

**BEFORE THE HEARINGS COMMISSIONERS FOR THE WAIKATO DISTRICT
COUNCIL**

UNDER the Resource Management Act 1991

AND

IN THE MATTER of hearing submissions and further submissions
on the Proposed Waikato District Plan

Hearing 25 – Zone Extents

PARTIES REPRESENTED **POKENO WEST LIMITED (97)**

**STATEMENT OF PLANNING EVIDENCE FROM JAMES GILBERT OAKLEY
FOR POKENO WEST LIMITED**

10 March 2021

Counsel Instructed:

Peter Fuller
LLB, MPlan, DipEnvMgt, BHortSc.
Barrister
Quay Chambers
Level 7, 2 Commerce Street
PO Box 106215
Auckland 1143
021 635 682
Email:
peter.fuller@quaychambers.co.nz

MAY IT PLEASE THE PANEL

Introduction

1. My full name is James Gilbert Oakley. I am a resource planner at Birch Surveyors Limited (**BSL**), a consulting firm with surveyors, planners and engineers based in Auckland but with satellite offices in Hamilton, Tauranga and Tairua.
2. This is statement of planning evidence on behalf of the submitter Pokeno West Limited (#97). The evidence relates to the inclusion of a Medium Density Residential Zone (**MDRZ**) into the District Plan that is proposed by the submitter Kāinga Ora – Homes and Communities (**Kāinga Ora**) (#749).

Qualifications and experience

3. My qualifications and experience are previously set out in my primary evidence on Hearing 25 (Zone Extents) for submitters seeking rezoning. I repeat the confirmation given in my primary evidence that I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2014. My evidence has been prepared in accordance with that Code.

Purpose and scope of evidence

4. The purpose of this evidence is to provide comment on the planning evidence of Mr Phillip Stickney identifying areas of support and opposition. The scope of the evidence is limited to the proposed MDRZ and does not delve into the Framework s 42A Report three-lens method as comments on this are provided by Mr Stickney.
5. Regarding involvement with the MDRZ proposal, the submitter has previously engaged with Kāinga Ora. This has included meeting with the supporting consultants and taking the opportunity to provide general feedback on the proposal and specific feedback on the provisions. Furthermore, the MDRZ is sought to be applied on the submitters land in Pokeno. Previous commentary

on the suitability of the site was addressed in the primary evidence of Mr Ian Munro for Hearing 25 (Zone Extents) (dated 17 February 2021).

6. I confirm that as part of preparing this response I have read Mr Stickney's primary evidence (dated 17 February 2021) and supplementary evidence (dated 19 February 2021). I am also familiar with the progression and refinement of the MDRZ proposal from the primary submission submitted on the Proposed Waikato District Plan (**PWDP**) in 2018 to now.
7. In summary, the position of the submitter is that it supports the introduction of a MDRZ into the final operative district plan. However, the submitter is also supportive of the ability to undertake medium density development through the consenting process, as originally proposed, providing it meets appropriate assessment criteria. Having both approaches available for development will enable more refined and efficient planning outcomes, that are responsive to particular locational characteristics.

Evidence structure

8. To provide a concise and targeted response I have generally followed a similar structure to Mr Stickney providing commentary on the "why, how, where and when" of the MDRZ.

Why is the MDRZ is needed?

9. Mr Stickney accurately outlines the rationale for a MDRZ covering matters such as:
 - a. the growth of the Waikato District, which is well-documented;
 - b. the statutory requirement (s75(3)(a)) for the District Plan to *give effect to* the National Policy Statement on Urban Development 2020 (**NPS-UD**). The impetus for the MDRZ is best evidenced in Policy 3 and 4 (the intensification policies) which are referred to in his evidence; and
 - c. the statutory requirement (s75(3)(c)) for the District Plan to *give effect to* the Waikato Regional Policy Statement 2016 (**WRPS**). Evidence of alignment with the policy direction of the WRPS is demonstrated by Mr Stickney.

10. Regarding the rationale of the MDRZ, I concur with the conclusions made by Mr Stickney. The reality is that since the PWDP was notified for submissions in 2018, the actual and forecasted growth in the Waikato District has changed dramatically. This is due to factors including (but not limited to):

- a. the impact of COVID-19 on internal migration which is well canvassed in the Framework s 42A Report and its supporting data;
- b. rapid changes in the housing markets in neighbouring regions e.g. Auckland;
- c. the direction from central government on providing for growth in New Zealand as per the Urban Growth Agenda (**UGA**). The UGA is overseen by Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development and is “designed to improve outcomes for New Zealanders by addressing the fundamentals of land supply, development capacity, and infrastructure provision ¹”. The establishment of the NPS-UD is part of the UGA programme; and
- d. Increasing the focus of using urban land more efficiently through higher densities, to reduce the amount of rural land used for urban activities, reduce the costs per connection for infrastructure, provide more compact and better connected living environments for people and enable a greater range of housing sizes and therefore more affordable dwellings.

11. In my opinion, the proposed MDRZ is an appropriate response to the aforementioned changes that have happened. There is a strong justification behind its inclusion alongside the other interventions (e.g. upzoning that meets the relevant statutory tests and is based on sufficient technical information) currently proposed to accommodate current and future growth in the district.

How will the MDRZ function?

12. A bespoke suite of provisions (objectives, policies, rules) for the MDRZ has been drafted. The suite has gone through a number of iterations from the

¹ Cabinet Economic Development Committee, *Cabinet Paper: Urban Growth Agenda proposed approach* (September 19, 2018).

primary submission by Kāinga Ora in 2018 as recently to the version issued in Mr Stickney's evidence.

13. As previously mentioned, feedback on the November 2020 iteration of the MDRZ provisions was provided to Kāinga Ora. The changes that have occurred since November 2020 are helpfully summarised by Mr Stickney in para. 9.8 of his evidence. Notwithstanding this, the provisions provided as part of Mr Stickney's evidence have been reviewed with comments and track-changes provided in **Attachment A**.

Where will the MDRZ be applied?

14. Kāinga Ora has provided maps identifying the spatial extent of the MDRZ in their primary submission. Refinement of the extent has occurred over time with the input of a more robust rezoning framework.
15. In my opinion, the application of the MDRZ as currently proposed is driven by sound rationale and technical support. In addition, alignment with the higher order statutory documents such as the Waikato District Growth Strategy 2070 (Waikato **2070**) and the Future Proof Strategy for Growth (**FPS**) further confirms the suitability of the proposed application in and around the business centre zoning.

