

SECTION 42A REPORT

Report on submissions and further submissions on the
Proposed Waikato District Plan – Stage 1

Hearing 9: Business and Business Town Centre Zones

Report prepared by: Alan Matheson (Consultant Planner)

Date: 18 December 2019



TABLE OF CONTENTS

1	Introduction	9
2	Scope of Report.....	10
3	Consideration of submissions received	12
4	Administrative – Controlled and Restricted Discretionary Activities and Heading	14
5	Administrative – Objective and Policy Cross-Referencing	16
6	Section 4.5 - Objectives – Natural Waterbodies & Park Edge	17
7	Section 4.5 – New Objective – Non-commercial activities	17
8	Section 4.5 – New Policy – Small towns.....	19
9	Section 4.5 – Objective 4.5.1 – Commercial function and purpose.....	19
10	Section 4.5 – Policy 4.5.2 – Commercial function and purpose.....	21
11	Section 4.5 – Policy 4.5.3 – Commercial purpose: Business Town Centre Zone.....	22
12	Section 4.5 – Policy 4.5.4 – Commercial purpose: Business Zone	24
13	Section 4.5 – Policy 4.5.6 – Commercial purpose: Neighbourhood Centres	25
14	Section 4.5 – Policy 4.5.7 – Commercial purpose: Neighbourhood Centres in Structure Plan	26
15	Section 4.5 – Policy 4.5.8 – Role and function of the Business Zone.....	26
16	Section 4.5 – Policy 4.5.9 – Employment opportunities: Business Town Centre Zone and Business Zone.....	27
17	Section 4.5 – Policy 4.5.10 – Retail: Business Town Centre Zone and Business Zone	28
18	Section 4.5 – Policy 4.5.11 – Residential upper floors: Business Town Centre Zone and Business Zone.....	29
19	Section 4.5 – Objective 4.5.12 – Business Town Centre - Character	31
20	Section 4.5 – Policy 4.5.13 – Town Centre built form.....	32
21	Section 4.5 – Policy 4.5.14 – Raglan Town Centre	34
22	Section 4.5 – Policy 4.5.15 – Huntly Town Centre	35
23	Section 4.5 – Policy 4.5.16 – Ngaaruawaahia Town Centre.....	37
24	Section 4.5 – Policy 4.5.17 – Te Kauwhata Town Centre	39
25	Section 4.5 – Policy 4.5.18 – Pokeno Town Centre.....	41
26	Section 4.5 – Policy 4.5.19 – Tuakau Town Centre	43
27	Section 4.5 – Policy 4.5.20 – Pedestrian and active street frontages – Business Town Centre Zone	45
28	Section 4.5 – Policy 4.5.21 – Corner buildings – Business Town Centre Zone.....	46
29	Section 4.5 – Policy 4.5.22 – Landscaping – Business Town Centre Zone	47
30	Section 4.5 – Policy 4.5.23 – Height – Business Town Centre Zone	47
31	Section 4.5 – Policy 4.5.24 – New buildings: Business Town Centre Zone	48

32	Section 4.5 – Objective 4.5.25 – Business Zone – Character	50
33	Section 4.5 – Policy 4.5.26 – Landscaping of onsite parking areas – Business Zone	51
34	Section 4.5 – Policy 4.5.27 – Front setback – Business Zone	51
35	Section 4.5 – Policy 4.5.28 – Height – Business Zone	52
36	Section 4.5 – Policy 4.5.29 – New Buildings – Business Zone	53
37	Section 4.5 – Objective 4.5.30 – Business Zone and Business Town Centre Zones – Amenity	54
38	Section 4.5 – Policy 4.5.31 – Reverse sensitivity & Policy 4.5.33 – Reverse sensitivity	55
39	Section 4.5 – Policy 4.5.32 – Adjoining site amenity	57
40	Section 4.5 – Policy 4.5.36 – Signage	57
41	Section 4.5 – Policy 4.5.37 – Managing the adverse effects of signs.....	59
42	Section 4.5 – Policy 4.5.38 – Artificial outdoor lighting	60
43	Section 4.5 – Policy 4.5.41 – Earthworks	61
44	Section 4.5 – Policy 4.5.42 – Adjoining site amenity	63
45	Chapter 17: Business Zone – General	63
46	Chapter 17: Business Zone – Corrections	64
47	Chapter 17: Business Zone – 17.1.2 Permitted Activities	65
48	Chapter 17: Business Zone – 17.1.3 Restricted Discretionary Activities	71
49	Chapter 17: Business Zone – 17.1.4 Discretionary Activities.....	77
50	Chapter 17: Business Zone – 17.1.5 Non-Complying Activities	78
51	Chapter 17: Business Zone – 17.2.1 Noise.....	79
52	Chapter 17: Business Zone – 17.2.2 Servicing and hours of operation	82
53	Chapter 17: Business Zone – 17.2.3 Onsite parking areas - Landscaping.....	83
54	Chapter 17: Business Zone – 17.2.4 Glare and artificial light spill	84
55	Chapter 17: Business Zone – 17.2.5 Earthworks.....	85
56	Chapter 17: Business Zone – 17.2.7 Signs.....	90
57	Chapter 17: Business Zone – 17.2.8 Outdoor storage	96
58	Chapter 17: Business Zone – 17.3 Land Use - Building	97
59	Chapter 17: Business Zone – 17.3.1 Height	98
60	Chapter 17: Business Zone – 17.3.2 Daylight admission	99
61	Chapter 17: Business Zone – 17.3.4 Building setbacks	101
62	Chapter 17: Business Zone – 17.3.5 Horotiu Acoustic Area.....	105
63	Chapter 17: Business Zone – 17.3.6 Dwelling	107
64	Chapter 17: Business Zone – 17.3.7 Living court	108
65	Chapter 17: Business Zone – 17.4 Subdivision & 17.4.1 General Subdivision	110
66	Chapter 17: Business Zone – 17.4.1.1 Subdivision – Multi-unit development.....	114
67	Chapter 17: Business Zone – 17.4.1.2 Subdivision – Boundary adjustments	116

68	Chapter 17: Business Zone – 17.4.1.3 Subdivision – Amendment to cross lease flats plans .	117
69	Chapter 17: Business Zone – 17.4.1.4 Subdivision – Title boundaries – Significant Natural Areas, Maaori Sites and Areas of Significance to Maaori	118
70	Chapter 17: Business Zone – 17.4.1.5 Subdivision – Land containing heritage items.....	119
71	Chapter 17: Business Zone – 17.4.1.6 Subdivision – Road frontage.....	121
72	Chapter 17: Business Zone – 17.4.1.8 Esplanade reserves and esplanade strips.....	122
73	Chapter 18: Business Town Centre Zone - Corrections	123
74	Chapter 18: Business Town Centre Zone – New Rules	124
75	Chapter 18: Business Town Centre Zone – 18.1.2 Permitted activities.....	126
76	Chapter 18: Business Town Centre Zone – 18.1.3 Restricted discretionary activities.....	131
77	Chapter 18: Business Town Centre Zone – 18.1.4 Discretionary activities.....	138
78	Chapter 18: Business Town Centre Zone – 18.1.5 Non-complying activities	138
79	Chapter 18: Business Town Centre Zone – 18.2.1 Noise	140
80	Chapter 18: Business Town Centre Zone – 18.2.2 Servicing and hours of operation.....	143
81	Chapter 18: Business Town Centre Zone – 18.2.3 Glare and artificial light spill	144
82	Chapter 18: Business Town Centre Zone – 18.2.4 Earthworks	145
83	Chapter 18: Business Town Centre Zone – 18.2.7 Signs	150
84	Chapter 18: Business Town Centre Zone – 18.2.8 Outdoor storage	155
85	Chapter 18: Business Town Centre Zone – 18.3.1 Height.....	156
86	Chapter 18: Business Town Centre Zone – 18.3.2 Daylight Admission	158
87	Chapter 18: Business Town Centre Zone – 18.3.3 Gross leasable floor area	159
88	Chapter 18: Business Town Centre Zone – 18.3.4 Display windows and building façades	161
89	Chapter 18: Business Town Centre Zone – 18.3.5 Verandahs	162
90	Chapter 18: Business Town Centre Zone – 18.3.6 Building setbacks – zone boundaries & 18.3.7 Setback – water bodies	165
91	Chapter 18: Business Town Centre Zone – 18.3.7 Building setbacks – railway corridor and state highways (new rule).....	167
92	Chapter 18: Business Town Centre Zone – 18.3.8 Dwelling	168
93	Chapter 18: Business Town Centre Zone – 18.3.9 Living Court	170
94	Chapter 18: Business Town Centre Zone – 18.4 Subdivision	171
95	Chapter 18: Business Town Centre Zone – 18.4.1 Subdivision- general.....	173
96	Chapter 18: Business Town Centre Zone – 18.4.2 Subdivision – multi-unit subdivision.....	176
97	Chapter 18: Business Town Centre Zone – 18.4.3 Subdivision - Boundary adjustments	178
98	Chapter 18: Business Town Centre Zone – 18.4.4 Subdivision – Amendment and updates to cross lease or flats plans	179
99	Chapter 18: Business Town Centre Zone – 18.4.5 Subdivision – Title boundaries – Maaori Sites and Areas of significance to Maaori	181

100	Chapter 18: Business Town Centre Zone – 18.4.6 Subdivision – heritage items.....	183
101	Chapter 18: Business Town Centre Zone – 18.4.7 Esplanade reserves and esplanade strips	183
102	Chapter 9: Specific Zones – 9.4 Business Zone Tamahere - Objective 9.4.2 – Adverse effects on land use.....	185
103	Chapter 19: Business Zone Tamahere - Corrections.....	185
104	Chapter 19: Business Zone Tamahere - General.....	186
105	Chapter 19: Business Zone Tamahere – 19.1.1 Permitted activities	187
106	Chapter 19: Business Zone Tamahere – 19.1.2 Restricted discretionary activities	188
107	Chapter 19: Business Zone Tamahere – 19.1.3 Discretionary activities	189
108	Chapter 19: Business Zone Tamahere – 19.2.1 Noise.....	190
109	Chapter 19: Business Zone Tamahere – 19.2.4 Earthworks	192
110	Chapter 19: Business Zone Tamahere – 19.2.6 Signs	195
111	Chapter 19: Business Zone Tamahere – 19.2.7 Outdoor storage	197
112	Chapter 19: Business Zone Tamahere – 19.3.1 Height	198
113	Chapter 19: Business Zone Tamahere – 19.3.2 Buildings, structures, vegetation and objects with an airport obstacle limitation surface.....	199
114	Chapter 19: Business Zone Tamahere – 19.3.3 Daylight admission	200
115	Chapter 19: Business Zone Tamahere – 19.3.5 Gross Leasable Floor Area	201
116	Chapter 19: Business Zone Tamahere – 19.3.6 Building setbacks.....	202
117	Chapter 19: Business Zone Tamahere – 19.4.1 Subdivision – Restricted Discretionary.....	203
118	Appendix 3.3 Town Centre Guidelines.....	203
119	Town Centre Character Statements – General (Appendix 10.1 – Appendix 10.6)	204
120	Town Centre Character Statements – Appendix 10.4 Pokeno Town Centre Character Statement	205
121	Town Centre Character Statements – Appendix 10.5 Te Kauwhata Town Centre Character Statement	206
122	Town Centre Character Statements – Appendix 10.6 Tuakau Town Centre Character	207
123	Chapter 13 - Definitions.....	207
124	Planning Maps – Verandah Overlay, Pokeno.....	209
125	Conclusion.....	210

List of submitters and further submitters addressed in this report

Submitter	Submission number
320 Limited trading as Kids Time Kindergarten and Kids Time Early Learning Centre	82
Blue Wallace Surveyors Ltd	662
Brendon John & Denise Louise Strong	871
Chris Rayner	414
Counties Manukau Police	297
Counties Power Limited	405
Doug Nicholson	403
Fire and Emergency New Zealand	378
Greenways Orchards Limited	679
Greig Metcalfe	
Heritage New Zealand Lower Northern Office	559
Housing New Zealand Corporation	749
Hugh Green Limited	392
Jade Hyslop	435
John Lawson	825
Kelvin Norgrove	411
KiwiRail Holdings Limited	986
Madsen Lawrie Consultants	838
Malibu Hamilton	553
McCracken Surveys Limited	943
Mercer Residents and	367

Further Submitter	FS No
<i>Ara Poutama Aotearoa (Department of Corrections)</i>	<i>FS1210</i>
<i>Avondale Trust</i>	<i>FS1325</i>
<i>Chorus New Zealand Limited</i>	<i>FS1031</i>
<i>Department of Corrections (Ara Poutama Aotearoa)</i>	<i>FS1210</i>
<i>Federated Farmers</i>	<i>FS1342</i>
<i>Fire and Emergency New Zealand</i>	<i>FS1114</i>
<i>First Gas Limited</i>	<i>FS1211</i>
<i>Garth & Sandra Ellmers</i>	<i>FS1092</i>
<i>Greig Metcalfe</i>	<i>FS1142</i>
<i>Havelock Village Limited</i>	<i>FS1291</i>
<i>Havelock Village Limited</i>	<i>FS1377</i>
<i>Heritage New Zealand Pouhere Taonga</i>	<i>FS1323</i>
<i>Housing New Zealand Corporation</i>	<i>FS1269</i>
<i>Hugh Green Limited</i>	<i>FS1078</i>
<i>KiwiRail Holdings Ltd</i>	<i>FS1272</i>
<i>Kristine Stead on behalf of Marshall & Kristine Stead, Lloyd Davis, Kylie Davis Strongwick, Jason Strongwick, Nicola and Kerry Thompson.</i>	<i>FS1178</i>
<i>Lakeside Development Limited</i>	<i>FS1371</i>
<i>Mercury NZ Limited</i>	<i>FS1223</i>
<i>Mercury NZ Limited</i>	<i>FS1385</i>
<i>Mercury NZ Limited</i>	<i>FS1386</i>
<i>Mercury NZ Limited</i>	<i>FS1387</i>

Ratepayers Committee	
Ministry of Education	781
Ngati Tamaoho Trust	567
Ngati Te Ata	
New Zealand Transport Agency	742
NZTE Operations Limited	823
Pokeno Community Committee	603
Pokeno Village Holdings Limited	386
'Oil Companies' Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited	785
Peter Humphreys	4.1
Ports of Auckland Limited	578
Property Council New Zealand	198
Raglan Chamber of Commerce	326
Raglan Naturally	831
Sandra Ellmers Family Trust	
Sharp Planning Solutions Ltd	695
Susan Hall	788
Tainui	942
Tamahere Community Committee	724
Te Kauwhata Community Committee	384
Terra Consultants (CNI) Ltd	296
The Department of Corrections	496

Mercury NZ Limited	FSI388
Meridian Energy Limited	FSI258
New Zealand Transport Agency	FSI202
New Zealand Walking Access Commission	FSI307
Ngati Tamaoho Trust	FSI369
NZTE Operations Limited	FSI339
'Oil Companies' Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited	FSI089
Pareoranga Te Kata	FSI035
Pokeno Community Committee	FSI75
Pokeno Village Holdings Limited	FSI281
Rosita Dianne-Lynn Darnes	FSI368
Spark New Zealand Trading Limited	FSI033
Synlait Milk	FSI108
Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	FSI108
Transpower New Zealand Limited	FSI350
Turangawaewae Trust Board	FSI139
Van Den Brink Group	FSI193
Vodafone New Zealand Limited	FSI032
Waikato Regional Airport Ltd	FSI253
Whaingaroa Environmental Defence Inc. Society	FSI276
Watercare Services Ltd	FSI176

The Surveying Company	746
Van Den Brink Group	633
Waikato District Council	697
Waikato District Health Board	923
Waikato Regional Council	81
Whaingaroa Raglan Affordable Housing Project	310
Woolworths NZ Ltd	588
Z Energy Ltd	589

<i>Z Energy Limited</i>	<i>FSI029</i>
-------------------------	---------------

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

I Introduction

I.1 Qualifications and experience

1. My full name is Alan Ross Matheson. I am self-employed in my own company AM Planning Limited, a company I established in July 2019.
2. I hold a Diploma in Regional and Resource Planning from Otago University (1983) and am a full member of the New Zealand Planning Institute.
3. I have been a practising planner for the past 35 years. Prior to setting up my own business, I was a Senior Planner with Enspire Consulting Limited and prior to that I held the position of Team Leader District Plan (Strategy and Planning) at Christchurch City Council for four years. Immediately prior to moving to Christchurch, I managed the resource consent and compliance unit at Tauranga City Council for one year and was a director of a planning consultancy C & M Planning Limited in Hamilton for six years prior to that. I was previously employed as Planning Manager with Maunsell Limited in Hamilton for 12 years, from February 1993. Prior to this I held planning positions with Whakatane District Council, former Waikato County Council, Waikato District Council and Hamilton City Council.
4. I have either been involved in or the lead planner with respect to the preparation of the following plans:
 - a. Hauraki District Plan (first operative plan and 2nd generation plan)
 - b. Waipa District Plan (in conjunction with Beca)
 - c. Christchurch District Plan
 - d. Waimakariri District Plan (draft plan currently under preparation), and
 - e. Nelson Unitary Plan (draft plan currently under preparation).
5. I became involved with the Proposed Waikato District Plan ('PWDP') in early 2018, when along with Janice Carter (Senior Planner, GHD), we were engaged by Waikato District Council ('Council') to review the then draft of the PWDP and advise as to its suitability to be adopted by Council for public notification. Following that review, both myself and Ms Cater were engaged by Council to lead and direct the rework of existing material within the draft PWDP, along with the preparation of additional work that needed to be undertaken, in order that Council could adopt and publicly notify the PWDP. I have not been involved in the PWDP since then, but Ms Cater has continued to assist Council with the preparation of Stage 2: Natural Hazards.

I.2 Code of Conduct

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

I.3 Conflict of Interest

8. To the best of my knowledge, I confirm that I have no real or perceived conflict of interest.

1.4 Preparation of this report

9. I am the author of this report.
10. The scope of my evidence relates to evaluation of submissions and further submissions received in relation to the provisions of the following chapters:
 - a. Chapter 4 – Urban Environment;
 - b. Chapter 9 – Specific Zones;
 - c. Chapter 13 – Definitions;
 - d. Chapter 17 – Business Zone;
 - e. Chapter 18 – Business Town Centre Zone;
 - f. Chapter 19 – Business Zone Tamahere;
 - g. Appendix 3.3 – Town Centre Guidelines;
 - h. Appendices 10.1 – 10.6;
 - i. Appendix 10.4 – Pokeno Town Centre Character Statement;
 - j. Appendix 10.5 – Te Kauwhata Town Centre Character Statement;
 - k. Appendix 10.6 – Tuakau Town Centre Character Statement; and
 - l. Maps.
11. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

2 Scope of Report

2.1 Matters addressed by this report

12. The provisions that are covered by this report include objectives, policies, rules and related supporting provisions included in the chapters listed in paragraph 10 previously.
13. The scope of this Section 42A report relates to the wording and linkage of objectives, policies and rules in the chapters listed.
14. This report is prepared in accordance with section 42A of the RMA. This report considers submissions that were received by the Council in relation to the provisions (including activities, buildings, amenity effects and subdivision) concerning the business zone chapters within the PWDP.

2.2 Overview of the topic and chapters

15. The purpose of the business zones is to provide the focus for commercial activity to be undertaken primarily in the towns and villages. The business zones also provide for a range of administrative, public transport, service, residential and civic roles. The town centre character statements set out the outcomes sought for each of the main towns, and these documents (along with the town centre guidelines) have been used to assist in the development of provisions to guide development of the commercial parts of the towns.
16. The Business Town Centre Zone is located in the centres of Raglan, Huntly, Ngaruawahia, Te Kauwhata, Pokeno and Tuakau, with the Business Zone adjoining and surrounding those town centres. The Business Zone also applies to the commercial areas of the smaller towns and villages (such as Mercer and Matangi).

17. As would be anticipated based on the size and function of the town and village, the area of land zoned for Business, Business and Business Zone Tamahere vary, as the following tables illustrate.

BUSINESS Zone:

Town/village	Sum of Business zoned land (ha)
Aka Aka	2.11
Horotiu	4.69
Huntly	19.05
Huntly Rural	0.93
Kainui-Gordonton	0.51
Mangatangi	0.14
Maramarua	0.25
Ngaruawahia	4.82
Pokeno	13.41
Pokeno Rural	9.18
Port Waikato-Waikaretu	0.28
Pukemoremore	0.75
Raglan	6.38
Rangiriri	1.82
Taupiri-Lake Kainui	28.43
Te Akau	0.55
Te Kauwhata	4.10
Te Kowhai	1.47
Tuakau	16.45
Waerenga	0.08
Whatawhata	1.57
Whitikahu	0.30

BUSINESS TOWN CENTRE Zone:

Town/village	Sum of Business Town Centre zoned land (ha)
Huntly	3.84
Ngaruawahia	3.49
Pokeno	4.21

Raglan	4.84
Te Kauwhata	12.18
Tuakau	7.08

BUSINESS TAMAHERE Zone:

Town/village	Sum of Business Tamahere zoned land (ha)
Tamahere	0.85

2.3 Statutory requirements

18. Section 2.1 of the *Section 32 Report – Part 2 Business and Business Town Centre (July 2018)* sets out and discusses the relevant higher order documents that the PWDP must give effect to and have regard to. Of particular relevance to this hearing are the National Policy Statement on Urban Development Capacity 2016, Waikato Regional Policy Statement 2016 and Future Proof 2017 (refer to Sections 2.1.1 and 2.1.3 of the Section 32 Report). These documents assisted in setting the framework for consideration of the area of land and its location to meet the demand for commercial development over the medium to longer term. They also set out the hierarchy and purpose of town centres and wider commercial areas for the towns within the region.

2.4 Procedural matters

19. At the time of writing this s42A report there has only been one prehearing conference with respect to the Ambury Properties Limited submission relating to the proposed rezoning at Ohinewai. I have read the minute and further directions issued by the Hearing Commissioners dated 20 August 2019. I understand that following the Hearing Plan consideration of the Ambury Properties Limited matter, there may be a need to re-consider the matters raised in Hearing H3 – Strategic Objectives and potentially Hearing H9 – Business and Business Town Centre Zones. Accordingly, there are no matters arising that are relevant to Hearing H9. Due to the clarity of submissions, no correspondence or meetings with submitters needed to be undertaken and there are no procedural matters to consider for Hearing.

3 Consideration of submissions received

3.1 Overview of submissions

20. With respect to Hearing Report H9, there were 50 submitters who raised 558 separate decisions sought. There were 43 further submitters. The amendments sought to the PWDP can be summarised as follows:

- (a) Emergency service facilities – seeking objectives, policies and rules to cater for these activities;
- (b) General support for objectives and policies, with clarification of purpose between the Business and Business Town Centre zones;
- (c) Supermarkets – seeking objectives, policies and rules to provide for this activity;
- (d) Residential – seeking relaxation of the requirement for residential development to be located above ground floor;

- (e) Residential – seeking intensive residential development in the zones;
 - (f) CPTED – seeking more detailed provisions to recognise CPTED (generally recommended to be rejected);
 - (g) Character statements and design guidelines – seeking deletion or amendments;
 - (h) Reverse sensitivity – seeking objectives, policies and rules to clarify this matter;
 - (i) Reverse sensitivity (Raglan) – recognition of the reverse sensitivity effects between road users on SH23 and the Business Zone near Greenslade Road, Raglan;
 - (j) Signs – clarification of rules relating to adverse effects on road users;
 - (k) Earthworks – clarification regarding rules applying to imported fill and inclusion of protection of infrastructure;
 - (l) Protection of views – protection of views (undefined) at Raglan; and
 - (m) Standards – minor changes to a number of standards (such as height, acoustic insulation) to enable development.
21. This report addresses each original submission point in turn (and accepts or rejects further submissions accordingly) throughout the report. The further submissions from Mercury opposes multiple submissions, as Mercury considers that it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This matter was addressed as a part of the s42A for Topic 2, with the s42A author stating at paragraphs 46 - 48;
- “I agree with the thrust of the above submission points, and the further submissions from Mercury, that ideally Stage 1 and 2 PWDP matters would have proceeded as an integrated whole. However, given that Waikato District Council has proceeded with a two stage PWDP process it would now be very inefficient and costly for all parties if Stage 1 of the PWDP was withdrawn or entirely placed on hold pending progress of Stage 2 matters.*
- Nevertheless, it is critical that the remainder of the process ensures that decisions are made in an integrated manner on Stage 1 zoning requests and other growth matters to which Stage 2 matters are fundamental.*
- In that regard, I am advised by Council staff that the intention is to notify Stage 2 provisions in early 2020 with the associated hearings to be held in early 2021. Stage 2 submissions will be able to be heard in conjunction with Stage 1 submissions featuring zoning requests and other growth matters to which Stage 2 matters are germane. In my view, that arrangement is an effective mechanism and avoids the risk of acting in terms of making decisions on Stage 1 zoning and growth related submissions in the light of incomplete information. If the hearing for Stages 1 and 2 dovetailed, a single comprehensive decision would be possible where decisions on Stage 1 are cognisant of Stage 2 provisions and submissions.*
22. I agree with the comments made by that author and subsequently, I have made recommendations to reflect this where each further submission by Mercury Energy Limited has been made to the relevant submissions.
23. “All of Plan” submissions have been addressed in Hearing Report H2 which can be located on the council website link below, or found under Proposed DP, Stage 1, Hearings, Hearing 2, Council s42a report. In my opinion, there are no matters raised in this report that are directly relevant to the consideration of the submissions to Hearing Report H9 – Business and Business Town Centre.
- https://wdcsitefinity.blob.core.windows.net/sitefinity-storage/docs/default-source/your-council/plans-policies-and-bylaws/plans/district-plan-review/hearings/hearing-2/section-42a-reports/hearing-2---s42a-report---plan-structure-and-all-of-plan.pdf?sfvrsn=bc40185a_8

Hearing Report H3 – Strategic Directions addressed the strategic objectives. Within that report there is reference to commercial development (such as at Section 18 – Chapter 4: Urban Environment – 4.1.6 Policy – Commercial and industrial activities). However, as the author of this report, I do not consider there are any matters addressed within that report that directly relate to the matters raised in Hearing Report H9 – Business and Business Town Centre.

3.2 Structure of this report

24. As set out in paragraph 10, the submissions relate to the provisions for business development in a number of chapters, definitions and maps. The general approach to business, as set out in the relevant objectives and policies, is addressed first, with the specific detail of the rules for each of the zones addressed later.
25. Given the number, nature and extent of the submissions and further submissions received, I have structured the Section 42A report based largely on topics as follows:
 - (i) Administrative (Sections 4 - 5 of this report);
 - (ii) Objectives and Policies in Chapter 4.5 – Business and Business Town Centre Zones (Sections 6 - 44 of this report);
 - (iii) Chapter 17: Business Zone (Sections 45 - 72 of this report);
 - (iv) Chapter 18: Business Town Centre Zone (Sections 73 - 101 of this report);
 - (v) Policy 9.4.2 – Adverse effects of land use (Business Zone Tamahere) and Chapter 19: Business Zone Tamahere (Sections 102 - 117 of this report);
 - (vi) Town centre guidelines and character statements (Sections 118 – 122 of this report);
 - (vii) Definitions (Section 123 of this report); and
 - (viii) Planning Maps – verandah overlay, Pokeno (Section 124 of this report).

4 Administrative – Controlled and Restricted Discretionary Activities and Heading

4.1.1 Submissions

Submission point	Submitter	Summary of submission
697.322	Waikato District Council	Amend all controlled activities in Chapter 18 as follows: The Council <u>reserves</u> control is limited to <u>over</u> the following matters:
697.546	Waikato District Council	Amend 4.5 Business and Business Town Centre Zones heading as follows: Business and Business Town Centre Zones <u>and</u> <u>Neighbourhood</u> Centres
FS1387.601	Mercury NZ Limited	<i>Oppose</i>
588.53	Woolworths NZ Ltd	Retain the approach where a restricted discretionary activity status is ascribed to an activity that infringes certain standards e.g. Rule 18.2.2 Servicing and hours of operation and Rule 18.2.8 Outdoor storage.
588.54	Woolworths NZ Ltd	Amend the Proposed District Plan to clarify that where buildings (which already require restricted discretionary activity consent) infringe standards, the activity status does not default to discretionary but remains restricted discretionary and a suitably

		limited set of criteria is applied. AND Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.
FS1385.21	Mercury NZ Limited	Oppose

26. The submissions seek clarity around the wording relating to controlled and restricted discretionary activities and correction to the heading.

4.1.2 Analysis

27. Submissions from Waikato District Council [697.322] and [697.546] more correctly reflect the wording of the Resource Management Act and correct the heading of the objective.
28. Submission from Woolworths NZ Ltd [588.53] is in support of the manner in which the restricted discretionary activity status has been applied.
29. Submission from Woolworths NZ Ltd [588.54] reflects the legal and planning practice, which is in accordance with the provisions of the Resource Management Act. Where there is no change in activity status between the activity itself as set out in the “Land Use – Activities” tables and the “Land Use – Effects” and “Land Use – Building” tables, then that activity status applies. Where there is a difference in activity status, then the more stringent activity status applies. There is no need to set out this understood practice in the PWDP.

4.1.3 Recommendations

30. For the reasons outlined above, it is recommended that the wording applying to Controlled Activities be amended as sought.
31. It is recommended that the submissions from Waikato District Council [697.322] and [697.546] and Woolworths NZ Ltd [588.53] be **accepted**.
32. It is recommended that the submission from Woolworths NZ Ltd [588.53] be **rejected**.

4.1.4 Recommended amendments

33. As there are a number of minor changes across Chapters 17 and 18 (there are no controlled activities in Chapter 19), rather than showing these changes here (as is done for the remainder of this report), the amendments recommended are shown in:
- a) Appendix 2: Recommended Amendments – Chapter 4: Urban Environment;
 - b) Appendix 5: Recommended Amendments – Chapter 17: Business Zone; and
 - c) Appendix 6: Recommended Amendments – Chapter 18: Business Town Centre Zone.

4.1.5 Section 32AA evaluation

34. The recommended amendments are structural in nature to assist with the overall understanding of the strategic directions and objectives. Accordingly, no s32AA evaluation has been required to be undertaken.

5 Administrative – Objective and Policy Cross-Referencing

5.1.1 Submissions

Submission point	Submitter	Summary of submission
81.123	Waikato Regional Council	Amend to include cross-referencing to Policies in Section 4.5 Business and Business Town Centre Zones, including Policies 4.5.14 – 4.5.19, and any other relevant sections of the plan, to enable plan users to obtain a full understanding of the policy direction in relation to the character of these places, and for an integrated approach to be taken to their growth and development.

5.1.2 Analysis

35. The submission relates to Objective 4.1.7 – Character of towns, and seeks that there is reference in this objective to the policies in Section 4.5 *Business and Business Town Centre Zones*.
36. This approach is not recommended for the following main reasons:
- All objectives and policies need to be considered in the round with respect to their relevance to a resource consent application, plan change, plan variation or any other process under the Resource Management Act. It is not for the Waikato District Council to prejudge which objectives and policies will be relevant to a particular proposal; and
 - If carried out to its full extent (that is, linking objectives, policies and rules to each other), the PWDP would become cluttered and complicated with cross-referencing throughout, potentially making it unusable.
37. However, what is sought in the submission does have merit, and I would recommend that as part of the decision-making process, a ‘wiring diagram(s)’ be prepared by Waikato District Council that sits outside the PWDP as non-statutory guidance for users. The process of preparing the ‘wiring diagram’ will be of assistance to ensure that the PWDP is integrated both vertically (objectives to policies to rules) and horizontally (between objectives, between policies and between rules).

5.1.3 Recommendations

38. For the reasons outlined above, it is recommended that no change be made to Objective 4.1.7 or the Policies in Section 4.5.
39. It is recommended that the submission from Waikato Regional Council [81.123] be **rejected**.

5.1.4 Section 32AA evaluation

40. There are no amendments recommended and the matter is structural in nature. Accordingly, no s32AA evaluation has been required to be undertaken.

