

UNDER

the Resource Management Act 1991
(**"RMA"**)

IN THE MATTER

of the Proposed Waikato District
Plan: Hearing 25 – Zone Extents.

**REBUTTAL EVIDENCE OF PHILIP JOHN STICKNEY ON BEHALF OF
KĀINGA ORA-HOMES AND COMMUNITIES**

PLANNING

3 May 2021

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1. INTRODUCTION

- 1.1 My full name is Philip John Stickney. I am a Technical Director at Beca Limited. I have the qualifications and experience as set out in my evidence in chief (“**EIC**”), dated 17 February 2021. I am providing planning rebuttal evidence on behalf of Kāinga Ora-Homes and Communities (“**Kāinga Ora**”) (formerly Housing New Zealand Corporation) in relation to Hearing Topic 25 – Zone Extents.
- 1.2 As set out in my EIC, I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court’s Practice Note 2014. I have complied with the Code of Conduct in preparing this rebuttal evidence and agree to comply with it while giving evidence. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this statement.
- 1.3 I have referred to, and used as a basis for this rebuttal evidence, the following:
- (a) Hearing 25: Zone Extents – Thematic Issues, FUZ & MDRZ Section 42a Hearing Report – Part II (prepared by Jonathan Cleese, 16 April 2021);
 - (b) Hearing 25: Zone Extents – Te Kauwhata Section 42a Hearing Report (prepared by Jane Macartney, 16 April 2021);
 - (c) Hearing 25: Zone Extents – Tuakau Section 42a Report (prepared by Chloe Trenouth, dated 14 April 2021);
 - (d) Hearing 25: Zone Extents – Huntly Section 42a Report (prepared by Lily Campbell, dated 15 April 2021);
 - (e) Hearing 25: Zone Extents – Pokeno Section 42a Report (prepared by David Mead, dated 14 April 2021);
 - (f) Hearing 25: Zone Extents – Raglan Section 42a Report (prepared by Emily Buckingham, dated 14 April 2021); and

- (g) Hearing 25 Framework report Supplementary Evidence – prepared by Dr. Mark Davey, dated 28th April 2021).

2. SCOPE OF REBUTTAL EVIDENCE

- 2.1 My evidence will focus primarily on responding to the matters raised in the 42A “Zone Extents – Thematic Issues” report dated 16 April 2021 as they relate to the implementation of the MDRZ as sought in Kāinga Ora’s primary submissions and evidence¹. At the outset I confirm that I concur with the majority of the conclusions reached and the recommendations set out in both the 42A Thematic Issues (MDRZ and FUZ) Report (“**the Part II MDRZ Report**”) as well as the individual s.42A reports for the settlements in which the MDRZ is sought.
- 2.2 On that basis, I propose to address the following matters in this statement:
- (a) Reconfirming the overall approach and planning horizons that underpin the relief sought;
 - (b) An assessment of a number of the matters pertaining to the MDRZ provisions and recommended changes in the Part II MDRZ Report, including additional changes to the MDRZ provisions (Matters of Discretion and Standards) which are proposed in response to issues raised within the Part II MDRZ report;
 - (c) Responses to s42a recommendations in respect of the spatial application of the MDRZ to Te Kauwhata, Raglan, Tuakau, Huntly, Pokeno.
- 2.3 Attached to this rebuttal statement as **Appendix One** is an updated set of MDRZ provisions which reflect the changes discussed in this statement.

3. DRIVERS AND APPROACH TO MDRZ

- 3.1 It is worth reinforcing by way of context that:
- (a) The application of the MDRZ through this District Plan review process will result in Council giving effect to the NPS-UD 2020 in

¹ Sub No. 749.124

a timely manner, further noting that Part 4 of the NPS-UD 2020 sets out a timeframe of 2 years from the date of gazettal for Tier 1 Local Authorities to give effect to the intensification policies and associated processes set out in the Policy Statement.

- (b) Kainga Ora is taking a longer-term approach to the establishment of an MDRZ and that is reflected by the extent of the zoning sought in each key settlement (i.e. extending beyond the 10 year planning period for a District Plan). The planning horizon for the implementation and uptake of the MDRZ in respect of market feasible development will inevitably vary between the settlements in the District. A longer term approach minimises the planning process being continually in a “reactive” position requiring ongoing Variations and Plan Changes responding to a short-term growth and demand issues in a particular location. The approach taken by Kainga Ora to the MDRZ is to therefore establish a longer-term enabling framework, within which market demand for varying typologies in settlements can be accommodated over time.

4. MDRZ THEMATIC ISSUES SECTION 42A REPORT PART II

4.1 With the above matters in mind, I have reviewed the Part II MDRZ Report. In this, Mr Cleese² confirms that he agrees with and adopts the Kāinga Ora evidence and associated MDRZ provisions in relation to the majority of matters. His concerns with the proposed MDRZ provisions package are limited to how the design standards align with the urban design focussed “matters of discretion” in the MDRZ provisions. The key issues identified by Mr Cleese are:

- (a) Balcony setbacks as sought and their relationship with adjoining properties and occupants of units in respect of amenity and privacy;
- (b) The provision of upper storey balconies vs ground floor living courts under the proposed standards;

² at Section 7, page 21

- (c) A potential for the development of typologies which are predominantly garaging at ground floor level.
- 4.2 To that end, Mr Clease has proposed the following amendments to the MDRZ provisions to resolve his concerns:
 - (a) Require balconies located at first floor level and above to be set back a minimum of 4m from internal boundaries;
 - (b) Require all units to be provided with a ground floor outdoor courtyard, unless the internal habitable space (living/dining areas and/or bedrooms) of the unit is wholly contained at first floor level or above i.e. a low-rise apartment.; and
 - (c) Require at least 50% of the ground floor building area to be habitable space.
- 4.3 I understand a number of the matters that Mr. Clease raises in respect of the built form rules needing to generally deliver acceptable outcomes and together with Mr. Wallace we have considered the issues raised. An informal discussion between Mr. Wallace, Mr. Clease and myself took place via TEAMs on Friday 28th April to explore these issues further and suggest further changes to the rules package and the matters of discretion governing the MDRZ.
- 4.4 I agree that some of the changed proposed by Mr Clease will refine the rules package without unduly “straight-jacketing” design flexibility through the qualitative urban design assessment. In some instances, Mr Wallace and I are agreed with Mr Clease that the issue merits a response, however the response proposed by Mr Wallace and I differs to that of Mr Clease. The changes that I consider to be appropriate are identified in **Appendix One**. Mr Wallace’s rebuttal addresses the proposed amendments in detail.
- 4.5 In respect of some of Mr Clease’s proposed changes to the rules however, I am conscious, and have also taken advice from Mr. Wallace, that the aim of the provisions as proposed is to provide for a range of typologies to be developed, depending on market demand, location and site attributes (slope/access/aspect etc).