MDRZ in greenfield areas

16. However, regarding Mr Stickney's comment that the MDRZ only be applied within the existing urban limits², I only support this proposal based on the assumption that the aforementioned urban limits are those indicatively identified in the FPS settlement pattern map, and not strictly limited to the extent of the urban zoning in the current District Plan. It is my opinion that greenfield sites such as that owned by the submitter should not be precluded from accommodating MDRZ.
17. The Pokeno West greenfield site warrants the provision of MDRZ on the areas marked in the submitters primary evidence, for reasons including:

² Hearing 25 – Zone Extents, EIC, Philip Stickney (Planning) for Kāinga Ora, dated 17 February 2021.

- a. The proposed MDRZ on the site is oriented around the proposed Neighbourhood Centre and other community amenities/facilities;
- b. As the site adjoins the existing urban area of Pokeno it is located in close proximity to the Business Zone / Business Town Centre Zone. With the advent of micro-mobility solutions, the historically accepted walking catchments are now expanding beyond 400m and 800m. Applying this to the submitters site, the proposal to accommodate MDRZ with occupants maintaining reasonable access to the business areas of Pokeno is appropriate;
- c. Experience from Auckland shows that greenfield areas can accommodate development akin to that envisioned by the MDRZ. This is due to factors including (but not limited to): these sites being generally vacant and not over-capitalised with pre-existing structures, these sites generally are not too expensive, the likely absence of opposition from neighbouring landowners and the ability to strategically plan and “right size” infrastructure from the outset.

18. Appropriate greenfield sites also present the opportunity to accommodate retirement villages which I note is provided for as a Permitted Activity (16A.1.2 (P3)) in the current version of the MDRZ chapter. Given the spatial requirements of retirement villages, greenfield areas provide a clean slate and give flexibility to operators to avoid the requirement to amalgamate smaller sites which are likely to contain existing dwellings/structures. Having a vacant section also allows for strategic planning and design to occur which can provide beneficial outcomes regarding the location of open spaces, other amenities and infrastructure.

19. Retirement villages are also designed to be self-sufficient with residents spending the bulk of their time within the facilities for reasons including safety and security. As a result, residents of villages contribute less to business/centre areas than younger/more able people still in the workforce and in standard housing situations. Residents also drive less (if at all) meaning reduced traffic effects from the location of a village that is removed from the immediate town centre.

20. Accommodating retirement villages in greenfield areas ensures that the existing character and amenity experienced by residents in already developed areas is preserved. It is not uncommon for proposals from operators for new villages in established areas to draw community opposition on these grounds. This is evidenced in controversial proposals like Summerset St Johns in Auckland and Summerset Lower Hutt which were well-publicised but both ultimately approved by the Environment Court.

21. Further to the aforementioned benefits, the s 42A for the MDRZ authored by Mr Jonathan Clease states the following in para. 192. Note this is in reference to the NPS-UD, WRPS and Waikato 2070 and the provision of intensification opportunities:

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:

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;

22. Whilst 4) above is only one of the seven criteria mentioned, it is a clear direction from Mr Clease from his review of the aforementioned documents that there are instances where MDRZ would be appropriate a bit further away from, but still connected to, the business/centre areas. Mr Clease refers to the presence of a master plan as one of the features that make greenfield sites accommodating MDRZ appropriate. This is understandable given the function of a master plan to provide direction on the location of key development outcomes and a conceptual development layout. The other matters referenced such as alignment with the WRPS density targets are also valid although it is opined that if accommodating MDRZ assists with meeting the density targets that would also be beneficial.

23. This is elaborated on by Mr Clease in para. 217 – 219.

24. Ultimately, recommendation 6) in para. 221 of the s 42A report suggests the suitability of the MDRZ in master planned greenfield areas be recognised in

the draft provisions. Based on my review, this has not been provided for in the draft provided in Mr Stickney's evidence, but it should be.

25. I agree with Mr Clease's comments that greenfield land can be appropriate for MDRZ, an amendment to this effect is contained in the **Attachment A** along with the other comments and track changes. This is justified given the need for consistency in the zone provisions if the zone is to be spatially applied outside the areas identified by Kāinga Ora. This will also provide guidance on where the zoning is appropriate outside of those areas for any for future plan changes (assuming the proposed MDRZ is adopted).

When will the MDRZ be realised?

26. Mr Stickney makes a strong case that it would be counter-productive for the MDRZ to not be live zoned and active as soon as possible. I agree with this stance given the strong need to provide capacity for growth throughout the district and the requirement to adhere to the stipulated timeframes in the NPS-UD relating to intensification. It will also provide more certainty for future infrastructure planning as servicing for live zoning to occur as part of this plan change process.
27. Importantly, the MDRZ is a flexible zone that can respond to market preferences in residential development output whilst still achieving the objective of providing for higher density outcomes.

Supplementary Evidence

28. The potential introduction of the MDRZ would trigger the need to revisit certain provisions in Chapter 4 (Urban Environment) (Objective 4.1.7 – Character of Towns and Policy 4.1.5 – Density) for consistency. This has been recognised by Mr Clease with input sought on potential revisions which was supplied in Mr Stickney's supplementary evidence. I have read the minor wording changes proposed by Mr Stickney and agree that these are appropriate and better facilitate alignment of the MDRZ with the broad strategic direction for the urban environment.

CONCLUSIONS

29. In conclusion, rapid growth in the Waikato District has necessitated the inclusion of an additional residential zone to complement the General Residential Zone (**GRZ**) in the notified PWDP.
30. In my opinion, the MDRZ proposed by Kāinga Ora is a functional addition to the District Plan toolbox that promotes the Purpose of the Act. The provisions will provide additional capacity for growth and ensure that the Council meets its statutory requirements to give effect to higher-order documents including the WRPS and NPS-UD.
31. Whilst the MDRZ is not a “silver bullet”, on its own, to address the growth capacity constraints being experienced in the District, it is a necessary zone to provide housing choice and affordability in the future. The MDRZ will complement the other measures taken to provide growth capacity such as the upzoning and identification of new greenfield growth areas including Pokeno West in particular.
32. Subject to the extension of the application of the MDRZ in appropriate greenfield areas, I support the proposal and generally concur with the evidence prepared by Mr Stickney. However, and for the avoidance of doubt, I also support the ability to undertake medium density development, through the consenting process providing it meets appropriate assessment criteria, as was originally proposed. Having both opportunities available for development will enable more refined, and efficient housing outcomes, that are responsive to market demands and particular locational characteristics.