6 Section 4.5 - Objectives – Natural Waterbodies & Park Edge

6.1.1 Submissions

Submission point	Submitter	Summary of submission
567.30	Ngati Tamaoho Trust	Add the following clause to all Town Centre Objectives: <u>Natural waterbodies are maintained or enhanced within integrated development for all towns</u> AND <u>Promote park edge development for all open spaces especially adjacent to waterbodies.</u>

6.1.2 Analysis

41. The submission from Ngati Tamaoho Trust [567.30] comprises two parts.
42. The first part (natural water bodies) was addressed in Section 13 of the s42A Hearing Report H3 – Strategic Direction. The recommendation was that the matter be addressed in the specific chapters, as it was not at the strategic level. The matter of natural values and physical features for each town was addressed through other submissions at Sections 22 – 30 of the s42A Hearing Report H3 – Strategic Direction. The recommendations were that, where relevant, the policies be amended to only refer to the *Ngaaruawaahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai & Glen Massey Structure Plan*, but also recommended the inclusion of additional wording to recognise site-specific natural values and physical features. This would include natural waterbodies.
43. The second part (park edges) was addressed in Section 33 of the s42A Hearing Report H3 – Strategic Direction. The recommendation was to amend Policy 4.7.2 – Subdivision location and design, by incorporation of the proposed wording in sub-part (iv) of the policy. Accordingly, I consider that this part of the submission has been addressed.

6.1.3 Recommendations

44. For the reasons set out above, it is recommended that there be no change to the objectives in Section 4.5 of the PWDP.
45. It is recommended that the submission from Ngati Tamaoho Trust [567.30] be **rejected**.

6.1.4 Section 32AA evaluation

46. No amendments are recommended. Accordingly, no s32AA evaluation has been required to be undertaken.

7 Section 4.5 – New Objective – Non-commercial activities

7.1.1 Submissions

Submission point	Submitter	Summary of submission
378.57	Fire and Emergency New Zealand	Add a new objective to Section 4.5 Business and Business Town Centre Zones, as follows: <u>Objective 4.5.x To recognise and provide for non-commercial activities that contribute to the health, safety and wellbeing of the community while managing their potential adverse</u>

		<i>effects to ensure that the activities complement the amenity values of the District's Business Zone areas.</i> AND Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.
FS1210.5	Ara Poutama Aotearoa (Department of Corrections)	Support
FS1035.164	Pareoranga Te Kata	Support
FS1388.46	Mercury NZ Limited	Oppose

7.1.2 Analysis

47. Reading the whole submission from Fire and Emergency New Zealand, I understand that what is being sought is that recognition of emergency services (including fire services) needs to be incorporated within the PWDP. In my opinion, the PWDP does not give the necessary recognition to emergency services.
48. In my opinion, the proposed objective should be reworded as a policy under the existing objective. Also, rather than referring to undefined 'non-commercial activities', the policy should be specific, in that it is referring to 'emergency service activities and facilities'. I note that the author of Hearing Report H5: Definitions at paragraph 968 recommends a definition of emergency services as follows:

'Emergency services means the New Zealand Police, Fire and Emergency New Zealand and ambulance services.

7.1.3 Recommendations

49. For the reasons set out above, it is recommended that a new policy be included under Objective 4.5.1 – Commercial function and purpose, that recognises emergency service activities and facilities.
50. It is recommended that the submission from Fire and Emergency New Zealand [378.57] be **accepted**.

7.1.4 Recommended amendments

51. The following amendment is recommended as shown in Appendix 4 – Chapter 4: Urban Environment:

4.5.2A Policy – Emergency services

- (a) Enable the on-going operation, use and redevelopment of existing and development of new emergency service activities.

7.1.5 Section 32AA evaluation

52. The provision of emergency services in the business and business town centre zones needs to be included at the policy level, as it fills a gap in the PWDP that should recognise the important role that such facilities provide. The inclusion of the policy assists in achieving the purpose of the Act with respect to enabling people and communities to provide for their social, community and economic well-being and their health and safety.

8 Section 4.5 – New Policy – Small towns

8.1.1 Submissions

Submission point	Submitter	Summary of submission
367.3	Mercer Residents and Ratepayers Committee	Add policies for small towns, i.e. Mercer and Meremere to Section 4.5 Business and Business Town Centre Zones.
FS1386.546	Mercury NZ Limited	Oppose

8.1.2 Analysis

53. The submission from Mercer Residents and Ratepayers Committee [367.3] seeks additional policies for the small towns.
54. The commercial areas in the small towns are zoned 'Business' and the policies with respect to the Business Zone set out in Section 4.5 (particularly Policy 4.5.4) recognise the role of the zone in both the larger towns and the small areas. In my opinion, no additional policy recognition is required.

8.1.3 Recommendations

55. For the reasons set out above, it is recommended that no change be made to the policies.
56. It is recommended that the submission from Mercer Residents and Ratepayers Committee [367.3] be **rejected**.

8.1.4 Section 32AA evaluation

57. As no change to the policies is recommended, no s32AA evaluation has been required to be undertaken.

9 Section 4.5 – Objective 4.5.1 – Commercial function and purpose

9.1.1 Submissions

Submission point	Submitter	Summary of submission
697.547	Waikato District Council	Amend Objective 4.5.1 Commercial function and purpose as follows: Commercial activity is focused within a differentiation of commercial zones and development (comprising the Business Town Centre Zone, the Business Zone, and the Business Zone Tamahere and neighbourhood centres).
FS1387.602	Mercury NZ Limited	Oppose
923.58	Waikato District Health Board	Retain Objective 4.5.1- Commercial function and purpose as notified.
FS1387.1505	Mercury NZ Limited	Oppose
633.34	Van Den Brink Group	Retain Objective 4.5.1 Commercial function and purpose, insofar

		as it gives effect to the relief sought.
FS1387.40	Mercury NZ Limited	Oppose
81.133	Waikato Regional Council	Retain Policy 4.5.1 Commercial function and purpose.
FS1223.24	Mercury NZ Limited	Support

9.1.2 Analysis

58. The submission from Waikato District Council [697.547] is the only one of the four submissions seeking change to the objective.
59. I agree with the deletion of the words ‘and development’ and ‘and neighbourhood centres’, as their removal provides clarity to the objective, particularly that the neighbourhood centres are within the zones.
60. I do not agree with the deletion of the words ‘a differentiation of’ from the objective. The policies that flow from the objective set out a hierarchy of functions and activities between the Town Centre and Business zones. Without the wording in the objective seeking an outcome of two distinct zones, there is no support for the related policies.

9.1.3 Recommendations

61. For the reasons set out above, it is recommended that the wording of Objective 4.5.1 be amended as set out below.
62. It is recommended that the submission from Waikato District Council [697.547], Waikato District Health Board [923.58], van den Brink Group [633.24] and Waikato Regional Council [81.133 be **accepted**.

9.1.4 Recommended amendments

63. The following amendment is recommended as shown in Appendix 4 – Chapter 4: Urban Environment:

4.5.1 Objective – Commercial function and purpose

Commercial activity is focussed within a differentiation of commercial zones ~~and development~~ (comprising the Business Town Centre Zone, the Business Zone, ~~and~~ the Business Zone Tamahere ~~and neighbourhood centres~~).

9.1.5 Section 42AA evaluation

64. The recommended amendments provide clarity to assist with the overall understanding of the objective. Accordingly, no s32AA evaluation has been required to be undertaken.

10 Section 4.5 – Policy 4.5.2 – Commercial function and purpose

10.1.1 Submissions

Submission point	Submitter	Summary of submission
831.29	Raglan Naturally	Amend Policy 4.5.2 (a)(ii) Commercial function and purpose, to identify that the Raglan Wharf is not suited to large scale commercial activities AND Add policies and rules to address the relationship between boat owners and business people at Raglan Wharf.
695.34	Sharp Planning Solutions Ltd	Amend Policy 4.5.2(a)(iii) Commercial function and purpose to provide for small convenience retail and community activities in all business zones.
923.59	Waikato District Health Board	Retain Policy 4.5.2- Commercial function and purpose as notified.
FS1387.1506	Mercury NZ Limited	Oppose
633.35	Van Den Brink Group	Retain Policy 4.5.2 Commercial function and purpose, insofar as it gives effect to the relief sought.
FS1387.41	Mercury NZ Limited	Oppose
588.29	Woolworths NZ Ltd	Retain Policy 4.5.2 Commercial function and purpose, so long as the amendments sought regarding the importance and appropriate nature of supermarkets within town centres are accepted.
FS1388.980	Mercury NZ Limited	Oppose
81.134	Waikato Regional Council	Retain Policy 4.5.2 Commercial function and purpose.
FS1223.25	Mercury NZ Limited	Support
567.28	Ngati Tamaoho Trust	Add the following policy to all town centres: In a functional, attractive and environmentally sustainable manner.

10.1.2 Analysis

65. The submissions from Waikato District Health Board [923.59] and Waikato Regional Council [81.134] both support the policy. Woolworths NZ Ltd [588.29] supports the policy subject to other amendments regarding the provision for supermarkets.
66. With respect to the submission from Raglan Naturally [831.29], it is noted that the Raglan Wharf is zoned Business in the PWDP. Chapter 17 recognises that the wharf includes boating activities, as it provides for ‘*Servicing of boats at Raglan Wharf*’ as permitted activity P15. The scale of commercial activities at Raglan Wharf will be determined by the standards that apply in the Business Zone. Activities at Raglan Wharf are also managed through bylaws (such as the Public Places Bylaw 2016) and the Raglan Community Board. In the absence of specific issues being raised through the PWDP consultation process with respect to the relationship between boat owners and business people, and the submitter not providing any policies and rules, I do not consider that such policies and rules are required.

67. The submission from Sharp Planning Solutions Ltd [695.34] seeks that small scale convenience retail and community activities are provided in all business zones. The rules of the Business Zone and the Business Town Centre Zone provide for a range of retail and community activities. The purpose of Policy 4.5.2(a)(iii) is to specifically recognise that for Tamahere, only small-scale activities are provided. Accordingly, no change to the policy is required.
68. The submission from Ngati Tamaoho Trust[567.28] seeks the addition of wording to all the town centres in a '*functional, attractive and environmentally sustainable manner.*' All of the matters sought are included in the detailed policies around amenity, character and other matters. Accordingly, in my opinion, the suggested wording is not required.

10.1.3 Recommendations

69. For the above reasons, no change to Policy 4.5.2 is recommended.
70. It is recommended that the submissions from Waikato District Health Board [923.59], Waikato Regional Council [81.134] and Woolworths NZ Ltd [588.29] be **accepted**.
71. It is recommended that the submissions from Raglan Naturally [831.29], Sharp Planning Solutions Ltd [695.34] and Ngati Tamaoho Trust [567.28] be **rejected**.

10.1.4 Section 32AA evaluation

72. As no changes are recommended, accordingly, no s32AA evaluation has been required to be undertaken.

11 Section 4.5 – Policy 4.5.3 – Commercial purpose: Business Town Centre Zone

11.1.1 Submissions

Submission point	Submitter	Summary of submission
749.6	Housing New Zealand Corporation	Amend Policy 4.5.3 Commercial purpose: Business Town Centre Zone as follows: (a)The role of the business town centres in Raglan, Huntly, Ngaruawahia, Te Kauwhata, Pokeno and Tuakau is strengthened by ensuring that: (i)They are recognised and maintained as the primary retail, administration, commercial service and civic centre for each town; and (ii)The scale of commercial activities supports their continued viability as the primary retail, administration and commercial service centre for each town; and (iii) Enhances their vitality and amenity while providing for a range of commercial, <i>residential</i> and community activities and facilities.; and (iv) Opportunities for higher intensity residential development are provided to support a compact, urban form. AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
FS1387.992	Mercury NZ	Oppose
FS1078.46	Hugh Green Limited	Support
831.76	Raglan Naturally	Amend Policy 4.5.3 Commercial purpose: Business Town Centre

		Zone, to acknowledge entertainment venues AND Add policies and rules for control and support of clubs in town centres.
831.15	Raglan Naturally	Amend Policy 4.5.3 Commercial Purpose: Business Town Centre Zone, to acknowledge the importance of Ultra Fast Broadband in allowing businesses to develop and reduce transport needs.
923.60	Waikato District Health Board	Retain Policy 4.5.3- Commercial purpose: Business Town Centre as notified.
FS1387.1507	Mercury NZ Limited	Oppose
588.30	Woolworths NZ Ltd	Retain Policy 4.5.3 Commercial purpose: Business Town Centre Zone in respect of the Proposed District Plan is intended purpose for the Business Town Centre Zone, so long as the amendments sought elsewhere in this submission are incorporated into the Proposed Waikato District Plan.
81.135	Waikato Regional Council	Retain Policy 4.5.3 Commercial purpose: Business Town Centre Zone.
FS1223.26	Mercury NZ Limited	Support
378.74	Fire and Emergency New Zealand	Retain Policy 4.5.3 Commercial purpose: Business Town Centre Zone.
FS1035.181	Pareoranga Te Kata	Support
FS1388.56	Mercury NZ Limited	Oppose

11.1.2 Analysis

73. Submissions from Waikato District Health Board [923.60], Woolworths NZ Ltd [588.30], Waikato Regional Council [81.135] and Fire and Emergency New Zealand [378.74] seek that Policy 4.5.3 be retained.
74. The submission from Housing New Zealand Corporation [749.6] seeks the addition of the word ‘residential’ and the ‘higher intensity residential development’ to the policy. The recognition of residential development is specifically recognised in Policy 4.5.11 – *Residential upper floors: Business Town Centre Zone and Business Zone*. The PWDP approach to intensive residential development is set out in other policies (such as Policy 5.1.5(a)), which in summary is to encourage higher density near to commercial centres. The combination of these policies is to ensure that the business zones are retained for business and other activities. Accordingly, I do not recommend any change to Policy 4.5.3.
75. The submissions from Raglan Naturally [831.76 and 831.15] seek recognition of entertainment venues, clubs and ultra-fast broadband. In my opinion, the policies already include recognition of entertainment venues and clubs through the terms “commercial” and “community” activities. The objectives and policies in Chapter 6 – Infrastructure and Energy, already recognise the benefits of technology and in my opinion, these do not need to be repeated in Policy 4.5.3.

11.1.3 Recommendations

76. For the above reasons, no change to Policy 4.5.3 is recommended.
77. It is recommended that the submissions from Waikato District Health Board [923.60], Woolworths NZ Ltd [588.30], Waikato Regional Council [81.135] and Fire and Emergency New Zealand [378.74] be **accepted**.

78. It is recommended that the submissions from Housing New Zealand Corporation [749.6] and Raglan Naturally [831.76 and 831.15] be **rejected**.

11.1.4 Section 32AA evaluation

79. As no changes are recommended, accordingly, no s32AA evaluation has been required to be undertaken.

12 Section 4.5 – Policy 4.5.4 – Commercial purpose: Business Zone

12.1.1 Submissions

Submission point	Submitter	Summary of submission
749.6	Housing New Zealand Corporation	Amend Policy 4.5.3 Commercial purpose: Business Town Centre Zone as follows: (a)The role of the business town centres in Raglan, Huntly, Ngaruawahia, Te Kauwhata, Pokeno and Tuakau is strengthened by ensuring that: (i)They are recognised and maintained as the primary retail, administration, commercial service and civic centre for each town; and (ii)The scale of commercial activities supports their continued viability as the primary retail, administration and commercial service centre for each town; and (iii) Enhances their vitality and amenity while providing for a range of commercial, <i>residential</i> and community activities and facilities.; and (iv) Opportunities for higher intensity residential development are provided to support a compact, urban form. AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
FS1387.992	Mercury NZ Limited	Oppose
FS1078.46	Hugh Green Limited	Support
831.76	Raglan Naturally	Amend Policy 4.5.3 Commercial purpose: Business Town Centre Zone, to acknowledge entertainment venues AND Add policies and rules for control and support of clubs in town centres.
831.15	Raglan Naturally	Amend Policy 4.5.3 Commercial Purpose: Business Town Centre Zone, to acknowledge the importance of Ultra Fast Broadband in allowing businesses to develop and reduce transport needs.
923.60	Waikato District Health Board	Retain Policy 4.5.3- Commercial purpose: Business Town Centre as notified.
FS1387.1507	Mercury NZ Limited	Oppose
588.30	Woolworths NZ Ltd	Retain Policy 4.5.3 Commercial purpose: Business Town Centre Zone in respect of the Proposed District Plan is intended purpose for the Business Town Centre Zone, so long as the amendments sought elsewhere in this submission are incorporated into the Proposed Waikato District Plan.

12.1.2 Analysis

80. Four of the five submissions seek retention of the policy without change.
81. The submission from Fire and Emergency New Zealand [378.58] seeks recognition of emergency services. This matter was addressed in Section 7 of this report, with the recommendation that a new Policy 4.5.2A – Emergency Services be included to apply to all business zones. Accordingly, there is no need to repeat this in Policy 4.5.4.

12.1.3 Recommendation

82. For the above reasons, no change to Policy 4.5.4 is recommended.
83. It is recommended that the submissions from Waikato District Health Board [923.61], Woolworths NZ Ltd [588.31], Van Den Brink Group [633.36] and Waikato Regional Council [81.136] be **accepted**.
84. It is recommended that the submissions from Fire and Emergency New Zealand [378.58] be **rejected**.

12.1.4 Section 32AA evaluation

85. As no changes are recommended, accordingly, no s32AA evaluation has been required to be undertaken.

13 Section 4.5 – Policy 4.5.6 – Commercial purpose: Neighbourhood Centres

13.1.1 Submissions

Submission point	Submitter	Summary of submission
697.548	Waikato District Council	Amend Policy 4.5.6 Commercial purpose: Neighbourhood Centres as follows: Policy – Commercial purpose: Neighbourhood Centres <u>Centres</u>

13.1.2 Analysis

86. The submission corrects a spelling error.

13.1.3 Recommendation

87. It is recommended that the submission from Waikato District Council [697.548] be **accepted**.

13.1.4 Recommended amendments

88. The following amendment is recommended as shown in Appendix 4 – Chapter 4: Urban Environment:

4.5.6 Policy – Commercial purpose: Neighbourhood ~~Centres~~ Centres

13.1.5 Section 32AA evaluation

89. As the change is a minor correction, no s32AA evaluation has been required to be undertaken.

14 Section 4.5 – Policy 4.5.7 – Commercial purpose: Neighbourhood Centres in Structure Plan

14.1.1 Submissions

Submission point	Submitter	Summary of submission
923.62	Waikato District Health Board	Retain Policy 4.5.7- Commercial Purpose: Neighbourhood Centres in Structure Plans as notified.

14.1.2 Analysis

90. The submission supports the policy without change.

14.1.3 Recommendation

91. It is recommended that the submission from Waikato District Health Board [923.62] be **accepted**.

14.1.4 Section 32AA evaluation

92. As there is no change to the policy, no s32AA evaluation has been required to be undertaken.

15 Section 4.5 – Policy 4.5.8 – Role and function of the Business Zone

15.1.1 Submissions

Submission point	Submitter	Summary of submission
633.37	Van Den Brink Group	Retain Policy 4.5.8 Role and function of the Business Zone insofar as it gives effect to the relief sought.
<i>FSI 387.43</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
588.50	Woolworths NZ Ltd	Retain Policy 4.5.8 Role and function of the Business Zone, subject to an amendment to discourage small-scale retail activities within this zone is controlled with a limit on gross floor area. AND Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.

15.1.2 Analysis

93. Both submissions from Van Den Brink Group [633.37] and Woolworths NZ Ltd [588.50] support the policy, noting that the amendments sought within the zones would not require changes to the policy.

15.1.3 Recommendation

94. It is recommended that the submissions from Van Den Brink Group [633.37] and Woolworths NZ Ltd [588.50] be **accepted**.

15.1.4 Section 32AA evaluation

95. As there is no change to the policy, no s32AA evaluation has been required to be undertaken.

16 Section 4.5 – Policy 4.5.9 – Employment opportunities: Business Town Centre Zone and Business Zone

16.1.1 Submissions

Submission point	Submitter	Summary of submission
695.35	Sharp Planning Solutions Ltd	Delete Policy 4.5.9(a) Employment opportunities: Business Town Centre Zone and Business Zone
633.38	Van Den Brink Group	Retain Policy 4.5.9 Employment opportunities: Business Town Centre Zone and Business Zone insofar as it gives effect to the relief sought.
<i>FS1387.44</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
588.51	Woolworths NZ Ltd	Retain Policy 4.5.9 Employment opportunities: Business Town Centre Zone and Business Zone.
<i>FS1388.989</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>

16.1.2 Analysis

96. Both submissions from Van Den Brink Group [633.38] and Woolworths NZ Ltd [588.51] support the policy without change.
97. The submission from Sharp Planning Solutions Ltd [695.35] seeks deletion of the policy on the basis that it is stating the obvious and is not needed. The purpose of the policy is to emphasise that employment is to be focused in the business zones, which is a matter that 'out of zone' resource consent applications for commercial activities would need to be assessed against. Depending on that assessment, it may require that rather than a resource consent application, a plan change or variation application would be required.

16.1.3 Recommendation

98. For the above reasons, no change to Policy 4.5.9 is recommended.
99. It is recommended that the submissions from Van Den Brink Group [633.38] and Woolworths NZ Ltd [588.51] be **accepted**.
100. It is recommended that the submission from Sharp Planning Solutions Ltd [695.35] be **rejected**.

16.1.4 Section 32AA evaluation

101. As there is no change to the policy, no s32AA evaluation has been required to be undertaken.

17 Section 4.5 – Policy 4.5.10 – Retail: Business Town Centre Zone and Business Zone

17.1.1 Submissions

Submission point	Submitter	Summary of submission
633.39	Van Den Brink Group	Retain Policy 4.5.10 Retail: Business Town Centre Zone and Business Zone insofar as it gives effect to the relief sought.
FS1387.45	Mercury NZ Limited	Oppose
588.33	Woolworths NZ Ltd	Amend Policy 4.5.10 Policy - Retail: Business Town Centre Zone and Business Zone as follows: (a) Locate small scale retail activities <i>and key commercial activities, including supermarkets</i> within the Business Town Centre Zone and discourage <i>other</i> large scale <i>retail</i> activities from establishing within the Business Town Centre Zone. (b) Locate <i>other</i> large scale retail and commercial activities to within the Business Zone. AND Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.
FS1388.982	Mercury NZ Limited	Oppose
FS1078.16	Hugh Green Limited	Support

17.1.2 Analysis

102. The submission from Woolworths NZ Ltd [588.33] is in the context of the overall submission that seeks policy and rule support for supermarkets to establish under either a permitted or restricted discretionary activity status in the business and industrial zones. The submission also includes a definition of supermarket, among other matters, having a gross floor area over 1,000m².

103. The approach in PWDP for the Business Town Centre zone is to address the potential for one large-scale activity (regardless of the nature of that activity) to have adverse effects on the overall function, form and amenity of the town centre. The gross leasable floor area ('GLFA') rule in the Business Town Centre Zone (Rule 18.3.3) is used to differentiate the activity status as follows:

- a) permitted activity less than 350m² GLFA;
- b) discretionary activity between 350m² and 500m² GLFA; and
- c) non-complying activity greater than 500m² GLFA.

104. In my opinion, the wording in the submission from Woolworths NZ Ltd of '*key commercial activities, including supermarkets*', would have the effect of opening up permitted activity and resource consent applications for a wide range of large format retail activities. There is no definition of what constitutes a '*key commercial activity*', as opposed to a 'non-key' activity.

Also, there are no definitions (such as for 'large format retail') in the PWDP that would assist in providing for one form of commercial activity from another.

105. The approach to large-scale commercial activities has been addressed in the 'Section 32 Report – Part 2 – Business and Business Town Centre (July 2018)', specifically at Table 14. Taking into account this analysis, in my opinion, the specific change to Policy 4.5.10 sought in the submission is contrary to the overall objective and policy approach of the business zones, and as such is not supported.

17.1.3 Recommendations

106. For the above reasons, no change to Policy 4.5.10 is recommended.
107. It is recommended that the submission from Van Den Brink Group [633.39] be **accepted**.
108. It is recommended that the submission from Woolworths NZ Ltd [588.33] be **rejected**.

17.1.4 Section 32AA evaluation

109. As there is no change to the policy, no s32AA evaluation has been required to be undertaken.

18 Section 4.5 – Policy 4.5.11 – Residential upper floors: Business Town Centre Zone and Business Zone

18.1.1 Submissions

Submission point	Submitter	Summary of submission
923.46	Waikato District Health Board	Add to Policy 4.5.11 (a)- Residential Upper Floors: Business Town Centre Zone and Business Zone as follows: <i>(iii.) Provide for mixed use developments which promote urban design protocols.</i>
FS1387.1499	Mercury NZ Limited	Oppose
695.36	Sharp Planning Solutions Ltd	Amend Policy 4.5.11 Residential upper floors: Business Town Centre Zone and Business Zone as follows: (a) Maintain the commercial viability of the Business Town Centre Zone and Business Zone while: (i) Providing for mixed use developments, ensuring residential activities are located above ground floor; and <u>as applicable (ii) Removal of any existing</u> Avoiding residential activity located at ground level, <u>or, relocating the existing residential activity currently located at ground level to above ground level where a business or other type of land use is to be located at the ground level.</u>
749.7	Housing New Zealand Corporation	Amend Policy 4.5.11 Residential upper floors: Business Town Centre Zone and Business Zone as follows: 4.5.11 Policy - Residential upper floors: in the Business Town Centre Zone and Business Zone a) Maintain the commercial viability of the Business Town Centre Zone and Business Zone while: i. Providing for mixed use developments, ensuring residential activities are located <u>in appropriate locations and in some cases</u> above ground floor; and ii. Avoiding residential activity located at ground level <u>where it undermines commercial retail frontage and activity</u> AND Add a new policy to Section 4.5 to address residential upper floors in the Business Zone as

		follows: <u>4.5.11A Policy - Residential upper floors in the Business Zone a) Maintain the commercial viability of the Business Zone while: (i) Providing for mixed use developments, ensuring residential activities are located above ground floor; and (ii) Minimising residential activity located at ground level.</u> AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
FS1371.30	Lakeside Development Limited	Support
FS1387.993	Mercury NZ Limited	Oppose
679.3	Greenways Orchards Limited	Delete Policy 4.5.11(a)(ii) Residential upper floors: Business Town Centre Zone and Business Zone relating to avoiding residential activity at ground level.
FS1387.151	Mercury NZ Limited	Oppose
FS1078.31	Hugh Green Limited	Support
746.94	The Surveying Company	Delete Policy 4.5.11(a)(ii)- Residential upper floors: Business Town Centre Zone and Business Zone.
FS1387.965	Mercury NZ Limited	Oppose
FS1078.43	Hugh Green Limited	Support
FS1078.47	Hugh Green Limited	Support
633.40	Van Den Brink Group	Retain Policy 4.5.11 Residential upper floors: Business Town Centre Zone and Business Zone insofar as it gives effect to the relief sought.
FS1078.30	Hugh Green Limited	Oppose
FS1078.19	Hugh Green Limited	Support

18.1.2 Analysis

110. The submission from Waikato District Health Board [923.46] seeks the addition of promoting urban design protocols. This matter is included in Policy 4.5.29 – New buildings: Business Zone and does not need to be repeated here.
111. The submission from Sharp Planning Solutions Ltd [695.36] is not required, as the relocation of residential activity to above ground floor is already included in the policy.
112. In summary, the submission from Housing New Zealand Corporation [749.7] seeks to differentiate between residential activities in the Business Town Centre Zone (more enabling) and the Business Zone (status quo). The intensification of residential development has been discussed in Section 11 of this s42A report. The proposed amendments to the policy to enable residential activity in the Business Town Centre Zone is contrary to the PWDP policy of encouraging residential intensification within residential zones adjoining or near to commercial centres.
113. The submissions from Greenways Orchards Limited [679.3] and The Surveying Company [746.94] is concerned that the policy could discourage ground floor residences where they are appropriate (such as zone or heritage interfaces). The provisions of the business zones have been developed to ensure that residential amenity values of adjoining residential areas are maintained. Where there are unique situations applying to justify residential

development at ground floor, then that can be assessed through the resource consent process, taking into consideration all the relevant objectives and policies.

18.1.3 Recommendations

114. For the above reasons, no change to Policy 4.5.11 is recommended.
115. It is recommended that the submission from Van Den Brink Group [633.40] be **accepted**.
116. It is recommended that the submissions from Sharp Planning Solutions Ltd [695.36], Housing New Zealand Corporation [749.7], Greenways Orchards Limited [679.3] and The Surveying Company [746.94] be **rejected**.

18.1.4 Section 32AA evaluation

117. As there is no change to the policy, no s32AA evaluation has been required to be undertaken.

19 Section 4.5 – Objective 4.5.12 – Business Town Centre - Character

19.1.1 Submissions

Submission point	Submitter	Summary of submission
798.6	Ngati Te Ata	Amend Objective 4.5.12 (c) Business Town Centre - Character as follows: (c) Development of town centres is designed in a functional, and attractive and environmentally sustainable manner... AND Add the following to all town centre objectives: ...In a functional, attractive and environmentally sustainable manner.
FS1108.35	<i>Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)</i>	<i>Support</i>
567.4	Ngati Tamaoho Trust	Amend Objective 4.5.12(c) - Business Town Centre - Character, as follows: Development of town centres is designed in a functional, and attractive <u>and environmentally sustainable</u> manner serving the needs of the community.
297.29	Counties Manukau Police	Amend Objective 4.5.12(c) Business Town Centre - Character as follows: Development of town centres is designed in a functional and attractive manner serving the needs of the community <u>and conforms to the national guidelines for CPTED</u> .
FS1269.20	<i>Housing New Zealand Corporation</i>	<i>Oppose</i>
749.8	Housing New Zealand Corporation	Retain Objective 4.5.12 Business Town Centre - Character, as notified.
FS1387.994	<i>Mercury NZ Limited</i>	<i>Oppose</i>
588.52	Woolworths NZ Ltd	Retain Objective 4.5.12 Business Town Centre - Character, insofar as it ensures development is designed in a functional manner.

19.1.2 Analysis

118. The submissions from Ngati te Ata [798.6] and Ngati Tamaoho Trust [567.4] seek the inclusion of the words ‘environmentally sustainable’ into the policy. The submission does not elaborate on what ‘environmentally sustainable’ is considered to include, nor does it identify where in the PWDP there is a lack of direction with respect to environmental sustainability. There are a range of policies and rules that relate to promoting environmental sustainability throughout the PWDP. In the absence of specific detail, no change is recommended.
119. The submission from Counties Manukau Policy [297.29] with respect to CPTED has been addressed in Hearing Report H3 – Strategic Directions, and changes have been recommended to include references in the PWDP. I note that Policy 4.5.13(a)(i) includes ‘provide for a safe,..environment.’ Accordingly, I do not consider that additional reference to CPTED is required in the objective.
120. The submissions from Housing New Zealand Corporation [749.8] and Woolworths NZ Ltd [588.52] both support the objective.

19.1.3 Recommendations

121. For the above reasons, no change to Objective 4.5.12 is recommended.
122. It is recommended that the submissions from Housing New Zealand Corporation [749.8] and Woolworths NZ Ltd [588.52] be **accepted**.
123. It is recommended that the submissions from Ngati te Ata [798.6], Ngati Tamaoho Trust [567.4] and Counties Manukau Policy [297.29] be **rejected**.

19.1.4 Section 32AA evaluation

124. As there is no change to the objective, no s32AA evaluation has been required to be undertaken.

20 Section 4.5 – Policy 4.5.13 – Town Centre built form

20.1.1 Submissions

Submission point	Submitter	Summary of submission
749.9	Housing New Zealand Corporation	Amend Policy 4.5.13 (a) (v) Town centre built form as follows: (v) maintains a low rise built form <i>that supports</i> and small <i>scale</i> pedestrian focussed retail activities; AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
923.47	Waikato District Health Board	Amend Policy 4.5.13 (i)- Town Centre Built Form as follows: (i) Provide for a safe, accessible, compact and attractive town centre environment <i>which promotes urban design protocols (Appendix 3.3)</i>
588.34	Woolworths NZ Ltd	Amend Policy 4.5.13 Policy – Town centre built form as follows: (a) The scale and form of new development in the Business Town Centre Zone is to: (i) Provide for a safe, accessible, compact and attractive town centre environment; (ii) Facilitate the integration of retail shopping, administration and commercial services,

		residential, civic and community activities, <i>recognising that the operational and functional requirements of these activities need to be taken into account when assessing built form</i> ; (iii) Reflect the role and character of the business town centre; (iv) Increase the prominence of buildings on street corners; (v) Maintain a low rise built form and small scale, pedestrian focused retail activities, <i>with the exception of supermarkets</i> ; and (vi) Manage adverse effects on the surrounding environment, particularly at the interface with residential areas. AND Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.
923.63	Waikato District Health Board	Retain Policy 4.5.13- Town centre built form as notified.
81.138	Waikato Regional Council	Retain Policy 4.5.13 Town centre built form.
297.30	Counties Manukau Police	Retain Policy 4.5.13(a)(i) Town centre built form as notified.