- 4.6 My experience is that if a rules package becomes too directive (on the presumption of avoiding adverse effects), then it often stifles and regulates to the extent that some typologies or designs become difficult to deliver and particularly in respect of the delivery of higher density housing.
- 4.7 In other words, if the rules package attempts to cover all eventualities in pursuit of high quality urban design and for a potential range of typologies, the ability to deliver innovative housing that can respond to changes over time in market demand and location becomes challenging. On that basis, the rules potentially have the effect of relegating the assessment criteria to more of a check-list for an applicant.
- 4.8 It is on that basis that I am not able to agree on a number of the controls that Mr. Cleese has proffered, and prefer the qualitative approach proposed by Kāinga Ora (including the further amendments to the matters of discretion proposed by Mr Wallace³). To provide additional clarity and guidance to plan users as to the role of the qualitative assessment mechanism, I have recommended the following amendment to the zone statement:

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. For up to 3 dwellings on a site, the rules provide design guidance, allowing complying smaller scale developments to be enabled in a manner that maximises opportunities on smaller existing sites. Developments of more than 3 dwellings are subject to a more intensive design assessment process with matters of discretion that provide the primary guidance for assessment, including the intensity of development. ~~The Matters of Discretion for development enable~~ appropriate design outcomes regarding:

- 4.9 I assess the specific amendments sought by Mr. Cleese below:

Outdoor Living Court

- 4.10 In relation to recommended changes to 16A.3.8 Outdoor Living Court, the effect of the terminology employed by Mr Cleese in Clause (iii) would be to require a 20sqm living court on the ground floor where “internal habitable space” (i.e. bedrooms, studies or other rooms) are situated on

³ Refer paras 2.5-2.8 of Mr Wallace’s rebuttal.

the ground floor. This does not align with existing Clause (ii) which requires an outdoor living space be “readily accessible” from a “living area”, which I consider to be the appropriate linkage to the standard. The effect of the rule as drafted would be to require the provision of both an outdoor court and a balcony if the developer either has a split of bedrooms and living on both floors.

- 4.11 I consider that the main driver for the provision of an adjoining outdoor living space or a balcony is the relationship to a “principal living area” which I consider to consist of living/dining areas or a combination thereof.
- 4.12 I understand Mr Cleese’s concerns in this regard to stem from the potential for a single 8 sqm balcony to be the primary outdoor living space option for townhouses and his view that this would not be adequate in achieving policy outcomes regarding occupant amenity in a Waikato context.⁴
- 4.13 Given the building coverage limit of 45% proposed for the zone, I consider it highly likely that the majority of development would utilise building setbacks and landscape/permeable areas for ground floor outdoor living opportunities and therefore the scenario Mr. Cleese paints is unlikely to arise in the majority of cases. However, there is nothing to suggest that a well designed townhouse development overlooking a large established reserve or park may not “borrow” that open space and provide a balcony in lieu of an on-site living court.
- 4.14 In light of Mr Cleese’s comments, Mr Wallace has proposed some amendments to 16A.3.8 to link the location of the outdoor living court to the location of the principle living area.⁵ I support these amendments, and suggest that a consequential change should be made to the definitions chapter to introduce a definition of “Principal Living Area”

Ground Floor Internal Habitable Space

- 4.15 In response to the inclusion of Rule 16A.3.9 Ground floor Internal Habitable Space, I again have concerns that this rule is “straight-

⁴ at para 131(b)

⁵ refer paragraph 2.15 of Mr Wallace’s rebuttal.

jacketing” a design typology which Mr. Cleese considers to be an appropriate design response for the Waikato context and which has the effect of reducing the potential for density to be achieved in the Zone and is driving a particular type of typology. When read in conjunction with the standards in Rule 16A.3.8 as proposed, the intent of Rule 16A.3.9 strengthens the likelihood of the issues identified above with Rule 16A.3.8 arising, given that there is a proposed ratio of garaging to internal space (which could and in my opinion is likely to be utilised for a bedroom, study or similar and therefore trigger the need for an outdoor living court).

- 4.16 The rules have the effect of rendering 3 storey developments with garaging/entrances and non-habitable service rooms (laundry etc) on the ground floor with living and bedrooms on the upper floors to be a Restricted Discretionary activity at the outset. It is not clear why the 50% threshold is seen as an appropriate control.
- 4.17 I consider that this control will stifle the ability to achieve higher density with varying typologies and floorplate configurations tailored to the market demand and location.

Building Setbacks

- 4.18 Mr Cleese has proposed amendments to Rule 16A.3.9.1 Building Setbacks – All Boundaries to require a 4m setback for balconies. While generally supportive of the intent of the proposed rule, Mr Wallace has suggested a further amendment to which would mean that the standard is only triggered where a balcony is more than 1.5 metres above ground level. I agree with Mr Wallace that this has the effect of reducing the concerns that Mr Cleese has expressed regarding overlooking of dwellings and privacy issues without unduly constraining the development of dwellings which are nominally located above ground level because of site topography. I consider this to be a significant change as it will, on smaller sites, have the effect of managing the actual density that can be achieved for Permitted Activities when the height to boundary controls and related building coverage rules are factored in.

Ability to circumvent the rules through subdivision of parent sites

- 4.19 Mr Cleese has raised concerns about the ability for a developer to effectively circumvent the landuse controls by subdividing a parent lot into

fee simple parcels and then developing 3 units on each new lot utilising the permitted activity rules (although he has not sought any specific amendments to address this)⁶. I understand the concern expressed in theory but consider there will be a point at which such a process becomes problematic in that on smaller sites there will be a very limited ability to comply with the balance of bulk and location standards. I consider the scenario in Para 117 of Mr. Cleese to be at the “far end” of this theoretical consideration. That is particularly given the amendment now proposed to the upper balcony controls, allied to the existing height to boundary controls. I refer to the rebuttal and further modelling of Mr Wallace on this point⁷.