James Gilbert Oakley

10 March 2021

**ATTACHMENT A – PRELIMINARY TRACK-CHANGED VERSION OF
KĀINGA ORA MDRZ CHAPTER (17 FEBRUAR 2021)**

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

[Pokeno West Ltd Preliminary Track Changes to Kāinga Ora Proposed Provisions \(17 February 2021\)](#)

[10 March 2021](#)

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 this development within a walkable catchment of town centres, strategic transport corridors and community facilities. The MDRZ zone will:

- Provide greater housing supply to respond to anticipated growth;
- Reduce pressure for residential development ~~on-beyond~~ the urban fringe ~~and-beyond~~;
- Relieve anticipated pressures (exacerbated by adopting sprawl to accommodate urban growth [in areas that do not adjoin the existing urban area of towns in the District](#)) on the road transport network by providing housing close to town / business centres where utilising both public and active modes of transport to access places of employment, retail and entertainment is readily achievable / viable);
- Provide greater diversity / choice of housing; and
- Coordinate delivery of infrastructure and services.

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 shading; and
- The provision of three waters infrastructure to service the development.

4.2A Medium Density Residential Zone

4.2A.1 Objective – Housing Typology

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

4.2A.2 Policy – Housing Typology and Type

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

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

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

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

- a) Enable land adjacent to the Business and Business Town Centre Zones and within a walkable-well-connected 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 the Business and Business Town Centre Zones or a Neighbourhood Centre when considering development proposals.
- c) Recognise that medium density residential living in greenfield areas is appropriate where such land:
 - d) Is well connected to the existing urban area of a town that already contains Medium Density Residential Zone;
 - e) Has been master-planned;
 - f) Is located around a Neighbourhood Centre or community facility; and
 - g) Is located near or around high amenity open spaces areas.
- e)h) Recognise the economic and environmental benefits of higher density development that efficiently utilises existing and planned investment in transport and three waters infrastructure.

4.2A.5 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.6 Objective – Residential Amenity

- a) Achieve a level of residential amenity commensurate with a medium density environment – comprising primarily townhouses and low-rise apartments.

Formatted: Indent: Left: 2.54 cm

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 manages daylight access and a reasonable standard of privacy for residents; and
 - (ii) Manages 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 Policy – Changes to Amenity Values

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

4.2A.10 Objective – Activities

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

4.2A.11 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.12 Policy – Non-Residential Activities

- a) Maintain the Medium Density Residential Zone primarily for residential activities while also:
 - (i) Ensuring community facilities within the Zone:
 - A. Are suitably located;
 - B. Are of a limited scale and of an intensity that is compatible with the Medium Density Residential Zone;
 - C. Contribute to the amenity of the neighbourhood; and
 - D. Support the social and economic well-being of the residential community.
 - (ii) Avoid the establishment of new non-residential activities (except home occupations) on rear sites, or sites located on cul-de-sacs; and
 - (iii) Ensure that the design and scale of non-residential activities and associated buildings mitigate adverse effects related to traffic generation, access, noise, vibration, outdoor storage of materials and light spill.
- b) Enable 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.13 Policy - Temporary Events

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

4.2A.14 Objective – Earthworks

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

4.2A.15 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.

**Chapter 16A:
Medium Density Residential Zone**

Contents

Chapter 16A: Medium Density Residential Zone	7	Field Code Changed
16A.1 Land Use - Activities	7	Field Code Changed
16A.1.1 Prohibited Activities	7	Field Code Changed
16A.1.2 Permitted Activities.....	7	Field Code Changed
16A.1.3 Restricted Discretionary Activities	10	Field Code Changed
16A.1.4 Discretionary Activities	10	Field Code Changed
16A.2 Land Use – Effects	10	Field Code Changed
16A.2.1 Noise.....	10	Field Code Changed
16A.2.1.1 Noise – General	10	Field Code Changed
16A.2.1.2 Noise – Construction	10	Field Code Changed
16A.2.2 Servicing and hours of operation - Bankart Street and Wainui Road Business Overlay Area - Raglan.....	10	Field Code Changed
16A.2.3 Glare and artificial light spill	10	Field Code Changed
16A.2.4 Earthworks	12	Field Code Changed
16A.2.4.1 Earthworks - General	12	Field Code Changed
16A.2.4.3 Earthworks - Significant Natural Areas	13	Field Code Changed
16A.2.5 Hazardous substances.....	14	Field Code Changed
16A.2.6 Notable trees.....	14	Field Code Changed
16A.2.6.1 Notable trees – Removal or destruction.....	14	Field Code Changed
16A.2.6.2 Notable tree – Trimming	14	Field Code Changed
16A.2.6.3 Notable tree – Activities within the dripline	15	Field Code Changed
16A.2.7 Signs.....	15	Field Code Changed
16A.2.7.1 Signs – general	15	Field Code Changed
16A.2.7.2 Signs – Effects on traffic.....	17	Field Code Changed
16A.2.8 Indigenous vegetation clearance inside a Significant Natural Area.....	17	Field Code Changed
16A.3 Land Use – Building	20	Field Code Changed
16A.3.1 Dwellings.....	20	Field Code Changed
16A.3.2 Minimum Dwelling Size	20	Field Code Changed
16A.3.3 Height	20	Field Code Changed
16A.3.3.1 Height - Building general	20	Field Code Changed
16A.3.4 Fences or Walls – Road Boundaries	21	Field Code Changed
16A.3.5 Daylight admission	21	Field Code Changed
16A.3.6 Building coverage.....	22	Field Code Changed
16A.3.7 Impervious surfaces	22	Field Code Changed
16A.3.8 Outdoor Living Court.....	22	Field Code Changed
16A.3.9 Building setbacks	23	Field Code Changed

▲ 16A.3.9.1 Building setbacks – All boundaries	23
▲ 16A.3.9.2 Building setbacks – Water bodies.....	23
▲ 16A.3.10 Historic Heritage.....	24
▲ 16A.3.10.1 Group A heritage item – Demolition, removal or relocation.....	24
▲ 16A.3.10.2 Group B heritage item – Demolition, removal or relocation.....	24
▲ 16A.3.10.3 All heritage items – Alterations or addition.....	24
▲ 16A.3.10.4 All heritage items – Maintenance or repair	25
▲ 16A.3.10.5 All heritage items – Site Development.....	25
▲ 16A.4 Subdivision.....	25
▲ 16A.4.1 Subdivision – General	25
▲ 16A.4.2 Subdivision – Te Kauwhata West Residential Area	27
▲ 16A.4.3 Subdivision – Boundary Adjustment	28
▲ 16A.4.4 Subdivision – Amendments and updates to cross lease flats plans and conversion to freehold	28
▲ 16A.4.5 Title boundaries – contaminated land, notable trees	29
▲ 16A.4.6 Title boundaries – Significant Natural Areas.....	29
▲ 16A.4.7 Subdivision of land containing heritage items.....	30
▲ 16A.4.8 Subdivision – Road frontage	30
▲ 16A.4.9 Subdivision creating reserves.....	30
▲ 16A.4.10 Subdivision of esplanade reserves and esplanade strips	31
▲ 16A.4.11 Subdivision of land containing mapped off-road walkways, cycleways or bridleways	31

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

Field Code Changed

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:
 - (i) 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);
 - (ii) 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);
 - (iii) Activity-specific conditions.