20.1.2 Analysis

125. The submission from Housing New Zealand Corporation [749.9] seeks to enable residential activities in the Business Town Centre Zone. The intensification of residential development has been discussed in Sections 11 and 18 of this s42A report. The proposed amendments to the policy to enable residential activity in the Business Town Centre Zone is contrary to the PWDP policy of encouraging residential intensification within residential zones adjoining or near to commercial centres.
126. The submission from the Waikato District Health Board [923.47] seeks to include reference to the Town Centre Guidelines. These are referenced in general Policy 4.1.8 – Integration and connectivity, and specifically at Policy 4.5.24 – New buildings: Business Town Centre Zone. I do not consider that repeating the matter in Policy 4.5.13 is necessary.
127. The submission from Woolworths NZ Ltd [588.34] is part of its overall submission seeking the specific inclusion of provisions for supermarkets within the business zones. This matter has been addressed in Sections 11 and 18 of this s42A report. I have nothing further to add to that assessment and do not consider the proposed amendments are required.

20.1.3 Recommendations

128. For the above reasons, no change to Policy 4.5.13 is recommended.
129. It is recommended that the submissions from Waikato District Health Board [923.63], Waikato Regional Council [81.138] and Counties Manukau Police [297.30] be **accepted**.
130. It is recommended that the submissions from Housing New Zealand Corporation [749.9], Waikato District Health Board [923.47] and Woolworths NZ Ltd [588.34] be **rejected**.

20.1.4 Section 32AA evaluation

131. As there is no change to the policy, no s32AA evaluation has been required to be undertaken.

21 Section 4.5 – Policy 4.5.14 – Raglan Town Centre

21.1.1 Submissions

Submission point	Submitter	Summary of submission
749.10	Housing New Zealand Corporation	Amend Policy 4.5.14 Raglan Town Centre to include desired outcomes sought from the relevant Town Centre Character Statement (Appendix 10) if the policy matter is not already addressed AND Amend Policy 4.5.14 Raglan Town Centre to remove reference to Town Centre Character Statements. AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
588.35	Woolworths NZ Ltd	Amend Policy 4.5.14 Policy - Raglan Town Centre as follows: (a) Development maintains and enhances the role of the Raglan Town Centre by: (i) Maintaining wide footpaths and high quality public space, prioritising and providing for pedestrian movement and safety; (ii) Maintaining a pedestrian focus by discouraging vehicle access across footpaths; (iii) Maintaining built form framing views towards Raglan Harbour; (iv) Providing for a building scale appropriate to the town centre; (v) Protecting and enhancing the character of <u>the existing buildings centre</u> through new built form being consistent with the outcomes of the Town Centre Character Statement for Raglan Town Centre (Appendix 10.1), in particular by: A. Promoting traditional roof forms (hipped or gable ends) and symmetry through window design and placement; B. Providing continuous post supported verandahs sheltering footpaths; C. Promoting recessed shop fronts; D. Providing parking, loading and storage where rear access to buildings exists; E. Promoting active street frontages by developing up to the street boundaries; F. Reinforcing the street corners by ensuring the design is two storey and is transparent on both sides of the street corner; G. Encouraging the preservation and promotion of cultural features. AND Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.
FS1323.35	Heritage New Zealand Pouhere Taonga	Oppose
695.37	Sharp Planning Solutions Ltd	Delete Policy 4.5.14(a)(ii) Raglan Town Centre.
FS1276.151	Whaingaroa Environmental Defence Inc. Society	Oppose
559.47	Heritage New Zealand Lower Northern Office	Retain Policy 4.5.14 (a)(v)G. Raglan Town Centre.
942.23	Tainui	Retain Policy 4.5.14 Raglan Town Centre AND No specific decision sought, but submission opposes Policy 4.5.14(a)(v)(F) Raglan Town Centre, particularly the change from one storey to two storeys.

21.1.2 Analysis

132. The submission from Housing New Zealand Corporation [749.10] seeks that the outcomes from the Character Statements be rewritten as policies or alternatively be deleted. The relevant outcomes have been drawn from the Raglan Character Statement and written as policies under parts A – G.
133. The submission from Woolworths NZ Ltd [588.35] is part of its overall submission seeking the specific inclusion of provisions for supermarkets within the business zones. The policy to discourage vehicle access across footpaths is an important design matter to consider in town centres which have high pedestrian usage and amenity. The content of the character statements has been expressed as policies, hence their deletion is not supported. Amendment of protecting the character of existing buildings to the character of the centre does not reflect the content of the Raglan Character Statement. Accordingly, I do not support the proposed amendments.
134. The submission from Sharp Planning Solutions Ltd [695.37] is concerned that parts (i) and (ii) are effectively saying the same thing. However, I consider the two parts of the policy are dealing with separate matters, with part (i) addressing pedestrian access to the wider public space, and part (ii) specifically in respect of vehicle access across footpaths.
135. The submissions from Heritage New Zealand Lower Northern Office [559.47] and Tainui [942.23] support the policy. Although Tainui has some concerns with respect to the first part of 'F' of the policy which seeks to reinforce the street corners through the development of two storey buildings. The submitter is concerned that two storey buildings may change the character of Raglan's main street. However, I note that the matter is the outcome of a community developed process that has been translated into the PWDP policy.

21.1.3 Recommendations

136. For the above reasons, no change to Policy 4.5.14 is recommended.
137. It is recommended that the submissions from Heritage New Zealand Lower Northern Office [559.47] and Tainui [942.23] be **accepted**.
138. It is recommended that the submissions from Housing New Zealand Corporation [749.10], Sharp Planning Solutions Ltd [695.37] and Woolworths NZ Ltd [588.35] be **rejected**.

21.1.4 Section 32AA evaluation

139. As there is no change to the policy, no s32AA evaluation has been required to be undertaken.

22 Section 4.5 – Policy 4.5.15 – Huntly Town Centre

22.1.1 Submissions

Submission point	Submitter	Summary of submission
749.11	Housing New Zealand Corporation	Amend Policy 4.5.15 Huntly Town Centre to include desired outcomes sought from the relevant Town Centre Character Statement (Appendix 10) if the policy matter is not already addressed AND Amend Policy 4.5.15 Huntly Town Centre to remove reference to Town Centre Character Statements. AND Amend the Proposed District Plan as consequential or additional

		relief as necessary to address the matters raised in the submission as necessary.
FSI 368.1	Rosita Dianne-Lynn Darnes	Support
FSI 387.995	Mercury NZ Limited	Oppose
588.36	Woolworths NZ Ltd	Amend Policy 4.5.15 Policy - Huntly Town Centre as follows: (a) Development maintains and enhances the role of the Huntly Town Centre by: (i) Maintaining wide footpaths and high quality public space, prioritising and providing for pedestrian movement and safety; (ii) <u>Maintaining a pedestrian focus by discouraging vehicle access across footpaths</u> ; (iii) Providing for a building scale appropriate to the town centre; (iv) Protecting and enhancing the character of <u>the existing buildings centre</u> through new built form being consistent with the outcomes of the Town Centre Character Statement for Huntly Town Centre (Appendix 10.3), in particular by: A. Providing transparent facades and window displays at ground level; B. Providing continuous suspended verandas sheltering footpaths; C. Symmetrical window detailing; and D. Promoting active street frontages by developing up to the street boundary. AND Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.
FSI 388.983	Mercury NZ Limited	Oppose
695.38	Sharp Planning Solutions Ltd	Amend Policy 4.5.15(a)(iv)B Huntly Town Centre to include an exemption statement for a building that is of a historical character where a veranda was not part of the original design.

22.1.2 Analysis

140. The submission from Housing New Zealand Corporation [749.11] seeks that the outcomes from the Character Statements be rewritten as policies, or alternatively be deleted. The relevant outcomes have been drawn from the Huntly Character Statement and written as policies under parts A – D. I consider that in order to give certainty, the the items from the character statement need to be included in the policy.
141. The submission from Woolworths NZ Ltd [588.35] is part of its overall submission seeking the specific inclusion of provisions for supermarkets within the business zones. The policy to discourage vehicle access across footpaths is an important design matter to consider in town centres which have high pedestrian usage and amenity. The content of the character statements has been expressed as policies, hence their deletion is not supported. Amendment of protecting the character of existing buildings to the character of the centre does not reflect the content of the Huntly Character Statement. Accordingly, I do not support the proposed amendments.
142. The submission from Sharp Planning Solutions Ltd [695.38] seeks an exemption for verandahs where they are not part of the original design. An analysis of the existing buildings within the Huntly Town Centre where the verandah rule applies shows there are two properties without verandahs, being the following:
- a) So Naturals – 68 Main Street; and
 - b) Huntly East Medical Centre – 183 Main Street.

143. On that basis, it is not necessary to amend the policy for provide for exemptions.

22.1.3 Recommendations

144. For the above reasons, no change to Policy 4.5.15 is recommended.

145. It is recommended that the submissions from Housing New Zealand Corporation [749.11], Woolworths NZ Ltd [588.35] and Sharp Planning Solutions Ltd [695.38] be **rejected**.

22.1.4 Section 32AA evaluation

146. As there is no change to the policy, no s32AA evaluation has been required to be undertaken.

23 Section 4.5 – Policy 4.5.16 – Ngaaruawaahia Town Centre

23.1.1 Submissions

Submission point	Submitter	Summary of submission
749.12	Housing New Zealand Corporation	Amend Policy 4.5.16 Ngaaruawaahia Town Centre to include desired outcomes sought from the relevant Town Centre Character Statement (Appendix 10) if the policy matter is not already addressed AND Amend Policy 4.5.16 Ngaaruawaahia Town Centre to remove reference to Town Centre Character Statements. AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
FS1368.2	Rosita Dianne-Lynn Darnes	Support
FS1387.996	Mercury NZ Limited	Oppose
588.37	Woolworths NZ Ltd	Amend Policy 4.5.16 Policy - Ngaaruawaahia Town Centre as follows: (a) Development maintains and enhances the role of the Ngaaruawaahia Town Centre by: (i) Maintaining wide footpaths, prioritising and providing for pedestrian movement and safety; (ii) Maintaining a pedestrian focus by discouraging vehicle access across footpaths; (iii) Promoting improved pedestrian and cycle linkages with Te Awa River ride, Ngaaruawaahia swimming pool and town centre; (iv) Providing for an appropriate building scale and narrow frontages; (v) Protecting and enhancing the character of <u>the existing buildings centre</u> through new built form being consistent with the outcomes of the Town Centre Character Statement for Ngaaruawaahia Town Centre (Appendix 10.2), in particular by: A. Recognising and promoting Ngaaruawaahia's cultural and heritage value set within the setting of the Waikato River and Hakarimata Range. B. Encouraging the preservation and promotion of Maaori heritage; C. Providing transparent facades and window displays at ground level; D. Providing continuous suspended verandahs sheltering footpaths; E. Providing parking, loading and storage where rear access to buildings exists; and F. Promoting active street frontages by developing up to the street boundary. AND Amend

		the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.
FSI 388.984	Mercury NZ Limited	Oppose
FSI 323.36	Heritage New Zealand Pouhere Taonga	Oppose
559.48	Heritage New Zealand Lower Northern Office	Retain Policy 4.5.16 (a)(v)A. Ngaaruawaahia Town Centre.
FSI 388.804	Mercury NZ Limited	Oppose

23.1.2 Analysis

147. The submission from Housing New Zealand Corporation [749.12] seeks that the outcomes from the Character Statements be rewritten as policies or alternatively be deleted. The relevant outcomes have been drawn from the Ngaaruawaahia Character Statement and written as policies under parts A – F.
148. The submission from Woolworths NZ Ltd [588.37] is part of its overall submission seeking the specific inclusion of provisions for supermarkets within the business zones. The policy to discourage vehicle access across footpaths is an important design matter to consider in town centres which have high pedestrian usage and amenity. The content of the character statements has been expressed as policies, hence their deletion is not supported. Amendment of protecting the character of existing buildings to the character of the centre does not reflect the content of the Ngaaruawaahia Character Statement. Accordingly, I do not support the proposed amendments.
149. The submission from Heritage New Zealand Lower Northern Office [559.48] supports the policy.

23.1.3 Recommendations

150. For the above reasons, no change to Policy 4.5.16 is recommended.
151. It is recommended that the submissions from Heritage New Zealand Lower Northern Office [559.48] be **accepted**.
152. It is recommended that the submissions from Housing New Zealand Corporation [749.12] and Woolworths NZ Ltd [588.37] be **rejected**.

23.1.4 Section 32AA evaluation

153. As there is no change to the policy, no s32AA evaluation has been required to be undertaken.

24 Section 4.5 – Policy 4.5.17 – Te Kauwhata Town Centre

24.1.1 Submissions

Submission point	Submitter	Summary of submission
749.13	Housing New Zealand Corporation	Amend Policy 4.5.17 Te Kauwhata Town Centre to include desired outcomes sought from the relevant Town Centre Character Statement (Appendix 10) if the policy matter is not already addressed AND Amend Policy 4.5.17 Te Kauwhata Town Centre to remove reference to Town Centre Character Statements. AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
FS1387.997	Mercury NZ Limited	Oppose
FS1368.3	Rosita Dianne-Lynn Darnes	Support
588.38	Woolworths NZ Ltd	Amend Policy 4.5.17 Policy - Te Kauwhata Town Centre as follows: (a) Development maintains and enhances the role of the Te Kauwhata Town Centre by: (i) Maintaining wide footpaths, prioritising and providing for pedestrian movement and safety; (ii) Maintaining a pedestrian focus by discouraging vehicle access across footpaths; (iii) Providing for an appropriate building scale with narrow frontages; and (iv) Protecting and enhancing the character of <u>the existing buildings centres</u> through new built form being consistent with the outcomes of the Town Centre Character Statement for Te Kauwhata Town Centre (Appendix 10.5), in particular by: A. Providing transparent facades and window displays at ground level; B. Providing continuous suspended verandahs sheltering footpaths; C. Symmetrical window detailing; D. Promoting flat or low pitched roofs; E. Providing parking, loading and storage where rear access to buildings exists; F. Promoting mixed use and residential activities on upper floors; G. Recognising the connections between the town centre and Whangamarino Wetland; H. Encouraging the preservation and promotion of cultural features; and I. Promoting active street frontages by developing up to the street boundary. AND Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.
FS1078.17	Hugh Green Limited	Support
FS1388.985	Mercury NZ Limited	Oppose
FS1323.37	Heritage New Zealand Pouhere Taonga	Oppose
695.39	Sharp Planning Solutions Ltd	Delete Policy 4.5.17(a)(iv)D Te Kauwhata Town Centre.
559.49	Heritage New Zealand Lower Northern Office	Retain Policy 4.5.17(a) Te Kauwhata Town Centre.
FS1388.805	Mercury NZ Limited	Oppose

24.1.2 Analysis

154. The submission from Housing New Zealand Corporation [749.13] seeks that the outcomes from the Character Statements be rewritten as policies or alternatively be deleted. The relevant outcomes have been drawn from the Te Kauwhata Character Statement and written as policies under parts A – I.
155. The submission from Woolworths NZ Ltd [588.38] is part of its overall submission seeking the specific inclusion of provisions for supermarkets within the business zones. The policy to discourage vehicle access across footpaths is an important design matter to consider in town centres which have high pedestrian usage and amenity. The content of the character statements has been expressed as policies, hence their deletion is not supported. Amendment of protecting the character of existing **buildings** to the character of the **centre** does not reflect the content of the Te Kauwhata Character Statement. Accordingly, I do not support the proposed amendments.
156. The submission from Sharp Planning Solutions Ltd [695.39] seeks the deletion of the policy that promotes flat or low-pitched roofs on the basis that flat roofs are not appropriate in a high rainfall area. The Character Statement has incorrectly translated the statement in the ‘Overview’ that the characteristic is ‘*Flat, mono-pitched or low pitched roofs*’ to a ‘Guideline’ that states ‘*Flat or low pitched roofs*’. An examination of the rooflines in Te Kauwhata shows that they are not ‘flat’ in the sense of having no slope, but rather are higher at the road frontage with the slope in a mono-pitch to the rear. The wording of Policy (iv)D needs to be corrected.
157. The submission from Heritage New Zealand Lower Northern Office [559.48] supports the policy.

24.1.3 Recommendations

158. For the above reasons, a change to Policy 4.5.17(a)(iv)D is recommended.
159. It is recommended that the submissions from Sharp Planning Solutions Ltd [695.39] and Heritage New Zealand Lower Northern Office [559.49] be **accepted**.
160. It is recommended that the submissions from Housing New Zealand Corporation [749.13] and Woolworths NZ Ltd [588.38] be **rejected**.

24.1.4 Recommended amendments

161. The following amendment is recommended as shown in Appendix 4 – Chapter 4: Urban Environment:

4.5.17 Policy – Te Kauwhata Town Centre

- (a) Development maintains and enhances the role of the Te Kauwhata Town Centre by:
- (i) Maintaining wide footpaths, prioritising and providing for pedestrian movement and safety;
 - (ii) Maintaining a pedestrian focus by discouraging vehicle access across footpaths;
 - (iii) Providing for an appropriate building scale with narrow frontages; and
 - (iv) Protecting and enhancing the character of existing buildings through new built form being consistent with the outcomes of the Town Centre Character Statement for Te Kauwhata Town Centre (Appendix 10.5), in particular by:
 - A. Providing transparent façades and window displays at ground level;
 - B. Providing continuous suspended verandahs sheltering footpaths;
 - C. Symmetrical window detailing;
 - D. Promoting ~~mono-pitched sloping flat~~ or low pitched roofs;

24.1.5 Section 32AA evaluation

162. As the change is a minor correction, no s32AA evaluation has been required to be undertaken.

25 Section 4.5 – Policy 4.5.18 – Pokeno Town Centre

25.1.1 Submissions

Submission point	Submitter	Summary of submission
297.60	Counties Manukau Police	Add to Policy 4.5.18(a) Pokeno Town Centre a new point as follows: (a)(v) <u>ensuring adequate accessibility for emergency services and other service vehicles. (Including adequate turning circles and road widths when roads are in use and taking into consideration parked vehicles at the road side)</u>
FS1114.4	Fire and Emergency New Zealand	Support
297.61	Counties Manukau Police	Add to Policy 4.5.18(a) Pokeno Town Centre a new point as follows: (a)(vi) <u>by conforming to the National Guidelines for Crime Prevention through Environmental Design in New Zealand.</u>
386.13	Pokeno Village Holdings Limited	Amend Policy 4.5.18 (a) (iv) F Pokeno Town Centre as follows: Ensuring <u>Encourage</u> built form is consistent with Waikato District Council Pokeno Town Centre Architectural Form, Materials and Signage Design Guide, and in particular section 6 (Architectural Style, Materials and Appearance). AND Amend the matters of discretion in Rule 18.1.3 RD2(a)(ii) Restricted Discretionary Activities as follows: Consistency <u>The extent to which the building is consistent</u> with the relevant Town Centre Character Statement contained within Appendix 10.1-10.6 (Town Centre Character Statements).
386.9	Pokeno Village Holdings Limited	Amend the Proposed Waikato District Plan's approach to management of the Pokeno Town Centre (including Policy 4.5.18 Pokeno Town Centre and associated implementation methods) to reflect the need for the Pokeno Town Centre to service the surrounding community.
588.39	Woolworths NZ Ltd	Amend Policy 4.5.18 Pokeno Town Centre as follows: (a) Development maintains and enhances the role of the Pokeno Town Centre by: i. Maintaining wide footpaths, prioritising and providing for pedestrian movement and safety; ii. Maintaining a pedestrian focus by discouraging vehicle access across footpaths; iii. Providing for an appropriate building scale with narrow frontages; and iv. Protecting and enhance the character of the existing centre buildings through new built form being consistent with the outcomes of the Town Centre Character Statement for Pokeno Town Centre (Appendix 10.4) in particular by: A. Promoting transparent facades and window displays at ground level; B. Providing continuous suspended verandahs sheltering footpaths; C. Providing parking, loading and storage where rear

		access to buildings exists; D. Encouraging the preservation and promotion of cultural features; E. Promoting active street frontages by developing up to the street boundary; F. Ensuring built form is consistent with Waikato District Council Pokeno Town Centre Architectural Form, Materials and Signage Design Guide, and in particular section 6 (Architectural Style, Material and Appearance) AND Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.
FSI 323.38	Heritage New Zealand Pouhere Taonga	Oppose
FSI 281.31	Pokeno Village Holdings Limited	Support
749.14	Housing New Zealand Corporation	Amend Policy 4.5.18 Pokeno Town Centre to include desired outcomes sought from the relevant Town Centre Character Statement (Appendix 10) if the policy matter is not already addressed AND Amend Policy 4.5.18 Pokeno Town Centre to remove reference to Town Centre Character Statements. AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
FSI 368.4	Rosita Dianne-Lynn Darnes	Support
559.50	Heritage New Zealand Lower Northern Office	Retain Policy 4.5.18 (a)(iv)D. Pokeno Town Centre.
297.31	Counties Manukau Police	Retain Policy 4.5.18(a)(i) Pokeno Town Centre as notified.
603.5	Pokeno Community Committee	Retain the character statement for the Business Town Centre Zone/Pokeno Town Centre.
FSI 175.4	Pokeno Community Committee	Support

25.1.2 Analysis

163. The submission from Counties Manukau Police [297.60] seeks recognition of accessibility for emergency services. This matter was addressed in part in Hearing Report H3 – Strategic Directions, and changes have been recommended to include reference to emergency service access in Policy 4.7.2 – Subdivision location and design. Accordingly, I do not consider that additional reference to emergency service access is required in the policy for Pokeno.
164. The submission from Counties Manukau Police [297.61] with respect to CPTED has been addressed in Hearing Report H3 – Strategic Directions, and changes have been recommended to include references in the PWDP. I note that Policy 4.5.13(a)(i) includes ‘provide for a safe,..environment.’ Accordingly, I do not consider additional reference to CPTED is required in the policy.
165. The submission from Pokeno Village Holdings Limited [386.13] considers that the directive to ‘ensure’ consistency of built form is not aligned with the non-statutory nature of the guideline and the rule requirement. The term ‘ensure’ has the connotation of making something certain to happen, which is the intention of Rule RD2 in relation to the construction of any new building, and would also apply to discretionary and non-complying activities. When used in the context of Policy 4.5.18(a)(iv)F, which seeks that the ‘built form

is consistent' with the guideline, in my opinion, the word 'ensure' gives the level of policy direction sought.

- 166. The submission from Pokeno Village Holdings Limited [386.9] seeks recognition that the Pokeno Town Centre services the surrounding community. This recognition is applicable to all town centres, and in my opinion would be just a statement of the obvious that does not add any clarity to the policy direction. Accordingly, no change is recommended.
- 167. The submission from Woolworths NZ Ltd [588.39] is part of its overall submission seeking the specific inclusion of provisions for supermarkets within the business zones. The policy to discourage vehicle access across footpaths is an important design matter to consider in town centres which have high pedestrian usage and amenity. The content of the character statements has been expressed as policies, hence their deletion is not supported. Amendment of protecting the character of existing **buildings** to the character of the **centre** does not reflect the content of the Pokeno Character Statement. Accordingly, I do not support the proposed amendments.
- 168. The submission from Housing New Zealand Corporation [749.14] seeks that the outcomes from the Character Statements be rewritten as policies or alternatively deleted. The relevant outcomes have been drawn from the Pokeno Character Statement and written as policies under parts A – F.
- 169. Submissions from Heritage New Zealand Lower Northern Office [559.50], Counties Manukau Police [297.31] and Pokeno Community Committee [603.5] seek that the policy remain.

25.1.3 Recommendations

- 170. For the above reasons, no change to Policy 4.5.18 is recommended.
- 171. It is recommended that the submissions from Heritage New Zealand Lower Northern Office [559.50], Counties Manukau Police [297.31] and Pokeno Community Committee [603.5] be **accepted**.
- 172. It is recommended that the submissions from Counties Manukau Police [297.60 and 297.61], Woolworths NZ Ltd [588.39], Housing New Zealand Corporation [749.14] and Pokeno Village Holdings Limited [386.13 and 386.9] be **rejected**.

25.1.4 Section 32AA evaluation

- 173. As there is no change to the policy, no s32AA evaluation has been required to be undertaken.

26 Section 4.5 – Policy 4.5.19 – Tuakau Town Centre

26.1.1 Submissions

Submission point	Submitter	Summary of submission
588.40	Woolworths NZ Ltd	Amend Policy 4.5.19 Tuakau Town Centre as follows: (a) Development maintains and enhanced the role of the Tuakau Town Centre by; i. Maintaining wide open streets, with wide pedestrian footpaths; ii. Maintaining a pedestrian focus by discouraging vehicle access across footpaths; iii. Providing for an appropriate building scale with narrow frontages; and iv-Protecting

		and enhancing the character of <u>the</u> existing <u>centre</u> buildings through new built form being consistent with the outcomes of the Town Centre Character Statement for Tuakau Town Centre (Appendix 10.6), in particular by: A. Providing parking, loading and storage where rear access to buildings exists; B. Promoting mixed use and residential activities on upper floors; C. Providing transparent facades and window displays at ground level; D. Providing continuous suspended verandahs sheltering footpaths; E. Encouraging the preservation and promotion of cultural features; F. Promoting active street frontages by developing up to the street boundary. AND Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.
FS1323.39	Heritage New Zealand Pouhere Taonga	Oppose
749.15	Housing New Zealand Corporation	Amend Policy 4.5.19 Tuakau Town Centre to include desired outcomes sought from the relevant Town Centre Character Statement (Appendix 10) if the policy matter is not already addressed AND Amend Policy 4.5.19 Tuakau Town Centre to remove reference to Town Centre Character Statements. AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
FS1368.5	Rosita Dianne-Lynn Darnes	Support
559.51	Heritage New Zealand Lower Northern Office	Retain Policy 4.5.19 (a)(iv)E. Tuakau Town Centre.

26.1.2 Analysis

174. The submission from Woolworths NZ Ltd [588.40] is part of its overall submission seeking the specific inclusion of provisions for supermarkets within the business zones. The policy to discourage vehicle access across footpaths is an important design matter to consider in town centres which have high pedestrian usage and amenity. The content of the character statements has been expressed as policies, hence their deletion is not supported. Amendment of protecting the character of existing **buildings** to the character of the **centre** does not reflect the content of the Tuakau Character Statement. Accordingly, I do not support the proposed amendments.
175. The submission from Housing New Zealand Corporation [749.15] seeks that the outcomes from the Character Statements be rewritten as policies or alternatively be deleted. The relevant outcomes have been drawn from the Tuakau Character Statement and written as policies under parts A – F. In my opinion, no change is required.
176. The submission from Heritage New Zealand Lower Northern Office [559.51] seeks that the policy remain.

26.1.3 Recommendations

177. For the above reasons, no change to Policy 4.5.19 is recommended.
178. It is recommended that the submission from Heritage New Zealand Lower Northern Office [559.51] be **accepted**.

179. It is recommended that the submissions from Woolworths NZ Ltd [588.39], Housing New Zealand Corporation [749.15] and Woolworths NZ Ltd [588.40] be **rejected**.

26.1.4 Section 32AA evaluation

180. As there is no change to the policy, no s32AA evaluation has been required to be undertaken.

27 Section 4.5 – Policy 4.5.20 – Pedestrian and active street frontages – Business Town Centre Zone

27.1.1 Submissions

Submission point	Submitter	Summary of submission
588.41	Woolworths NZ Ltd	Delete Policy 4.5.20 Pedestrian frontages: active street frontages - Business Town Centre Zone. AND Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.
<i>FS1078.21</i>	<i>Hugh Green Limited</i>	<i>Support</i>
<i>FS1078.18</i>	<i>Hugh Green Limited</i>	<i>Support</i>

27.1.2 Analysis

181. The submission from Woolworths NZ Ltd [588.41] is part of its overall submission seeking the specific inclusion of provisions for supermarkets within the business zones. The policy to discourage carparking and vehicle access across footpaths is an important design matter to consider in town centres which have high pedestrian usage and amenity.
182. As I understand the submission from Woolworths NZ Ltd, they contend that without supermarkets being specifically provided for (as opposed to other large-scale retail developments) within the Business Town Centre as a permitted activity, there is a risk that town centres will not develop. This is summarised at paragraph 16 of its submission, that states “*In the case of developing centres, supermarkets can act as catalysts for investment by others and growth of commercial activity in general.*” The submission appears to be focused on supporting a supermarket development in Pokeno.
183. I concur that supermarkets are one of a number of commercial activities that can support and vitalise town centres. However, I do not agree that they need to be specifically provided for. My experience from living and working in Christchurch after the devastating earthquakes is that in all instances where revitalisation of city and town centres has occurred, the re-establishment of existing and the development of new supermarkets has been outside of town centres, but immediately adjoining town centres. This includes Rolleston (New World and Countdown) and New World Kaiapoi. The exception to this is the new Fresh Choice City Market in Lichfield Street (beside ‘The Crossing Carpark’ building and opposite the new bus interchange). Within the Waikato Region, I note that recently developed supermarkets have again been outside (but still supporting) town centres. This includes the Supervalu at Raglan, and Countdown and New World at Whitianga.
184. Accordingly, I do not support the deletion of the policy.

27.1.3 Recommendations

185. For the above reasons, the deletion of Policy 4.5.20 is not recommended.
186. It is recommended that the submission from Woolworths NZ Ltd [588.41] be **rejected**.

27.1.4 Section 32AA evaluation

187. As there is no change to the policy, no s32AA evaluation has been required to be undertaken.

28 Section 4.5 – Policy 4.5.21 – Corner buildings – Business Town Centre Zone

28.1.1 Submissions

Submission point	Submitter	Summary of submission
588.42	Woolworths NZ Ltd	Delete Policy 4.5.21 Corner Buildings - Business Town Centre Zone. AND Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.

28.1.2 Analysis

188. The submission from Woolworths NZ Ltd [588.42] is part of its overall submission seeking the specific inclusion of provisions for supermarkets within the business zones. The policy to positively reinforce corner locations is an important design matter to consider in town centres which have high pedestrian usage and amenity. Defining corners assists with way-finding and identifying where pedestrian and vehicle interaction is likely, thereby assisting in the safety of pedestrians, cyclists and other modes of mobility.
189. In my opinion, the policy is worded in a manner that provides a high degree of flexibility as to how corners are defined.

28.1.3 Recommendations

190. For the above reasons, the deletion of Policy 4.5.21 is not recommended.
191. It is recommended that the submission from Woolworths NZ Ltd [588.42] be **rejected**.

28.1.4 S32AA evaluation

192. As there is no change to the policy, no s32AA evaluation has been required to be undertaken.

29 Section 4.5 – Policy 4.5.22 – Landscaping – Business Town Centre Zone

29.1.1 Submissions

Submission point	Submitter	Summary of submission
588.43	Woolworths NZ Ltd	Delete Policy 4.5.22 Landscaping - Business Town Centre Zone. AND Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.
FS1388.986	Mercury NZ Limited	Oppose

29.1.2 Analysis

193. The submission from Woolworths NZ Ltd [588.43] is part of its overall submission seeking the specific inclusion of provisions for supermarkets within the business zones and the removal of policies and rules that do not support that position. The policy to provide landscaping that contributes to adjacent streetscape is one way in which to promote amenity.

194. In my opinion, the policy is worded in a manner that provides for landscaping in the right locations (outside pedestrian frontage areas) and in relation to streetscape appearance. This policy does not appear onerous or contrary to the amenity values sought in a town centre.

29.1.3 Recommendations

195. For the above reasons, the deletion of Policy 4.5.22 is not recommended.

196. It is recommended that the submission from Woolworths NZ Ltd [588.43] be **rejected**.

29.1.4 Section 32AA evaluation

197. As there is no change to the policy, no s32AA evaluation has been required to be undertaken.

30 Section 4.5 – Policy 4.5.23 – Height – Business Town Centre Zone

30.1.1 Submissions

Submission point	Submitter	Summary of submission
749.16	Housing New Zealand Corporation	Amend Policy 4.5.23 Height: Business Town Centre Zone as follows: a) <u>Ensure the height of new buildings is complementary to, and promotes, a high intensity and compact built form of three storeys in each town.</u> Ensure the height of new buildings is complementary to, and promotes, the existing character of the business town centre within each town. AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.