Summary

- 4.20 In conclusion, while I understand the matters Mr. Cleese has raised in the Part II MDRZ Report and concur that some amendments are appropriate, I am of the opinion that if the rules package becomes too prescriptive, then the flexibility of typologies and variations in housing layouts can be unnecessarily constrained relative to the amenity effects that the rules are trying to manage. Mr Cleese has acknowledged that the NPS-UD 2020 does recognise that amenity as a result of such intensification will mean that amenity will change over time and that such a change does not necessarily constitute an adverse environmental effect.
- 4.21 With the changes that have been further proposed in the MDRZ provisions at **Appendix One** (and discussed in Mr Wallace’s rebuttal), I consider that an appropriate balance is achieved and that the additional guidance through the package of design rules provides sufficient guidance and is better aligned with the amended matters for discretion.
- 4.22 In my view, the changes proposed will sharpen and refine the rules package without unduly straight-jacketing design flexibility through the qualitative urban design assessment.

⁶ At Section 7.8, page 27

⁷ See paragraph 2.4(b) and Appendix 1 to Mr Wallace’s rebuttal.

5. ISSUES IDENTIFIED IN S.42A SETTLEMENT REPORTS

5.1 With reference to my discussion at section 3 above regarding the longer-term approach to planning, there are two common issues that arise between settlements in respect of the extent of the MDRZ and a number of situations where recommendations to reduce the extent of the MDRZ are reflected in the s.42A Settlement reports, namely:

- (a) Recommendations to avoid the rezoning of land to MDRZ on land that is currently utilised for educational purposes (i.e. schools) that are within the geographic reach of the amended zoning sought by the submitter and in respect of the underlying zoning sought have the future potential to contribute to the success of the MDRZ (Tuakau and Huntly). In that regard:
 - (i) Rezoning will not impede on the ongoing operation of a school but sets up a planning framework which enables potential medium density housing in that location if the opportunity arises in the future.
 - (ii) In the context of the implementation of intensification strategies under the NPS-UD 2020, I am not convinced that the presence of a school on an appropriate site should be considered as a “qualifying matter” to the extent that such a zoning cannot be implemented.
 - (iii) I am therefore of the view that school sites should be rezoned where a site is well suited to the application of MDRZ in the event that the site (or parts of it) are deemed surplus to education requirements.
- (b) Recommendations to reduce the extent of the MDRZ as sought on the basis that it will foreclose additional areas of land being needed for Business and Business Town Centre activities in the future (Raglan and Pokeno). In that regard:
 - (i) I consider that District Plan review process is the appropriate juncture to undertake an integrated examination of future landuse demands, which is what has been undertaken for the MDRZ and for which a new zoning is sought as part of the review process.

- (ii) If the Capacity report has identified a clear demand and adverse effects arising from a shortage of land then the zoning pattern desired should be brought through in a cohesive manner now, rather than ring-fencing these areas for further assessment with no timing indicated for subsequent planning processes.

6. TE KAUWHATA SECTION 42A REPORT

- 6.1 I have reviewed the s 42a Report in relation to Te Kauwhata, prepared by Ms Macartney. Ms Macartney has assessed⁸ the proposed spatial extent of the requested MDRZ as it relates to Te Kauwhata but has not clearly recommended a spatial extent at this stage.
- 6.2 Ms Macartney's only concerns in relation to the proposed spatial extent of MDRZ for Te Kauwhata relate to mapping 'errors' specific to a number of identified properties.
- 6.3 The rebuttal evidence of Mr Wallace has addressed the specific property queries / issues raised by Ms Macartney in her s 42a Report. I confirm I agree with and support the updated spatial extent of proposed MDRZ for Te Kauwhata, as set out in the rebuttal evidence of Mr Wallace.
- 6.4 I note that Ms Macartney seeks some assessment in respect of Policy 4.1.12 (a)(ii) of the PDP which pertains to the identification of Lakeside as the sole growth area in the context of Te Kauwhata. Clearly the adoption of an MDRZ enables a significantly different growth pattern to be progressed in this settlement and, read in isolation, I agree that this Policy conflicts with the wider MDRZ sought. I consider that Policy 4.1.2(a)(ii) could be removed from the PDP, on the basis that the MDRZ Objectives and Policies and associated zoning set out a more comprehensive growth framework that aligns with the NPS-UD 2020.

7. TUAKAU SECTION 42A REPORT

- 7.1 I have reviewed the Section 42a Report in relation to Tuakau prepared by Ms Trenouth. Ms Trenouth sets out her assessment and

⁸at Section 4.16, page 111

recommendations in relation to the proposed spatial extent of the requested MDRZ as it relates to Tuakau at Section 13, page 89.

- 7.2 In general terms, Ms Trenouth confirms⁹ that she supports the application of a MDRZ at Tuakau.
- 7.3 In relation to specific land holdings, Ms Trenouth has identified the Tuakau Primary School at 2 School Road, which is located within the proposed extent of MDRZ. Ms Trenouth does not consider it is appropriate to identify the Tuakau Primary School site within the proposed MDRZ, as she does not believe that such a site (noting its established educational use / activity) would achieve the objective for the zone. As a result, Ms Trenouth recommends the Tuakau Primary School site be excluded from the proposed spatial extent of MDRZ at Tuakau.
- 7.4 For the reasons outlined above at paragraph 5.1(a) above I consider that the Tuakau Primary School site should be included within the MDRZ. I note that Mr Wallace concludes that the site is well suited for the application of the MDRZ in the event parts of, or the entire site is deemed surplus to education requirements.
- 7.5 With the exception of the exclusion of the school, I agree with and support the overall recommendation of Ms Trenouth, which is to accept and apply the proposed extent of MDRZ set out in the EIC of Mr Wallace.

8. HUNTLY SECTION 42A REPORT

- 8.1 I have reviewed the Section 42a Report in relation to Huntly, prepared by Ms Campbell. Ms Campbell sets out her assessment and recommendations in relation to the proposed spatial extent of the requested MDRZ as it relates to Huntly at Section 4.6, page 157.
- 8.2 The s42a report has largely adopted the revised MDRZ extent as proposed by Kāinga Ora. There are only 3 areas of recommended change, those being an extension in the vicinity of Dudley Avenue, the exclusion of the existing Huntly Primary School and the Harris Street Heritage Precinct. There is also a recommended realignment of the

⁹ at paragraph 368, page 91

MDRZ boundary to align with flood hazard overlay area rather than the cadastral boundaries of the relevant site.