Activity	Activity-specific conditions
----------	------------------------------

P1	Residential activity, unless specified below.	Nil
P2	A Marae Complex or Papakainga Housing Development on Māori Freehold Land or on Māori Customary Land	<p>[Note: provisions pertaining to Marae Complexes or Papakāinga Housing Developments are subject to independent hearings. Therefore, these provisions are subject to change or be deleted in their entirety from this Chapter (with the possibility of being dealt with as a District Wide Matter)].</p> <p>a) The total building coverage does not exceed 50%;</p> <p>b) Where the land is vested in trustees whose authority is defined in a Trust Order and/or a Māori Incorporation, the following is provided to Council with the associated building consent application:</p> <p>(i) A Concept Management Plan approved by the Māori Land Court and</p> <p>(ii) A Licence to Occupy;</p> <p>c) Where a Trust Order or 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> <p>(i) A Concept Management Plan approved by the Māori Land Court;</p> <p>(ii) A lease, or an Occupation Order of the Māori Land Court;</p> <p>d) The following Land Use Effects rules in Rule 16A.3 do not apply:</p> <p>(i) Rule 16A.3.1 (Dwelling);</p> <p>(ii) Rule 16A.3.2 (Minor dwellings);</p> <p>(iii) Rule 16A.3.6 (Building Coverage)</p>
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> <p>(i) Apartment – 10m² area with minimum dimension horizontal and vertical of 2.5m;</p> <p>(ii) Studio unit or 1 bedroom unit – 12.5m² area with minimum dimension horizontal and vertical 2.5m; or</p> <p>(iii) 2 or more bedroomed unit – 15m² area with minimum dimension horizontal and vertical of 2.5m;</p> <p>c) Minimum service court is either:</p> <p>(i) Apartment – Communal outdoor space (i.e. no individual service courts required); or</p> <p>(ii) All other units – 10m² for each unit</p> <p>d) The following Land Use – Effects rule in Rule 16A.2 does not apply:</p> <p>(i) Rule 16A.2.7 (Signs);</p> <p>e) The following Land Use – Building rules in Rule 16A.3 do not apply:</p> <p>(i) Rule 16A.3.1 (Dwelling);</p>

		<p>(ii) Rule 16A.3.7 (Living Court)</p> <p>(iii) Rule 16A.3.8 (Service Court);</p> <p>f) The following Infrastructure and Energy rule in Chapter 14 does not apply:</p> <p>(i) Rule 14.12.1 P4(1)(a) (Traffic generation).</p>
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 or are screened so as not to be visible from a public road or neighbouring residential property;</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 only 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> <p>(i) erected no more than 2 days before the temporary events occurs;</p> <p>(ii) removed no more than 3 days after the end of the event;</p> <p>e) The site is returned to its previous conditions no more than 3 days after the end of the temporary event;</p> <p>f) There is no direct site access from a national route or regional arterial road.</p>
P6	Cultural event on Māori Freehold Land containing a Marae Complex	<p>[Note: provisions pertaining to Marae Complexes or Papakāinga Housing Developments are subject to independent hearings. Therefore, these provisions are subject to change or be deleted in their entirety from this Chapter (with the possibility of being dealt with as a District Wide Matter)].</p> <p>Nil</p>
P7	Community facilities activity	<p>a) Up to 200m² GFA</p>
P8	Neighbourhood park	Nil
P9	Home stay	<p>a) No more than 4 temporary residents</p>
P10	Commercial activity	<p>a) Must be within the Raglan Bankart Street and Wainui Road Business Overlay Area.</p>
P11	Boarding houses/boarding establishments	<p>a) No more than 10 people per site inclusive of staff and residents</p>

Commented [JO1]: In Chapter 13 (Definitions) the notified PDP, "Community Facilities" is defined as follows:

"Means in the Business Zone Tamahere, land or building used for community activities, generally established on a not-for-profit basis, and includes library, council offices, police station, public toilets or public rooms".

Alternatively, "Community Activity" is defined as follows:

"Means the construction and use of public land and buildings which provides for individual or community health, welfare, care, safety, recreation, cultural, ceremonial, spiritual, art and craft purposes and includes cemeteries".

16A.1.3 Restricted Discretionary Activities

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

RD1	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

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

D1	Commercial activity that does not comply with one or more the Activity Specific Conditions
D2	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: <ul style="list-style-type: none"> (i) 50dB $L_{Aeq(15min)}$, 7am to 7pm, every day; (ii) 45dB $L_{Aeq(15min)}$ 7pm to 10pm every day; and (iii) 40dB $L_{Aeq(15min)}$ 10pm to 7am the following day; and (iv) 65dB $L_{Amax(15min)}$, 10pm to 7am the following day.

	<p>b) Noise levels shall be measured in accordance with the requirements of NZS 6801:2008 'Acoustics Measurement of Environmental Sound'; and</p> <p>c) Noise levels shall be assessed in accordance with the requirements of NZS6802:2008 'Acoustics – Environmental Noise'.</p>
D1	Noise that does not comply with Rule 16A.2.1.1 P2 .

16A.2.1.2 Noise – Construction

P1	<p>a) Construction noise must not exceed the limits in the NZS 6803:1999 (Acoustics – Construction Noise); and</p> <p>b) Construction noise must be measured and assessed in accordance with the requirements of NZS6803:1999 'Acoustics – Construction Noise'</p>
RD1	<p>a) Construction noise that does not comply with Rule 16A.2.1.2 P1 .</p> <p>b) 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) 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	Illumination from glare and artificial light spill must not exceed 10 lux measured horizontally and vertically within any other site.
RD1	<p>a) Illumination that does not comply with Rule 16A.2.3 P1.</p> <ul style="list-style-type: none"> (i) The Council's discretion shall be restricted to any of the following matters: (ii) Effects on amenity values; (iii) Light spill levels on other sites;

	<ul style="list-style-type: none"> (iv) Road safety; (v) Duration and frequency; (vi) Location and orientation of the light source; and (vii) 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) Earthworks must not result in any instability of land or structures at or beyond the boundary of the site where the land disturbance occurs; (vii) Areas exposed by earthworks are revegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks; (viii) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; (ix) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.
P2	<p>a) Earthworks for the purpose of creating a building platform for residential purposes within a site, including the use of imported cleanfill material 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;

	<ul style="list-style-type: none"> (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) Earthworks must not result in any instability of land or structures at or beyond the boundary of the site where the land disturbance occurs; (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	<p>a) Earthworks that do not comply with Rule 16A.2.4.1 P1, P2 or P3.</p> <ul style="list-style-type: none"> (i) The Council's discretion shall be restricted to any of the following matters: (ii) Amenity values and landscape effects; (iii) Volume, extent and depth of earthworks; (iv) Nature of fill material; (v) Contamination of fill material; (vi) Location of the earthworks in relation to waterways, significant indigenous vegetation and habitat; (vii) Compaction of the fill material; (viii) Volume and depth of fill material; (ix) Geotechnical stability; (x) Flood risk, including natural water flows and established drainage paths; and (xi) Land instability, erosion and sedimentation.
NC1	Earthworks involving the importation of controlled fill material to a site.