FS1368.6	Rosita Dianne-Lynn Darnes	Support
588.44	Woolworths NZ Ltd	Delete Policy 4.5.23 Height - Business Town Centre Zone. AND Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.
FS1369.17	Ngati Tamaoho Trust	Oppose

30.1.2 Analysis

198. The submission from Housing New Zealand Corporation [749.16] is part of its overall submission seeking provisions for residential intensification within the town centres. While residential development within town centres is promoted (particularly above ground floor), the policy approach set out in the PWDP is to encourage density near to and where they support commercial centres, community facilities, public transport and open space (refer to Policy 4.1.4 – Density).
199. The policies with respect to the scale of buildings in the town centres are to reflect and complement the existing character, which is generally one to two storeys. The permitted height of 10 metres (Rule 18.3.1.1) readily provides for this scale and height of buildings. Buildings that exceed the permitted height are to be considered a discretionary activity. An 11 metre high building would accommodate 3 storeys, and as such resource consent for this additional height would in most circumstances still be within the existing character. Accordingly, I do not consider that any change to the policy is required to accommodate 3 storey buildings.
200. The submission from Woolworths NZ Ltd [588.44] is part of its overall submission seeking the specific inclusion of provisions for supermarkets within the business zones and the removal of policies and rules that do not support that position. The policy seeking to complement and promote the character of new buildings when they exceed the proposed 10 metre permitted height provision is a reasonable matter to consider with respect to the amenity values and character of town centres.

30.1.3 Recommendations

201. For the above reasons, no changes to or the deletion of Policy 4.5.23 is recommended.
202. It is recommended that the submissions from Housing New Zealand Corporation [749.16] and Woolworths NZ Ltd [588.44] be **rejected**.

30.1.4 Section 32AA evaluation

203. As there is no change to the policy, no s32AA evaluation has been required to be undertaken.

31 Section 4.5 – Policy 4.5.24 – New buildings: Business Town Centre Zone

31.1.1 Submissions

Submission point	Submitter	Summary of submission
749.17	Housing New Zealand Corporation	Amend Policy 4.2.24 New buildings: Business Town Centre Zone as follows: (a) New buildings within the Business Town Centre

		Zone are designed in a manner that are consistent with the Waikato District Council Urban Design Guidelines Town Centres (Appendix 3.3), and in particular: (i)... AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
FS1387.998	Mercury NZ Limited	Oppose
FS1368.7	Rosita Dianne-Lynn Darnes	Support
588.45	Woolworths NZ Ltd	Delete Policy 4.5.24 New Buildings - Business Town Centre zone. AND Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.
FS1388.987	Mercury NZ Limited	Oppose
198.20	Property Council New Zealand	Retain Policy 4.5.24 New buildings: Business Town Centre Zone.
FS1386.216	Mercury NZ Limited	Oppose

31.1.2 Analysis

204. The submission from Housing New Zealand Corporation [749.17] is part of its overall submission seeking provisions for residential intensification within the town centres. In my opinion, the manner in which the Town Centre Guidelines have been incorporated into the policies of the PWDP recognise the opportunity that new buildings have to reflect the existing character in new and different ways. I consider that the following statement in Section 4.2 of the Town Centre Guidelines clearly sets out the flexibility within the policies and guidelines: *“Importantly, maintaining and enhancing character does not mean mimicking or imitating existing built form; rather it is about recognising and re-interpreting those existing elements that add positively to the look and feel of an environment (e.g. refer Figure 3) and, in doing so, establishing a meaningful and recognisable style (character) and rhythm of built form.”*
205. The submission from Woolworths NZ Ltd [588.45] is part of its overall submission seeking the specific inclusion of provisions for supermarkets within the business zones and the removal of policies and rules that do not support that position. The policy seeking to complement and promote the character of new buildings is a reasonable matter to consider with respect to the amenity values and character of town centres.
206. The submission from the Property Council New Zealand [198.20] supports the policy.

31.1.3 Recommendations

207. For the above reasons, no changes to or the deletion of Policy 4.5.24 is recommended.
208. It is recommended that the submission from Property Council New Zealand [198.20] be **accepted**.
209. It is recommended that the submissions from Housing New Zealand Corporation [749.167] and Woolworths NZ Ltd [588.45] be **rejected**.

31.1.4 Section 32AA evaluation

210. As there is no change to the policy, no s32AA evaluation has been required to be undertaken.

32 Section 4.5 – Objective 4.5.25 – Business Zone – Character

32.1.1 Submissions

Submission point	Submitter	Summary of submission
588.46	Woolworths NZ Ltd	Delete Objective 4.5.25 Character - Business Zone. AND Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.
FSI 388.988	Mercury NZ Limited	Oppose
633.41	Van Den Brink Group	No specific decision requested, but submission opposes Objective 4.5.25 Business Zone Character, where this is inconsistent with the submitter's primary relief to have their landholding re-zoned as Business.
FSI 387.46	Mercury NZ Limited	Oppose

32.1.2 Analysis

211. The submission from Woolworths NZ Ltd [588.46] is part of its overall submission seeking the specific inclusion of provisions for supermarkets within the business zones and the removal of objectives, policies and rules that do not support that position.
212. The submission from the Van Den Brink Group [633.41] is part of its overall submission that is concerned that the provisions of the Business Zone are more conservative and less enabling than the provisions of the Franklin Section of the Operative Waikato District Plan and the Auckland Unitary Plan. With regard to Objective 4.5.25, the submitter contends that the maintenance of character is inconsistent with developing new business areas.
213. Objective 4.5.25 seeks to maintain the overall commercial scale, form of buildings and character of the Business Zone, with the four following policies supporting the objective. In particular, Policy 4.5.29 relating to new buildings seeks that they are consistent with the guidelines for Town Centres (Appendix 3.3). The detail contained within Appendix 3.3 relates to matters such as building connection to the public street (amongst other matters), and as such I do not consider that the objective is inconsistent with the development within existing or new Business Zones.

32.1.3 Recommendations

214. For the above reasons, no changes to or the deletion of Objective 4.5.25 is recommended.
215. It is recommended that the submissions from Woolworths NZ Ltd [588.46] and Van Den Brink Group [633.41] be **rejected**.

32.1.4 Section 32AA evaluation

216. As there is no change to the objective, no s32AA evaluation has been required to be undertaken.

33 Section 4.5 – Policy 4.5.26 – Landscaping of onsite parking areas – Business Zone

33.1.1 Submissions

Submission point	Submitter	Summary of submission
588.47	Woolworths NZ Ltd	Delete Policy 4.5.26 Landscaping of onsite parking areas - Business Zone. AND Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.
633.42	Van Den Brink Group	Retain Policy 4.5.26 Landscaping of onsite parking areas - Business Zone insofar as it gives effect to the relief sought.

33.1.2 Analysis

217. The submission from Woolworths NZ Ltd [588.47] is part of its overall submission seeking the specific inclusion of provisions for supermarkets within the business zones and the removal of objectives, policies and rules that do not support that position.
218. The submission from Van Den Brink Group [633.42] seeks that the policy be retained.
219. In my opinion, the policy does not appear to be onerous. I note that Rule 17.2.3 of the Business Zone proposes that a 1.5m wide planting strip be established (except for vehicle access points) where there are 5 or more parking spaces. Landscape strips provide amenity and assist with treatment of stormwater from carparking areas.

33.1.3 Recommendations

220. For the above reasons, no changes to or the deletion of Policy 4.5.26 is recommended.
221. It is recommended that the submission from Van Den Brink Group [633.42] be **accepted**.
222. It is recommended that the submission from Woolworths NZ Ltd [588.47] be **rejected**.

33.1.4 Section 32AA evaluation

223. As there is no change to the policy, no s32AA evaluation has been required to be undertaken.

34 Section 4.5 – Policy 4.5.27 – Front setback – Business Zone

34.1.1 Submissions

Submission point	Submitter	Summary of submission
588.48	Woolworths NZ Ltd	Delete Policy 4.5.27 Front setback - Business Zone. AND Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.
633.43	Van Den Brink Group	Retain Policy 4.5.27 Front setback - Business Zone insofar as it gives effect to the relief sought.

34.1.2 Analysis

224. The submission from Woolworths NZ Ltd [588.48] is part of its overall submission seeking the specific inclusion of provisions for supermarkets within the business zones and the removal of objectives, policies and rules that do not support that position.
225. The submission from Van Den Brink Group [633.43] seeks that the policy be retained.
226. The corresponding rule that relates to this policy is Rule 17.3.4. However, Rule 17.3.4 only relates to setbacks from zones, not from roads. I note that KiwiRail Holdings Limited [986.57] and New Zealand Transport Agency [742.141] seek the addition of rules for the setback of buildings from rail corridors and state highways respectively. However, there are no submissions seeking the deletion of Rule 17.3.4. Accordingly, it is recommended that the policy be amended to refer to those two pieces of strategic infrastructure.

34.1.3 Recommendations

227. The following amendment is recommended to Policy 4.5.31, as shown in Appendix 4 – Chapter 4: Urban Environment:

4.5.27 Policy – ~~Front~~ Strategic infrastructure setback – Business Zone

- (a) Ensure buildings within the Business Zone are designed and setback from ~~roads~~ **strategic infrastructure. by:**
- (i) ~~Retaining the predominant building setback within the street; and~~
 - (ii) ~~Allowing sufficient space for the establishment of landscaping on the site.~~

228. It is recommended that the submission from Woolworths NZ Ltd [588.48] be **accepted**.
229. It is recommended that the submission from Van Den Brink Group [633.43] be **rejected**.

34.1.4 Section 32AA evaluation

230. No section 32AA evaluation is required to be undertaken. There is no rule in the PWDP relating to setbacks from roads that would require consideration of the policy.

35 Section 4.5 – Policy 4.5.28 – Height – Business Zone

35.1.1 Submissions

Submission point	Submitter	Summary of submission
588.49	Woolworths NZ Ltd	Delete Policy 4.5.28 Height - Business Zone. AND Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.
633.44	Van Den Brink Group	Retain Policy 4.5.28 Height - Business Zone, insofar as it gives effect to the relief sought.

35.1.2 Analysis

231. The submission from Woolworths NZ Ltd [588.49] is part of its overall submission seeking the specific inclusion of provisions for supermarkets within the business zones and the removal of objectives, policies and rules that do not support that position.
232. The submission from Van Den Brink Group [633.44] seeks that the policy be retained.

233. Rules 17.3.1.1 and 17.3.2 provide for maximum height and daylight admission respectively. There are submissions seeking amendments to the metrics of the two rules, with a submission from Van Den Brink Group [633.22] seeking the deletion of the daylight admission rule (only). I note that another submission from Van Den Brink Group [633.29] seeks a change to the metrics of the rule. As I do not recommend the deletion of the rule as it is standard building control to manage amenity effects on adjoining properties, then no change to Policy 4.5.28 is recommended.

35.1.3 Recommendations

234. For the above reasons, no changes to or the deletion of Policy 4.5.28 is recommended.

235. It is recommended that the submission from Van Den Brink Group [633.44] be **accepted**.

236. It is recommended that the submission from Woolworths NZ Ltd [588.47] be **rejected**.

35.1.4 Section 32AA evaluation

237. As there is no change to the policy, no s32AA evaluation has been required to be undertaken.

36 Section 4.5 – Policy 4.5.29 – New Buildings – Business Zone

36.1.1 Submissions

Submission point	Submitter	Summary of submission
589.4	Z Energy Ltd	Amend Policy 4.5.29 New Buildings: Business Zone, as follows: (a) New buildings within the Business Zone are consistent with the Waikato District Council Urban Design Guidelines Town Centres (Appendix 3.3), and in particular: (i) Responds to the specific site characteristics and wider street; (ii) Promotes architectural form, building features and placement; (iii) Provides landscape and open space design that responds to the characteristics and qualities of the area; (iv) Minimises visual and visual amenity impacts of accessways and parking facilities; and (v) Accommodates pedestrian access and safety. <i>Except that where an activity has a specific functional or operational design or layout requirement, to consider (i) - (v) in the context of the following: (i) the investment in existing activities; (ii) the nature of the existing environment; (iii) the degree to which new buildings have been designed to address the street and the street edge, to the degree practicable, and otherwise to mitigate the visual impact of blank walls, including through design features or landscaping; and (iv) the degree to which visibility of and for pedestrians is maintained and pedestrian movements along the footpath can be prioritised.</i> AND Amend the Proposed District Plan, including consequential amendments, to address the matters raised in the submission.
FS1388.993	Mercury NZ Limited	Oppose
588.1	Woolworths NZ Ltd	Delete Policy 4.5.29 New Buildings - Business Zone. AND Amend the Proposed District Plan to make consequential or alternative

		relief to give effect to the specific amendments sought.
FS1388.970	Mercury NZ Limited	Oppose
697.549	Waikato District Council	Delete Policy 4.5.29 New buildings: Business Zone
FS1029.1	Z Energy Limited	Support
FS1387.603	Mercury NZ Limited	Oppose
FS1078.38	Hugh Green Limited	Support
633.45	Van Den Brink Group	Delete the policy reference to design guidelines and architectural form in Policy 4.5.29 New Buildings: Business Zone. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
FS1387.47	Mercury NZ Limited	Oppose

36.1.2 Analysis

238. The submission from Waikato District Council [697.549] notes that Appendix 3.3 only relates to the Business Town Centre zone, not the Business Zone. Accordingly, the policy needs to be deleted and no further consideration of the other submissions is required. I note that the design of buildings and other developments is addressed in other policies relating to the Business Zone.

36.1.3 Recommendations

239. For the above reasons, it is recommended that Policy 4.5.29 be deleted.

240. It is recommended that the submission from Woolworths NZ Ltd [588.1], Waikato District Council [697.549] and Van Den Brink Group [633.45] be **accepted**.

241. It is recommended that the submission from Z Energy Ltd [589.4] be **rejected**.

36.1.4 Section 32AA evaluation

242. As the policy does not apply to the zone (it is an error), no s32AA evaluation has been required to be undertaken.

37 Section 4.5 – Objective 4.5.30 – Business Zone and Business Town Centre Zones – Amenity

37.1.1 Submissions

Submission point	Submitter	Summary of submission
633.46	Van Den Brink Group	Retain Objective 4.5.30 Business Zone and Business Town Centre Zone - Amenity, insofar as it gives effect to the relief sought.
749.18	Housing New Zealand Corporation	Retain Objective 4.5.30 Business Zone and Business Town Centre Zones - Amenity, as notified.
FS1368.8	Rosita Dianne-Lynn Darnes	Support

37.1.2 Analysis

243. Both submissions seek retention of the objective without change.

37.1.3 Recommendations

244. For the above reasons, no changes to or the deletion of Objective 4.5.30 are recommended.

245. It is recommended that the submission from Van Den Brink Group [633.46] and Housing New Zealand Corporation [749.18] be **accepted**.

37.1.4 Section 32AA evaluation

246. As there is no change to the objective, no s32AA evaluation has been required to be undertaken.

38 Section 4.5 – Policy 4.5.31 – Reverse sensitivity & Policy 4.5.33 – Reverse sensitivity

38.1.1 Submissions

Submission point	Submitter	Summary of submission
588.2	Woolworths NZ Ltd	Amend Policy 4.5.31 Reverse sensitivity as follows: (a) Reverse sensitivity <i>is managed by ensuring residential activities and development</i> within Business and Business Town Centre Zones is managed by ensuring residential activities and development are acoustically insulated to mitigate adverse effects of noise. AND Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.
FS1388.971	Mercury NZ Limited	Oppose
695.40	Sharp Planning Solutions Ltd	Delete Policy 4.5.33 Reverse sensitivity.
588.3	Woolworths NZ Ltd	Delete Policy 4.5.33 Reverse sensitivity. AND Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.
FS1388.972	Mercury NZ Limited	Oppose
633.48	Van Den Brink Group	Retain Policy 4.5.33 Reverse Sensitivity, insofar as it gives effect to the relief sought.
FS1387.49	Mercury NZ Limited	Oppose
986.76	KiwiRail Holdings Limited (KiwiRail)	Add a new clause (b) to Policy 4.5.33 Reverse sensitivity as follows (or similar amendments to achieve the requested relief): (a) Reverse sensitivity is managed by ensuring residential activities and development within the Business Town Centre Zone and Business Zone are acoustically insulated to mitigate the adverse effects of noise. (b) <i>Reverse sensitivity is managed by providing sufficient setbacks to provide for residents' safety and amenity</i> AND Any consequential amendments to link and/or accommodate the requested changes.

FS1193.36	Van Den Brink Group	Oppose
-----------	---------------------	--------

38.1.2 Analysis

247. It is noted that Policies 4.5.31 and 4.5.33 are repetitions, as identified in the submissions from Sharp Planning Solutions Ltd [695.40 and 695.41] and Woolworths NZ Ltd [588.3]. Accordingly, Policy 4.5.33 is recommended to be deleted.
248. The submission from Woolworths NZ Ltd [588.2] includes better wording for the policy and the submission from Van Den Brink Group [633.46] supports the policy.
249. The submission from KiwiRail Holdings Limited [986.76] seeks an addition to the policy that relates to a further part of their submission [986.57] seeking the addition of a setback from the railway corridor in Rule 17.3.4. As that submission is recommended to be accepted, a consequential change to policy is required.

38.1.3 Recommendations

250. The following amendment is recommended to Policy 4.5.31, as shown in Appendix 4 – Chapter 4: Urban Environment:

4.5.31 Policy - Reverse sensitivity

- (a) Reverse sensitivity is managed by:
- (i) ensuring residential activities and development within Business and Business Town Centre Zones ~~is managed by ensuring residential activities and development~~ are acoustically insulated to mitigate the adverse effects of noise; ~~and:~~
 - (ii) providing setbacks for residents' safety and amenity.

251. It is recommended that Policy 4.5.33 be deleted as shown in Appendix 4 – Chapter 4: Urban Environment:

~~4.5.33 Policy – Reverse sensitivity~~

- (a) ~~Reverse sensitivity is managed by ensuring residential activities and development within the Business Town Centre Zone and Business Zone are acoustically insulated to mitigate the adverse effects of noise.~~

252. It is recommended that the submissions from Woolworths NZ Ltd [588.2 and 588.3], Sharp Planning Solutions Ltd [695.40 and 695.41], Van Den Brink Group [633.46] and KiwiRail Holdings Limited [986.76] be **accepted**.

38.1.4 Section 32AA evaluation

253. As the changes to the policy are grammatical and fill a 'policy gap' that is needed to support Rule 17.3.4, no s32AA evaluation has been required to be undertaken.
254. The s32AA evaluation with respect to setbacks from the state highway and the railway corridor is included in the analysis undertaken for Rule 17.3.4.

39 Section 4.5 – Policy 4.5.32 – Adjoining site amenity

39.1.1 Submissions

Submission point	Submitter	Summary of submission
588.4	Woolworths NZ Ltd	Retain Policy 4.5.32 Adjoining site amenity as notified.
633.49	Van Den Brink Group	Delete Policy 4.5.32(a)(ii) Adjoining site amenity to reduce height adjoining residential or reserve zoned land. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
749.19	Housing New Zealand Corporation	Retain Policy 4.5.32 Adjoining site amenity, as notified.
FSI387.1249	Mercury NZ Limited	Oppose
FSI368.9	Rosita Dianne-Lynn Darnes	Support

39.1.2 Analysis

255. The submissions from Woolworths NZ Ltd [588.4] and Housing New Zealand Corporation [749.19] support the policy.
256. The submission from Van Den Brink Group seeks the deletion of part (a)(ii) of the policy, as it is a repeat of Policy 4.5.42. The corresponding rules relating to daylighting and building setbacks apply to residential and reserve-zoned land. Accordingly, the correct policy is Policy 4.5.32 and it is recommended in Section 44 of this s42A report that Policy 4.5.42 be deleted.

39.1.3 Recommendations

257. For the above reasons, no changes to or the deletion of Policy 4.5.32 are recommended.
258. It is recommended that the submissions from Woolworths NZ Ltd [588.4] and Housing New Zealand Corporation [749.19] be **accepted**.
259. It is recommended that the submission from Van Den Brink Group [633.49] be **rejected**.

39.1.4 Section 32AA evaluation

260. As there is no change to the policy, no s32AA evaluation has been required to be undertaken.

40 Section 4.5 – Policy 4.5.36 – Signage

40.1.1 Submissions

Submission point	Submitter	Summary of submission
588.6	Woolworths NZ Ltd	Amend Policy 4.5.36 Signage as follows: (a) In the Business Town Centre and Business Zone provide for: i. The establishment of signs where they are associated with the activity carried out on

		<p>the site on which they are located; ii. Public information signs that are of benefit to community well-being; and iii. Establishment of signage to support the commercial function and vibrancy of the zones with controls on the site, location, appearance and number of signs to ensure they do not detract from the visual amenity of the surrounding environment, <u>including avoiding, remedying or mitigating adverse effects arising from illumination, light spill, flashing or reflection</u>; iv. <u>Control of the location, colour, content and appearance of signs directed at traffic are controlled to ensure signs do not distract, confuse or obstruct motorists, pedestrians and other road users</u>; v. <u>the placement of signs that do not obstruct the free movement of:</u> A. <u>Pedestrians along the footpath</u>; B. <u>Vehicle use of the road carriageway</u>. AND Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.</p>
785.56	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited 'Oil Companies'	<p>Retain Policy 4.5.36 Signage, except for the amendments sought below; AND Amend Policy 4.5.36 (a)(i) Signage, to include health and safety signage as follows: (a) In the Business Town Centre and Business Zone provide for: (i) The establishment of signs where they are associated with the activity carried out on the site on which they are located; (ii) Public information <u>and Health and Safety</u> signs that are of benefit to community well-being; and ... AND Any consequential amendments or additional relief to give effect to the submission.</p>

40.1.2 Analysis

261. The submission from Woolworths NZ Ltd [588.6] relates to its detailed submissions with respect to Rule 17.2.7 – Signs. The suggested changes to Policy 4.5.36 essentially seek to move the 'adverse effects' wording from Policy 4.5.37 into Policy 4.5.36. In my opinion, the separation of the matters with respect to signage being to 'provide' (Policy 4.5.36) and 'ensure' with respect to adverse effects (Policy 4.5.37) is better, as it means the two policy directions are clearly identified.
262. The submission from the Oil Companies [785.56] is already contained with subpart (a)(i) of the policy and does not need to be specifically identified.

40.1.3 Recommendations

263. For the above reasons, no changes to or the deletion of Policy 4.5.36 are recommended.
264. It is recommended that the submissions from Woolworths NZ Ltd [588.6] and Oil Companies [785.56] be **rejected**.

40.1.4 Section 32AA evaluation

265. As there is no change to the policy, no s32AA evaluation has been required to be undertaken.

4I Section 4.5 – Policy 4.5.37 – Managing the adverse effects of signs

4I.1.1 Submissions

Submission point	Submitter	Summary of submission
695.42	Sharp Planning Solutions Ltd	Amend Policy 4.5.37 Managing the adverse effects of signs to list common requirements that apply across all zones in one section of the Proposed District Plan.
742.26	New Zealand Transport Agency	Amend Policy 4.5.37(a) as follows: "(i) The location, colour, content, and appearance of signs directed at <u>or visible to road users</u> traffic are is controlled to ensure <u>they</u> do not distract confuse or obstruct motorists, pedestrians and other road users <u>adversely affect safety of road users...</u> ; (ii) Signs that generate adverse effects from illumination, light spill, flashing, <u>moving</u> or reflection <u>are avoided</u> ; and AND Request any consequential changes necessary to give effect to the relief sought in the submission.
FS1089.13	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited for 'Oil Companies'	Oppose
588.7	Woolworths NZ Ltd	Delete Policy 4.5.37 Managing the adverse effects of signs. AND Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.
297.27	Counties Manukau Police	Retain Policy 4.5.37 Managing the adverse effects of signs as notified.
785.57	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited 'Oil Companies'	Retain Policy 4.5.37 Managing the adverse effects of signs as notified.

4I.1.2 Analysis

266. The submission from Sharp Planning Solutions Ltd [695.42] seeks that all the provisions relating to signs be included in one section of the PWDP. It is noted that the Hearing Panel has directed that the PWDP be reformatted in accordance with the National Planning Standards, and when that is done all sign provisions will be included as a chapter in Part 2 – General District-Wide Matters.
267. Some of the wording suggested by the New Zealand Transport Agency [742.26] is grammatically correct and has been generally accepted.
268. The submission from Woolworths NZ Ltd [588.7] has been addressed in Section 40 of this report.
269. The submissions from Counties Manukau Police [297.27] and the Oil Companies [785.57] support the policy.

41.1.3 Recommendations

270. The following amendment is recommended to Policy 4.5.37, as shown in Appendix 4 – Chapter 4: Urban Environment:

4.5.37 Policy – Managing the adverse effects of signs

- (a) In the Business Town Centre and Business Zone ensure that:
- (i) The location, colour, content, and appearance of signs directed at ~~traffic~~ are or visible to road users is controlled to ensure signs do not distract, confuse or obstruct motorists, pedestrians and other road users thereby adversely affecting the safety of road users;
 - (ii) Signs that generate adverse effects from illumination, light spill, flashing, movement or reflection are avoided; and

271. It is recommended that the submissions from Sharp Planning Solutions Ltd [695.42], New Zealand Transport Agency [742.26], Counties Manukau Police [297.27] and the Oil Companies [785.57] be **accepted**.

272. It is recommended that the submission from Woolworths NZ Ltd [588.7] be **rejected**.

41.1.4 Section 32AA evaluation

273. As the changes to the policy are grammatical, no s32AA evaluation has been required to be undertaken.

42 Section 4.5 – Policy 4.5.38 – Artificial outdoor lighting

42.1.1 Submissions

Submission point	Submitter	Summary of submission
825.30	John Lawson	Add a new clause (iv) to Policy 4.5.38 Artificial outdoor lighting as follows (or similar wording): <u>iv. Artificial outdoor lighting is installed and operated so that light spill does not contribute to pollution of the night sky.</u>
553.7	Malibu Hamilton	Add a new clause (iv) to Policy 4.5.38(a)(iv) Artificial outdoor lighting, as follows: <u>(iv) Artificial outdoor lighting is installed and operated so that light spill does not contribute to pollution of the night sky</u> or similar wording.
742.27	New Zealand Transport Agency	Retain Policy 4.5.38 Artificial outdoor lighting as notified.
297.24	Counties Manukau Police	Retain Policy 4.5.38 Artificial outdoor lighting, except for the amendments sought below AND Add to Policy 4.5.38(a) Artificial outdoor lighting a new line as follows: <u>(iv) artificial outdoor lighting conforms to national guidelines for CPTED</u>
FS1269.19	Housing New Zealand Corporation	Oppose

42.1.2 Analysis

274. The submissions from John Lawson [825.30] and Malibu Hamilton [553.7] seek recognition of the contribution that light spill has to the night sky. In my opinion, the content of the policy in combination with the rules (particularly permitted activity Rule 17.2.7.1(a)(iii) C) have the consequential effect of limiting pollution of the night sky. There are parts of the district that will already be affected by light pollution from Auckland and Hamilton. This is a new policy that was not raised as a significant resource management issue during consultation, nor was it addressed in any Section 32 analysis. Accordingly, I have no basis upon which to include the suggested policy.
275. The submission from Counties Manukau Policy [297.24] is captured in Policy (a)(i) in the word 'security'. It is recommended that the matter of CPTED be included here.

42.1.3 Recommendations

276. The following amendment is recommended to Policy 4.5.37, as shown in Appendix 4 – Chapter 4: Urban Environment:

4.5.38 Policy – Artificial outdoor lighting

- (a) In the Business Town Centre and Business Zone ensure that:
- (i) Artificial outdoor lighting enables night time work, recreation activities, outdoor living, transport and security ([including the role of lighting in supporting CPTED](#)).

277. It is recommended that the submissions from New Zealand Transport Agency [742.27] and Counties Manukau Police [297.24] be **accepted**.
278. It is recommended that the submissions from John Lawson [825.30] and Malibu Hamilton [553.7] be **rejected**.

42.1.4 Section 32AA evaluation

279. As the changes to the policy are an expansion of the wording already contained in the policy, no s32AA evaluation has been required to be undertaken.
280. I note that a full s32AA evaluation was undertaken under Section 4.2.4 (paragraphs 160 – 166) of Hearing Report H6: Village Zone, where a new policy introducing CPTED was recommended (as opposed to an elaboration of a policy as is the situation for Policy 4.5.38). I concur with the s32AA evaluation in Hearing Report H6 and adopt it for this report.

43 Section 4.5 – Policy 4.5.41 – Earthworks

43.1.1 Submissions

Submission point	Submitter	Summary of submission
297.16	Counties Manukau Police	Add to Policy 4.5.41 Earthworks a new line as follows: <u>Manage the earthworks site to ensure that resources at the site are safe and to minimise the risk of victimisation</u>
FS1269.14	Housing New Zealand Corporation	Oppose
697.550	Waikato District Council	Amend Policy 4.5.41 (a) Earthworks as follows: Ensure that the adverse effects of <u>Manage</u> earthworks in the Business Town

		Centre Zone and Business Zone on adjoining properties and water bodies, are managed to minimise the adverse effects and sediment of dust and stormwater runoff.
559.52	Heritage New Zealand Lower Northern Office	Retain Policy 4.5.41 Earthworks, except for the amendments sought below. AND Add a new clause 'b' to Policy 4.5.41 Earthworks as follows: (a)... <i>(b) Earthworks are designed and undertaken in a manner that they do not adversely affect historic heritage and cultural values.</i>

43.1.2 Analysis

281. The submission from Counties Manukau Police [297.16] seeks to introduce a policy that is unrelated to the purpose of Policy 4.5.41, which is the control of sediment, dust and stormwater runoff. The matters sought in the submission, which relate to security of the site from theft and vandalism, are matters for the operator, not district plan matters.
282. The changes recommended by Waikato District Council [697.550] seek clearer wording. I note that there are grammatical errors in the policy that have not been noted in the submission. As they do not change the intent of the policy, they are also recommended.
283. The submission from Heritage New Zealand Lower Northern Office [559.52] seeks that adverse effects on heritage be included. It is noted that the Hearing Panel has directed that the PWDP be reformatted in accordance with the National Planning Standards, and when that is done, all earthworks provisions will be included as a chapter in Part 2 – General District-Wide Matters. That is the relevant chapter to include specific matters in relation to earthworks and historic heritage. To assist in this reformatting exercise, I have included wording to Policy 4.5.41 that can be relocated to the correct section.

43.1.3 Recommendations

284. The following amendment is recommended to Policy 4.5.37, as shown in Appendix 4 – Chapter 4: Urban Environment:

4.5.41 Policy - Earthworks

- (a) ~~Ensure that the adverse effects of Manage~~ earthworks in the Business Town Centre Zone and Business Zone ~~on adjoining properties and water bodies, are managed~~ to minimise:
- (i) the adverse effects ~~and of sediment, of~~ dust and stormwater runoff; **and**
- (ii) adverse effects on heritage.**

285. It is recommended that the submission from Waikato District Council [697.550] be **accepted**.
286. It is recommended that the submission from Heritage New Zealand Lower Northern Office [559.52] be **accepted**, and that this submission be included as part of the reformatting exercise.
287. It is recommended that the submission from Counties Manukau Police [297.16] be **rejected**.

43.1.4 Section 32AA evaluation

288. The heritage consideration added to Policy 4.5.41 is justified within the s32 report for heritage provisions of the PWDP, in particular the evaluation of Policy 7.1.3(b), to protect

heritage items and their values from inappropriate subdivision, use and development of land. Accordingly, no s32AA evaluation has been required to be undertaken.

44 Section 4.5 – Policy 4.5.42 – Adjoining site amenity

44.1.1 Submissions

Submission point	Submitter	Summary of submission
588.5	Woolworths NZ Ltd	Delete Policy 4.5.42 Adjoining site amenity. AND Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.
<i>FS1388.973</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
633.1	Van Den Brink Group	Delete Policy 4.5.42(a)(ii) Adjoining site amenity to reduce height adjoining residential or reserve zoned land. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
<i>FS1387.26</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>

44.1.2 Analysis

289. These submission points were addressed in Section 39 of this report, which noted that this policy is a repeat of Policy 4.5.32.

44.1.3 Recommendations

290. It is recommended that Policy 4.5.42 be deleted.

291. It is recommended that the submissions from Woolworths NZ Ltd [588.5] and Van Den Brink Group [633.1] be **accepted**.

44.1.4 Section 32AA analysis

292. As the deletion of the policy is to remove duplication, no s32AA evaluation has been required to be undertaken.

45 Chapter 17: Business Zone – General

45.1.1 Submissions

Submission point	Submitter	Summary of submission
81.125	Waikato Regional Council	Amend rules in Chapter 17 : Business Zone to capture the intended location specific character and density sought.
<i>FS1223.158</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
296.4	Terra Consultants (CNI) Ltd	Retain the provisions of Chapter 17 – Business Zone as notified
<i>FS1386.305</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>

871.10	Brendon John & Denise Louise Strong	Retain Chapter 17 Business Zone, with the exception of Rules 17.3.1.1 PI Height - Building General; 17.3.2 PI Daylight admission; 17.3.4.2 Building setbacks - Water bodies; and 17.4.1.7 Esplanade reserves and esplanade strips (which are addressed in other submission points).
--------	-------------------------------------	---

45.1.2 Analysis

293. The submission from Waikato Regional Council [81.125] is a general one that contends: “Further, there are no rules or other methods in Chapters 16 and 17 that are clearly targeted to achieve the outcomes sought for particular towns and villages identified in Policies 4.10-4.1.18.”
294. The objectives and policies in Chapter 4 of the PWDP (in particular) are implemented through providing for different activities, with different activity status, land use effects, building and subdivision rules. In the absence of specific amendments sought to Chapter 17, it is difficult to know which of the character and density policies the submitter considers are not addressed.
295. The submission from Terra Consultants (CNI) Ltd [296.4] and Brendon John & Denise Louise Strong [871.10] are general in support.