Dudley Ave

- 8.3 In terms of the proposed expansion of the MDRZ to the properties east of Dudley Avenue, Ms Campbell considers this area is suitable for application of the MDRZ on the basis that the properties are not unduly constrained by topography such that intensification opportunities would be precluded.
- 8.4 Ms Campbell also notes this area is located within an approximate 500m walkable catchment of the Huntly town centre and has also been identified within the Waikato 2070 Strategy as a 'Residential Activity Zone', suitable for medium density development over the 3-10 year timeframe. Mr. Wallace has supported this recommendation and I concur with the recommendation to include these sites within the MDRZ.

Huntly Primary School

- 8.5 For the reasons outlined above at paragraph 5.1(a) above I consider that the Huntly Primary School site should be included within the MDRZ. I further note that Mr Wallace concludes that the site is well suited for the application of the MDRZ in the event parts of, or the entire site is deemed surplus to education requirements.

Harris Street Heritage Precinct

- 8.6 In regard to the Harris Street Heritage Precinct, Kāinga Ora was aware of the various Heritage Items throughout the extent of the MDRZ and as such the relevant standards relating to Historic Heritage were included within the MDRZ provisions as originally sought. I acknowledge that the standards that govern Heritage Precincts are currently not included within the MRDZ provisions. The omission is an inadvertent one and therefore I consider there to be no issue with including those provisions into Chapter 16A which will thereby protect and manage the values of the Heritage Precinct as articulated in Policy 7.1.4 of the PDP. The amended set of MDRZ provisions at **Appendix One** incorporates the Historic Heritage provisions.

Flooding

- 8.7 In regard to the exclusion of the impact of natural hazards (High Risk Flood Overlay) in Huntly West I have considered the matter in the context of qualifying matters that may inhibit the application of the directions within the NPS-UD 2020 (which would include the management of *significant* risk from natural hazards). I am of the opinion that for such instances, it is the Policy Framework and the provisions of the Overlay which are the guiding document. Any development within these mapped overlays will have to achieve the relevant Objectives, Policies and standards, with the purpose of s6(h) RMA in relation to the management of risks from Natural Hazards being achieved through the presence of the Overlay itself.
- 8.8 In this instance, the site in question is significant in its scale but a good 50% of the site is currently not covered by the Overlay and it is my experience that these Overlays are subject to redefinition over time, as updates and other catchment works can sometimes reduce in their extent.
- 8.9 As a consequence, I favour the avoidance of split zonings on the basis of an Overlay wherever possible and the use of the Overlay to effectively manage the hazard issue in the context of any development proposals that may be promulgated, particularly where (as in this case) there is a general residential zoning already proposed for the site meaning there is already a presumption that some development could occur on the balance of the site (if flood risks are managed appropriately).

9. POKENO SECTION 42A REPORT

- 9.1 I have reviewed the Section 42a Report in relation to Pokeno, prepared by Mr Mead. Mr Mead sets out his assessment and recommendations in relation to the proposed spatial extent of the requested MDRZ as it relates to Pokeno at Section 10.2, page 58.
- 9.2 Mr Mead notes his general support for the comprehensive analysis and assessment set out in the EIC on behalf of Kāinga Ora relating to the spatial application of the MDRZ in Pokeno. He has recommended a series of amendments to the zoning and I have set out my assessment on those recommendations below.

Areas of recent development

- 9.3 In regard to excluding the MDRZ from areas of recent development, I concur with the assessment of Mr. Wallace that from an urban design perspective there is still merit in applying the MDRZ to these sites as part of the current District Plan review and consider this to be a reactive position to adopt for these sites, rather than embedding a framework which will provide future opportunities for redevelopment without having to resort to additional plan changes or variations. Excluding these sites has the effect of prematurely foreclosing opportunities for the future, and note that the existing landuses can continue to exist without hinderance or additional restrictions in the intervening period.

Pokeno School

- 9.4 In regard to the rezoning of the school as MDRZ, the same rationale outlined in paragraph 5.1(a) applies; in my opinion rezoning will not impede on the ongoing operation of the school but sets up a planning framework which enables potential medium density housing on this site if the opportunity arises in the future.

South eastern corner of the Town Centre

- 9.5 In regard to the application of the MDRZ in the south-eastern corner of the Town Centre, I do acknowledge the presence of the State Highway and the railway bookending these sites and recognise that these are both strategically important infrastructure networks. However I concur with the position taken by Mr Wallace and consider that when proposals are put forward for the redevelopment of these sites, that the provisions of the Infrastructure Chapter governing development adjoining these networks will prevail (for which decisions are not yet released). Given that both the Business and Business Town Centre Zones provide for residential living opportunities, the application of these zones and residential living will also need to be managed in the same way.
- 9.6 I note that Pokeno is identified in Waikato 2070 and the WDC Supplementary Framework Report dated 28th April 2021 as being projected to become the largest urban settlement in the Waikato District. From personal observation, I note that its growth has accelerated significantly in the past 5 years and that growth is in turn triggering

investment within the existing Business Town Centre Zone with developments such as the new Countdown supermarket providing anchor commercial services to the surrounding catchment.

- 9.7 Conversely, the bulk of residential development has consisted of single unit family homes which have utilised land which has been identified through assessment as being able to be more efficiently used for higher intensity living. I therefore consider it is appropriate to make provision in this Plan review for an MDRZ which will maximise opportunities for more intensive living typologies.
- 9.8 While I acknowledge the strategic importance of Pokeno into the future, I have concerns that while there is a level of analysis that is forecasting the need for more business land, the recommended limitations on the extent of the MDRZ has the effect of constraining the redevelopment of residential land in the intervening period, with no guidance on the timeframes for any advancement of the Business lands issue. As noted above at para 5.1(b) it is my opinion the District Plan review process is the appropriate juncture to undertake an integrated examination of future landuse demands, which is what has been undertaken for the MDRZ and for which a new zoning is sought as part of the review process. If the Capacity report has identified a clear demand and adverse effects arising from a shortage of land (having regard to my statements regarding redevelopment opportunities within the existing business areas of Pokeno) then the zoning pattern desired should be brought through in a cohesive manner now, rather than ring-fencing these areas for further assessment with no timing indicated for subsequent planning processes.
- 9.9 I also agree with Mr. Wallace in his observations of the current intensity of development within the existing Pokeno Town Centre and Business Zones, and from my own observations, concur that there are significant redevelopment opportunities present within the existing Business Town Centre Zone with a number of existing sites being large and currently underutilised or vacant. The Capacity Report appears to support this position in the context of the discussion on the ratio of vacant to non-vacant industrial/business land.
- 9.10 Taking a longer-term approach, I remain of the opinion that the MDRZ should be applied to these south-eastern sites.