16A.2.4.3-2 Earthworks - Significant Natural Areas

P1	<p>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:</p> <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	<p>a) Earthworks that do not comply with Rule 16A.2.4.3 P1.</p> <p>b) Council's discretion shall be restricted to the following matters:</p> <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	<p>a) The use, storage or disposal of any hazardous substance where:</p> <p>(i) The aggregate quantity of any hazardous substance of any hazard classification on a site is less than the quantity specified in the Medium Density Residential Zone in Table 5.1 contained within Appendix 5 (Hazardous Substances).</p>
P2	<p>a) The storage or use of radioactive materials is:</p> <p>(i) an approved equipment for medical and diagnostic purposes; or</p> <p>(ii) specified as an exempt activity or article in the Radiation Safety Act and Regulations 2017.</p>
D1	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.2.6.3 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	<p>(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.</p> <p>(b) Council's discretion is restricted to any of the following matters:</p> <ul style="list-style-type: none"> (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:
----	--

	<ul style="list-style-type: none"> (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	<p>a) The trimming of a notable tree that does not comply with Rule 16A.2.6.2. P1.</p> <ul style="list-style-type: none"> (i) Council's discretion is restricted to any of the following matters: (ii) Timing and manner in which the activity is carried out; (iii) 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 all of the following conditions:</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 footpath; (ii) No parking or storage of materials, vehicles or machinery; (iii) Discharge of an eco-toxic substance; and (iv) No construction of structures.
RD1	<p>a) Any activity that does not comply with Rule 16A.2.6.3 P1.</p> <ul style="list-style-type: none"> (i) Council's discretion shall be restricted to any of the following matters: (ii) Location of activity in relation to the tree; (iii) Timing and manner in which the activity is carried out; (iv) Remedial measures; (v) Effect on the health of the tree; and (vi) 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	a) A sign must comply with all of the following conditions:

	<ul style="list-style-type: none"> (i) It is the only sign on the site; (ii) The sign is wholly contained within the site; (iii) The sign does not exceed 1m²; (iv) The sign height does not exceed 2m in height above the ground; (v) The sign is not illuminated; (vi) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; (vii) The sign is set back at least 50m from the designated boundary of a state highway and the Waikato Expressway; (viii) The sign is not attached to a tree identified in Schedule 30.2 Notable Trees, except for the purpose of identification and interpretation; (ix) The sign is not attached to a heritage item listed in Schedule 30.1 (Heritage Items), except for the purpose of identification and interpretation; <p>[Note: provisions pertaining to Marae Complexes or Papakāinga Housing Developments are subject to independent hearings. Therefore, these provisions are subject to change or be deleted in their entirety from this Chapter (with the possibility of being dealt with as a District Wide Matter)].</p> <p>(x) <i>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 interpretation;</i></p> <ul style="list-style-type: none"> (xi) The sign relates to: <ul style="list-style-type: none"> A. goods or services available on the site; or B. a property name sign.
P3	<p>a) A real estate 'for sale' sign relating to the site on which it is located must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) There is no more than 1 sign per agency; (ii) The sign is not illuminated; (iii) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials;
RD1	<p>a) A sign that does not comply with Rule 16A.2.7.1 P2 or P3.</p> <ul style="list-style-type: none"> (i) Council's discretion shall be restricted to any of the following matters: (ii) Amenity values; (iii) Character of the locality; (iv) Effects on traffic safety; (v) Glare and artificial light spill; (vi) Content, colour and location of the sign; (vii) Effects on a notable tree;

	<p>(viii) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign;</p> <p>[Note: provisions pertaining to Marae Complexes or Papakāinga Housing Developments are subject to independent hearings. Therefore, these provisions are subject to change or be deleted in their entirety from this Chapter (with the possibility of being dealt with as a District Wide Matter)].</p> <p>(ix) Effects on cultural values of any Māori Site of Significance; and</p> <p>(x) Effects on notable architectural features of a building.</p>
--	---

16A.2.7.2 Signs – Effects on Traffic

P1	<p>a) Any sign directed at land transport users must:</p> <ul style="list-style-type: none"> (i) Not imitate the content, colour or appearance of any traffic control sign; (ii) Be located at least 60m from controlled intersections, pedestrian crossings and any other sign; (iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections or at a level crossing; (iv) Contain no more than 40 characters and no more than 6 words and / or symbols; (v) Have lettering that is at least 150mm high; (vi) Be at least 130m from a site entrance, where the sign directs traffic to the entrance.
RD1	<p>(a) Any sign that does not comply with Rule 16A.2.7.2 P1.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Amenity; (ii) Character of the locality; (iii) Effects on traffic safety; (iv) Glare and artificial light spill; (v) Content, colour and location of the sign; (vi) Effects on a notable tree; (vii) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign; (viii) Effects on cultural values of any Māori site of significance; and (ix) Effects on notable architectural features of a building.