45.1.3 Recommendations

296. For the above reasons, no changes or deletions for Chapter 17 are recommended in response to these submissions.
297. It is recommended that the submissions from Terra Consultants (CNI) Ltd [296.4] and Brendon John & Denise Louise Strong [871.10] be **accepted**.
298. It is recommended that the submission from Waikato Regional Council [81.125] be **rejected**.

45.1.4 Section 32AA evaluation

299. As there is no change to Chapter 17, no s32AA evaluation has been required to be undertaken.

46 Chapter 17: Business Zone – Corrections

46.1.1 Submissions

Submission point	Submitter	Summary of submission
697.161	Waikato District Council	Amend Chapter 17 Business Zone heading to read as follows: Business Zone <u>Rules</u>
FS1387.461	Mercury NZ Limited	Oppose
697.162	Waikato District Council	Amend Rule 17(2) Chapter 17: Business Zone, as follows: The rules that apply to subdivision in the Business Zone are contained in Rule 17.4 <u>and the relevant rules in 14 Infrastructure and Energy; and 15 Natural Hazards and Climate Change (Placeholder)</u> .
FS1387.462	Mercury NZ Limited	Oppose

46.1.2 Analysis

300. Both submission points are clarification and are agreed with.

46.1.3 Recommendations

301. It is recommended that the submissions from Waikato District Council [697.161 and 697.162] be **accepted**.

302. The following amendment is recommended to Chapter 17: Business Zone, as shown in Appendix 3 – Chapter 17: Business Zone:

Chapter 17: Business Zone Rules

- (1) The rules that apply to activities in the Business Zone are contained in **Rule 17.1** Land Use – Activities, **Rule 17.2** Land Use – Effects and **Rule 17.3** Land Use – Building.
- (2) The rules that apply to subdivision in the Business zone are contained in **Rule 17.4** and the relevant rules in **14 Infrastructure and Energy**, and **15 Natural Hazards and Climate Change (Placeholder)**.

46.1.4 Section 32AA evaluation

303. As the changes to Chapter 17 are clarification of which rules apply, no s32AA evaluation has been required to be undertaken.

47 Chapter 17: Business Zone – 17.1.2 Permitted Activities

47.1.1 Submissions

Submission point	Submitter	Summary of submission
588.14	Woolworths NZ Ltd	Add a new rule within Section 17.1 Land Use - Activities as follows: <i>17.3[x] Gross floor area PI Any individual tenancy must have a gross floor area of greater than 500m2 RDI (a) Any individual tenancy with a gross floor area less than 500m2 (b) The Council's discretion shall be limited to the following matters: i. Design and location of the building ii. Effects on vitality and amenity of nearby Business Town Centre zones and centres.</i> AND Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.
FS1193.26	Van Den Brink Group	Oppose
FS1078.13	Hugh Green Limited	Oppose
FS1388.975	Mercury NZ Limited	Oppose
326.5	Raglan Chamber of Commerce	Add "Relocatable Home Park" to Rule 17.1.2 Permitted Activities, to include 'Relocatable Home Park' AND Add a definition to Chapter 13 Definitions, that describes a "Relocatable home park".
FS1386.382	Mercury NZ Limited	Oppose
392.3	Hugh Green Limited	Add "Retail activity" to Rule 17.1.2 Permitted activities, as a separate activity to the wider-defined "Commercial activity" (already a permitted activity). AND Amend the Proposed District Plan to provide alternative, additional or consequential amendments/relief as necessary to achieve consistency with the other submission points and to satisfy submitter's concerns or

		such alternative relief to satisfy the concerns of the submitter.
FSI388.100	Mercury NZ Limited	Oppose
965.3	Sandra Ellmers Family Trust	Add a new activity to Rule 17.1.2 Permitted Activities for "multi unit development".
FSI276.165	Whaingaroa Environmental Defence Inc. Society	Oppose
FSI387.1603	Mercury NZ Limited	Oppose
378.31	Fire and Emergency New Zealand	Add a new activity to Rule 17.1.2 Permitted Activities, as follows: <u>(x) Emergency services training and management activities.</u> AND Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.
FSI388.34	Mercury NZ Limited	Oppose
FSI035.137	Pareoranga Te Kata	Support
785.38	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited 'Oil Companies'	Add a new activity to Rule Chapter 17.1.2 – Permitted Activities as follows : <u>Service Station activity</u> <u>Activity Specific Conditions Nil</u> OR Retain commercial and retail activities as permitted activities in Rule 17.1.2 Permitted Activities, with service stations being clearly defined as one or both activities). AND Any consequential amendments or further relief to give effect to the submission.
FSI193.25	Van Den Brink Group	Support
746.53	The Surveying Company	Add a new permitted activity (P19) to Rule 17.1.2 Permitted Activities, as follows: <u>P19 Multi-unit development of up to five units complying with the conditions</u> AND Add the conditions from Rule 17.1.3 RDI to the new rule.
FSI202.79	New Zealand Transport Agency	Support
FSI387.931	Mercury NZ Limited	Oppose
633.20	Van Den Brink Group	Add the construction of a building as a permitted activity (which complies with the development controls) to Rule 17.1.2 Permitted Activities. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
588.13	Woolworths NZ Ltd	Amend Rule 17.1.2 P2 Commercial activities Activity Specific Condition as follows: <u>Nil Subject to Control 17.3[x] regarding Gross floor area</u> AND Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.
FSI388.974	Mercury NZ Limited	Oppose
FSI193.22	Van Den Brink Group	Oppose
FSI078.12	Hugh Green Limited	Oppose
81.153	Waikato Regional Council	Amend Rule 17.1.2 Permitted Activities – P1 Commercial activity and P2 Commercial services to clarify which particular activities are appropriate for each zone.
FSI223.30	Mercury NZ Limited	Support

FSI193.21	Van Den Brink Group	Oppose
FSI078.2	Hugh Green Limited	Oppose
310.12	Whaingaroa Raglan Affordable Housing Project	Amend Rule 17.1.2 Permitted Activities, by including "Relocatable Home Park" as a permitted activity in the Business Zone. AND Add a definition to Chapter 13 Definitions for "Relocatable Home Park."
FSI386.368	Mercury NZ Limited	Oppose
FSI276.21	Whaingaroa Environmental Defence Inc. Society	Support
697.163	Waikato District Council	Amend Rule 17.1.2(1) Permitted Activities, as follows: The activities listed below are permitted activities if they comply with <u>meet</u> all of the following: (a) <u>Activity-specific conditions</u> ; and (b) Land Use – Effects rules in Rule 17.2 (<u>unless the activity-specific rule and/or conditions identifies a condition(s) that does not apply</u>); and (c) Land Use – Building rules in Rule 17.3 (unless the activity-specific rule and/or conditions identifies a condition(s) that does not apply); and (d) <u>Activity-specific conditions</u> .
FSI387.463	Mercury NZ Limited	Oppose
392.2	Hugh Green Limited	Amend the activity-specific conditions for Rule 17.1.2 P4 Permitted activities, as follows: Located above ground floor level nil. AND Amend the Proposed District Plan to provide alternative, additional or consequential amendments/relief as necessary to achieve consistency with the other submission points and to satisfy submitter's concerns or such alternative relief to satisfy the concerns of the submitter.
FSI388.99	Mercury NZ Limited	Oppose
697.164	Waikato District Council	Delete Rule 17.1.2 (P2) Commercial services.
FSI387.464	Mercury NZ Limited	Oppose
FSI193.23	Van Den Brink Group	Oppose
FSI078.34	Hugh Green Limited	Oppose
697.165	Waikato District Council	Delete Rule 17.1.2 P11 Hauora.
FSI387.465	Mercury NZ Limited	Oppose
82.1	320 Limited trading as Kids Time Kindergarten and Kids Time Early Learning Centre	No specific decision sought, but submission states support for Rule 17.1.2 Permitted Activities.
FSI386.67	Mercury NZ Limited	Oppose
943.36	McCracken Surveys Limited	Retain Child care facility, as a permitted activity in Rule 17.1.2 P6.
FSI387.1583	Mercury NZ Limited	Oppose
FSI325.4	Avondale Trust	Support
742.134	New Zealand Transport Agency	Retain Rule 17.1.2 P17 Permitted Activities - Temporary event as notified.
FSI387.885	Mercury NZ Limited	Oppose

496.6	The Department of Corrections	Retain Rule 17.1.2 P3 Permitted Activities.
FSI388.493	Mercury NZ Limited	Oppose
749.126	Housing New Zealand Corporation	Retain Rule 17.1.2 Permitted Activities as notified.
FSI387.1045	Mercury NZ Limited	Oppose
633.19	Van Den Brink Group	Retain the activities listed in Rule 17.1.2 PI – P14 as Permitted Activities AND Add Retail activities as a Permitted activity to Rule 17.1.2 Permitted Activities. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
FSI387.37	Mercury NZ Limited	Oppose
FSI078.28	Hugh Green Limited	Support

47.1.2 Analysis

Retain Activities

304. The submissions from 320 Limited trading as Kids Time Kindergarten and Kids Time Early Learning Centre [82.1], McCracken Surveys Limited [943.36], New Zealand Transport Agency [742.134], The Department of Corrections [496.6] and Housing New Zealand Corporation [749.19] all support the permitted activities as a whole or with reference to specific activities. These submissions are supported, noting that there are minor changes to the permitted activity wording as a result of other submissions.

Residential

305. The submissions from Raglan Chamber of Commerce [326.5], Sandra Ellmers Family Trust [965.3], The Surveying Company [746.53], Whaingaroa Raglan Affordable Housing Project [310.12] and Hugh Green Limited [392.2] seek the addition of provisions for relocatable home parks, multi-unit residential development and for residential to be at ground floor.

306. The provision of relocatable home parks as a permitted activity in the Business Zones of the district could be inconsistent with the purpose of the zone, depending on its scale, location and potential reverse sensitivity effects. In my opinion, such activities should be assessed through the resource consent application process, as is provided under Rule 17.1.5 Non-complying activities (NC3).

307. 'Multi-unit development' above ground floor is provided for as a restricted discretionary activity, subject to meeting listed conditions (refer to Rule 17.1.3). This activity status (along with the matters of discretion) indicates that multi-unit developments may be suitable in the Business Zone, but they require consideration as to the suitability of the activity within the Business Zone. In my opinion, this activity status provides an enabling approach, with opportunity for suitable consideration as to the detail of the proposed development within the context it is proposed to be located.

308. The purpose of the Business Zone is to provide for commercial and other business activities. Providing for residential activities as a permitted activity on the ground floor has the potential for the zone to developed essentially as a residential zone, which is contrary to the purpose of the zone.

Commercial Activities (PI, P2 and P11)

309. The submissions from Waikato Regional Council [81.153] and Waikato District Council [697.164 and 697.165] seek clarity around the provision for 'Commercial activity', 'Commercial services', and 'Hauora'.
310. Both commercial activities and commercial services are activities that would be anticipated to be suitable in the Business Zone. Commercial activities relate to the sale or distribution of good and services, and commercial services involve a wider range of repair and services (such as dry cleaning). I note that Hearing Report H5: Definitions, recommends deletion of the term 'commercial services', with these being included within the definition of 'commercial activities'. In my opinion, both should be provided, and I do not consider that providing for these activities in the Business Zone is contrary to the Business Town Centre Zone. Different activities will locate in both zones, depending on the availability of suitable premises and the scale of the business to support a town centre location.
311. I concur that Hauora services are provided for within a marae complex. However, where there is no marae complex, they should still be able to be established and operate. Although they could be considered to come within the definition of 'Health facility', I consider the PWDP should clearly indicate that the specific provision of health services within a Hauora facility should be provided.

Scale

312. The submissions from Woolworths [588.14 and 588.13] and the submission from Waikato Regional Council [81.153] (refer above) both seek a differentiation between the nature and scale of activities between the Business and Business Town Centre Zones. Policy 4.5.2(a)(ii) seeks to provide for larger-scale commercial activities in the Business Zone. However, there are no standards that support or implement that policy, accordingly the amendment to introduce a scale within the Business Zone to require larger gross floor areas for commercial activities, is supported.

Retail

313. The submissions from Hugh Green Limited [392.3] and Van Den Brink Group [633.19] seek the addition of 'Retail activity'. However, the addition of this activity would be contrary to the policy direction (such as Policy 4.5.2(a)(i)), that seeks to direct retail activity to the Business Town Centre.

Service Stations

314. The submission from the Oil Companies [785.38] seeks the inclusion of 'Service stations'. There is no specific definition of 'Service station' in the PWDP and I note that Hearing Report H5: Definitions rejects the inclusion of such an activity. In my opinion, service stations come within the definition of 'Commercial activities' and no specific activity listing is required.

Emergency services

315. The submission from Fire and Emergency New Zealand [378.31] seeks the addition of training and management activities. Such activities are suitable and anticipated in the Business Zone.

Buildings

316. The submission from Van Den Brink Group [633.20] seeks the addition of construction of a building. In my opinion, there is no need to provide this activity, as the construction of a building is encompassed within the provision for the activity or facility.

Rule clarity

317. The submission from Waikato District Council [697.163] clarifies the manner in which the rules are to operate.

47.1.3 Recommendations

318. It is recommended that the submissions from 320 Limited trading as Kids Time Kindergarten and Kids Time Early Learning Centre [82.1], McCracken Surveys Limited [943.36], New Zealand Transport Agency [742.134], The Department of Corrections [496.6], Fire and Emergency New Zealand [378.31], Housing New Zealand Corporation [749.19], Waikato Regional Council [81.153], Woolworths [588.14 and 588.13] and Waikato District Council [697.161, 697.162 and 697.163] be **accepted**.

319. It is recommended that the submissions from Raglan Chamber of Commerce [326.5], Sandra Ellmers Family Trust [965.3], The Surveying Company [746.53], Whaingaroa Raglan Affordable Housing Project [310.12], Hugh Green Limited [392.3], Van Den Brink Group [633.19], Hugh Green Limited [392.2], Waikato District Council [697.164 and 697.165], Van Den Brink Group [633.20] and Oil Companies [785.38] be **rejected**.

320. The following amendments are recommended to Chapter 17: Business Zone, as shown in Appendix 3 – Chapter 17: Business Zone:

17.1.2 Permitted Activities

- (l) The ~~following~~ activities ~~listed below~~ are permitted activities if they ~~comply with~~ meet all of the ~~following~~:
 - (a) ~~Activity- specific conditions~~;
 - (b) Land Use – Effects rules in **Rule 17.2** (~~unless the activity-specific rule and/or conditions identifies a condition(s) that does not apply~~); and
 - ~~(c)~~ Land Use – Building rules in **Rule 17.3** (unless the activity-specific rule and/or conditions identifies a condition(s) that does not apply). ~~;~~ ~~and~~
 - (d) ~~Activity-specific conditions~~.

PI	Commercial activity	Nil <u>Any individual tenancy must have a gross floor area of greater than 500m²</u>
P19	<u>Emergency services training and management activities</u>	Nil

47.1.4 Section 32AA evaluation

321. The analysis in Section 47.1.2 confirmed that there was no supporting rule to give effect to Policy 4.5.2(a)(ii) in particular. No additional s32AA evaluation is required in this instance, as that was undertaken to determine the policy direction. There was a lack of specific rules to give effect to the policy.

322. As there is no change to the permitted activities with respect to the provision of retail and residential activities, no s32AA evaluation has been required to be undertaken. The two activities proposed to be included are anticipated in the zone - it was lack of clarity in the activity status that needed to be corrected.

48 Chapter 17: Business Zone – 17.1.3 Restricted Discretionary Activities

48.1.1 Submissions

Submission point	Submitter	Summary of submission
780.7	Whaingaroa Environmental Defence Incorporated Society	Add provisions to Chapter 17 – Business Zone, to restrict further holiday accommodation in Raglan's residential and business areas. AND Add provisions for an area of high density development near the cement silos, of similar height to them and to the density and design of a traditional European fishing village, available for low cost purchase and rental by permanent residents for leases of no less than a year.
FS1387.1193	Mercury NZ Limited	Oppose
825.7	John Lawson	Add provisions to Chapter 17 – Business Zone, to restrict further holiday accommodation in Raglan's residential and business areas. AND Add provisions for an area of high density development near the cement silos, of similar height to them and to the density and design of a traditional European fishing village, available for low cost purchase and rental by permanent residents for leases of no less than a year.
FS1387.1316	Mercury NZ Limited	Oppose
697.327	Waikato District Council	Add new provisions to Chapter 17 Business Zone to include new provisions for new retirement villages to establish; AND Add provisions for alterations and additions to existing retirement villages as a Restricted Discretionary Activity; AND Add new policies similar to Policies 4.2.13 and 4.2.19 (Residential Zone) to Chapter 4 Urban Environment, to support the proposed provisions.
FS1387.528	Mercury NZ Limited	Oppose
FS1193.27	Van Den Brink Group	Support
697.170	Waikato District Council	Add to Rule 17.1.3 Restricted Discretionary Activities a new activity rule, as follows: RD2 <u>A new retirement village or alterations to an existing retirement village:</u> (a) <u>All residential units must not be located at ground level;</u> (b) <u>The site is connected to public water and wastewater infrastructure;</u> (c) <u>Minimum living court or balcony area and dimensions:</u> (i) <u>Apartment – 10m² area with minimum dimension horizontal and vertical of 2.5m;</u> (ii) <u>Studio unit or 1 bedroom unit – 12.5m² area with minimum dimension horizontal and vertical of 2.5m; or (iii) 2 or more bedroomed unit – 15m² area with minimum dimension horizontal and vertical of 2.5m;</u> (d) <u>Minimum service court is either:</u> (i) <u>Apartment – Communal outdoor space (ie no individual service courts required) of at least 5m² with a minimum dimension of 1.5 metres for each apartment;</u> or (ii) <u>All other units – 10m² with a minimum dimension of 1.5 metres for each unit;</u> (e) <u>The following Land Use – Effects rule in Rule 17.2 does not apply:</u> (i) <u>Rule 17.2.7 (Signs);</u> (f) <u>The following Infrastructure and Energy rule in Chapter 14 does not apply:</u> A. <u>Rule 14.12.1 P4(1)(a) (Traffic</u>

		<i>generation). Matters of Discretion (a) Effects on amenity values; (b) Integration with the existing business environment; (c) Connectivity to public reticulated public water supply and wastewater; (d) Bulk and scale of the retirement village development; (e) Potential reverse sensitivity effects; (f) Effects on the roading network.</i>
FS1387.470	Mercury NZ Limited	Oppose
378.82	Fire and Emergency New Zealand	Add a new activity to Rule 17.1.3, to include the following as a Restricted Discretionary Activity: <i>(x) Emergency service facilities.</i> AND Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.
FS1388.58	Mercury NZ Limited	Oppose
FS1035.189	Pareoranga Te Kata	Support
578.84	Ports of Auckland Limited	Add matters of discretion to Rule 17.1.3 RD1 Restricted Discretionary Activities, to provide for the avoidance of reverse sensitivity and protection of lawfully established industrial activities from reverse sensitive effects. The matters of discretion will read: (a) Council's discretion is limited to the following matters: (i) The extent to which the development is consistent with Town Centre Guidelines contained in Appendix 3.3; ... (ix) Geotechnical suitability for building. <i>(x) Avoidance of reverse sensitivity effects on industrial activities; (xi) Protection of noise sensitive activities from the effects of noise generated by industrial activities.</i> AND Amend the Proposed District Plan to make alternative or consequential amendments as necessary to address the matters raised in the submission.
FS1388.871	Mercury NZ Limited	Oppose
FS1322.23	Synlait Milk	Support
FS1110.37	Synlait Milk Limited	Support
81.156	Waikato Regional Council	Add to Rule 17.1.3 – RD 1 A Multi-Unit development a new condition as follows: <i>The development is either serviced by or within 400m walking distance of public transport.</i>
FS1223.32	Mercury NZ Limited	Support
FS1202.80	New Zealand Transport Agency	Support
FS1078.4	Hugh Green Limited	Oppose
697.169	Waikato District Council	Add to Rule 17.1.3 Restricted Discretionary Activities RD1 a new condition (viii) as follows: <i>(viii) Each residential unit must meet the following minimum unit size: Unit of Apartment Minimum Unit Area Studio unit or 1 bedroom unit 60m² 2 bedroom unit 80m² 3 bedroom unit 100m²</i>
FS1387.469	Mercury NZ Limited	Oppose
FS1291.11	Havelock Village Limited	Oppose
FS1377.212	Havelock Village Limited	Oppose
831.26	Raglan Naturally	Amend matter of Discretion (a)(i) in Rule 17.1.3 RD1 Restricted Discretionary Activities, as follows: (i) To the extent which the

		development is consistent with <u>4.5.3 Policy – Commercial purpose: Business Town Centre Zone, in strengthening those areas as the primary retail, administration, commercial service and civic centre for each town and with</u> Town Centre Guidelines contained in Appendix 3;
780.26	Whaingaroa Environmental Defence Incorporated Society	Amend Rule 17.1.3 RDI (a)(i) Restricted Discretionary activities as follows: The extent to which the development is consistent with <u>4.5.3 Policy - Commercial purpose: Business Town Centre Zone, in strengthening those areas as the primary retail, administration, commercial service and civic centre for each town and with</u> Town Centre Guidelines contained in Appendix 3.3
FS1092.5	Garth & Sandra Ellmers	Oppose
FS1387.1201	Mercury NZ Limited	Oppose
825.26	John Lawson	Amend Rule 17.1.3 RDI (a)(i) Restricted Discretionary activities as follows: The extent to which the development is consistent with <u>4.5.3 Policy - Commercial purpose: Business Town Centre Zone, in strengthening those areas as the primary retail, administration, commercial service and civic centre for each town and with</u> Town Centre Guidelines contained in Appendix 3.3
FS1387.1324	Mercury NZ Limited	Oppose
FS1325.6	Avondale Trust	Oppose
FS1092.11	Garth & Sandra Ellmers	Oppose
697.167	Waikato District Council	Amend Rule 17.1.3 RDI (a) (i) and (ii) Restricted Discretionary Activities, as follows; (i) Land Use – Effects rules in... AND (ii) Land Use – Building rules in...
FS1387.467	Mercury NZ Limited	Oppose
965.4	Sandra Ellmers Family Trust	Amend Rule 17.1.3 RDI (a) (vii) Restricted Discretionary Activities, as follows: Residential Unit Minimum Area Minimum Dimension Studio Unit or 1 bedroom 10m² 2 1.5m 2 or more bedroom 15m² 2 1.5m
FS1387.1604	Mercury NZ Limited	Oppose
697.168	Waikato District Council	Amend Rule 17.1.3 RDI (a)(iv) Restricted Discretionary, as follows: (iv) A detailed site plan depicting the proposed lot record of title boundaries for each residential unit and any common areas (including access and services) must be provided, ensuring that a freehold (fee simple) or unit title subdivision complies with Rule 18.4.2 (Subdivision of multi-unit developments);
FS1387.468	Mercury NZ Limited	Oppose
749.127	Housing New Zealand Corporation	Amend Rule 17.1.3 RDI Restricted Discretionary Activities as follows: (a) A multi-unit development that meets all of the following conditions: ... (v) Each residential unit must be designed and constructed to achieve the internal design sound levels specified in Appendix I (Acoustic Insulation), Table 14; ... (vii) Living court area are provided above ground floor level to meet the following minimum requirements for each residential unit: ... Studio unit or 1 bedroom min area 10m ² <u>Min dimension: 1.5m</u> 2m 2 or more bedroom min area 15m ² <u>Min dimension: 1.5m</u> 2m AND Amend the matters of discretion for Rule 17.1.3

		Restricted Discretionary Activities Matters of Discretion as follows: (a) Council's discretion is limited to <u>any of</u> the following matters: (i) The extent to which the development is consistent with Town Centre Guidelines contained in Appendix 3.3; (ii) The extent to which the development is consistent with the Multi-unit design guidelines contained in Appendix 3.4; (iii) The extent to which the development contributes to and engages with adjacent streets and public open space; (iv) The extent to which the development creates visual quality and interest through the separation of buildings, variety in built form and architectural detailing, glazing and materials; (v) The extent to which the design of the development incorporates <u>energy efficiency measures such as</u> passive solar principlesa; (vi) Amenity values for occupants and neighbours in respect of outlook, privacy, noise, light spill, access to sunlight, living court orientation, site design and layout; ... AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
FS1371.28	Lakeside Development Limited	Support
FS1387.1046	Mercury NZ Limited	Oppose
633.21	Van Den Brink Group	Amend the activity status for more than one dwelling (i.e. multi-unit development) from Restricted Discretionary (Rule 17.1.3) to Permitted activity (Rule 17.1.2). AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
FS1387.38	Mercury NZ Limited	Oppose
392.4	Hugh Green Limited	Delete Rule 17.1.3 RDI condition (a)(iii) Restricted Discretionary Activities. AND Amend the Proposed District Plan to provide alternative, additional or consequential amendments/relief as necessary to achieve consistency with the other submission points and to satisfy submitter's concerns or such alternative relief to satisfy the concerns of the submitter.
FS1388.101	Mercury NZ Limited	Oppose
923.148	Waikato District Health Board	Retain Rule 17.1.3 RDI- Multi Unit Development as notified.
FS1387.1544	Mercury NZ Limited	Oppose
742.135	New Zealand Transport Agency	Retain Rule 17.1.3 RDI Restricted Discretionary Activities, except for the amendments sought below AND Add to Rule 17.1.3 RDI Restricted Discretionary Activities new matters of discretion as follows (x) <u>On-site parking and manoeuvring</u> (xi) <u>Safety and efficiency of the land transport network</u> . AND Request any consequential changes necessary to give effect to the relief sought in the submission.
FS1387.886	Mercury NZ Limited	Oppose

48.1.2 Analysis

Holiday accommodation, retirement villages and high density housing

323. The submissions from Whaingaroa Environmental Defence Incorporated Society [780.7] and John Lawson [825.7] seek the restriction on holiday accommodation in the business zone. The zone provides for 'Travellers' accommodation' as a permitted activity, which is a legitimate and accepted part of a Business zone.
324. The submissions also seek that provision be made near the cement silos at Raglan for high-density residential development as one way to provide for low cost purchase and rental by permanent residents. The purpose of the Business zone, as expressed in the objectives and policies, is not to provide for high density residential development, other than through multi-unit development above ground floor as a restricted discretionary activity. Policy 4.1.5(a) directs higher density housing and retirement villages to be located near to and support commercial centres, with Policy 4.2.19 directing the establishment of retirement villages to be in the Residential zone. In addition, the district plan cannot determine that housing provided is low cost and only for permanent residents.
325. The submissions from Waikato District Council [697.327 and 697.170] seek to provide for new retirement villages as a restricted discretionary activity (along with supporting policies). In my opinion, the policy direction that retirement villages locate near to commercial centres and support them (Policy 4.1.5(a)), along with the policy directing that residential activities be directed to above ground floor (Policy 4.5.11) and the permitted activity rules to provide for residential and multi-unit development to be accommodated above the first floor, set the right direction. The non-complying activity status for a retirement village complex should be assessed against this policy direction and adverse effects.

Emergency services

326. The submission from Fire and Emergency New Zealand [378.82] seeks the addition of emergency service facilities as a restricted discretionary activity (in addition to the training and management activities as a permitted activity). Such activities are suitable and anticipated in the Business Zone and should be enabled as a permitted activity.

Multi-unit development – Activity Status

327. The submissions from Van Den Brink Group [633.21] seek that multi-unit development be a permitted activity and the submission from Waikato District Health Board [923.148] supports the restricted discretionary activity status. For the reasons discussed in Section 47, in my opinion the restricted discretionary activity status provides the right status to consider the specific matters relevant to a permitted activity, and the ability to either decline an application or to approve with conditions.

Multi-unit development – Activity Status Criteria

328. The submission from Waikato Regional Council [81.156] seeks the addition of a walking distance to public transport. This criterion is suitable in a larger city where there is public transport within and around the city. However, for towns in the Waikato District this would have the effect of excluding most locations.
329. The submissions from Waikato District Council [697.167 and 697.168] clarify the wording of the rule.
330. The submission from Waikato District Council [697.169] seeks to include an additional minimum unit area standard to be met to be a restricted discretionary activity. In my opinion, the proposed standard is unnecessary as it makes any minor non-compliance change activity status to full discretionary, and the matter is already contained within Matter of Discretion (a)(ii) – Multi-unit design guidelines.

331. The submissions from Sandra Ellmers Family Trust [965.4] and Housing New Zealand Corporation [749.127] seek a reduction in the dimensions of the living courts. In my opinion, the dimensions proposed (6m² and 1.5m minimum dimension) are so small as to make the living court unusable. Consideration of different dimensions of living courts is provided as a discretionary activity.
332. The submission from Housing New Zealand Corporation [749.127] also seeks the deletion of the acoustic standard. Given the location of multi-units in the Business Zone, compliance with minimum residential noise amenity should be a standard, with non-compliance with the standard being considered as a discretionary activity.
333. The submission from Hugh Green Limited [392.4] seeks the deletion of the above ground criteria. The submission from The Surveying Company [746.54] seeks that residential development be provided on the ground floor where it adjoins a residential zone. In my opinion, this criterion is an important standard to be met to ensure that residential activities do not prejudice the development of business activities, and the consideration of ground floor residential development adjoining a residential zone can be considered through the resource consent process.

Multi-unit development – Matters of discretion

334. The submission from Ports of Auckland [578.84] seeks additional matters of discretion relating to reverse sensitivity. In my opinion, the matters in the submission are already contained in Matter of Discretion (a)(vi).
335. The submissions from Raglan Naturally [831.26], Whaingaroa Environmental Defence Incorporated Society [780.26] and John Lawson [825.26] seek the inclusion of Policy 4.5.3 in relation to the Business Town Centre. In my opinion, this is unnecessary, as the consideration of matters of discretion links to the relevant policy, and it is preferable for the consideration of policies to be determined on the nature of the activity.
336. The submission from Housing New Zealand Corporation [749.127] also seeks the deletion of criteria relating to acoustic insulation, design, energy efficiency and amenity. In my opinion, these are matters that should be considered to assist in residential development being integrated into and supporting the commercial areas.
337. The submission from New Zealand Transport Agency [742.135] seeks the addition of two matters of discretion relating to transport. Both matters are contained in the Town Centre Guidelines (Section 7) and in the Multi-unit design guidelines (Section 4).

48.1.3 Recommendations

338. It is recommended that the submissions from Fire and Emergency New Zealand [378.82], Waikato District Health Board [923.148] and Waikato District Council [697.167 and 697.168] be **accepted**.
339. It is recommended that the submissions from Whaingaroa Environmental Defence Incorporated Society [780.7], John Lawson [825.7], Waikato District Council [697.327, 697.169 and 697.170], Van Den Brink Group [633.21], Waikato Regional Council [81.156], Sandra Ellmers Family Trust [965.4], Housing New Zealand Corporation [749.127], Hugh Green Limited [392.4], The Surveying Company [746.54], Ports of Auckland [578.84], Raglan Naturally [831.26], Whaingaroa Environmental Defence Incorporated Society [780.26], John Lawson [825.26] and New Zealand Transport Agency [742.135] be **rejected**.
340. The following amendments are recommended to Chapter 17: Business Zone, as shown in Appendix 3 – Chapter 17: Business Zone:

P19	Emergency services facilities, training and management activities	Nil
-----	---	-----

- (a) A multi-unit development that meets all of the following conditions:
- (i) Land Use – Effects rules in Rule 17.2;
 - (ii) Land Use – Building rules in Rule 17.3, except the following rules do not apply:
 - (i) Rule 17.3.8 Dwelling;
 - (ii) Rule 17.3.9 Living court;
 - (iii) The multi-unit development must be located above the ground floor level;
- A detailed site plan depicting the proposed ~~lot~~ record of title boundaries for each residential unit and any common areas (including access and services) must be provided, ensuring that a freehold (fee simple) or unit title subdivision complies with Rule 17.4.2 (Subdivision of multi-unit housing developments);

48.1.4 Section 32AA evaluation

341. The addition of the activity status for emergency facilities is in accordance with the policy direction for the Business Zone and recognises that essential life and safety facilities should be able to locate within such areas. The other changes are to clarify the wording of the rules. Accordingly, no s32AA evaluation has been required to be undertaken.

