or <u>8m²</u> for <u>two or more bedroom</u> dwellings and a minimum dimension of <u>1.5m</u>.
----	--

<u>RD1</u>	<p>(a) An outdoor living court that does not comply with Rule <u>16A.3.7 P1</u></p> <p>(b) Council's discretion shall be restricted to any of the following matters:</p> <ul style="list-style-type: none"> (i) Design and location of the <u>building</u>; (ii) Provision for outdoor living space including access to sunlight and open space and the usability and accessibility of the outdoor living space <u>proposed</u>; (iii) Privacy on adjoining sites; and (iv) The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space.
------------	---

16A.3.8 Building Setbacks

1. Rules 16A.3.8.1 to 16A.3.8.2 provide the permitted building setback distances for buildings from site boundaries, specific land use activities and environmental features.
2. Rule 16A.3.8.1 'Building setbacks – All boundaries' provides permitted building setback distances from all boundaries on any site within the Medium Density Residential Zone. Different setback distances are applied based on the type of building.
3. Rule 16A.3.8.2 'Building setback – water bodies including lake, wetland, river and coast.

16A.3.8.1 Building Setbacks – All Boundaries

<u>P1</u>	<p>(a) A building must be set back a minimum of:</p> <ul style="list-style-type: none"> (i) <u>3m</u> from the road <u>boundary</u>; (ii) <u>3m</u> from the edge of an indicative <u>road</u>; (iii) <u>1m</u> from every boundary other than a road boundary.
<u>RD1</u>	<p>(a) A building that does not comply with Rule <u>16A.3.8.1 P1</u>.</p> <p>(b) Council's discretion shall be restricted to any of the following matters:</p> <ul style="list-style-type: none"> (i) Road network safety and <u>efficiency</u>; (ii) Potential to mitigate adverse effects on the streetscape through use of other design <u>features</u>; (iii) Daylight admission to adjoining properties; and (iv) Privacy on adjoining sites.

16A.3.8.2 Building Setback – Water Bodies

P1	(a) Any building must be setback a minimum of: (i) 20m from the margin of <u>any</u> : (A) lake; and (B) <u>wetland</u> ; (ii) 23m from the bank of any river (other than the Waikato and <u>Waipa Rivers</u>); (iii) 28m from the margin of both the Waikato River and the <u>Waipa River</u> ; and (iv) 23m from mean high water springs.
P2	A public amenity of up to <u>25m²</u> or a pump shed within any building setback identified in Rule <u>16A.3.9.3 P1</u> .
D1	Any building that does not comply with Rule <u>16A.3.9.3 P1</u> or <u>P2</u> .

16A.3.9 Historic Heritage

1. The following rules manage heritage items (buildings and monuments):
 - (a) Rule 16A.3.11.1 - Group A Heritage item – Demolition, removal or relocation
 - (b) Rule 16A.3.11.2 - Group B Heritage item – Demolition, removal or relocation
 - (c) Rule 16A.3.11.3 - All heritage items – Alterations and additions
 - (d) Rule 16A.3.11.4 - All heritage items – Maintenance or repair
 - (e) Rule 16A.3.11.5 - All heritage items – site development

16A.3.9.1 Group A Heritage Item – Demolition, Removal or Relocation

NC1	Demolition, <u>removal</u> or relocation of any Group A heritage item listed in Schedule 30.1 (Heritage Items).
-----	---

16A.3.9.2 Group B Heritage Item – Demolition, Removal or Relocation

D1	Demolition, <u>removal</u> or relocation of any Group B heritage item listed in Schedule 30.1 (Heritage Items).
----	---

16A.3.9.3 All heritage items – Alterations or Addition

P1	(a) Alteration or addition to of a heritage item listed in Schedule 30.1 (Heritage Items) must comply with the following conditions:
----	--

	<ul style="list-style-type: none"> (i) no significant feature of interest is removed, destroyed or <u>damaged</u>; (ii) alterations or additions are not visible from a public place.
<u>RD1</u>	<ul style="list-style-type: none"> (a) Any activity that does not comply with Rule <u>16A.3.11.3 P1</u>. (b) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) form, style, <u>materials</u> and appearance; and (ii) effects on heritage values.

16A.3.9.4 All Heritage Items – Maintenance or Repair

<u>P1</u>	<ul style="list-style-type: none"> (a) Maintenance or repair of a heritage item listed in Schedule 30.1 (Heritage Items) must comply with <u>all of</u> the following conditions: <ul style="list-style-type: none"> (i) no significant feature of interest is destroyed or damaged; and (ii) replacement materials are the same as, or <u>similar to</u>, the original in terms of form, style and appearance.
<u>RD1</u>	<ul style="list-style-type: none"> (a) Any activity that does not comply with Rule <u>16A.3.11.3 P1</u>. (b) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) form, style, <u>materials</u> and appearance; and (ii) effects on heritage values.