Hillpark Drive and the west side of Helenslee Road

9.11 Mr Mead does support the rezoning of the larger blocks of land along Hillpark Drive and the west side of Helenslee Road from Residential Zone to MRDZ, despite not all these areas being identified for intensive development in the Waikato 2070 Strategy. This is on the basis that he considers this would assist with meeting growth needs, as well as the suitability of the land for comprehensive medium density development. I agree with Mr Mead's assessment and his recommendation to rezone the areas along Hillpark Drive and the west side of Helenslee Road to MDRZ.

10. RAGLAN SECTION 42A REPORT

10.1 I have reviewed the Section 42a Report in relation to Raglan, prepared by Ms Buckingham. Ms Buckingham sets out her assessment and recommendations in relation to the proposed spatial extent of the requested MDRZ as it relates to Raglan at Section 6, page 41.

10.2 While Ms Buckingham accepts¹⁰ that there is statutory direction provided by the NPS-UD and WRPS requiring residential intensification in appropriate locations and supports the approach of a MDRZ, she has a number of specific concerns which she addresses in detail in her Section 42a Report. These can be summarised as follows:

- (a) Concerns in relation to whether application of the MDRZ may foreclose or prevent future growth or expansion options for the Raglan town centre.
- (b) Concerns in relation to the proposed 11m height limit within the provision package for the MDRZ, and how this aligns (or not) with the 'special character' provisions developed by the Council during the hearing process for Hearing Topic 16 (Raglan).

10.3 In order to address these specific matters, Ms Buckingham has recommended:

- (a) amending the proposed extent of MDRZ by not applying it near the coastal edge;

¹⁰ paragraph 192, page 42)

- (b) amending the MDRZ provisions package to apply a 7.5m permitted building height (rather than the proposed 11m building height); and
- (c) including an additional matter of discretion for new medium density development requiring an assessment against the 'special character' values of Raglan.

10.4 First of all I record that I retain the concerns I expressed in the earlier Raglan hearing (Hearing 16) regarding the newly proposed Raglan "special character" provisions and continue to consider that the approach proposed by Council contains a number of fundamental flaws.

Application of the MDRZ in proximity to the Town Centre

10.5 Turning to the issue of providing for additional commercially zoned land at some point in the future, while I agree that the NPS-UD 2020 also encompasses the provision of business land, the Framework Report also identifies that there is a residential shortfall, with relatively significant population growth expected for Raglan. On that basis, I consider that the recommended adjustments to the MDRZ as sought represent a sub-optimal planning outcome particularly given that there is identified growth demand within this topographically constrained settlement and particularly noting that there is currently no residential zoning that provides suitable development standards to deliver a greater range of housing typologies and densities within this settlement. This is where I am concerned that the Special Character matters (over which I still have concerns) will have the effect of further constraining housing supply without substantive analysis¹¹ and in particular that they would limit the development of housing within a pared back MDRZ.

10.6 I am also unclear as to whether the area of land that has been removed from the MDRZ would provide for projected demand for additional business land in Raglan. There is no discussion on the potential for existing commercial land to be redeveloped in a more intensive fashion in

¹¹ For example, as I understand it no s32 or s32AA analysis has been undertaken for the special character provisions, which I consider to be particularly important in the context of this settlement which is facing significant growth pressures.

the report as another means to provide more business land capacity within Raglan. Increased business land capacity will rely upon a viable population catchment around it and I am unclear as to whether this matter has been fully investigated and reconciled against the recommendations in the s.42A report.

- 10.7 I consider that by “pulling back” on the extent of the MDRZ as sought, in combination with lowering the permissible maximum height limit to 7.5 metres, that this will have the effect of further constraining the provision of more intensive housing. I am also unclear as to whether the revised spatial extent of the zoning as recommended aligns with the capacity assessment undertaken by Property Economics, or the Capacity report dated 28th April 2021, and authored by Dr. Davey.

Reduction in height

- 10.8 In respect of the amended provisions governing height, I note that the recommended reduction in maximum height to 7.5 metres effectively reduces the “permitted baseline” to 2 storey structures within the MDRZ. This creates a significant challenge in the context of Raglan. Mr Wallace has considered the potential impacts of developing medium density housing utilising the lowered height limit and the method utilised to calculate height in the PDP (rolling height method). His conclusion is that it will not be feasibly possible on steeper sites (of which there are many) to design even a complying 2 storey townhouse/terrace in areas of the MDRZ if the height is reduced as proposed.
- 10.9 In regard to Special Character, with the exception of a brief discussion under Paragraph 205 in the s.42A report, there appears to be no detailed landscape analysis by Ms. Buckingham or Isthmus that leads me to the conclusion that a 7.5 metre height limit will in itself meaningfully contribute to the management of Special Character given that the proposed Objectives and Policies are broad and are not buttressed by any landscape overlays or similar controls in the PDP.
- 10.10 The emphasis in the provisions as proposed is largely centered on maintaining the existing character of the settlement, which is counter to the approach set out in the NPS-UD 2020 on amenity and urban character (and noting that character *per se* is not in itself a qualifying matter in terms of the NPSUD). I have previously provided my feedback in response to

the revised Raglan provisions and at that time voiced ongoing concerns as to the certainty of the provisions on special character and how the provisions needed to be based on more substantive analysis and mapping.

11. CONCLUSION

- 11.1 Taken as a whole, the various recommendations of the s.42A authors are largely concurred with and there is a general consensus from the authors, buttressed by the detailed s.32AA prepared by The Submitter, as well as other technical investigations, that the implementation of an MDRZ for the Waikato District is appropriate. This aligns with the intent and directions of the NPS-UD 2020 as they pertain to a Tier 1 Local Authority.
- 11.2 There are a number of changes proposed in the s.42A reports which I have assessed in this statement. I agree with a number of the amendments proposed however there are other changes proposed which in my opinion will have the effect of “watering down” the effectiveness of the Zone. The overarching aim is to provide a range of typologies and at varying densities in order to create greater housing choice, price-points and respond to changing patterns of family composition and demographics.
- 11.3 I consider that the amended provisions attached in **Appendix One** in response to the matters raised will achieve such outcomes for urban settlements in the Waikato District.