49 Chapter 17: Business Zone – 17.1.4 Discretionary Activities

49.1.1 Submissions

Submission point	Submitter	Summary of submission
697.172	Waikato District Council	Amend Rule 17.1.4 D2 Discretionary Activities as follows: Any <u>permitted</u> activity that does not comply with one or more <u>of the</u> activity-specific conditions <u>for a permitted activity under in</u> Rule 17.1.2.
FS1387.472	Mercury NZ Limited	Oppose
697.171	Waikato District Council	Delete Rule 17.1.4 D1 Discretionary Activities; AND Consequential renumbering of D2 and D3.
FS1387.471	Mercury NZ Limited	Oppose

49.1.2 Analysis

342. The submissions from Waikato District Council [697.171 and 697.172] seek to clarify the wording of rules.
343. Submission [697.171] seeks the deletion of Rule 17.1.4 D1. However, I do not agree with the deletion, as then there is no activity status for a permitted activity that does not comply with an effects or building rule, as it is not covered within Rule 17.1.5 NC3. The rule needs to be worded in the same manner as proposed Rule 17.1.4 D2.

49.1.3 Recommendations

344. It is recommended that the submission from Waikato District Council [697.172] be **accepted**.
345. It is recommended that the submission from Waikato District Council [697.171] be **rejected**.
346. The following amendments are recommended to Chapter 17: Business Zone, as shown in Appendix 3 – Chapter 17: Business Zone:

D1	Any permitted activity that does not comply with one or more of the Land Use – Effects or Land Use –Building rules, unless specified in Rule 17.2 or 17.3 applies .
D2	Any permitted activity that does not comply with one or more of the activity-specific conditions for a permitted activity under in Rule 17.1.2 .
D3	Any multi-unit development that does not comply with one or more conditions for a restricted discretionary activity under Rule 17.1.3 RDI .

49.1.4 Section 32AA evaluation

347. The changes are to clarify the wording of the rules. Accordingly, no s32AA evaluation has been required to be undertaken.

50 Chapter 17: Business Zone – 17.1.5 Non-Complying Activities

50.1.1 Submissions

Submission point	Submitter	Summary of submission
679.5	Greenways Orchards Limited	Delete Rule 17.1.5 NCI Non-Complying Activities AND Add ground floor residential activity to Rule 17.1.4 Discretionary Activities.
<i>FS1387.153</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
<i>FS1078.33</i>	<i>Hugh Green Limited</i>	<i>Support</i>
<i>FS1078.32</i>	<i>Hugh Green Limited</i>	<i>Support</i>
392.5	Hugh Green Limited	Delete Rule 17.1.5 NCI Non-Complying Activities. AND Amend the Proposed District Plan to provide alternative, additional or consequential amendments/relief as necessary to achieve consistency with the other submission points and to satisfy submitter's concerns or such alternative relief to satisfy the concerns of the submitter.
<i>FS1388.102</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
679.6	Greenways Orchards Limited	Delete Rule 17.1.5 NC2 Non-Complying Activities AND Add ground floor residential activity to Rule 17.1.4 Discretionary Activities.
<i>FS1387.154</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
<i>FS1078.40</i>	<i>Hugh Green Limited</i>	<i>Support</i>
392.6	Hugh Green Limited	Delete Rule 17.1.5 NC2 Non-Complying Activities. AND Amend the Proposed District Plan to provide alternative, additional or

		consequential amendments/relief as necessary to achieve consistency with the other submission points and to satisfy submitter's concerns or such alternative relief to satisfy the concerns of the submitter.
FS1388.103	Mercury NZ Limited	Oppose
746.55	The Surveying Company	Delete Rule 17.1.5 NC2-Non-Complying Activities, and amend to a discretionary activity status as set out below AND Add a new discretionary activity (D4) to Rule 17.14 as follows: <u>Residential activity that does not comply with an activity specific condition for a permitted activity under Rule 17.1.2 P4.</u>
FS1387.933	Mercury NZ Limited	Oppose

50.1.2 Analysis

348. All the submissions seek a change in activity status for multi-unit and residential developments from non-complying to discretionary, where they are proposed to be at ground level.
349. In my opinion, the activity status of non-complying provides the level of assessment necessary for such activities against the objectives and policies of the district plan, as they have the potential to fundamentally challenge the outcome sought for the Business Zone.

50.1.3 Recommendations

350. It is recommended that the submissions from Greenways Orchards [679.5 and 679.6], Hugh Green Limited [392.5 and 392.6] and The Surveying Company [746.55] be **rejected**.

50.1.4 Section 32AA Evaluation

351. As there is no change to Chapter 17, no s32AA evaluation has been required to be undertaken.

51 Chapter 17: Business Zone – 17.2.1 Noise

51.1.1 Submissions

Submission point	Submitter	Summary of submission
697.173	Waikato District Council	Delete Rule 17.2.1(1) Noise; AND Undertake consequential renumbering.
923.149	Waikato District Health Board	Amend Rule 17.2.1.1 P2, P3, P4 and D1- Noise- General as follows: <u>P2 Sound measured in accordance with NZS 6801: 2008 and assessed in accordance with NZS 6802: 2008 must not exceed:</u> <u>(a) Noise measured the following noise limits at any point within any other site: (i) In the Business Zone must not exceed:</u> <u>(ii) A. 65dB LAeq(15min) dB (LAeq), 7am to 11pm every day; and</u> <u>(iii) B. 55B dB LAeq(15min) dB (LAeq) and 85dB (LAmax), 11pm to 7am the following day; (iv) 85dB LAFmax, 11pm to 7am the following day; (b) The permitted activity noise limits for the zone of any other site where sound is received. (i) In the Residential or Village Zone must not exceed: 55 dB (LAeq), 7am to 7pm; 50 dB</u>

		(LAeq), 7pm to 10pm; 45 dB (LAeq) and 75dB (LAmx), 10pm to 7am the following day. P3 (a) Noise measured within any site in any zone other than the Business Zone, Residential Zone or Village Zone must meet the permitted noise levels for that zone. P4 (a) Noise levels must be measured in accordance with the requirements of NZS 6801:2008 “Acoustics Measurement of Environmental Sound.” (b) Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 “Acoustics Environmental Noise.” D1 (a) Sound that is outside the scope of NZS 6802:2008 or a permitted activity standard; and (b) Sound Noise that does not comply with Rule 17.2.1.1 P1 or P2, P3 or P4.
697.174	Waikato District Council	Delete Rule 17.2.1.1 P3 and P4 Noise - General; AND Add to Rule 17.2.1.1 P2 Noise - General, as follows: (a) Noise measured within any site: (i) In the Business Zone must not exceed: A. 65dB (LAeq), 7am to 11pm every day; and B. 55dB (LAeq) and 85dB (LAmx), 11pm to 7am the following day; (ii) In the Residential or Village Zone must not exceed: A. 55dB (LAeq), 7am to 7pm; B. 50dB (LAeq), 7pm to 10pm; C. 45dB (LAeq) and 75dB (LAmx), 10pm to 7am the following day. <i>(b) Noise measured within any site in any zone other than the Business Zone, Residential Zone or Village Zone must meet the permitted noise levels for that zone. (c) Noise levels must be measured in accordance with the requirements of NZS 6801:2008 “Acoustics - Measurement of Environmental Sound”. (d) Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 “Acoustics - Environmental noise.</i> AND Amend Rule 17.2.1.1 DI Noise-General, as follows: Noise that does not comply with Rule 17.2.1.1 P2, P3 or P4.
378.83	Fire and Emergency New Zealand	Retain Rule 17.2.1.1 Noise - General, as notified.
<i>FS1035.190</i>	<i>Pareoranga Te Kata</i>	<i>Support</i>
697.175	Waikato District Council	Amend Rule 17.2.1.2 P1 Noise – Construction, as follows: (a) Construction noise must not exceed meet the limits in NZS 6803:1999 (Acoustics – Construction Noise); and
697.176	Waikato District Council	Amend Rule 17.2.1.2 RDI Noise – Construction, as follows: (a) Construction noise that does not comply with Rule 17.2.1.2 P1.
785.25	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited ‘Oil Companies’	Retain Rule 17.2.1.2 Noise – Construction as notified.

51.1.2 Analysis

352. The submissions from Waikato District Council [697.173, 697.174, 697.175 and 697.176] and Waikato District Health Board [923.149] are rule clarification changes.
353. The submissions from Fire and Emergency New Zealand [378.83] and Oil Companies [785.25] seek retention of the noise rules.

51.1.3 Recommendations

354. It is recommended that the submissions from Waikato District Council [697.173, 697.174, 697.175 and 697.176], Waikato District Health Board [923.149], Fire and Emergency New Zealand [378.83] and Oil Companies [785.25] be **accepted**.
355. The following amendments are recommended to Chapter 17: Business Zone, as shown in Appendix 3 – Chapter 17: Business Zone:

17.2.1.1 Noise – General

PI	Farming noise, and noise generated by emergency generators and emergency sirens.
P2	<p>(a) Noise measured within any site:</p> <p>(i) In the Business Zone must not exceed:</p> <p>A. 65dB (L_{Aeq}) L_{Aeq(15 min)}, 7am to 11pm every day; and</p> <p>B. 55dB (L_{Aeq}) L_{Aeq(15 min)}, 11pm to 7am the following day; and</p> <p>C. 85dB (L_{Amax}) L_{Amax}, 11pm to 7am the following day;</p> <p>(ii) In the Residential or Village Zone must not exceed:</p> <p>A. 55dB (L_{Aeq}) L_{Aeq(15 min)}, 7am to 7pm;</p> <p>B. 50dB (L_{Aeq}) L_{Aeq(15 min)}, 7pm to 10pm;</p> <p>C. 45dB (L_{Aeq}) L_{Aeq(15 min)}, 10pm to 7am the following day and</p> <p>D. 75dB (L_{Amax}) L_{Amax}, 10pm to 7am the following day.</p> <p>(b) <u>Noise measured within any site in any zone other than the Business Zone, Residential Zone or Village Zone must meet the permitted noise levels for that zone.</u></p> <p>(c) <u>Noise levels must be measured in accordance with the requirements of NZS 6801:2008 “Acoustics - Measurement of Environmental Sound”.</u></p> <p>(d) <u>Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 “Acoustics - Environmental noise”.</u></p>
P3	(a) Noise measured within any site in any zone other than the Business Zone, Residential Zone or Village Zone must meet the permitted noise levels for that zone.
P4	<p>(a) Noise levels must be measured in accordance with the requirements of NZS 6801:2008 “Acoustics - Measurement of Environmental Sound”.</p> <p>(b) Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 “Acoustics - Environmental noise”.</p>
DI	Noise that does not comply with <u>Rule 17.2.1 P2, P3 or P4.</u>

17.2.1.2 Noise – Construction

PI	<p>(a) Construction noise must meet <u>not exceed</u> the limits in NZS 6803:1999 (Acoustics – Construction Noise); and</p> <p>(b) Construction noise must be measured and assessed in accordance with the requirements of NZS6803:1999 ‘Acoustics – Construction Noise’.</p>
RDI	<p>(a) Construction noise that does not comply with <u>Rule 17.2.1.2 PI.</u></p> <p>(b) Council’s discretion is restricted to the following matters:</p> <p>(i) Effects on amenity values;</p> <p>(ii) Hours and days of construction;</p> <p>(iii) Noise levels;</p> <p>(iv) Timing and duration; and</p> <p>(v) Methods of construction.</p>

51.1.4 Section 32AA evaluation

356. As all the changes to Chapter 17 are to provide clarity to the rules and update to the latest metrics, no s32AA evaluation has been required to be undertaken.

52 Chapter 17: Business Zone – 17.2.2 Servicing and hours of operation

52.1.1 Submissions

Submission point	Submitter	Summary of submission
749.128	Housing New Zealand Corporation	Amend Rule 17.2.2 PI Servicing and hours of operation as follows: The loading and unloading of vehicles and the receiving of customers and deliveries associated with a commercial activity on a site adjoining <u>a residential activity and/or</u> the Residential and Village Zones may occur between 6.30am and 7.30pm. AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
697.177	Waikato District Council	Amend Rule 17.2.2 PI Servicing and hours of operation, as follows: The loading and unloading of vehicles and the receiving of customers and deliveries associated with a commercial activity on a site adjoining the Residential and Village Zones may <u>must only</u> occur between 6.30 am and 7.30 8.00pm.
<i>FS1291.12</i>	<i>Havelock Village Limited</i>	<i>Support</i>
<i>FS1377.213</i>	<i>Havelock Village Limited</i>	<i>Support</i>

52.1.2 Analysis

357. The submission from Housing New Zealand Corporation [749.128] seeks to protect residential activities from commercial activity effects. This part of the submission relates to the Corporation's overall submission seeking the deletion of the rule requiring acoustic insulation of residential units. In my opinion, the reverse sensitivity effects of residential activities within the Business Zone on commercial activities needs to be addressed through the acoustic insulation, otherwise activities in the Business Zone are constrained.
358. The submission from Waikato District Council [697.177] seeks to enable more flexible use of the site and proposes amended hours which are reasonable, taking into account the hours for noise.

52.1.3 Recommendations

359. It is recommended that the submission from Waikato District Council [697.177] be **accepted**.
360. It is recommended that the submission from Housing New Zealand Corporation [749.128] be **rejected**.
361. The following amendments are recommended to Chapter 17: Business Zone, as shown in Appendix 3 – Chapter 17: Business Zone:

17.2.2 Servicing and hours of operation

PI	The loading and unloading of vehicles and the receiving of customers and deliveries associated with a commercial activity on a site adjoining the Residential and Village Zones may must only occur between 6.30 6.00am and 7.30 8.00pm.
-----------	--

52.1.4 Section 32AA evaluation

362. As the changes to Chapter 17 are to provide clarity to the rules and to make minor changes to align the hours of operation to reasonable times, no s32AA evaluation has been required to be undertaken.

53 Chapter 17: Business Zone – 17.2.3 Onsite parking areas - Landscaping

53.1.1 Submissions

Submission point	Submitter	Summary of submission
965.5	Sandra Ellmers Family Trust	Amend Rule 17.2.3 PI (a) (i) Onsite parking areas - Landscaping, as follows: (i) The car parking area must be separated from the road by a 1.5 1m wide planting strip, with the exception of vehicle access points;
FSI 276.29	Whaingaroa Environmental Defence Inc. Society	Oppose
588.15	Woolworths NZ Ltd	Amend Rule 17.2.3D1 On-site parking areas - Landscaping from a discretionary activity to a restricted discretionary activity as follows: <u>RDI (a) On-site parking areas that do not comply with Rule 17.2.3 PI. (b) The Council's discretion shall be limited to the following matters: i. Design and location of the parking area ii. Effects on streetscape amenity.</u> AND Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.
633.23	Van Den Brink Group	Retain Rule 17.2.3 PI On site parking areas - Landscaping in relation to the 1.5m landscape strip. OR Amend Rule 17.2.3 PI On site parking areas to reduce the 1.5m landscape strip requirement. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.

53.1.2 Analysis

363. The submission from Sandra Ellmers Family Trust [965.5] seeks to reduce the planting strip to 1 metre wide. In my opinion, the 1.5 metre width is just sufficient to provide a landscaping strip in which plants can survive, and there is no justification for a reduction.

364. The submission from Van Den Brink Group [633.23] supports both the retention of the strip or a reduction.
365. The submission from Woolworths NZ Ltd [588.15] proposes that the activity status changes from discretionary to restricted discretionary. In my opinion, this is reasonable, as the matter is discrete and the matters of discretion are able to be specifically stated.

53.1.3 Recommendations

366. It is recommended that the submission from Woolworths NZ Ltd [588.15] be **accepted**.
367. It is recommended that the submission from Sandra Ellmers Family Trust [965.5] and Van Den Brink Group [633.23] be **rejected**.
368. The following amendments are recommended to Chapter 17: Business Zone, as shown in Appendix 3 – Chapter 17: Business Zone:

RDI	<p>(a) Onsite parking areas that do not comply with Rule 17.2.3 PI.</p> <p>(b) <u>Council's discretion is limited to the following matters:</u></p> <p>(i) <u>Design and location of the parking area and landscaping strip; and</u></p> <p>(ii) <u>Effects on streetscape amenity.</u></p>
-----	--

53.1.4 Section 32AA evaluation

369. The change in activity status does not alter the policy approach to requiring landscaping associated with parking areas to be provided. Accordingly, no s32AA evaluation has been required to be undertaken.

54 Chapter 17: Business Zone – 17.2.4 Glare and artificial light spill

54.1.1 Submissions

Submission point	Submitter	Summary of submission
697.178	Waikato District Council	Amend Rule 17.2.4 PI Glare and artificial light spill, as follows: <u>Illumination from</u> G glare and artificial light spill <u>must shall</u> not exceed 10 lux measured horizontally and vertically at <u>any</u> point within any <u>other</u> site <u>zoned Residential, Village or Country Living Zone</u> .
697.180	Waikato District Council	Amend Permitted Activities Rule 17.2.4 PI, as follows: <u>Illumination from</u> G glare and artificial light spill <u>must shall</u> not exceed 10 lux measured horizontally and vertically at <u>any</u> point within any <u>other</u> site <u>zoned Residential, Village or Country Living Zone</u> .
FS1377.214	Havelock Village Limited	Support
785.29	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited 'Oil Companies'	Retain Rule 17.2.4 Glare and artificial light spill as notified.

742.136	New Zealand Transport Agency	Retain Rule 17.2.4 PI Glare and artificial light spill, as notified; AND Retain Rule 17.2.4 RDI Glare and artificial light spill, as notified.
---------	------------------------------	--

54.1.2 Analysis

370. The submissions from Waikato District Council [697.178 and 697.180] seek to clarify wording to improve the understanding and workability of the rule.
371. The submissions from the Oil Companies [785.29] and New Zealand Transport Agency [742.136] support the rule.

54.1.3 Recommendations

372. It is recommended that the submission from Waikato District Council [697.178 and 697.180], Oil Companies [785.29] and New Zealand Transport Agency [742.136] be **accepted**.
373. The following amendments are recommended to Chapter 17: Business Zone, as shown in Appendix 3 – Chapter 17: Business Zone:

PI	Illumination from g Glare and artificial light spill shall must not exceed 10 lux measured horizontally and vertically at any point within any other site zoned Residential, Village or Country Living Zone.
----	---

54.1.4 Section 32AA evaluation

374. As the changes to Chapter 17 are to provide clarity to the rules, no s32AA evaluation has been required to be undertaken.

55 Chapter 17: Business Zone – 17.2.5 Earthworks

55.1.1 Submissions

Submission point	Submitter	Summary of submission
697.179	Waikato District Council	Amend Rule 17.2.5(1) Earthworks, as follows: (1) Rules 17.2.5.1 – Earthworks - General provides the permitted rules for earthworks activities for the Business Zone. <i>This rule does not apply in those areas specified in Rules 17.2.5.1A, 17.2.5.2 and 17.2.5.3.</i>
FS1387.473	Mercury NZ Limited	Oppose
697.181	Waikato District Council	Amend Rule 17.2.5.1 Earthworks – General, as follows: PI (a) Earthworks (<i>excluding the importation of fill material</i>) within a site must meet <i>all</i> of the following conditions: (i) Be located more than 1.5m from a public sewer, open drain, overland flow path or other service pipe; (ii) Not exceed a volume of more than 250m ³ and an area of more than 1,000m ² <i>over any single consecutive 12 month period within a site</i> ; (iii) The height of the resulting cut, filled areas or fill batter face in stable ground, not including any surcharge , does not exceed 1.5m, with a maximum slope of 1:2 (1 vertical to 2 horizontal); (iv) <i>Earthworks are set back at least 1.5m from all boundaries</i> ; (v) Areas exposed by earthworks are revegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks; (vi)

		<p>Sediment resulting from the earthworks 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. AND Add a new P2 as follows: <u>P2 (a) Earthworks for the purpose of creating a building platform within a site using imported fill material.</u> AND Amend P2 as follows: <u>P23 (a) Earthworks for purposes other than creating a building platform within a site, using imported fill material (excluding cleanfill) must meet all of the following conditions. The importation of fill material to a site must meet all of the following conditions in addition to Rule 17.2.45.1 P1:</u> (i) Must <u>Does</u> not exceed a total volume of 500m³ per site and a depth of 1m; (iii) Is fit for compaction; (ii) The slope height of the resulting batter face <u>filled area</u> in stable ground must not exceed 1.5m with a maximum slope of 1:2 (1m vertical to 2m horizontal); (iii) <u>Fill material is setback at least 1.5m from all boundaries;</u> (vi) Does not restrict the ability for land to drain; (vii) Is not located within 1.5m of public sewers, utility services or manholes; (viii) The sediment from fill material is retained on the site. (iv) <u>Areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;</u> (v) <u>Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls;</u> (vi) <u>Do not divert or change the nature of natural water flows, water bodies or established drainage paths.</u> RDI (a) Earthworks that do not comply with Rule 17.2.45.1 P1 or P23 (b) Council's discretion is limited restricted to the following matters: (i) Amenity values and landscape effects; (ii) Volume, extent and depth of earthworks; (iii) Nature of fill material; (iv) Contamination of fill material; (v) Location of the earthworks to waterways, significant indigenous vegetation and habitat; (vi) Compaction of the fill material; (vii) Volume and depth of fill material; (viii) Protection of the Hauraki Gulf Catchment Area; (ix) Geotechnical stability; (x) Flood risk, including natural water flows and established drainage paths (xi) Land instability, erosion and sedimentation; and (xii) Proximity to underground services and service connections.</p>
986.100	KiwiRail Holdings Limited (KiwiRail)	Amend Rule 17.2.5.1 P1(a) Earthworks General as follows (or similar amendments to achieve the requested relief): (i) Be located more than 1.5m <u>from infrastructure, including</u> a public sewer, open drain, overland flow path or other service pipe AND Any consequential amendments to link and/or accommodate the requested changes.
FS1176.313	Watercare Services Ltd	Support
986.107	KiwiRail Holdings Limited (KiwiRail)	Amend Rule 17.2.5.1 P1(a)(iv) Earthworks general as follows (or similar amendments to achieve the requested relief): (iv) Areas exposed by the earthworks are <u>stabilized to avoid runoff within 1 month of the cessation</u> re-vegetated to achieve 80% ground cover 6 months of the commencement of the earthworks AND Any consequential amendments to link and/or accommodate the requested changes.
695.187	Sharp Planning Solutions	Amend Rule 17.2.5.1 P2 Earthworks - General to be consistent

	Ltd	with the rest of the Proposed District Plan.
695.186	Sharp Planning Solutions Ltd	Retain a maximum area of earthworks in Rule 17.2.5.1 PI (a)(ii) Earthworks General. AND Amend Rule 17.2.5.1 PI (a)(ii) Earthworks General to apply a ration based on a site area, i.e. 1:1 so that a 450m ² site would provide 450m ³ earthworks.
633.24	Van Den Brink Group	Retain Rule 17.2.5.1 Earthworks - General.
785.11	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited 'Oil Companies'	Retain Rule 17.2.5.1 PI Earthworks - General, except for the amendments sought below AND Amend Rule 17.2.5.1 PI Earthworks - General as follows: PI Earthworks within a site must meet the following conditions: Be located more than 1.5m from a public sewer, open drain, overland overland flow path or other <u>public</u> service pipe; Not exceed a volume of more than 250m ³ and an area of more than 1000m ² within a site; The height of the resulting cut, filled areas or fill batter face in stable ground, not including any surcharge, does not exceed 1.5m, with a maximum slope of 1:2 (1 vertical to 2 horizontal); Areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement, <u>or otherwise stabilised as soon as practicable at the completion</u> of the earthworks; Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; Do not divert or change the nature of natural water flows, water bodies or established drainage paths. AND Any consequential amendments or additional relief to give effect to the submission.
785.13	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited 'Oil Companies'	Retain Rule 17.2.5.1 P2 Earthworks – General, except for the amendments sought below AND Amend Rule 17.2.5.1 P2 (a)(i) Earthworks - General as follows: P2 The importation of infill material to a site must meet all of the following conditions in addition to Rule 17.2.5.1 P1: Does not exceed a total volume of 500m ³ per site and a depth of 1m (<u>excluding backfill</u>); ... AND Any consequential amendments or additional relief to give effect to the submission.
785.15	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited 'Oil Companies'	Retain Rule 17.2.5.1 RD1 Earthworks – General as notified.

55.1.2 Analysis

Retain

375. The submissions from the Oil Companies [785.15] and Van Den Brink Group [633.24] seek that the rule be retained.

Rule clarification

376. The submissions from Waikato District Council [697.179], KiwiRail Holdings Limited [986.100] and the Oil Companies [785.13 and part of 785.11] seek minor rule amendments to improve clarity and meaning.

Rehabilitation

377. The submissions from KiwiRail Holdings Limited [986.107] and the Oil Companies [785.11] seek amendments to require land to be stabilised quicker than the 6 month vegetation period. I agree that the proposed amendments that the stabilisation be within 1 month and the vegetation within 6 months.

Volume

378. The submission from Sharp Planning Solutions [695.186] seeks that a ratio approach of 1:1 to the volume of earthworks in Rule P1 be introduced so that larger sites are not penalised. In my opinion, as the earthworks are for existing sites in the Business Zone, the permitted activity volume of 250m³ is a reasonable volume. For comparison purposes only, if the material was to be moved by a large truck (capacity of approximately 6m³) this would equate to approximately 42 truck movements. The example in the submission of a 450² sized site would give 450m³ of volume, which would equate to 75 truckloads of material.

Rule P2

379. The submission from Sharp Planning Solutions [695.187] seeks the deletion of Rule P2 on the basis that, amongst other matters, the rule is ultra vires and would make almost all development impossible.
380. In my opinion, the reasoning in the submission does not justify the deletion of the rule and the amendments included in the submission by Waikato District Council [697.181] discussed below address some of the matters raised.

Waikato District Council [697.181]

381. The submission from Waikato District Council [697.181] contains a number of matters relating to rule clarification and amendment, with the main matters discussed below:
- (a) Addition of the words '*excluding the importation of fill material*' is not supported, as the definition of 'earthworks' does not include the importation of fill material;
 - (b) Addition of the words '*over any consecutive 12 month period*' is supported, as the way the rule is written at the moment, it could be interpreted as meaning either:
 - (i) Earthworks can only be undertaken once and consequential earthworks require a consent; or
 - (ii) A large volume of earthworks could be undertaken on the basis that each one is within the permitted activity provisions.
 - (c) The deletion of the words '~~including any surcharge~~' is agreed with, as the measurement of surcharge is difficult, and over time with compaction, the surcharge will reduce;
 - (d) The setback of earthworks from boundaries is agreed with, as consideration of how earthworks are to be managed close to boundaries (such as stability) is a matter that can be assessed through the restricted discretionary activity process;
 - (e) A new rule for earthworks (including imported fill) for the creation of a building platform. I do not support this rule as proposed, as it has no standards associated with it, and as such could result in significant earthworks. I understand that the intent of the provision is to provide for earthworks associated with a building, where the provisions of the Building Act would apply, and concur that the PWDP should not duplicate other legislation. I have suggested alternative wording; and
 - (f) The rewording of new Rule P3 is all for clarification.

55.1.3 Recommendations

382. It is recommended that the submissions from Oil Companies [785.15], Van Den Brink Group [633.24], Waikato District Council [697.179], KiwiRail Holdings Limited [986.100], Oil Companies [785.13], KiwiRail Holdings Limited [986.107], Oil Companies [785.11] and Waikato District Council [697.181] be **accepted**.
383. It is recommended that the submission from Sharp Planning Solutions [695.186] be **rejected**.
384. The following amendments are recommended to Chapter 17: Business Zone, as shown in Appendix 3 – Chapter 17: Business Zone:

Earthworks

- (1) **Rules 17.2.5.1** – Earthworks - General provides the permitted rules for **earthworks** activities for the Business Zone. This rule does not apply in those areas specified in Rules 17.2.5.1A, 17.2.5.2 and 17.2.5.3.

17.2.5.1 Earthworks – General

PI	<p>(a) Earthworks within a site must meet all of the following conditions:</p> <ul style="list-style-type: none"> (i) Be located more than 1.5m from infrastructure including a public sewer, open drain, overland flow path or other public service pipe; (ii) Not exceed a volume of more than 250m³ and an area of more than 1,000m² within a site over any single consecutive 12 month period; (iii) The height of the resulting cut, filled areas or fill batter face in stable ground, not including any surcharge, does not exceed 1.5m, with a maximum slope of 1:2 (1 vertical to 2 horizontal); (iv) Earthworks are set back at least 1.5m from all boundaries; (v) Areas exposed by earthworks are stabilised to avoid runoff within 1 month and re-vegetated to achieve 80% ground cover within 6 months of the commencement cessation of the earthworks; (vi) Sediment resulting from the earthworks 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. ;
P2	<p>(a) <u>Earthworks for the purpose of creating a building platform within a site (including the use of imported fill material) that is:</u></p> <ul style="list-style-type: none"> (i) <u>subject to an approved building consent; and</u> (ii) <u>the earthworks occur wholly within the footprint of the building.</u> <p>(b) <u>For the purposes of this rule, the footprint of the building extends 1.8m from the outer edge of the outside wall.</u></p> <p>(c) <u>For the purposes of this rule, this exemption does not apply to earthworks associated with retaining walls/structures which are not required for the structural support of the building.</u></p>
P23	<p>(a) <u>Earthworks using t</u>The importation of fill material to a site must meet all of the following conditions in addition to Rule 17.2.4 P1:</p> <ul style="list-style-type: none"> (i) Does Must not exceed a total volume of 500m³ per site and a depth of 1m (excluding backfill); (ii) Is fit for compaction; (iii) The height slope of the resulting batter face filled area in stable ground must not exceed 1.5m with a maximum slope of 1:2 (1m vertical to 2m horizontal); (iv) Fill material is setback at least 1.5m from all boundaries; (v) Does not restrict the ability for land to drain; (vi) Is not located within 1.5m of public sewers, utility services or manholes;

	<p>(vii) The sediment from fill material is retained on the site.</p> <p>(viii) <u>Areas exposed by earthworks are stabilised to avoid runoff within 1 month and revegetated to achieve 80% ground cover within 6 months of the cessation of the earthworks;</u></p> <p>(ix) <u>Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls;</u></p> <p>(x) <u>Do not divert or change the nature of natural water flows, water bodies or established drainage paths.</u></p>
--	---

55.1.4 Section 32AA evaluation

385. As the changes to Chapter 17 are to provide clarity to the rules and implement the policy direction, no s32AA evaluation has been required to be undertaken.
386. With respect to the proposed introduction of new rule P2, I note that Policy 4.5.4I seeks that the adverse effects of earthworks on adjoining properties and water bodies are addressed and in my opinion the rule is the most appropriate option. In my opinion, I consider that the proposed rule also meets the other s32AA evaluation criteria in that by removing duplication of legislation, it is 'effective and efficient', reduces costs and provides benefits.

56 Chapter 17: Business Zone – 17.2.7 Signs

56.1.1 Submissions

Submission point	Submitter	Summary of submission
633.25	Van Den Brink Group	Add clarification to Rule 17.2.7.1 P2 (a) Signs that the rule applies to free standing signs only. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
633.27	Van Den Brink Group	Amend Rule 17.2.7.1 Signs to exclude signs from the yard setbacks. AND If the relief on daylight admission is not accepted, amend to exclude signs Rule 20.3.3 Daylight Admission. OR Amend the definition of "buildings" in Chapter 13 Definitions to exclude free-standing signs. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
697.191	Waikato District Council	Amend Rule 17.2.7.1 P2 (a)(viii) Signs – General, as follows: (i) The sign is not attached to a <u>for the purpose of identification and interpretation of a</u> Maaori Site of Significance listed in Schedule 30.3 (Maaori Sites of Significance) except for the purpose of identification and interpretation;
559.81	Heritage New Zealand Lower Northern Office	Amend Rule 17.2.7.1 P2 Signs - general to exclude any type of signage on Heritage Items and Maaori Sites of Significance. AND Amend Rule 17.2.7.1 RDI Signs - general to include signage on Heritage items and Maaori Sites of Significance. AND Add an advice note under this new rule to advise of the other heritage building related rules within the Chapter. AND Provide for any consequential amendments as required.