16A.3.9.5 All Heritage Items – Site Development

<u>P1</u>	<ul style="list-style-type: none"> (a) Development on a site containing a heritage item listed in Schedule 30.1 (Heritage Items) must comply with <u>all of</u> the following conditions: <ul style="list-style-type: none"> (i) (be set back at least <u>10m</u> from the heritage <u>item</u>; (ii) not locate a building between the front of the heritage item and the road.
<u>RD1</u>	<ul style="list-style-type: none"> (a) Any activity that does not comply with one or more conditions of Rule <u>16A.3.11.5 P1</u>. (b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> (i) effects on the values, context and setting of the heritage <u>item</u>; (ii) location, design, size, materials and <u>finish</u>; (iii) <u>landscaping</u>;

- | | |
|--|--|
| | (iv) the relationship of the heritage item with the setting, including the area between the front of the heritage item and the road. |
|--|--|

16A.4 Subdivision

1. Rule 16A.4.1 provides for subdivision intensity and applies across the Medium Density Residential Zone.
2. The following rules apply to specific areas and/or activities:
 - (a) Rule 16A.4.3 - Subdivision - Te Kauwhata West Residential Area); and
 - (b) Rules 16A.4.1 to 16A.4.4 are also subject to the following subdivision controls:
 - (i) Rule 16A.4.4 – Subdivision - Boundary adjustments;
 - (ii) Rule 16A.4.5 – Subdivision - Amendments and updates to cross lease flats plan and conversion to freehold;
 - (iii) Rule 16A.4.6 – Subdivision - Title boundaries natural hazard area, contaminated land, notable trees;
 - (iv) Rule 16A.4.7 – Subdivision - Title boundaries Significant Natural Areas, heritage items, archaeological sites;
 - (v) Rule 16A.4.7 - Subdivision of land containing heritage items;
 - (vi) Rule 16A.4.8 – Subdivision road frontage;
 - (vii) Rule 16A.4.9 – Subdivision creating reserves; and
 - (viii) Rule 16A.4.10 - Subdivision - Esplanade reserves and esplanade strips.
3. Rules 16A.4.14 and 16A.4.15 apply to specific features or areas:
4. Rule 16A.4.11 – subdivision of land containing mapped off-road walkways; and

16A.4.1 Subdivision - General

<u>RD1</u>	<p>(a) Subdivision must comply with <u>all</u> of the following conditions:</p> <ol style="list-style-type: none"> (i) Proposed vacant lots must have a minimum net site area of <u>200m²</u>, except where the proposed lot is an access allotment or utility allotment or reserve to <u>vest</u>; (ii) Proposed vacant lots must be able to connect to public-reticulated water supply and <u>wastewater</u>; (iii) Where 4 or more proposed vacant lots are proposed to be created, the number of rear lots do not exceed 5% of the total number of lots being <u>created</u>; <p>(b) Council's discretion shall be restricted to any of the following matters:</p>
------------	--

	<ul style="list-style-type: none"> (i) Subdivision <u>layout</u>; (ii) Shape of lots and variation in lot <u>sizes</u>; (iii) Ability of lots to accommodate a practical building platform including geotechnical stability for <u>building</u>; (iv) Likely location of future buildings and their potential effects on the <u>environment</u>; (v) Avoidance or mitigation of natural <u>hazards</u>; (vi) Opportunities for streetscape <u>landscaping</u>; (vii) Vehicle and pedestrian <u>networks</u>; (viii) Consistency with any relevant structure plan or master plan including the provision of neighbourhood parks, reserves and neighbourhood centres; and (ix) Provision of infrastructure.
<u>RD2</u>	<ul style="list-style-type: none"> (a) Every proposed vacant lot, other than one designed specifically for access or a utility allotment must be capable of containing a building platform upon which a dwelling and living court could be sited as a permitted activity, with the building platform being contained within the following dimension: <ul style="list-style-type: none"> (i) a rectangle of at least <u>100m²</u> with a minimum dimension of <u>6m</u> exclusive of yards. (b) Council's discretion shall be restricted to any of the following matters: <ul style="list-style-type: none"> (i) Subdivision <u>layout</u>; (ii) Shape of <u>allotments</u>; (iii) Ability of allotments to accommodate a practical building <u>platform</u>; (iv) Likely location of future buildings and their potential effects on the <u>environment</u>; (v) Avoidance or mitigation of natural <u>hazards</u>; (vi) Geotechnical suitability for building; and (vii) Ponding areas and primary overland flow paths.
<u>C1</u>	<ul style="list-style-type: none"> (a) Any subdivision in accordance with an approved land use resource consent must comply with that resource consent. (b) Council's control shall be reserved to any of the following matters: <ul style="list-style-type: none"> (i) Subdivision <u>layout</u>; (ii) Compliance with the approved land use consent; and