Philip John Stickney

3 May 2021

**APPENDIX ONE – REVISED MDRZ PROVISIONS REFLECTING
ADDITIONAL AMENDMENTS IN RESPONSE TO S.42A REPORTS**

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 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 the urban fringe and beyond;
- Relieve anticipated pressures (exacerbated by adopting sprawl to accommodate urban growth) 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
- Coordinates 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. For up to 3 dwellings on a site, the rules provide design guidance, allowing complying smaller scale developments to be enabled in a manner that maximises opportunities on smaller existing sites. Developments of more than 3 dwellings are subject to a more intensive design assessment process with matters of discretion that provide the primary guidance for assessment, including the intensity of development. 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 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.4 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 the Business and Business Town Centre Zones when considering development proposals.
- c) 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 townhouse and low-rise apartments

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 to adjoining sites;
 - (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:
- (i) are attractive, ~~and~~ functional and accessible;
 - (ii) provides a reasonable standard of privacy for residents and to adjoining sites;
- d) ~~whilst enabling~~ flexibility and innovation in the provision of outdoor living spaces ~~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 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) Avoiding the establishment of new non-residential activities (except home occupations) on rear sites, or sites located on cul-de-sacs; and
 - (iii) 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.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

[Table of Contents to be inserted]

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).
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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
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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 Papakainga 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>e) 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><i>Nil</i></p>
P7	Community facilities	a) Up to 200m ² GFA
P8	Neighbourhood park	Nil
P9	Home stay	a) No more than 4 temporary residents
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

- (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.	<p>Council's discretion shall be restricted to any of the following matters:</p> <ol style="list-style-type: none"> (a) Consideration of the effects of the standard not met. (b) Measures to avoid, remedy or mitigate adverse effects. (c) Cumulative effects.
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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	<p>a) Noise measured within any other site in the Medium Density Residential Zone must not exceed:</p> <ol style="list-style-type: none"> (i) 50dB LAeq(15min), 7am to 7pm, every day; (ii) 45dB LAeq(15min) 7pm to 10pm every day; and (iii) 40dB LAeq(15min) 10pm to 7am the following day; and (iv) 65dB LAmax(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>(i) Council's discretion shall be restricted to any of the following matters:</p> <p>(ii) Effects on amenity values;</p> <p>(iii) Hours and days of construction;</p> <p>(iv) Noise levels;</p> <p>(v) Timing and duration; and</p> <p>(vi) Methods of construction</p>

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> <p>(i) The Council's discretion shall be restricted to any of the following matters:</p> <p>(ii) Effects on amenity values;</p> <p>(iii) Light spill levels on other sites;</p>

	<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.
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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>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"> (a) 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 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.2.6.4 provide permitted rules for works on notable trees, which are identified in Schedule 30.2 (Notable Trees) as follows:
- (2) Rule 16A.2.6.1 - Removal or destruction;
- (3) Rule 16A.2.6.2 – Trimming;
- (4) 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> <p>(i) Timing and manner in which the activity is carried out;</p> <p>(ii) Effects on amenity values; and</p> <p>(iii) Effects on heritage values.</p>

16A.2.6.2 Notable Tree – Trimming

P1	<p>a) The trimming of a notable tree identified in Schedule 30.2 (Notable Trees) is either:</p> <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	<p>a) A sign must comply with all of the following conditions:</p> <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><i>(x) 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"> <input type="checkbox"/> goods or services available on the site; or <input type="checkbox"/> 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;

	<ul style="list-style-type: none"> (v) Glare and artificial light spill; (vi) Content, colour and location of the sign; (vii) Effects on a notable tree; (viii) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign; <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> <ul style="list-style-type: none"> (ix) <i>Effects on cultural values of any Māori Site of Significance; and</i> (x) Effects on notable architectural features of a building.
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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	<p>Removal of up to 5m³ 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.</p>
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) <i>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:</i></p> <ul style="list-style-type: none"> (i) <i>There is no alternative development area on the site outside the Significant Natural Area;</i> (ii) <i>The following total areas are not exceeded:</i> <ul style="list-style-type: none"> A. <i>1500m² for a Marae complex, including areas associated with access parking and manoeuvring;</i> B. <i>500m² per dwelling, including areas associated with access parking and manoeuvring; and</i> C. <i>500m² for a papakaainga building including areas associated with access parking and manoeuvring.</i>
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) <i>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:</i></p> <ul style="list-style-type: none"> (i) <i>Removing vegetation that endangers human life or existing buildings or structures;</i> (ii) <i>Conservation fencing to exclude stock or pests;</i>

	<p><i>(iii) Maintaining existing farm drains;</i></p> <p><i>(iv) Maintaining existing tracks and fences; or</i></p> <p><i>(v) Gathering plants in accordance with Māori customs and values.</i></p>
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>(d) Four or more residential dwellings per site.</p> <p>(e) Council’s discretion shall be restricted to any of the following matters:</p> <ul style="list-style-type: none"> (i) Intensity of the development; <u>and</u> (ii) Design, scale and layout of buildings <u>and outdoor living courts</u> in relation to the planned urban character of the zone; <u>and</u> (iii) The relationship of the development with adjoining streets or public open spaces, <u>including the provision of landscaping; and</u> (iv) Privacy and overlooking within the development and on adjoining sites, including the orientation of habitable rooms and outdoor living spaces; <u>and</u> (v) Provision of <u>3-waters</u> infrastructure to individual units; and (vi) <u>The provision of adequate waste and recycling bin storage including the management of amenity effects of these on streets or public open spaces; and</u> (vii) Where on-site car parking is provided, the design and location of car parking (including garaging) 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"> (a) 35m² for studio dwellings; (b) 45m² for one or more bedroom dwellings
RD1	<p>(f) Any building that does not comply with Rule 16A.3.2.P1.</p> <p>(g) 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.3.2.1 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	(h) Any building that does not comply with Rule 16A.3.2.1 P1.