633.26	Van Den Brink Group	Amend Rule 17.2.7.1 P2 Signs to increase the area to at least 10m ² per site. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
602.29	Greig Metcalfe	Amend Rule 17.2.7.1 P3 (a) Signs - general as follows: (a) Any real estate 'for sale' sign relating to the site on which it is located must comply with all of the following conditions: (i) There is no more than 1 sign per agency <u>measuring 600mm x 900mm per road frontage of the site to which the sign relates;</u> (ii) <u>There is no more than 1 sign measuring 1800mm x 1200mm per site to which the sign relates;</u> (iii) <u>There is no more than 1 real estate header sign measuring 1800mm x 1200mm on one other site;</u> (iv) (iv) The sign is not illuminated; (v) (v) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; (vi) (vi) The sign does not project into or over road reserve. <u>(vii) Any real estate sign shall be removed from display within 60 days of sale/lease or upon settlement, whichever is the earliest.</u> AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
697.192	Waikato District Council	Amend Rule 17.2.7.1 P3 (i) and (ii) Signs – General, as follows: (a) A real estate 'for sale' or 'for rent' sign <u>relating to the site on which it is located</u> must comply with all of the following conditions: (i) It relates to the sale of the site on which it is located; (ii) There is no more than <u>± 3</u> signs per <u>agency site</u> ;
588.16	Woolworths NZ Ltd	Amend Rule 17.2.7.1 Signs - General to read: P2 (a) A sign must comply with all of the following conditions: ... (v) where the sign is a freestanding sign, it must: A. Not exceed an area of <u>203</u> m ² for one sign <u>face and 1m² for any other free standing sign on the site;</u> B. <u>Must not exceed one sign per site;</u> and C. Be set back at least 5m from the boundary of the Residential Zone. ... RDI ... <u>(xi) extent to which the signage is consistent with corporate branding and represents a cohesive visual appearance with the commercial activity on-site.</u> AND Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.
FS1089.14	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited for 'Oil Companies'	Oppose
742.137	New Zealand Transport Agency	Retain Rule 17.2.7.1 P1 Signs general as notified AND Retain Rule 17.2.7.1 RDI Signs general as notified
785.59	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited 'Oil Companies'	Retain Rule 17.2.7.1 P2 Signs – General as notified.
742.138	New Zealand Transport Agency	Retain Rule 17.2.7.1 P2 Signs- General, except for the amendments sought below AND Amend Rule 17.2.7.1 P2(a)(v) Signs - General as follows: Where the sign is a freestanding sign, it must: A. Not exceed an area of 3m ² for one sign per site, and 1m ² for <u>any other one additional</u> freestanding sign on the site; <u>and</u> B. Be set back at least 5m from the boundary of the Residential Zone; <u>and</u> C. <u>Be set back at least 1.5m from the</u>

		<u>boundary of a state highway</u> . AND Request any consequential changes necessary to give effect to the relief sought in the submission.
FS1089.15	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited for 'Oil Companies'	Oppose
742.139	New Zealand Transport Agency	Retain Rule 17.2.7.2 PI Signs- effects on traffic, except for the amendments sought below AND Amend Rule 17.2.7.2 PI (iv) Signs - effects on traffic, as follows: Contain no more than 40 characters and no more than 6 <u>words, symbols or graphics</u> . AND Request any consequential changes necessary to give effect to the relief sought in the submission.
785.63	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited 'Oil Companies'	Retain Rule 17.2.7.1 Signs – General, except for the amendments sought below AND Amend Rule 17.2.7.1 <u>RDI Signs – General to be consistent with equivalent rules in Chapter 18, 20 and 21 as follows: RDI (a) A sign that does not comply with Rule XXX PX or PX. (b) Council's discretion shall be restricted to the following matters: (i) Amenity values; (ii) Character of the locality; (iii) Effects on traffic safety; (iv) Glare and artificial light spill; (v) Effects on a notable tree; (vi) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign; (vii) Effects on cultural values of any Maaori Site of Significance; and (viii) Effects on notable architectural features of a building</u> . AND Any consequential amendments or additional relief to give effect to the submission.
697.193	Waikato District Council	Amend Rule 17.2.7.2 PI (a) Signs - Effects on traffic, as follows: (a) Any sign directed at road users must <u>meet the following conditions</u> :
986.117	KiwiRail Holdings Limited (KiwiRail)	Amend Rule 17.2.7.2 PI Signs – Effects on traffic as follows (or similar amendments to achieve the requested relief): (a)Any sign directed at road <u>land transport</u> users must: ... (iii)Not obstruct sight lines of drivers turning into or out of a site entrance and intersections <u>or at a level crossing</u> ; AND Any consequential amendments to link and/or accommodate the requested changes.
785.67	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited 'Oil Companies'	Amend Rule 17.2.7.2 Signs – Effects on traffic as follows: <u>PI (a) Any sign directed at road users must: (i) Not imitate the content, colour or appearance of any traffic control sign; (ii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections; (iii) Contain no more than 40 characters and no more than 6 symbols; (iv) Have lettering that is at least 150mm high; D1 Any sign that does not comply with Rule XXXX PI</u> . AND Any consequential amendments or additional relief to give effect to the submission.
633.28	Van Den Brink Group	Amend Rule 17.2.7.2 Signs - Effects on Traffic to specify that Rule 20.2.7.2 does not apply to site identification signs. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
697.190	Waikato District Council	Delete Rule 17.2.7.2 PI (a)(vi) Signs - Effects on traffic.
742.140	New Zealand Transport Agency	Retain Rule 17.2.7.2 D1 Signs - Effects on traffic as notified.

56.1.2 Analysis

Rule P2 - general

387. The submissions from New Zealand Transport Agency [742.137 and 742.140] and the Oil Companies [785.59] support the signs provisions.
388. The submission from Van Den Brink Group [633.25] seeks clarification that signs apply to freestanding signs only. Part (iv) specifically applies to signs attached buildings, as do the rest of the relevant provisions (such as where the sign is attached to a building and is illuminated, then part (iii) applies).
389. The submission from Van Den Brink Group [633.27] seeks that signs be excluded from yards and daylight admission rules and that signs are not buildings. Rule (v)B is the only rule that restricts the location of signs to be 5 m from the Residential Zone. Otherwise the yard and daylight rules do not apply.
390. The submissions from Waikato District Council [697.191 and 697.193] are wording clarifications. I note that the wording proposed has been slightly altered to make it clear that signs in relation to heritage items are to be on the site of the heritage item.
391. The submission from Heritage New Zealand Lower Northern Office [559.81] seeks that there be no signage on heritage items or Maaori sites of significance. In my opinion, Rule 17.2.7.1 PI correctly allows signs for identification and interpretation purposes. Approval from Heritage New Zealand would be required if the signage in any way was not permitted under the provisions of the Heritage New Zealand Pouhere Taonga Act 2014. Requiring resource consent from Waikato District Council would be a duplication of legislation that the rules were developed to avoid.
392. The submissions from Van Den Brink Group [633.26] and Woolworths NZ Ltd [588.16] seek that freestanding signs be increased in size from 3m² to 10m² and 20m² respectively. The consideration of large-scale freestanding signs through the restricted discretionary activity process enables consideration as to suitability.
393. The submissions from New Zealand Transport Agency [742.138 and 742.139] seek the restriction of additional freestanding signs to one. As the size of the additional signs is restricted to 1m², it is not considered necessary to restrict the number of signs. The setback of signs from the state highway is not needed in the Business Zones, as the location of these zones within towns with lower speed limits means that such a restriction is not required. The only location it would be required in is the zone alongside SH23 between Greenslade Road and Hills Road, Raglan. The inclusion of the word 'graphic' is helpful.

RD1

394. The submission from the Oil Companies [785.63] seeks the addition of a matter of discretion relating to 'character'. The submission from Woolworths NZ Ltd [588.16] sought a matter of discretion relating to corporate branding. In my opinion, both character and corporate branding are included with 'amenity values', as they are expressed in the Business zone and do not need to be included.

Rule P3 – real estate

395. The submission from Greig Metcalfe [602.29] seeks the introduction of a number of standards. Council made a deliberate decision to enable signs for real estate purposes to be undertaken without restrictions. Council considered that such signs are an integral and accepted part of the urban environment, with agencies having a number of different sign

sizes to meet clients' needs. I concur with that approach, particularly within a Business environment where signs are anticipated as part of that environment.

396. The submission from Waikato District Council [697.192] seeks that the rule applies to signs for rent as well.

Effects on traffic

397. The submission from KiwiRail Holdings Ltd [986.117] seeks that the provisions apply to all transport including rail. I concur with the amendments.
398. The submission from the Oil Companies [785.67] seeks the removal of (ii) relating to separation of signs from intersections and other signs. For signs directed at providing information to transport users, they need to be located in places where they can be seen and do not distract users.
399. The submission from Van Den Brink Group [633.28] is concerned that the rule applies to site identification signs. The submission from Waikato District Council [697.190] seeks the deletion of (vi) on the basis that, due to the size of the Business zone, it is impracticable to comply. In my opinion, the rule is impracticable and should be deleted, but it should also be made clear it does not apply to site identification.

56.1.3 Recommendations

400. It is recommended that the submission from Waikato District Council [697.190, 697.191, 697.192 and 697.193], Oil Companies [785.137 and 785.59], New Zealand Transport Agency [742.138, 742.139 and 742.140], KiwiRail Holdings Ltd [986.117] and Van Den Brink Group [633.28] be **accepted**.
401. It is recommended that the submission from Van Den Brink Group [633.25, 633.26 and 633.27], Heritage New Zealand Lower Northern Office [559.81], Greig Metcalfe [602.29], Woolworths NZ Ltd [588.16] and Oil Companies [785.63 and 785.67] be **rejected**.
402. The following amendments are recommended to Chapter 17: Business Zone, as shown in Appendix 3 – Chapter 17: Business Zone:

17.2.7.1 Signs – General

PI	A public information sign erected by a government agency.
P2	<p>(a) A sign must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) The sign is wholly contained on the site; (ii) The sign height must not exceed 10m; (iii) Where the sign is illuminated it must: <ul style="list-style-type: none"> A. Not have a light source that flashes or moves; B. Not contain moving parts or reflective materials; and C. Be focused to ensure that it does not spill light beyond the site; (iv) Where the sign is attached to a building, it must: <ul style="list-style-type: none"> A. Not extend more than 300mm from the building wall; and B. Not exceed the height of the building; (v) Where the sign is a freestanding sign, it must: <ul style="list-style-type: none"> A. Not exceed an area of 3m² for one sign per site, and 1m² for any other freestanding sign on the site; and B. Be set back at least 5m from the boundary of the Residential Zone; and C. <u>Be set back at least 15m from the State Highway 23 boundary for the zone between Greenslade Road and Hills Road, Raglan;</u> (vi) The sign is not attached to a notable tree identified in Schedule 30.2 (Notable Trees), except for the purpose of identification; (vii) The sign is not attached to on the site of and for the purpose of identification and interpretation of a heritage item listed in Schedule 30.1 (Heritage Items) except for the purpose of identification and interpretation; (viii) The sign is not attached to a Maaori Site of Significance listed in Schedule 30.3 (Maaori Sites of Significance) except for the purpose of identification and interpretation; (ix) The sign relates to: <ul style="list-style-type: none"> A. goods or services available on the site; or B. a property name sign.
P3	<p>(a) A real estate 'for sale' or 'for rent' 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) It relates to the sale of the site on which it is located; (ii) There is no more than 1 3 signs per agency site; (iii) The sign is not illuminated; (iv) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials.

17.2.7.2 Signs - Effects on traffic

PI	<p>(a) Any sign directed at road land transport users must meet all of the following conditions:</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 or at a level crossing, pedestrian crossings and any other sign; (iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections; (iv) Contain no more than 40 characters and no more than 6 symbols or graphics; (v) Have lettering that is at least 150mm high; and (vi) Where the sign directs traffic to a site entrance, the sign must be at least 130m from the entrance. <p>(b) <u>Rule PI(a) does not apply to site identification signs.</u></p>
----	---

56.1.4 Section 32AA evaluation

403. As the changes to Chapter 17 are to provide clarity to the rules, to remove rules that are impracticable, are specific to one site and implement the policy direction, no s32AA evaluation has been required to be undertaken.

57 Chapter 17: Business Zone – 17.2.8 Outdoor storage

57.1.1 Submissions

Submission point	Submitter	Summary of submission
697.195	Waikato District Council	Amend Permitted Activities Rule 17.2.8 PI Outdoor storage, to include a maximum height conditions for the outdoor storage of goods or materials.
697.194	Waikato District Council	Amend Rule 17.2.8 PI(a) Outdoor storage, as follows: (a) Outdoor storage of goods or materials must <u>comply with all the following conditions</u> :

57.1.2 Analysis

404. The submissions from Waikato District Council [697.195 and 697.194] seek a maximum height to outdoor storage and rule clarification. As there is no restriction on the time that material can be stored outside, and as buildings are restricted in height where adjoining Residential, Village, Country Living and Reserve zones, then a daylight restriction is justified.

57.1.3 Recommendations

405. It is recommended that the submissions from Waikato District Council [697.195 and 697.194] be **accepted**.

406. The following amendments are recommended to Chapter 17: Business Zone, as shown in Appendix 3 – Chapter 17: Business Zone:

17.2.8 Outdoor storage

PI	(a) Outdoor storage of goods or materials must <u>comply with all of the following conditions</u> : <ul style="list-style-type: none">(i) Be associated with the activity operating from the site;(ii) Not encroach on required parking or loading areas;(iii) <u>Rules 17.3.1 Height and 17.3.2 Daylight admission</u>; and(iv) Be fully screened from view by a close boarded fence or solid fence or wall to a height of 1.8m fencing or landscaping from any:<ul style="list-style-type: none">A. Public road;B. Public reserve; andC. Adjoining site in another zone.
----	--

57.1.4 Section 32AA evaluation

407. As the changes to Chapter 17 are to provide clarity to the rules and to implement the policy direction that protects the amenity of adjoining zones, no s32AA evaluation has been required to be undertaken.

58 Chapter 17: Business Zone – 17.3 Land Use - Building

58.1.1 Submissions

Submission point	Submitter	Summary of submission
780.46	Whaingaroa Environmental Defence Incorporated Society	Add a rule to Section 17.3 Land Use - Building to the effect that: (a) Construction of a building or other structure within sight of SH23 at Raglan is a permitted activity if it will be screened from SH23 by planting with indigenous species that will achieve an average height of 3m after 5 years, mature to over 9m in the residential zone and 12m in the business zone and be of sufficient density to visually screen the activity from SH23. (b) Any activity that does not comply with a condition for a permitted activity is a discretionary activity.
FS1387.1208	Mercury NZ Limited	Oppose
FS1269.74	Housing New Zealand Corporation	Oppose
825.46	John Lawson	Add a rule to Section 17.3 Land Use - Building to the effect that: (a) Construction of a building or other structure within sight of SH23 at Raglan is a permitted activity if it will be screened from SH23 by planting with indigenous species that will achieve an average height of 3m after 5 years, mature to over 9m in the residential zone and 12m in the business zone and be of sufficient density to visually screen the activity from SH23. (b) Any activity that does not comply with a condition for a permitted activity is a discretionary activity.
FS1387.1330	Mercury NZ Limited	Oppose
435.18	Jade Hyslop	Add to Chapter 17 Business Zone rules to the effect that: Construction of commercial building within sight of SH23 at Raglan is a permitted activity if it will be screened from SH23 by planting with indigenous species that will achieve an average height of 3m after 5 years, mature to over 9m in the residential zone and 12m in the business zone and be of sufficient density to visually screen the activity from SH23. Any activity that does not comply with a condition for a permitted activity is a discretionary activity.

58.1.2 Analysis

408. All submissions seek that screening of the Business zone on the approach to Raglan (near Greenslade Road) include a rule to screen buildings. I note that there is a segregation strip applying along this frontage with SH23, and that the strip includes regenerating vegetation which is already screening the site. When either approaching or leaving Raglan, views into the area will be restricted due to the vegetation, topography and the incline. Accordingly, in my opinion an additional rule is not required.

58.1.3 Recommendations

409. It is recommended that the submissions from Whaingaroa Environmental Defence Incorporated Society [780.46], Jade Hyslop [435.18] and John Lawson [825.46] be **rejected**.

58.1.4 Section 32AA evaluation

410. As there are no changes to Chapter 17, no s32AA evaluation has been required to be undertaken.

59 Chapter 17: Business Zone – 17.3.1 Height

59.1.1 Submissions

Submission point	Submitter	Summary of submission
378.85	Fire and Emergency New Zealand	Amend Rule 17.3.1 Height as follows: 17.3.1 Height - Building The maximum height of any building must not exceed 10m, <u>except hose drying towers up to 15m associated with emergency service facilities</u> . AND Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.
FS1035.192	Pareoranga Te Kata	Support
749.129	Housing New Zealand Corporation	Amend Rule 17.3.1.1 Height - Building General as follows: PI The maximum height of any building must not exceed 12m+0m. RD/D1 (a) Any building that does not comply with Rule 17.3.1.1 PI. (b) <u>Council's discretion shall be restricted to any of the following matters: (i) Height of the building; (ii) Design and location of the building; (iii) Extent of shading on adjacent sites; and (iv) Privacy on adjoining sites</u> . AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
FS1193.20	Van Den Brink Group	Support
871.9	Brendon John & Denise Louise Strong	Amend Rule 17.3.1.1 PI height - Building General, as follows: The maximum height of any building must not exceed 10 15m.
746.56	The Surveying Company	Amend Rule 17.3.1.1 PI- Height- Building General as follows: The maximum height of any building must not exceed 10m 15m.

59.1.2 Analysis

Height

411. The submissions from Fire and Emergency New Zealand [378.85], Housing Corporation New Zealand [749.129], Brendon John & Denise Louise Strong [871.9] and The Surveying Company [746.56] all seek restrictions on the 10 m maximum height rule.
412. The specific provision for towers is accepted.
413. The additional height up to 12m would enable either three storey or taller buildings to accommodate business activities in the zone. The protection of activities in adjoining zones is provided through the daylight control. The restricted discretionary activity status is aligned with the daylight control activity status. The 15m height has the potential to be out of scale within the zone, but can be considered through the proposed restricted discretionary activity status.

59.1.3 Recommendations

414. It is recommended that the submissions from Fire and Emergency New Zealand [378.85], Housing Corporation New Zealand [749.129], Brendon John & Denise Louise Strong [871.9] and The Surveying Company [746.56] be **accepted**.
415. The following amendments are recommended to Chapter 17: Business Zone, as shown in Appendix 3 – Chapter 17: Business Zone:

17.3.1.1 Height – Building General

PI	(a) The maximum height of any building must not exceed 12 +0m . (b) <u>The maximum height of hose drying towers associated with emergency service facilities must not exceed 15m.</u>
DRDI	(g) Any building that does not comply Rule 17.3.1.1 PI . (h) <u>The Council's discretion shall be restricted to any of the following matters:</u> (i) <u>Height of the building;</u> (ii) <u>Design and location of the building</u> (iii) <u>Extent of shading on an adjoining site;</u> (iv) <u>Privacy on adjoining sites.</u>

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

PI	Any building , structure, <u>tree</u> or <u>other</u> vegetation must not protrude through the airport obstacle limitation surfaces as <u>shown identified</u> on the planning maps <u>and defined in Section E Designation N Waikato Regional Airport.</u>
----	--

59.1.4 Section 32AA evaluation

416. As the changes to Chapter 17 are to provide clarity to the rules, and to implement the policy direction that supports development in the Business zone in a manner that protects the amenity of adjoining zones, no s32AA evaluation has been required to be undertaken.

60 Chapter 17: Business Zone – 17.3.2 Daylight admission

60.1.1 Submissions

Submission point	Submitter	Summary of submission
871.11	Brendon John & Denise Louise Strong	Amend Rule 17.3.2 PI (a) Daylight admission, as follows: Buildings must not protrude through a height control plane rising at an angle of 3745 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.
749.130	Housing New Zealand Corporation	Amend Rule 17.3.2 PI Daylight admission as follows: (a) Any building must not protrude through a height control plane rising at an angle of 3745 degrees commencing at an elevation of 2.5m <u>3m</u> above ground level at the site...
633.29	Van Den Brink Group	Amend Rule 17.3.2 PI (a) (Daylight Admission) to increase height from 2.5m to 3m. AND Any consequential amendments and/or additional relief required to address the matters raised in the

		submission.
695.188	Sharp Planning Solutions Ltd	Amend Rule 17.3.2 P1(a) Daylight admission as follows: P1(a) Any building must not protrude through a height control plane rising at angle of 37 <u>45</u> degrees commencing at an elevation of 2.53 <u>2.5</u> m above ground level at the site boundary.
746.57	The Surveying Company	Amend Rule 17.3.2 P2 Daylight admission as follows: Buildings must not protrude through a height control plane rising at an angle of 37 <u>45</u> degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.
697.202	Waikato District Council	Amend Rule 17.3.2 RDI Daylight admission, as follows: (b) Council's discretion is limited restricted to the following matters: (i) Height of the building; (ii) Design and location of the building; (iii) Level of shading on an adjoining <u>any other sites</u> ; (iv) Privacy on other sites; (v) Amenity values of the locality.
633.22	Van Den Brink Group	Delete Rule 17.3.2 Daylight Admission in its entirety. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.

60.1.2 Analysis

417. The submissions from Brendon John & Denise Louise Strong [871.11], Housing Corporation New Zealand [749.130], Van Den Brink Group [633.29 and 633.22], Sharp Planning Solutions Ltd [695.188] and The Surveying Company [746.57] all seek either relaxation of or deletion of the rule.
418. The daylight rule only applies to sites where they adjoin sensitive zones and are designed to protect the amenity values of those zones. The daylight rule matches that which applies within the adjoining zone. I note that Hearing Report H6: Village Zone recommends changing the daylight angle to 45° in the Village Zone. Should the Hearing Panel accept the change in this zone and other zones, then it will need to make consequential changes to this rule. With the additional height being recommended, the need to protect amenity values becomes more important. No change or deletion is recommended.
419. The submission from Waikato District Council [697.202] seeks to clarify the wording of the rule.

60.1.3 Recommendations

420. It is recommended that the submission from Waikato District Council [697.202] be **accepted**.
421. It is recommended that the submission from Brendon John & Denise Louise Strong [871.11], Housing Corporation New Zealand [749.130], Van Den Brink Group [633.29 and 633.22], Sharp Planning Solutions Ltd [695.188] and The Surveying Company [746.57] be **rejected**.
422. The following amendments are recommended to Chapter 17: Business Zone, as shown in Appendix 3 – Chapter 17: Business Zone:

RDI	<p>(a) Any building that does not comply with Rule 17.3.2 P1.</p> <p>(b) The Council's discretion shall be limited restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Height of the building; (ii) Design and location of the building; (iii) Level of shading on any other sites adjoining site;
-----	---

	(iv) Privacy on other site ; (v) Amenity values of the locality.
--	--

60.1.4 Section 32AA evaluation

423. As the changes to Chapter 17 are to provide clarity to the rules, no s32AA evaluation has been required to be undertaken.

61 Chapter 17: Business Zone – 17.3.4 Building setbacks

61.1.1 Submissions

Submission point	Submitter	Summary of submission
986.63	KiwiRail Holdings Limited (KiwiRail)	Add new matters of discretion relating to non-compliance with the 5m Building setback - railway corridor (sought elsewhere in other submission points) in Rule 17.1 Land Use Activities as follows (or similar amendments to achieve the requested relief): <i>1. The size, nature and location of the buildings on the site. 2. The extent to which the safety and efficiency of rail and road operations will be adversely affected. 3. The outcome of any consultation with KiwiRail. 4. Any characteristics of the proposed use that will make compliance unnecessary.</i> AND Any consequential amendments to link and/or accommodate the requested changes.
FSI 193.31	Van Den Brink Group	Oppose
FSI 269.90	Housing New Zealand Corporation	Oppose
986.57	KiwiRail Holdings Limited (KiwiRail)	Add a new rule to Rule 17.3.4 Building setbacks as follows (or similar amendments to achieve the requested relief): <i>Building setback - railway corridor (a) any new buildings or alterations to an existing building must be setback 5 metres from any designated railway corridor boundary</i> AND Any consequential amendments to link and/or accommodate the requested changes.
FSI 033.10	Spark New Zealand Trading Limited	Oppose
FSI 032.10	Vodafone New Zealand Limited	Oppose
FSI 031.10	Chorus New Zealand Limited	Oppose
FSI 193.30	Van Den Brink Group	Oppose
742.141	New Zealand Transport Agency	Add to Rule 17.3.4 Building setbacks a new rule as follows: <i>17.3.4.3 Building setbacks - State highways PI (a) Any building must be setback a minimum of: (i) 15m from a national route or regional arterial. (ii) 25m from the designated boundary of the Waikato Expressway. D1 Any building that does not comply with Rule 17.3.4.3 PI.</i> AND Request any consequential changes necessary to give effect to the relief sought in the submission.
965.6	Sandra Ellmers Family Trust	Amend Rule 17.3.4.1 (a) (i) Building setbacks - Zone boundaries, as follows: (a) (i) 7.54 m from rear and side boundaries adjoining

		the: A. Residential Zone; B. Village Zone; C. Country Living Zone; or D. Reserve Zone; and...
588.17	Woolworths NZ Ltd	Amend Rule 17.3.4.1 Building setbacks - Zone boundaries as follows: PI (a) A building must be set back at least: i. 7.53 m from rear and side boundaries adjoining any: A. Residential Zone B... RDI (a) Any building that does not comply with Rule 17.3.4.1 PI. (b) <u>The Council's discretion shall be limited to the following matters: i. Height, design and location of the building relative to the boundary ii. Privacy on other site iii. Effects on amenity values of adjacent property.</u> AND Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.
697.203	Waikato District Council	Amend Rule 17.3.4.1 PI Building setbacks - Zone boundaries, as follows: (a) Any building must be set back a minimum of at least....
633.30	Van Den Brink Group	Amend Rule 17.3.4.1 PI(a)(i) Building setback – Zone boundaries to reduce the setback between sites with other zones to 3m. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
697.463	Waikato District Council	Amend Rule 17.3.4.2 Building setback - Waterbodies, to be consistent in terms of the terminology of structures across all zone chapters.
FSI387.568	Mercury NZ Limited	Oppose
FSI387.576	Mercury NZ Limited	Oppose
FSI108.12	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Oppose
FSI139.11	Turangawaewae Trust Board	Oppose
697.205	Waikato District Council	Amend Rule 17.3.4.2 PI Building setbacks - Water bodies, as follows: (a) Any building must be setback a minimum of: (i) 23 <u>27.5m</u> from the margin of any: A. Lake; B. Wetland. (ii) 23 <u>27.5m</u> from the bank of any river (other than the Waikato River and Waipa River); and (iii) 28 <u>32.5m</u> from the margin of either the Waikato River and the Waipa River; (iv) 23 <u>27.5m</u> from mean high water springs.
FSI387.478	Mercury NZ Limited	Oppose
FSI108.3	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Support
FSI139.3	Turangawaewae Trust Board	Support
871.12	Brendon John & Denise Louise Strong	Amend Rule 17.3.4.2 Building setbacks - waterbodies, to match Rule 24.3.6.3 Building Setback - water bodies; AND Amend Rule 17.3.4.2 Building setbacks - waterbodies, as follows: PI (a)(ii) ... from the bank of any <u>named</u> river ,... <u>P3. A building must be set back a minimum of 10m from the bank of a perennial or intermittent named or unnamed stream.</u>
FSI387.1420	Mercury NZ Limited	Oppose

FSI371.38	Lakeside Development Limited	Support
662.50	Blue Wallace Surveyors Ltd	Amend Rule 17.3.4.2 P1(a) Building setback - Waterbodies as follows: (a) Any building must be setback a minimum of: (i) 23m from the margin of any: A. Lake <u>over 4ha</u> ; and B. Wetland; <u>(v) 10m from a managed wetland</u> AND Any consequential amendments.
FSI387.123	Mercury NZ Limited	Oppose
697.204	Waikato District Council	Amend Rule 17.3.4.2 P2 Building setbacks - Water bodies, as follows: A public amenity of up to 25m ² , or a pump shed (<u>public or private</u>) within <u>any</u> building setback identified in Rule 17.3.4.2 <u>PL</u>
FSI387.477	Mercury NZ Limited	Oppose
378.86	Fire and Emergency New Zealand	Retain Rule 17.3.4.2 Building setbacks - Waterbodies.
FSI388.60	Mercury NZ Limited	Oppose
FSI035.193	Pareoranga Te Kata	Support

61.1.2 Analysis

Zone Boundaries

424. The submissions from Sandra Ellmers Family Trust [965.6], Woolworths NZ Ltd [588.17], and Van Den Brink Group [633.30] all seek reductions in the setback from zones. The setback rule is designed to protect adjoining zone amenity. However, I note that the setback required in adjoining zones ranges from 12m for the Country Living zone down to 1.5m for the Village and Residential zones. Accordingly, the 7.5m setback is excessive and can be reduced to 3m (the least distance sought in the submissions).

Water bodies

425. The submissions from Waikato District Council [697.204, 697.205 and 697.463], Brendon John & Denise Louise Strong [871.12] and Blue Wallace Surveyors Ltd [662.50] seek amendments to the setbacks from water bodies.
426. The amendment by Waikato District Council is to align with esplanade requirements and to provide protection for natural character.
427. The amendments from the Strongs seek setbacks from perennial or intermittent streams. Streams come within the definition of 'river', and as such are already subject to the rule. I also note that changes set out in the proposed National Policy Statement and National Environmental Standard for Freshwater include setbacks from water bodies. Accordingly, in my opinion, it is better to await the outcome of those changes and align the PWDP with them.
428. The submission from Blue Wallace seeks that the rule only apply to lakes over a certain size, and to differentiate the setback from 'managed' wetlands. I interpret that to mean 'artificial' wetlands that have been created for water quality and quantity purposes, otherwise the Whangamarino wetland would be included, as it is subject to management of water quantity.

Infrastructure

429. The submissions from KiwiRail Holdings Limited [986.63 and 986.57] and New Zealand Transport Agency [742.141] seek to include setbacks from the railway corridor and the state highway. In my opinion, the issues of reverse sensitivity have been addressed by the requirement that multi-unit development is a restricted discretionary activity. Where the Business zone is within an urban area, there should be no need to set back from the state highway, as the function of the state highway has changed. The only situation where a setback could be justified would be alongside SH23 near Raglan between Greenslade Road and Hills Road.

61.1.3 Recommendations

430. It is recommended that the submission from Sandra Ellmers Family Trust [965.6], Woolworths NZ Ltd [588.17], Van Den Brink Group [633.30], Waikato District Council [697.203, 697.204, 697.205 and 697.463], Blue Wallace Surveyors Ltd [662.50], Fire and Emergency New Zealand [378.86] and New Zealand Transport Agency [742.141] be **accepted**.

431. It is recommended that the submission from Brendon John & Denise Louise Strong [871.12] and KiwiRail Holdings Limited [986.63 and 986.57] and be **rejected**.

432. The following amendments are recommended to Chapter 17: Business Zone, as shown in Appendix 3 – Chapter 17: Business Zone:

17.3.4.1 Building setbacks - Zone boundaries

PI	<p>(a) Any building must be set back a minimum of at least:</p> <p>(i) 7.5 3.0m from rear and side boundaries adjoining the:</p> <p>A. Residential Zone;</p> <p>B. Village Zone;</p> <p>C. Country Living Zone; or</p> <p>D. Reserve Zone; and</p> <p>(ii) 1.5m from rear and side boundaries adjoining the:</p> <p>A. Rural Zone; or</p> <p>B. Industrial Zone.</p> <p>(iii) 1.5m from SH23 for any site between Greenslade Road and Hills Road, Raglan.</p>
----	--

17.3.4.2 Building setbacks - Water bodies

PI	<p>(a) Any building must be setback a minimum of:</p> <p>(i) 23 27.5m from the margin of any:</p> <p>A. Lake;</p> <p>B. Wetland.</p> <p>(ii) 23 27.5m from the bank of any river (other than the Waikato River and Waipa River); and</p> <p>(iii) 23 32.5m from the margin of either the Waikato River and the Waipa River;</p> <p>(iv) 23 27.5m from mean high water springs</p> <p>(v) 10m from any artificial wetland .</p>
P2	<p>A public amenity of up to 25m² or a pump shed (private or public) within building setback identified in Rule 17.3.4.2 PI.</p>

61.1.4 Section 32AA evaluation

433. As the changes to Chapter 17 are to provide clarity to the rules, align the rules with the intent of the policy with respect to amenity of adjoining zones, include an omission with respect to SH23 and to clarify the difference between natural and artificial wetlands, no s32AA evaluation has been required to be undertaken.