16A.2.8 Indigenous Vegetation Clearance inside a Significant Natural Area

P1	<p>a) Indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) for the following purposes:</p>
----	---

	<ul style="list-style-type: none"> (i) Removing vegetation that endangers human life or existing buildings or structures; (ii) Conservation fencing to exclude stock or pests; (iii) Maintaining existing farm drains; (iv) Maintaining existing tracks and fences; (v) Gathering plants in accordance with Maaori customs and values;
P2	Removal of up to 5m ³ of manuka and/or kanuka outside of the Coastal Environment per year per property for domestic firewood purposes or arts and crafts provided the removal will not directly result in the death, destruction or irreparable damage of any other tree, bush or plant.
P3	<p>(a) Indigenous vegetation clearance for building, access, parking and manoeuvring areas in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (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 250m².
P4	<p>[Note: provisions pertaining to Marae Complexes or Papakāinga Housing Developments are subject to independent hearings. Therefore, these provisions are subject to change or be deleted in their entirety from this Chapter (with the possibility of being dealt with as a District Wide Matter)].</p> <p>a) On Māori Freehold Land or Maaori Customary Land, indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) where:</p> <ul style="list-style-type: none"> (i) There is no alternative development area on the site outside the Significant Natural Area; (ii) The following total areas are not exceeded: <ul style="list-style-type: none"> A. 1500m² for a Marae complex, including areas associated with access parking and manoeuvring; B. 500m² per dwelling, including areas associated with access parking and manoeuvring; and C. 500m² for a papakainga building including areas associated with access parking and manoeuvring.
P5	<p>[Note: provisions pertaining to Marae Complexes or Papakāinga Housing Developments are subject to independent hearings. Therefore, these provisions are subject to change or be deleted in their entirety from this Chapter (with the possibility of being dealt with as a District Wide Matter)].</p> <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 structures; (ii) Conservation fencing to exclude stock or pests; (iii) Maintaining existing farm drains; (iv) Maintaining existing tracks and fences; or (v) Gathering plants in accordance with Māori customs and values.

P6	Removal of up to 5m ³ of manuka and/or kanuka outside of the Coastal Environment per year per property for domestic firewood purposes or arts and crafts provided the removal will not directly result in the death, destruction or irreparable damage of any other tree, bush or plant
D1	Indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) that does not comply with one or more conditions in Rule 16A.2.8 P1, P2, P3, P4, P5 or P6.

16A.3 Land Use – Building

16A.3.1 Dwellings

P1	Up to three residential dwellings per site.
RD1	<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 development; (ii) Design, scale and layout of buildings in relation to the planned urban character of the zone; (iii) The relationship of the development with adjoining streets or public open spaces; (iv) Privacy and overlooking within the development and on adjoining sites, including the orientation of habitable rooms and outdoor living spaces; (v) Provision of infrastructure to individual units; and (vi) Where on-site car parking is provided, the design and location of car parking (including garaging) and access as viewed from streets or public open spaces.

16A.3.2. Minimum Dwelling Size

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

16A.3.3 Height

- (1) Rule 16A.3.3.1 Height – Building general provides permitted height limits across the entire Medium Density Residential Zone.

16A.3.3.1 Height - Building General

P1	(a) The permitted height of any building is 11m above ground level
RD1	<p>(a) Any building that does not comply with Rule 16A.3.3.1 P1.</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 building;

	<ul style="list-style-type: none"> (ii) Design, scale and location of the building; (iii) Extent of shading on adjacent sites; (iv) Privacy and overlooking on adjoining sites.
--	--

16A.3.4 Fences or Walls – Road Boundaries

P1	<p>(a) Fences and walls between the applicable building setbacks under Rule 16A.3.9 on a site and any road boundaries must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) Be no higher than 1.5m if solid: (ii) Be no higher than 1.8m if: (iii) Visually permeable for the full 1.8m height of the fence or wall; or (iv) Solid up to 1.5m and visually permeable between 1.5 and 1.8m
RD1	<p>(a) Fences or walls that do not comply with Rule 16A.3.4 P1.</p> <p>(b) Council's discretion shall be restricted to any of the following matters:</p> <ul style="list-style-type: none"> . Building materials and design; i. Effects on streetscape amenity; and ii. Public space visibility.

16A.3.5 Daylight Admission

P1	<p>(a) Buildings must not protrude through a height control plane rising at an angle of 45 degrees commencing at an elevation of 3m above ground level at every point of the site boundary, except:</p> <ul style="list-style-type: none"> (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. (ii) This standard does not apply to existing or proposed internal boundaries within a site. (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 2.5m above ground level at every point of the site boundary abutting that Residential or Village Zone site. (iv) Where the boundary adjoins a legal road
RD1	<p>(a) A building that does not comply with Rule 16A.3.5 P1.</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 building; (ii) Design and location of the building;

	(iii) Extent of shading on adjacent sites;
	(iv) Privacy on adjoining sites.

16A.3.6 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	(a) Total building coverage that does not comply with Rule 16A.3.6 P1. (b) Council's discretion shall be restricted to any of the following matters: <ul style="list-style-type: none"> (i) Design, scale and location of the building; (ii) Provision for outdoor living space and service courts, (iii) Effects on the planned urban built character of the surrounding residential area.

16A.3.7 Impervious Surfaces

P1	The impervious surfaces of a site must not exceed 70%.
RD1	(a) Impervious surface that does not comply with Rule 16A.3.7 P1 (b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> (i) Site design, layout and amenity; (ii) The risk of flooding, nuisance or damage to the site or other buildings and sites.

16A.3.8 Outdoor Living Court

P1	(a) An outdoor living court must be provided for each dwelling that meets all of the following conditions: <ul style="list-style-type: none"> (i) It is for the exclusive use of the occupants of the dwelling; (ii) It is readily accessible from a living area of the dwelling; (iii) When located on the ground floor, it has a minimum area of 20m² and a minimum dimension of 4m in any direction; and (iv) When located on a balcony of an above ground apartment or terraced house, it must have a minimum area of 5m² for studio and one-bedroom dwellings, or 8m² for two or more bedroom dwellings and a minimum dimension of 1.5m.
RD1	(a) An outdoor living court that does not comply with Rule 16A.3.8 P1 (b) Council's discretion shall be restricted to any of the following matters:

	<ul style="list-style-type: none"> (i) Design and location of the building; (ii) Provision for outdoor living space including access to sunlight and open space and the usability and accessibility of the outdoor living space proposed; (iii) Privacy and overlooking 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.3.9 Building Setbacks

- (1) Rules 16A.3.9.1 to 16A.3.9.2 provide the permitted building setback distances for buildings from site boundaries, specific land use activities and environmental features.
- (2) Rule 16A.3.9.1 '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.3.9.2 'Building setback – water bodies' provides permitted building setback distances from water bodies including lake, wetland, river and coast.

16A.3.9.1 Building Setbacks – All Boundaries

P1	<p>(a) The finished external walls (excluding eaves) of a building must be set back a minimum of:</p> <ul style="list-style-type: none"> (i) 3m from the road boundary; (ii) 3m from the edge of an indicative road (as demonstrated on a structure plan or planning maps); (iii) 1m from every boundary other than a road boundary.
RD1	<p>(a) A building that does not comply with Rule 16A.3.9.1 P1.</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 efficiency; (ii) Potential to mitigate adverse effects on the streetscape through use of other design features; (iii) Daylight admission to adjoining properties; and (iv) Privacy overlooking on adjoining sites.