	(iii) Provision of infrastructure.
<u>D1</u>	Subdivision that does not comply with a condition in Rule <u>16A.4.1 RD1</u> or <u>RD2</u>

16A.4.2 Subdivision - Te Kauwhata West Residential Area

<u>RD1</u>	<p>(a) Proposed lots within the Te Kauwhata West Residential Area must comply with <u>all of</u> the following conditions:</p> <ul style="list-style-type: none"> (i) Be a minimum net site area of <u>650m²</u>. (ii) Have a minimum average net site area of <u>875m²</u>. (iii) Be connected to public-reticulated water supply and <u>wastewater</u>. (iv) Where roads are to be vested in Council, they are to follow a grid <u>layout</u>. (v) Where more than 5 proposed lots are being created, rear lots must not exceed 15% of the total number of titles being created. <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision <u>layout</u>. (ii) Shape of lots and variation in lot <u>sizes</u>. (iii) Ability of lots to accommodate a practical building platform, including geotechnical stability for <u>building</u>. (iv) Likely location of future buildings and their potential effects on the <u>environment</u>. (v) Avoidance or mitigation of natural <u>hazards</u>. (vi) Amenity values and streetscape <u>landscaping</u>. (vii) Consistency with the matters contained within Appendix 3.1 (Residential Subdivision Design Guidelines); (viii) Vehicle and pedestrian <u>networks</u>. (ix) Consistency with any relevant structure plan or master plan, including the provision of neighbourhood parks, reserves and neighbourhood centres; and (x) Provision of infrastructure.
<u>D1</u>	Subdivision within the Te Kauwhata West Residential Area that does not comply with Rule <u>16A.4.2 RD1</u> .

16A.4.3 Subdivision – Boundary Adjustments

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

16A.4.4 Subdivision - Amendments and updates to cross lease flats plans and conversion to freehold

<u>C1</u>	<p>(a) Conversion of a cross lease flats plan to a fee simple title.</p> <p>(b) Council's control is reserved over the following matters:</p> <p>(i) Effects on existing <u>buildings</u>;</p> <p>(ii) Site layout and design; and</p> <p>(iii) Compliance with permitted building rules.</p>
<u>C2</u>	<p>(a) Amendment or update of a cross lease flats plan to include additions or alterations to buildings, and areas for exclusive use by any owner.</p> <p>(b) Council's control is reserved over the following matters:</p> <p>(i) Purpose of the boundary <u>adjustment</u>;</p> <p>(ii) Effects on existing <u>buildings</u>;</p> <p>(iii) Site layout and design of cross lease or flats plan; and</p> <p>(iv) Compliance with permitted building rules.</p>
<u>D1</u>	<p>Any conversion of a cross lease flats plan or amendment or update to a cross lease flats plan that does not comply with Rule <u>16A.4.4 C1</u> or <u>C2</u>.</p>

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

<u>RD1</u>	<p>(a) Subdivision of land containing contaminated land or notable trees must comply with <u>all</u> of the following conditions:</p> <p>(i) The boundaries of every proposed lot containing existing buildings must demonstrate compliance with the following building rules (other than where any noncompliance existed lawfully prior to the subdivision) relating to:</p> <p>(A) Daylight admission (Rule <u>16A.3.4</u>)</p> <p>(B) Building coverage (Rule <u>16A.3.5</u>)</p> <p>(C) Building setbacks (Rule <u>16.3.8</u>)</p> <p>(ii) The boundaries of every proposed lot must not divide the following:</p> <p>(A) A natural hazard <u>area</u>;</p> <p>(B) Contaminated <u>land</u>;</p> <p>(C) Notable tree</p> <p>(iii) The boundaries of every proposed lot must provide the following setbacks:</p> <p>(A) <u>300m</u> from any intensive farming <u>activity</u>;</p> <p>(B) <u>550m</u> from the boundary of an Aggregate Extraction Area for rock extraction; and</p> <p>(C) <u>200m</u> from the boundary of an Aggregate Extraction Area for sand excavation.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <p>(i) Landscape <u>values</u>;</p> <p>(ii) Amenity values and <u>character</u>;</p> <p>(iii) Reverse sensitivity <u>effects</u>;</p> <p>(iv) Effects on existing <u>buildings</u>;</p> <p>(v) Effects on natural hazard <u>areas</u>;</p> <p>(vi) Effects on contaminated <u>land</u>;</p> <p>(vii) Effects on any notable trees; and (viii) Effects on an intensive farming activity.</p>
<u>NC1</u>	Subdivision that does not comply with Rule <u>16A.4.5 RD1</u>