	<p>(i) 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, scale and location of the building; (iii) Extent of shading on adjacent sites; (iv) Privacy and overlooking on adjoining sites.
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16A.3.4 Fences or Walls – Road Boundaries

P1	<p>(j) Fences and walls between the applicable building setbacks under Rule 16A.3.8 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>(k) Fences or walls that do not comply with Rule 16A.3.3 P1.</p> <p>(l) Council's discretion shall be restricted to any of the following matters:</p> <ul style="list-style-type: none"> (i) Building materials and design; (ii) Effects on streetscape amenity; and (iii) 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>(m) A building that does not comply with Rule 16A.3.4 P1.</p> <p>(n) 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.
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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	<ul style="list-style-type: none"> (o) Total building coverage that does not comply with Rule 16A.3.5 P1. (p) 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	<ul style="list-style-type: none"> (q) Impervious surface that does not comply with Rule 16.3.6A P1 (r) 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	<ul style="list-style-type: none"> (s) 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) <u>Where the residential unit contains a Principal Living Area on the ground floor, an outdoor living court shall be provided and shall have</u> When located on the ground floor, it has a minimum area of 20m² and a minimum dimension of 4m in any direction; and or (iv) <u>Where the residential unit has its Principal Living Area wholly at first floor level or above, a balcony shall be provided and shall</u> en located on a balcony of an
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		above ground apartment or terraced house, it must have a minimum area of 5m ² for studio and one-bedroom dwellings, or 8m ² for two or more bedroom dwellings and a minimum dimension of 1.5m.
RD1	(t)	An outdoor living court that does not comply with Rule 16A.3.7 P1
	(u)	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.3.8.1 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.3.9.1 Building Setbacks – All Boundaries

P1	(a)	The finished external walls (excluding eaves) of a building must be set back a minimum of: <ul style="list-style-type: none"> (i) 3m from the road boundary (excluding state highways – refer to rule 16.3.9.2); (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; (iv) <u>Balconies greater than 1.5 metres above ground level shall be set back a minimum of 4 metres from every boundary other than a boundary to a road or public open space.</u>
RD1	(v)	A building that does not comply with Rule 16A.3.8.1 P1.
	(w)	Council's discretion shall be restricted to any of the following matters: <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	(x) Any building must be setback a minimum of: <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.3.9.3 P1.
D1	Any building that does not comply with Rule 16A.3.9.3 P1 or P2.

16A.3.10 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.3.10.1 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).
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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).
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16A.3.10.3 All heritage items – Alterations or Addition

P1	(y) 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;
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	(ii) alterations or additions are not visible from a public place.
RD1	(z) Any activity that does not comply with Rule 16A.3.11.3 P1. (aa) Council's discretion shall be restricted to the following matters: (i) form, style, materials and appearance; and (ii) effects on heritage values.

16A.3.10.4 All Heritage Items – Maintenance or Repair

P1	(bb) Maintenance or repair of a heritage item listed in Schedule 30.1 (Heritage Items) must comply with all of the following conditions: (i) no significant feature of interest is destroyed or damaged; and (ii) replacement materials are the same as, or similar to, the original in terms of form, style and appearance.
RD1	(cc) Any activity that does not comply with Rule 16A.3.11.3 P1. (dd) Council's discretion shall be restricted to the following matters: (i) form, style, materials and appearance; and (ii) effects on heritage values.

16A.3.10.5 All Heritage Items – Site Development

P1	(ee) Development on a site containing a heritage item listed in Schedule 30.1 (Heritage Items) must comply with all of the following conditions: (i) be set back at least 10m from the heritage item; (ii) not locate a building between the front of the heritage item and the road.
RD1	(ff) Any activity that does not comply with one or more conditions of Rule 16A.3.11.5 P1. (gg) Council's discretion is restricted to the following matters: (i) effects on the values, context and setting of the heritage item; (ii) location, design, size, materials and finish; (iii) landscaping; (iv) the relationship of the heritage item with the setting, including the area between the front of the heritage item and the road.

16A.3.10.6 Heritage Precincts – Matangi and Huntly

[Note: provisions pertaining to the Matangi and Huntly Heritage Precincts have been incorporated from the Appendix 4 – Zone Rules – Revised Recommended Amendments from the Hearing 14 Historic Heritage and Notable Trees report (dated 4 September 2020)].

C1	<p>(a) Construction of a building in the Matangi or Huntly Heritage Precincts identified on the planning maps that is set back at least 8m from road boundaries.</p> <p>(b) Council's control is reserved over the following matters:</p> <p>(i) Effects on historic heritage amenity values and character of the precinct; and</p> <p>(ii) Building height, side setbacks, scale, form, materials and architectural style to be consistent with the relevant part of Appendix 3.6 (Matangi Heritage Precinct Design Guide) or Appendix 3.5 (Huntly Heritage Precinct Design Guide).</p>
C2	<p>(a) Alteration of a building in the Matangi or Huntly Heritage Precincts identified on the planning maps.</p> <p>(b) Council's control is reserved over the following matters:</p> <p>(i) Effects on historic heritage amenity values and character of the precinct; and</p> <p>(ii) Building height, side setbacks, scale, form, materials and architectural style to be consistent with the relevant part of Appendix 3.6 (Matangi Heritage Precinct Design Guide) or Appendix 3.5 (Huntly Heritage Precinct Design Guide).</p>
C3	<p>(a) Attachment of an advertising sign(s) to a building or located within the 8m setback from road boundaries in the Matangi or Huntly Heritage Precincts identified on the planning maps.</p> <p>(b) Council's control is reserved over the following matters:</p> <p>(i) Effects on historic heritage amenity values and character of the precinct; and</p> <p>(ii) Advertising signs.</p>
RD1	<p>(a) Construction, alteration of to a building in the Matangi Heritage Precinct or the Huntly Heritage Precinct identified on the planning maps that does not comply with Rule 16.3.11.6 C1, C2 or C3.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <p>(i) Effects on historic heritage amenity values and character of the precinct;</p> <p>(ii) Building height, side setbacks, scale, form, materials and architectural style to be consistent with the relevant part of Appendix 3.6 (Matangi Heritage Precinct Design Guide) or Appendix 3.5 (Huntly Heritage Precinct Design Guide);</p> <p>(iii) Advertising signs; and</p> <p>(iii) Setback from road boundaries.</p>
RD2	<p>(a) Attachment of an advertising sign(s) to a building or located within the 8m setback from road boundaries in the Matangi or Huntly Heritage Precincts identified on the planning maps.</p> <p>(b) Council's discretion shall be reserved to the following matters:</p> <p>(i) Effects on historic heritage, amenity values and character of the precinct;</p> <p>(ii) Advertising signs; and</p> <p>(iii) Setback from road boundaries.</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	<p>(hh) Any subdivision in accordance with an approved land use resource consent must comply with that resource consent.</p> <p>(ii) Council's control shall be reserved to any of the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout; (ii) Compliance with the approved land use consent; and (iii) Provision of infrastructure.
RD1	<p>(jj) Subdivision must comply with all of the following conditions:</p> <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; <p>(kk) Council's discretion shall be restricted to any of the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout; (ii) Shape of lots and variation in lot sizes; (iii) Ability of lots to accommodate a practical building platform including geotechnical stability for building; (iv) Likely location of future buildings and their potential effects on the environment; (v) Avoidance or mitigation of natural hazards; (vi) Opportunities for streetscape landscaping; (vii) Vehicle and pedestrian networks; (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.
RD2	<p>(ll) 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</p>