16A.3.9.2 Building Setback – Water Bodies

P1	<p>(a) Any building must be setback a minimum of:</p> <ul style="list-style-type: none"> (i) 20m from the margin of any; <ul style="list-style-type: none"> A. lake; and B. wetland;
----	--

	(ii) 23m from the bank of any river (other than the Waikato and Waipa Rivers); (iii) 28m from the margin of both the Waikato River and the Waipa River; and (iv) 23m from mean high water springs.
P2	(a) A public amenity of up to 25m, ² or a pump shed within any building setback identified in Rule 16A.3.9.2 P1.
D1	Any building that does not comply with Rule 16A.3.9.2 P1 or P2.

16A.3.10 Historic Heritage

(1) The following rules manage heritage items (buildings and monuments):

- (a) Rule 16A.3.10.1 - Group A Heritage item – Demolition, removal or relocation
- (b) Rule 16A.3.10.2 - Group B Heritage item – Demolition, removal or relocation
- (c) Rule 16A.3.10.3 - All heritage items – Alterations and additions
- (d) Rule 16A.3.10.4 - All heritage items – Maintenance or repair
- (e) Rule 16A.3.10.5 - All heritage items – site development

~~(e)~~2. [The rules in 16.3.10.6 – Huntly address development within the precinct.](#)

Formatted

16A.3.10.1 Group A Heritage Item – Demolition, Removal or Relocation

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

16A.3.10.2 Group B Heritage Item – Demolition, Removal or Relocation

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

16A.3.10.3 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 damaged; (ii) alterations or additions are not visible from a public place.
RD1	(a) Any activity that does not comply with Rule 16A.3.10.3 P1. (b) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) form, style, materials and appearance; and (ii) effects on heritage values.

16A.3.10.4 All Heritage Items – Maintenance or Repair

P1	(a) Maintenance or repair of a heritage item listed in Schedule 30.1 (Heritage Items) must comply with all of the following conditions: <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 similar to, the original in terms of form, style and appearance.
RD1	(a) Any activity that does not comply with Rule 16A.3.10.4 P1. (b) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) form, style, materials and appearance; and (ii) effects on heritage values.

16A.3.10.5 All Heritage Items – Site Development

P1	(a) Development on a site containing a heritage item listed in Schedule 30.1 (Heritage Items) must comply with all of the following conditions: <ul style="list-style-type: none"> (i) be set back at least 10m from the heritage item; (ii) not locate a building between the front of the heritage item and the road.
RD1	(a) Any activity that does not comply with one or more conditions of Rule 16A.3.10.5 P1. (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 item; (ii) location, design, size, materials and finish; (iii) landscaping; (iv) the relationship of the heritage item with the setting, including the area between the front of the heritage item and the road.

16A.3.10.6 Heritage precinct – Huntly

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

Commented [J02]: The spatial extent of the MDRZ as proposed by Kāinga Ora covers eight allotments (Lots 1 – 8 DPS 19370) on Harris Street in Huntly that are subject to the Heritage Precinct provisions. The heritage precinct table in the General Residential Zone has been inserted with the Matangi references removed.

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

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.4.2 - Subdivision - Te Kauwhata West Residential Area;
 - (a) Rule 16A.4.3 – Subdivision - Boundary adjustments;

- (b) Rule 16A.4.4 – Subdivision - Amendments and updates to cross lease flats plan and conversion to freehold;
- (c) Rule 16A.4.5 – Subdivision - Title boundaries Contaminated Land, Notable Trees;
- (d) Rule 16A.4.6 – Subdivision - Title boundaries Significant Natural Areas;
- (e) Rule 16A.4.7 - Subdivision of land containing heritage items;
- (f) Rule 16A.4.8 – Subdivision road frontage;
- (g) Rule 16A.4.9 – Subdivision creating reserves;
- (h) Rule 16A.4.10 - Subdivision - Esplanade reserves and esplanade strips; and
- (i) Rule 16A.4.11 – Subdivision of Land Containing Mapped Off-Road Walkways, Cycleways or Bridleways;

16A.4.1 Subdivision - General

C1	<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 layout; (ii) Compliance with the approved land use consent; and (iii) Provision of infrastructure.
RD1	<ul style="list-style-type: none"> (a) Subdivision must comply with all of the following conditions: <ul style="list-style-type: none"> (i) Proposed vacant lots must have a minimum net site area of 200m², except where the proposed lot is an access allotment or utility allotment or reserve to vest; (ii) Proposed vacant lots must be able to connect to public-reticulated water supply and wastewater; (b) Council's discretion shall be restricted to any of the following matters: <ul style="list-style-type: none"> (i) Subdivision layout; (ii) Shape of lots and variation in lot sizes; (iii) Ability of lots to accommodate a practical building platform including geotechnical stability for building; (iv) Likely location of future buildings and their potential effects on the environment; (v) Avoidance or mitigation of natural hazards; (vi) Opportunities for streetscape landscaping; (vii) Vehicle and pedestrian networks;

	<p>(viii) Consistency with any relevant structure plan or master plan including the provision of neighbourhood parks, reserves and neighbourhood centres; and</p> <p>(ix) Provision of infrastructure.</p>
RD2	<p>(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:</p> <p>(i) a rectangle of at least 100m² with a minimum dimension of 6m exclusive of yards.</p> <p>(b) Council's discretion shall be restricted to any of the following matters:</p> <p>(i) Subdivision layout;</p> <p>(ii) Shape of allotments;</p> <p>(iii) Ability of allotments to accommodate a practical building platform;</p> <p>(iv) Likely location of future buildings and their potential effects on the environment;</p> <p>(v) Avoidance or mitigation of natural hazards;</p> <p>(vi) Geotechnical suitability for building; and</p> <p>(vii) Ponding areas and primary overland flow paths.</p>
D1	Subdivision that does not comply with a condition in Rule 16A.4.1 RD1 or RD2

16A.4.2 Subdivision - Te Kauwhata West Residential Area

RD1	<p>(a) Proposed lots, except where the proposed lot is an access allotment, utility allotment or reserve to vest, within the Te Kauwhata West Residential Area must comply with all of the following conditions:</p> <p>(i) Be a minimum net site area of 650m²;</p> <p>(ii) Have a minimum average net site area of 875m²;</p> <p>(iii) Be connected to public-reticulated water supply and wastewater;</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <p>(i) Subdivision layout including the grid layout of roads and the number of rear lots;</p> <p>(ii) Shape of lots and variation in lot sizes;</p> <p>(iii) Ability of lots to accommodate a practical building platform, including geotechnical stability for building;</p> <p>(iv) Likely location of future buildings and their potential effects on the environment;</p> <p>(v) Avoidance or mitigation of natural hazards;</p> <p>(vi) Amenity values and streetscape landscaping;</p>
-----	---

	<ul style="list-style-type: none"> (vii) Consistency with the matters contained within Appendix 3.1 (Residential Subdivision Design Guidelines); (viii) Vehicle and pedestrian networks; (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, including water supply for firefighting purposes.
D1	Subdivision within the Te Kauwhata West Residential Area that does not comply with Rule 16A.4.2 RD1.