16A.4.6 Title Boundaries – Significant Natural Areas

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

16A.4.7 Subdivision of Land containing Heritage Items

<u>RD1</u>	<p>(a) Subdivision of land containing a heritage item listed in Schedule 30.1 (Heritage Items).</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <p>(i) Effects on heritage <u>values</u>;</p> <p>(ii) Context and setting of the heritage item; and</p> <p>(iii) The extent to which the relationship of the heritage item with its setting is maintained.</p>
<u>NC1</u>	Subdivision that does not comply with Rule <u>16A.4.7 RD1</u> .

16A.4.8 Subdivision - Road Frontage

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

16A.4.9 Subdivision Creating Reserves

<u>RD1</u>	<p>(a) Every reserve, including where a reserve is identified within a structure plan or master plan (other than an esplanade reserve), proposed for vesting as part of the subdivision, must be bordered by roads along at least 50% of its boundaries.</p> <p>(b) Council's discretion shall be restricted to any of the following matters:</p>
------------	---

	<ul style="list-style-type: none"> (i) The extent to which the proposed reserve aligns with the principles of Council's Parks Strategy, Playground Strategy, Public Toilets Strategy and Trails <u>Strategy</u>; (ii) Consistency with any relevant structure plan or master <u>plan</u>; (iii) Reserve size and <u>location</u>; (iv) Proximity to other <u>reserves</u>; (v) The existing reserve supply in the surrounding <u>area</u>; (vi) Whether the reserve is of suitable topography for future use and <u>development</u>; (vii) Measures required to bring the reserve up to Council standard prior to vesting; and (viii) The type and standard of boundary fencing.
<u>D1</u>	Subdivision that does not comply with Rule <u>16A.4.9 RD1</u> .

16A.4.10 Subdivision of Esplanade Reserves and Esplanade Strips

<u>RD1</u>	<ul style="list-style-type: none"> (a) Subdivision of an esplanade reserve or strip at least <u>20m</u> wide (or other width stated in Appendix 4 (Esplanade Priority Areas) that is required to be created shall vest in Council where the following situations apply: <ul style="list-style-type: none"> (i) The proposed lot is less than <u>4ha</u> and within <u>20m</u> of: <ul style="list-style-type: none"> (A) mean high water <u>springs</u>; (B) the bank of any river whose bed has an average width of <u>3m</u> or more; or (C) a lake whose bed has an area of <u>8ha</u> or more; or (ii) The proposed lot is more than <u>4ha</u> or more than <u>20m</u> of mean <u>high water</u> springs or a water body identified in Appendix 4 (Esplanade Priority Areas). (b) Council's discretion shall be restricted to any of the following matters: <ul style="list-style-type: none"> (i) The type of esplanade provided • reserve or <u>strip</u>; (ii) Width of the esplanade reserve or <u>strip</u>; (iii) Provision of legal access to the esplanade reserve or <u>strip</u>; (iv) Matters provided for in an instrument creating an esplanade strip or access <u>strip</u>;
------------	---

	(v) Works required prior to vesting any reserve in the Council, including pest plant control, boundary fencing and the removal of structures and debris.
<u>D1</u>	Subdivision that does not comply with Rule <u>16A.4.10 RD1</u> .

16A.4.11 Subdivision of Land containing **Mapped Off-Road Walkways**

<u>RD1</u>	<p>(a) Subdivision where walkways shown on the planning maps are to be provided as part of the subdivision must comply with <u>all of</u> the following conditions:</p> <p>(i) The walkway is at least 3 metres wide and is designed and constructed for shared pedestrian and cycle use, as per Rule 14.12.1 <u>P8</u> (Transportation);</p> <p>(ii) The walkway is generally in accordance with the walkway route shown on the planning <u>maps</u>;</p> <p>(iii) The walkway is shown on the plan of subdivision and vested in the Council.</p> <p>(b) Council's discretion shall be restricted to any of the following matters:</p> <p>(i) Alignment of the <u>walkway</u>;</p> <p>(ii) Drainage in relation to the <u>walkway</u>;</p> <p>(iii) Standard of design and construction of the <u>walkway</u>;</p> <p>(iv) Land <u>stability</u>;</p> <p>(v) Amenity matters including batter slopes; and</p> <p>(vi) Connection to reserves.</p>
<u>D1</u>	Subdivision that does not comply with Rule <u>16A.4.11 RD1</u> .