	<p>living court could be sited as a permitted activity, with the building platform being contained within the following dimension:</p> <ul style="list-style-type: none"> (i) a rectangle of at least 100m² with a minimum dimension of 6m exclusive of yards. <p>(mm) Council's discretion shall be restricted to any of the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout; (ii) Shape of allotments; (iii) Ability of allotments to accommodate a practical building platform; (iv) Likely location of future buildings and their potential effects on the environment; (v) Avoidance or mitigation of natural hazards; (vi) Geotechnical suitability for building; and (vii) Ponding areas and primary overland flow paths.
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>(nn) 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> <ul style="list-style-type: none"> (i) Be a minimum net site area of 650m²; (ii) Have a minimum average net site area of 875m²; (iii) Be connected to public-reticulated water supply and wastewater; <p>(oo) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout including the grid layout of roads and the number of rear lots; (ii) Shape of lots and variation in lot sizes; (iii) Ability of lots to accommodate a practical building platform, including geotechnical stability for building; (iv) Likely location of future buildings and their potential effects on the environment; (v) Avoidance or mitigation of natural hazards; (vi) Amenity values and streetscape landscaping; (vii) Consistency with the matters contained within Appendix 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.
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D1	Subdivision within the Te Kauwhata West Residential Area that does not comply with Rule 16A.4.2 RD1.
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16A.4.3 Subdivision – Boundary Adjustments

C1	<p>(pp) 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 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>(qq) 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>(rr) Boundary adjustments that do not comply with Rule 16A.4.3 C1.</p> <p>(ss) 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>(tt) Conversion of a cross lease flats plan to a fee simple title.</p> <p>(uu) 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>(vv) Amendment or update of a cross lease flats plan</p> <p>(ww) 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.3.4) B. Building coverage (Rule 16A.3.5) C. Building setbacks (Rule 16.3.8) (ii) Where any proposed subdivision contains one or more of the features listed in A – D, 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>(c) Subdivision of sites containing a Significant Natural Area(s), where the Significant Natural Area is contained wholly within a proposed lot.</p> <p>(d) Council's discretion shall be restricted to the following matter:</p> <ul style="list-style-type: none"> (i) Effects on Significant Natural Area.
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NC1	Subdivision that does not comply with Rule 16A.4.6 RD1.
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16A.4.7 Subdivision of Land containing Heritage Items

RD1	<p>(e) Subdivision of land containing a heritage item listed in Schedule 30.1 (Heritage Items).</p> <p>(f) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Effects on heritage values; (ii) Context and setting of the heritage item; and (iii) The extent to which the relationship of the heritage item with its setting is maintained.
NC1	Subdivision that does not comply with Rule 16A.4.7 RD1.

16A.4.8 Subdivision - Road Frontage

RD1	<p>(g) 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>(h) Council's discretion shall be restricted to any of the following matters:</p> <ul style="list-style-type: none"> (i) Safety and efficiency of vehicle access and road network.
D1	Subdivision that does not comply with Rule 16A.4.8 RD1.

16A.4.9 Subdivision Creating Reserves

RD1	<p>(i) 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>(j) 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 Strategy; (ii) Consistency with any relevant structure plan or master plan; (iii) Reserve size and location; (iv) Proximity to other reserves; (v) The existing reserve supply in the surrounding area; (vi) Whether the reserve is of suitable topography for future use and development;
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	<p>(vii) Measures required to bring the reserve up to Council standard prior to vesting; and</p> <p>(viii) The type and standard of boundary fencing.</p>
D1	Subdivision that does not comply with Rule 16A.4.9 RD1.

16A.4.10 Subdivision of Esplanade Reserves and Esplanade Strips

RD1	<p>(k) 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:</p> <p>(i) The proposed lot is less than 4ha and within 20m of:</p> <p>A. mean high water springs;</p> <p>B. the bank of any river whose bed has an average width of 3m or more; or</p> <p>C. a lake whose bed has an area of 8ha or more; or</p> <p>D. 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).</p> <p>(l) Council's discretion shall be restricted to any of the following matters:</p> <p>(i) The type of esplanade provided • reserve or strip;</p> <p>(ii) Width of the esplanade reserve or strip;</p> <p>(iii) Provision of legal access to the esplanade reserve or strip;</p> <p>(iv) Matters provided for in an instrument creating an esplanade strip or access strip;</p> <p>(v) Works required prior to vesting any reserve in the Council, including pest plant control, boundary fencing and the removal of structures and debris.</p>
D1	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	<p>(m) 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:</p> <p>(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);</p> <p>(ii) The walkway, cycleway or bridleway is generally in accordance with the walkway, cycleway or bridleway route shown on the planning maps;</p> <p>(iii) The walkway, cycleway or bridleway is shown on the plan of subdivision and vested in the Council.</p> <p>(n) Council's discretion shall be restricted to any of the following matters:</p> <p>(i) Alignment of the walkway, cycleway or bridleway;</p>
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	<ul style="list-style-type: none"> (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.

Chapter 13 – Definitions – Consequential amendment – Rule 16A.3.8

Insert new definition as follows:

Principal Living Area

An area or room within a dwelling which is designed to function as the primary internal living space for occupants of that dwelling

[Comment: To provide similar control in respect of residential developments within the Business Town Centre or Business Zones, this definition could also be included to aid in useability]