16A.4.3 Subdivision – Boundary Adjustments

C1	<p>(a) Boundary adjustments must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) The conditions specified in: <ul style="list-style-type: none"> A. Rule 16A.4.1 Subdivision - General; B. Rule 16A.4.3-2 Subdivision in the Te Kauwhata West Residential Area (ii) Proposed lots must not generate any additional building infringements to those which legally existed prior to the boundary adjustment. <p>(b) Council's control is reserved over the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout; (ii) Shape of titles and variation in lot sizes.
RD1	<p>(a) Boundary adjustments that do not comply with Rule 16A.4.3 C1.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout; (ii) Shape of titles and variation in lot sizes.

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

C1	<p>(a) Conversion of a cross lease flats plan to a fee simple title.</p> <p>(b) Council's control is reserved over the following matters:</p> <ul style="list-style-type: none"> (i) Effects on existing buildings; (ii) Site layout and design; and (iii) Compliance with permitted building rules.
C2	<p>(a) Amendment or update of a cross lease flats plan</p> <p>(b) Council's control is reserved over the following matters:</p>

	<ul style="list-style-type: none"> (i) Effects on existing buildings; (ii) Site layout and design of cross lease or flats plan; and (iii) Compliance with permitted building rules.
--	--

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

RD1	<p>(a) Subdivision of land containing contaminated land (other than where the contaminated land has been confirmed as not being contaminated land for its intended use), or notable trees must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) Where an existing building is to be contained within the boundaries of any proposed lot compliance is required with the following building rules (other than where any noncompliance existed lawfully prior to the subdivision) relating to: <ul style="list-style-type: none"> A. Daylight admission (Rule 16A.3.5) B. Building coverage (Rule 16A.3.6) C. Building setbacks (Rule 16A.3.9) (ii) Where any proposed subdivision contains one or more of the features listed in A – C, the subdivision must not divide the following: <ul style="list-style-type: none"> A. A natural hazard area; B. Contaminated land (other than where the contaminated land has been confirmed as not being contaminated land for its intended use); C. Notable tree (iii) The boundaries of every proposed lot containing, adjoining or adjacent to the activities listed in A – C below, must provide the following setbacks: <ul style="list-style-type: none"> A. 300m from any intensive farming activity; B. 550m from the boundary of an Aggregate Extraction Area for rock extraction; and C. 200m from the boundary of an Aggregate Extraction Area for sand excavation. <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Landscape values; (ii) Amenity values and character; (iii) Reverse sensitivity effects; (iv) Effects on existing buildings; (v) Effects on natural hazard areas; (vi) Effects on contaminated land; (vii) Effects on any notable trees; and (viii) Effects on an intensive farming activity.
D1	Subdivision that does not comply with Rule 16A.4.5 RD1

16A.4.6 Title Boundaries – Significant Natural Areas

RD1	<p>(a) Subdivision of sites containing a Significant Natural Area(s), where the Significant Natural Area is contained wholly within a proposed lot.</p> <p>(b) Council's discretion shall be restricted to the following matter:</p> <p style="padding-left: 40px;">(i) Effects on Significant Natural Area.</p>
NC1	Subdivision that does not comply with Rule 16A.4.6 RD1.

16A.4.7 Subdivision of Land containing Heritage Items

RD1	<p>(a) Subdivision of land containing a heritage item listed in Schedule 30.1 (Heritage Items).</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <p style="padding-left: 40px;">(i) Effects on heritage values;</p> <p style="padding-left: 40px;">(ii) Context and setting of the heritage item; and</p> <p style="padding-left: 40px;">(iii) The extent to which the relationship of the heritage item with its setting is maintained.</p>
NC1	Subdivision that does not comply with Rule 16A.4.7 RD1.

16A.4.8 Subdivision - Road Frontage

RD1	<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 10m.</p> <p>(b) Council's discretion shall be restricted to any of the following matters:</p> <p style="padding-left: 40px;">(i) Safety and efficiency of vehicle access and road network.</p>
D1	Subdivision that does not comply with Rule 16A.4.8 RD1.

16A.4.9 Subdivision Creating Reserves

RD1	<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> <p style="padding-left: 40px;">(i) The extent to which the proposed reserve aligns with the principles of Council's Parks Strategy, Playground Strategy, Public Toilets Strategy and Trails Strategy;</p> <p style="padding-left: 40px;">(ii) Consistency Compatibility with any relevant structure plan or master-plan included in the plan;</p>
-----	---

	<ul style="list-style-type: none"> (iii) Reserve size and location; (iv) Proximity to other reserves; (v) The existing reserve supply in the surrounding area; (vi) Whether the reserve is of suitable topography for future use and development; (vii) Measures required to bring the reserve up to Council standard prior to vesting; and (viii) The type and standard of boundary fencing.
D1	Subdivision that does not comply with Rule 16A.4.9 RD1.

16A.4.10 Subdivision of Esplanade Reserves and Esplanade Strips

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

16A.4.11 Subdivision of Land containing Mapped Off-Road Walkways, Cycleways or Bridleways

RD1	(a) Subdivision where walkways, cycleways or bridleways shown on the planning maps are to be provided as part of the subdivision must comply with all of the following conditions:
-----	--

	<ul style="list-style-type: none"> (i) The walkway, cycleway or bridleway is at least 3 metres wide and is designed and constructed for shared pedestrian cycle or riding use, as per Rule 14.12.1 P8 (Transportation); (ii) The walkway, cycleway or bridleway is generally in accordance with the walkway, cycleway or bridleway route shown on the planning maps; (iii) The walkway, cycleway or bridleway is shown on the plan of subdivision and vested in the Council. <p>(b) Council's discretion shall be restricted to any of the following matters:</p> <ul style="list-style-type: none"> (i) Alignment of the walkway, cycleway or bridleway; (ii) Drainage in relation to the walkway, cycleway or bridleway; (iii) Standard of design and construction of the walkway, cycleway or bridleway; (iv) Land stability; (v) Amenity matters including batter slopes; and (vi) Connection to reserves.
D1	Subdivision that does not comply with Rule 16A.4.11 RD1.