62 Chapter 17: Business Zone – 17.3.5 Horotiu Acoustic Area

62.1.1 Submissions

Submission point	Submitter	Summary of submission
578.86	Ports of Auckland Limited	Add a new permitted activity rule in Rule 17.3.5 Horotiu Acoustic Area, as follows: <i>P2 Activities sensitive to noise must be subject to a restrictive no-complaint covenant in favour of Ports of Auckland Limited. For the purposes of this rule a 'restrictive non-complaint covenant' is defined as a restrictive covenant registered on the Title to the property or a binding agreement to covenant, in favour of the Horotiu Industrial Park, by the landowner (and binding any successors in title) not to complain as to effects generated by the lawful operation of industrial activities from the Park. The restrictive no-complaint covenant is limited to the effects that could be lawfully generated by industrial activities at the time the agreement to covenant is entered into. This does not require the covenantor to forego any right to lodge submissions in respect of resource consent applications or plan changes in relation to industrial activities (although an individual restrictive non-complaint may do so).</i> AND Amend Rule 17.3.5 RDI Horotiu Acoustic Area, as follows: (a) Construction, addition to or alteration of a building that does not comply with Rule 17.3.4.3 P1 17.3.5. (b)... AND Amend the Proposed District Plan to make alternative or consequential amendments as necessary to address the matters raised in the submission.
435.19	Jade Hyslop	Add to Rule 17.3.5 Horotiu Acoustic Area, so that these rules apply to Raglan Business Zones.
697.209	Waikato District Council	Amend Rule 17.3.5 DI from Discretionary Activity DI to Restricted Discretionary Activity RDI.
825.47	John Lawson	Amend Rule 17.3.5 Horotiu Acoustic Area, to also apply to the Raglan business zones.
FS1142.14	Greig Metcalfe	Oppose
780.47	Whaingaroa Environmental Defence Incorporated Society	Amend Rule 17.3.5 Horotiu Acoustic Area, to also apply to the Raglan business zones.
FS1142.13	Greig Metcalfe	Oppose
578.85	Ports of Auckland Limited	Amend Rule 17.3.5 PI Horotiu Acoustic Area, as follows: Construction, addition to or alteration of a building for a noise-sensitive activity within the Horotiu Acoustic Area shall be designed and constructed to achieve the internal design sound

		level specified in Appendix I (Acoustic Insulation) - Table 811. AND Amend the Proposed District Plan to make alternative or consequential amendments as necessary to address the matters raised in the submission.
697.208	Waikato District Council	Amend Rule 17.3.5 PI Horotiu Acoustic Area, to include the correct table reference from Table 8 to Table 11.

62.1.2 Analysis

434. The submission from Ports of Auckland Limited [578.86] seeks to introduce a standard that is not required if compliance with the permitted activity rule is achieved. The matter set out in the submission could form the basis of conditions on a resource consent application.
435. The submissions from Jade Hyslop [435.19], John Lawson [825.47] and Whaingaroa Environmental Defence Incorporated Society [780.47] seek that there be a rule applying to the Business Zone. Section 6 of Appendix I requires acoustic insulation for dwellings within the Business Zone to achieve an internal sound level of 40dB LAeq, and this is included in Rule 17.3.6 PI(a)(ii).
436. The submissions from Ports of Auckland Limited [578.85] and Waikato District Council [697.208 and 697.209] correct references.

62.1.3 Recommendations

437. It is recommended that the submissions from Ports of Auckland Limited [578.85] and Waikato District Council [697.208 and 697.209] be **accepted**.
438. It is recommended that the submissions from Jade Hyslop [435.19], John Lawson [825.47], Whaingaroa Environmental Defence Incorporated Society [780.47] and Ports of Auckland Limited [578.86] be **rejected**.
439. The following amendments are recommended to Chapter 17: Business Zone, as shown in Appendix 3 – Chapter 17: Business Zone:

17.3.5 Horotiu Acoustic Area

PI	Construction, addition to or alteration of a building for a noise-sensitive activity within the Horotiu Acoustic Area must be designed and constructed to achieve the internal design sound level specified in Appendix I (Acoustic Insulation) - Table 811 .
RD	(a) Construction, addition to or alteration of a building that does not comply with Rule 17.3.43 5PI . (b) The Council's discretion shall be limited to the following matters: (i) On-site amenity values; (ii) Noise levels received at the notional boundary of the dwelling ; (iii) Timing and duration of noise received at the notional boundary of the dwelling ; (iv) Potential for reverse sensitivity effects.

62.1.4 Section 32AA evaluation

440. As the changes to Chapter 17 are to provide clarity to the rules, no s32AA evaluation has been required to be undertaken.

63 Chapter 17: Business Zone – 17.3.6 Dwelling

63.1.1 Submissions

Submission point	Submitter	Summary of submission
4.1	Peter Humphreys	Amend Rule 17.3.6 Dwelling, which requires that a dwelling in the Business Zone not be located at ground level.
<i>FS1386.3</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
<i>FS1078.1</i>	<i>Hugh Green Limited</i>	<i>Support</i>
697.212	Waikato District Council	Amend Rule 17.3.6 Dwelling, as follows: PI (a) One dwelling on the CFR <i>a record of title</i> . (i) The dwelling must not be located at ground level; (ii) The dwelling is designed and constructed to achieve the internal design sound levels specified in Appendix I (Acoustic Insulation) – Table 8/4 , D1 A residential activity dwelling that does not comply with conditions of Rule 17.3.6 PI.
<i>FS1387.482</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
697.211	Waikato District Council	Amend Rule 17.3.6 PI Dwelling, to include the correct table reference from Table 8 to Table 14.
<i>FS1387.481</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
838.6	Madsen Lawrie Consultants	Amend Rule 17.3.6(a)(i) Dwelling to clarify that this rule is relevant to multi-story developments with road frontage only in the Business Zone.
<i>FS1387.1369</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
<i>FS1078.51</i>	<i>Hugh Green Limited</i>	<i>Support</i>
392.8	Hugh Green Limited	Delete Rule 17.3.6 NCI Dwelling AND Amend Rule 17.3.6 D1 Dwelling, to apply to buildings not complying with Rule 17.3.6 PI. AND Amend the Proposed District Plan to provide alternative, additional or consequential amendments/relief as necessary to achieve consistency with the other submission points and to satisfy submitter's concerns or such alternative relief to satisfy the concerns of the submitter.
<i>FS1388.105</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
697.213	Waikato District Council	Delete Rule 17.3.6 NCI Dwelling.
<i>FS1387.483</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
<i>FS1078.35</i>	<i>Hugh Green Limited</i>	<i>Support</i>
392.7	Hugh Green Limited	Delete Rule 17.3.6 PI Condition (a)(i) Dwelling. AND Amend the Proposed District Plan to provide alternative, additional or consequential amendments/relief as necessary to achieve consistency with the other submission points and to satisfy submitter's concerns or such alternative relief to satisfy the concerns of the submitter.
<i>FS1388.104</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
742.142	New Zealand Transport Agency	Retain Rule 17.3.6 PI D1 and NCI Dwelling as notified, subject to the amendments sought to Appendix I being accepted

		(addressed elsewhere in the submission).
FSI 387.887	Mercury NZ Limited	Oppose

63.1.2 Analysis

441. The submissions from Waikato District Council [697.212, 697.211 and 697.213] and Hugh Green Limited [392.8] seek corrections to the rule. The submission from New Zealand Transport Agency [742.142] seeks retention of the rule.
442. The submissions from Peter Humphreys [4.1], Madsen Lawrie Consultants [838.6] and Hugh Green Limited [392.8] all seek that the rule requiring dwellings to be above ground floor be deleted. As discussed earlier in this report, the policy direction was to ensure that residential activity (whether an individual dwelling or a multi-unit development) was to be located above ground to retain the ground floor for business activities.

63.1.3 Recommendations

443. It is recommended that the submissions from Waikato District Council [697.212, 697.211 and 697.213], Hugh Green Limited [392.8] and New Zealand Transport Agency [742.142] be **accepted**.
444. It is recommended that the submissions from Peter Humphreys [4.1], Madsen Lawrie Consultants [838.6] and Hugh Green Limited [392.8] be **rejected**.
445. The following amendments are recommended to Chapter 17: Business Zone, as shown in Appendix 3 – Chapter 17: Business Zone:

17.3.6 Dwelling

PI	(a) One dwelling on the CFR record of title must comply with all of the following conditions: (i) The dwelling must not be located at ground level; (ii) The dwelling is designed and constructed to achieve the internal design sound levels specified in Appendix I (Acoustic Insulation) – Table 8 14. (b) Rule 17.3.6(a) does not apply to multi-unit development (refer to Rule 17.1.1 (Multi-Unit Development)).
DI	A residential activity that does not comply with conditions of Rule 17.3.6 PI.
NCI	A dwelling that does not comply with Rule 17.3.6 PI.

63.1.4 Section 32AA evaluation

446. As the changes to Chapter 17 are to provide corrections to the rules, no s32AA evaluation has been required to be undertaken.

64 Chapter 17: Business Zone – 17.3.7 Living court

64.1.1 Submissions

Submission point	Submitter	Summary of submission
633.31	Van Den Brink Group	Amend Rule 17.3.7 PI (a) Living Court to reduce the balcony size requirements to 8m ² and a depth of 1.5m. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
FSI 387.39	Mercury NZ Limited	Oppose

697.214	Waikato District Council	Amend Rule 17.3.7 PI (a) Living court, to read as follows: A living court shall must be provided...
<i>FSI 387.484</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
697.215	Waikato District Council	Amend Rule 17.3.7 PI(a)(i) Living court, to read as follows: It is readily accessible from a living area of the dwelling; and
<i>FSI 387.485</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
695.189	Sharp Planning Solutions Ltd	Amend Rule 17.3.7(a)(iii) Living Court so to revise and make consistent with outdoor living provisions elsewhere in the Proposed District Plan.
<i>FSI 387.351</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
965.7	Sandra Ellmers Family Trust	Delete Rule 17.3.7 PI (a) (iii) Living Court.
<i>FSI 387.1605</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>

64.1.2 Analysis

447. The submissions from Van Den Brink Group [633.31], Sharp Planning Solutions Ltd [695.189] and Sandra Ellmers Family Trust [965.7] seek either a reduction in or deletion of the living court provision. The requirement for and the dimensions of the living court have been set to provide a reasonable level of outside amenity for dwellings that will be located above the ground floor. Due to their location in the Business zone, dwellings may not have ready access to outdoor space on the site or nearby. It is accepted that there is additional cost in the provision of larger living courts, however this needs to be balanced with the need to provide residential amenity.

448. The submissions from Waikato District Council [697.215 and 697.189] correct the wording.

64.1.3 Recommendations

449. It is recommended that the submission from Waikato District Council [697.215 and 697.189] be **accepted**.

450. It is recommended that the submissions from Van Den Brink Group [633.31], Sharp Planning Solutions Ltd [695.189] and Sandra Ellmers Family Trust [965.7] be **rejected**.

451. The following amendments are recommended to Chapter 17: Business Zone, as shown in Appendix 3 – Chapter 17: Business Zone:

17.3.7 Living court

PI	(a) A living court shall must be provided for each dwelling that meets all of the following conditions: (i) It is for the exclusive use of the occupants of the dwelling; (ii) It is readily accessible from a living area of the dwelling; and (iii) It is located on a balcony containing at least 15m ² and a circle with a diameter of at least 2.4m.
DI	A living court that does not comply with Rule 17.3.7.1.

64.1.4 Section 32AA analysis

452. As the changes to Chapter 17 are to provide corrections to the rules, no s32AA evaluation has been required to be undertaken.

65 Chapter 17: Business Zone – 17.4 Subdivision & 17.4.1 General Subdivision

65.1.1 Submissions

Submission point	Submitter	Summary of submission
697.220	Waikato District Council	Amend 17.4 Subdivision heading, to read as follows: Subdivision <u>Rules</u>
FS1387.486	Mercury NZ Limited	Oppose
697.223	Waikato District Council	Amend Rule 17.4 (4) Subdivision, as follows: (4) Rules 17.4.1 are is also subject to <u>compliance with the following rules subdivision controls</u> : (i) Rule 17.4.1.3 – subdivision boundary adjustments (ii) Rule 17.4.1.4 – subdivision amendments and updates to cross lease flats plans (iii) Rule 17.4.1.5 – subdivision title boundaries Significant Natural Areas, heritage items, archaeological sites, sites of significance to Maaori (iv) Rule 17.4.1.6 - subdivision of land containing heritage items (v) <u>Rule 17.4.1.6A – subdivision of land within the National Grid Corridor</u> (vi) Rule 17.4.1.7 – subdivision road frontage (vii) Rule 17.4.1.8 - subdivision esplanade reserves and esplanade strips. AND Add new rule after Rule 17.4.1.5 as follows; <u>17.4.1.5A Subdivision of land within the National Grid Corridor RDI (a) The subdivision of land within the National Grid Corridor must comply with all of the following conditions: (i) All allotments intended to contain a sensitive land use must provide a building platform for the likely principal building(s) and any building(s) for a sensitive land use located outside of the National Grid Yard, other than where the allotments are for roads, access ways or infrastructure; and (ii) The layout of allotments and any enabling earthworks must ensure that physical access is maintained to any National Grid support structures located on the allotments, including any balance area. (b) Council's discretion is restricted to the following matters: (i) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of the National Grid; (ii) The ability to provide a complying building platform outside of the National Grid Yard; (iii) The risk of electrical hazards affecting public or individual safety, and the risk of property damage; (iv) The nature and location of any vegetation to be planted in the vicinity of National Grid transmission lines.</u> AND Add new non complying rule, as follows; <u>NCI Any subdivision of land within the National Grid Corridor that does not comply with one or more of the conditions of Rule 17.4.1.5A RDI.</u>
FS1350.124	Transpower New Zealand Limited	Oppose
697.224	Waikato District Council	,Amend Rule 17.4.1 RDI (a) General subdivision as follows: (a) Subdivision <u>of land</u> must comply with all of the following conditions: (i) Proposed lots <u>The record of title</u> to be subdivided must have a minimum size of 225m ² net site area with the exception of access or utility allotments or reserves to

		vest; (ii) All Proposed lots must be connected to public-reticulated water supply and wastewater.
FS1387.489	Mercury NZ Limited	Oppose
405.62	Counties Power Limited	Add a matter of discretion to Rule 17.4.1 RDI(b) General Subdivision as follows: <u>The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of existing infrastructure assets;</u>
FS1211.50	First Gas Limited on behalf of First Gas	Support
986.92	KiwiRail Holdings Limited (KiwiRail)	Add a new matter of discretion to Rule 17.4.1 General Subdivision as follows (or similar amendments to achieve the requested relief): <u>Reverse sensitivity effects, including on land transport networks</u> AND Any consequential amendments to link and/or accommodate the requested changes.
697.221	Waikato District Council	Amend 17.4.1 General subdivision heading, to read as follows: General sSubdivision – General
FS1387.487	Mercury NZ Limited	Oppose
825.27	John Lawson	Amend Rule 17.4.1 - RDI (a)(i) General subdivision as follows: (a) Subdivision of land must comply with all of the following conditions: (i) Proposed lots must have a minimum size of 225m² net site area with the exception of access or utility allotments or reserves to vest; (ii) Proposed lots must be connected to public-reticulated water supply and wastewater.
FS1387.1325	Mercury NZ Limited	Oppose
749.131	Housing New Zealand Corporation	Amend Rule 17.4.1 General subdivision as follows: (a) Subdivision of land must comply with all of the following conditions: (i) Proposed vacant lots must have a minimum size of 200m² <u>225m²</u> net site area with the exception of access or utility allotments or reserves to vest. (ii) Proposed vacant lots must be connected to public-reticulated water supply and wastewater. (b) The Council's discretion shall be... <u>CI (a) Any subdivision in accordance with an approved land use resource consent must comply with that resource consent. (b) Council's control shall be reserved to any of the following matters: (i) The effect of the design and layout of the proposed sites created; (ii) Provision of infrastructure.</u> DI Subdivision that does not comply with Rule 17.4.1 RDI <u>or CI</u> . AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
FS1387.1047	Mercury NZ Limited	Oppose
FS1114.30	Fire and Emergency New Zealand	Not Stated
697.222	Waikato District Council	Amend Rule 17.4.1 General subdivision, as follows: (1) Rule 17.4.1 provides for subdivision density <u>within the Business Zone</u> .
FS1387.488	Mercury NZ Limited	Oppose
780.27	Whaingaroa Environmental Defence Incorporated Society	Amend Rule 17.4.1 RDI (a)(i) General subdivision as follows: (a)Subdivision of land must comply with all of the following conditions: (i) Proposed lots must have a minimum size of 225m²

		net site area with the exception of access or utility allotments or reserves to vest; (ii) Proposed lots must be connected to public-reticulated water supply and wastewater.
FSI 387.1202	Mercury NZ Limited	Oppose
831.28	Raglan Naturally	Delete Rule 17.4.1 RDI (a)(i) General subdivision.
378.87	Fire and Emergency New Zealand	Retain Rule 17.4.1 - General subdivision.
FSI 388.61	Mercury NZ Limited	Oppose
FSI 035.194	Pareoranga Te Kata	Support
633.50	Van Den Brink Group	Retain Rule 17.4.1(a) General Subdivision in relation to the minimum lot size of 225m ² . OR Amend Rule 17.4.1(a) General Subdivision to reduce the minimum lot size. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
FSI 387.50	Mercury NZ Limited	Oppose

65.1.2 Analysis

453. The submissions from Waikato District Council [697.220, 697.224, 697.221, 697.222 and 697.223] are all wording amendments to correct errors to provide clarity. Submission [697.223] also relocates the subdivision provisions from Chapter 14 (Rule 14.4.2) into the Business Zone.
454. The submissions from Fire and Emergency New Zealand [387.87] and Van Den Brink Group [633.50] support the rules.
455. The submission from Counties Power Limited [405.62] seeks the addition of a matter of discretion to Rule 17.4.1.1 RDI. In my opinion, the matter is one that should be considered as part of subdivision.
456. The submission from KiwiRail Holdings Limited [986.92] seeks the addition of a matter of discretion to Rule 17.4.1 RDI. In my opinion, this is not required, as it is the land use that creates the potential for reverse sensitivity, not subdivision.
457. The submission from Housing New Zealand Corporation [749.131] seeks that Rule 17.4.1 only apply to 'vacant' lots, that the lot size be reduced and provision be made for subdivision of approved land uses as a controlled activity.
458. In my opinion, only providing for subdivision of vacant lots would make the subdivision of lots with existing buildings and activities a discretionary activity, which is not logical. The reduction in the lot size by 25m² is not supported by any analysis or justification. I understand that the lot size has proven to be appropriate for subdivision in the Business zone, and on that basis should be retained.
459. The subdivision of existing land uses approved through resource consent is problematic, as although the resource consent has been approved, it may not be implemented, and if it is implemented, there is no guarantee as to how long the activity will be in place. In my opinion, this matter is preferably considered through the discretionary subdivision resource consent process.
460. The submissions from John Lawson [825.27], Whaingaroa Environmental Defence Incorporated Society [697.22] and Raglan Naturally [831.28] seek deletion of the minimum

lot size or the rule in its entirety. The minimum lot size provides an indication of the general lot size that is considered will provide for a range of activities within the Business zone.

65.1.3 Recommendations

461. It is recommended that the submissions from Waikato District Council [697.220, 697.224, 697.221, 699.222 and 697.223], Fire and Emergency New Zealand [387.87] and Van Den Brink Group [633.50] be **accepted**.
462. It is recommended that the submissions from KiwiRail Holdings Limited [986.92], Housing New Zealand Corporation [749.131], John Lawson [825.27], Whaingaroa Environmental Defence Incorporated Society [697.22] and Raglan Naturally [831.28] be **rejected**.
463. The following amendments are recommended to Chapter 17: Business Zone, as shown in Appendix 3 – Chapter 17: Business Zone:

17.4.1 **Subdivision** ~~General~~ **subdivision**

RDI	<p>(a) Subdivision of land must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) Proposed lots The record of title must have a minimum size of 225m² net site area with the exception of access or utility allotments or reserves to vest; (ii) All Proposed lots must be connected to public-reticulated water supply and wastewater. <p>(b) The Council's discretion shall be limited to the following matters:</p> <ul style="list-style-type: none"> (i) amenity values; (ii) the extent to which a range of future business activities can be accommodated; (iii) impact on the operation, maintenance, upgrading and development of existing infrastructure.
-----	--

17.4.1.5A Subdivision of land within the National Grid Corridor

RDI	<p><u>(a) The subdivision of land within the National Grid Corridor must comply with all of the following conditions:</u></p> <ul style="list-style-type: none"> <u>(i) All allotments intended to contain a sensitive land use must provide a building platform for the likely principal building(s) and any building(s) for a sensitive land use located outside of the National Grid Yard, other than where the allotments are for roads, access ways or infrastructure; and</u> <u>(ii) The layout of allotments and any enabling earthworks must ensure that physical access is maintained to any National Grid support structures located on the allotments, including any balance area.</u> <p><u>(b) Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> <u>(i) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of the National Grid;</u> <u>(ii) The ability to provide a complying building platform outside of the National Grid Yard;</u> <u>(iii) The risk of electrical hazards affecting public or individual safety, and the risk of property damage;</u> <u>(iv) The nature and location of any vegetation to be planted in the vicinity of National Grid transmission lines.</u>
NCI	<p><u>Any subdivision of land within the National Grid Corridor that does not comply with one or more of the conditions of Rule 17.4.1.5A RDI.</u></p>

65.1.4 Section 32AA evaluation

464. As the changes to Chapter 17 are to provide corrections to and relocation of the rules, no s32AA evaluation has been required to be undertaken.

66 Chapter 17: Business Zone – 17.4.1.1 Subdivision – Multi-unit development

66.1.1 Submissions

Submission point	Submitter	Summary of submission
697.225	Waikato District Council	Amend Rule 17.4.1.1 RD1 (a) (i) Subdivision - Multi-unit development, to read as follows: An application for land use consent under Rule 17.1.4 (Multi-unit housing development) must...)
<i>FS1387.490</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
965.8	Sandra Ellmers Family Trust	Amend Rule 17.4.1.1- RD1 (a) (iii) Subdivision- Multi-unit development, as follows: Unit of Apartment Minimum Unit Area Studio unit or 1 bedroom unit 6050 m ² 2 bedroom unit 8070 m ² 3 bedroom unit 10080 m ²
<i>FS1387.1606</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
749.132	Housing New Zealand Corporation	Amend Rule 17.4.1.1 Subdivision - Multi-unit development as follows: C/ RD1 (a) Subdivision for multi-unit development must comply with all of the following conditions: (i) An application for land use consent under Rule 17.1.4 (Multi-unit housing development) must either accompany the subdivision or been granted resource consent by Council; (ii) <u>Any subdivision relating to an approved land use consent must comply with that resource consent.</u> (iii) (ii) Be connected to public wastewater and water reticulation; and (iv) (iii) Where a residential unit is being created in accordance with the Unit Titles Act 2010, it meets the following minimum unit size: ... Studio unit or 1 bedroom unit 60m² <u>30m²</u> 2 bedroom or more residential unit 2 bedroom unit 80m² <u>45m²</u> 3 or more residential unit 100m² (b) The Council's discretion shall be limited to <u>any of</u> the following matters: ... (ii) Provision of common areas for shared spaces, access and services; (iii) ... (vi) Compliance with the approved land use consent. (vi) Consistency with the matters contained, and outcomes sought, in Appendix 3.4 (Multi-unit development guideline); (vii) Consistency with any relevant structure plan or master plan, including the provision of neighbourhood parks, reserves and neighbourhood centres; (viii) Vehicle, pedestrian and cycle networks; (ix) Safety, function and efficiency of road network and any internal roads or accessways. D1 Subdivision that does not comply with Rule 17.4.1.1 C/ RD1 . AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
<i>FS1193.19</i>	<i>Van Den Brink Group</i>	<i>Support</i>
<i>FS1202.81</i>	<i>New Zealand Transport Agency</i>	<i>Oppose</i>
<i>FS1387.1048</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>

378.88	Fire and Emergency New Zealand	Retain Rule 17.4.1.1 Subdivision - Multi-unit development as notified.
FSI035.195	Pareoranga Te Kata	Support
FSI388.62	Mercury NZ Limited	Oppose

66.1.2 Analysis

465. The submission from Waikato District Council [697.225] is a minor correction and Fire and Emergency New Zealand [378.88] support the rule.
466. The submissions from Sandra Ellmers Family Trust [965.8] and part of the submission from Housing New Zealand Corporation [749.132] seek a reduction in the minimum unit areas. This matter has been addressed at Section 48 of this s42A report and no change to minimum unit areas is recommended.
467. Part of the submission from Housing New Zealand Corporation [749.132] seeks that the activity status be changed to a controlled activity, along with deletion of some of the matters of discretion/control. As noted previously, the controlled activity has some logistical difficulties, in that the controlled activity subdivision cannot be declined. Maintaining the same activity status for land use and subdivision would avoid that difficulty. I concur that the suggested matter of discretion negates the need to consider the other matters of discretion which would be considered as part of the land use anyway.

66.1.3 Recommendations

468. It is recommended that the submission from Waikato District Council [697.225], Fire and Emergency New Zealand [387.88] and Housing New Zealand Corporation [749.132] be **accepted**.
469. It is recommended that the submission from Sandra Ellmers Family Trust [965.8] be **rejected**.
470. The following amendments are recommended to Chapter 17: Business Zone, as shown in Appendix 3 – Chapter 17: Business Zone:

17.4.1.1 Subdivision - Multi-unit development

RDI	<p>(a) Subdivision for multi-unit development must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) An application for land use consent under Rule 17.1.4 (Multi-unit housing development) must either accompany the subdivision or been granted resource consent by Council; (ii) Be connected to public wastewater and water reticulation; and (iii) Where a residential unit is being created in accordance with the Unit Titles Act 2010, it meets the following minimum unit size: <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>Unit of Apartment</th> <th>Minimum Unit Area</th> </tr> </thead> <tbody> <tr> <td>Studio unit or 1 bedroom unit</td> <td>60m²</td> </tr> <tr> <td>2 bedroom unit</td> <td>80m²</td> </tr> <tr> <td>3 bedroom unit</td> <td>100m²</td> </tr> </tbody> </table> <p>(b) The Council's discretion shall be limited to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout including notional boundaries for the multi-unit development; (ii) Compliance with the proposed or approved land use resource consent; (iii) Provision of common areas for shared spaces, access and services; (iv) Avoidance or mitigation of natural hazards; 	Unit of Apartment	Minimum Unit Area	Studio unit or 1 bedroom unit	60m ²	2 bedroom unit	80m ²	3 bedroom unit	100m ²
Unit of Apartment	Minimum Unit Area								
Studio unit or 1 bedroom unit	60m ²								
2 bedroom unit	80m ²								
3 bedroom unit	100m ²								

	<p>(v) Geotechnical suitability of site for buildings;</p> <p>(vi) Amenity values and streetscape;</p> <p>(vii) Consistency with the matters contained, and outcomes sought, in Appendix 3.4 (Multi-unit development guideline);</p> <p>(viii) Consistency with any relevant structure plan or master plan, including the provision of neighbourhood parks, reserves and neighbourhood centres;</p> <p>(ix) Vehicle, pedestrian and cycle networks;</p> <p>(x) Safety, function and efficiency of road network and any internal roads or accessways.</p>
--	--

66.1.4 Section 32AA evaluation

471. As the changes to Chapter 17 are to provide corrections to the rules and remove matters of discretion that are addressed in the land use consent application, no s32AA evaluation has been required to be undertaken.

67 Chapter 17: Business Zone – 17.4.1.2 Subdivision – Boundary adjustments

67.1.1 Submissions

Submission point	Submitter	Summary of submission
697.227	Waikato District Council	Amend Rule 17.4.1.2 C1 (b) Subdivision – Boundary adjustments, as follows: (b) The Council's control shall be limited to <u>reserved over</u> the following matters: (i) Subdivision layout; (ii) Shape of title and variation in <u>title lot</u> size.
<i>FS1387.492</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
697.226	Waikato District Council	Amend Rule 17.4.1.2 C1 (a)(i) Subdivision – Boundary adjustments, to read as follows: The conditions specified in <u>either</u> :
<i>FS1387.491</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
749.133	Housing New Zealand Corporation	Amend Rule 17.4.1.2 D1 Subdivision - Boundary adjustments as follows: DIRDI (a) Boundary adjustments that does not comply with Rule 17.4.1.2 C. (b) <u>Council's discretion shall be restricted to any of the following matters: (i) Subdivision layout; (ii) Shape of titles and variation in lot sizes.</u> AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
<i>FS1387.1049</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>

67.1.2 Analysis

472. The submissions from Waikato District Council [697.227 and 697.226] are minor corrections.
473. The submission from Housing New Zealand Corporation [749.133] seeks to change the resource consent status from discretionary to restricted discretionary. As the matters of discretion are the same as for the controlled activity, this activity status is considered appropriate.

67.1.3 Recommendations

474. It is recommended that the submissions from Waikato District Council [697.227 and 697.226], and Housing New Zealand Corporation [749.133] be **accepted**.
475. The following amendments are recommended to Chapter 17: Business Zone, as shown in Appendix 3 – Chapter 17: Business Zone:

17.4.1.2 Subdivision – Boundary adjustments

CI	<p>(a) Boundary adjustments must comply with the following:</p> <p>(i) the conditions specified in either:</p> <p>2. A. Rule 17.4.1 (Subdivision - General); or</p> <p>B. Rule 17.4.2 (Subdivision- Multi-unit housing).</p> <p>(ii) Proposed lot must not generate any additional building infringements to those which legally existed prior to the boundary adjustment.</p> <p>(b) The Council's control shall be limited to reserved over the following matters:</p> <p>(i) Subdivision layout;</p> <p>(ii) Shape of title and variation in title size.</p>
DRD1	<p>(a) Boundary adjustment that does not comply with Rule 17.4.1.2 CI.</p> <p>(c) The Council's discretion shall be restricted to the following matters:</p> <p>(i) Subdivision layout;</p> <p>(ii) Shape of title and variation in title size.</p>

67.1.4 Section 32AA evaluation

476. As the changes to Chapter 17 are to provide corrections to the rules and apply a more appropriate resource consent activity status, no s32AA evaluation has been required to be undertaken.

68 Chapter 17: Business Zone – 17.4.1.3 Subdivision – Amendment to cross lease flats plans

68.1.1 Submissions

Submission point	Submitter	Summary of submission
697.477	Waikato District Council	Amend for consistency of reading, the following rule: Rule 17.4.1.3 Subdivision - Amendments and updates to cross lease flats plans.
697.228	Waikato District Council	Amend Rule 17.4.1.3 CI Subdivision - Amendments and updates to cross lease flats plans, as follows: (a) <u>An amendment or update to a cross lease or flats plan where:</u> (i) An amendment <u>The purpose</u> is to convert a cross lease <u>or flats plan</u> to a fee simple title; <u>or</u> (a) (ii) An amendment or update to includes for additions or alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners. (b) The Council's control shall be limited to <u>is reserved over</u> the following matters: (i) Purpose of <u>the amendment or update to cross lease or flats plan boundary adjustment</u> ; (ii) Effects on existing buildings; (iii) Site layout and design of cross lease or flats plan; (iv) Compliance with permitted building rules where the amendment is to convert a cross lease title to fee simple.

68.1.2 Analysis

477. The submissions from Waikato District Council [697.447 and 697.228] are minor corrections.

68.1.3 Recommendations

478. It is recommended that the submissions from Waikato District Council [697.447 and 697.228] be **accepted**.

479. The following amendments are recommended to Chapter 17: Business Zone, as shown in Appendix 3 – Chapter 17: Business Zone:

17.4.1.3 Subdivision - Amendments and updates to cross lease flats plans

CI	<p>(a) An amendment <u>or update to a cross lease or flats plan where:</u></p> <ul style="list-style-type: none">(i) <u>The purpose</u> is to convert a cross lease <u>or flats plan</u> to a fee simple title; or(ii) An amendment or update to include <u>for</u> additions or alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners. <p>(a) The Council's control shall be limited to <u>is reserved over</u> the following matters</p> <ul style="list-style-type: none">(i) Purpose of the <u>amendment or update to the cross lease or flats plan boundary adjustment</u>;(ii) Effects on existing buildings;(iii) Site layout and design of cross lease or flats plan;(iv) Compliance with permitted building rules where the amendment is to convert a cross lease title to fee simple.
----	--

68.1.4 Section 32AA evaluation

480. As the changes to Chapter 17 are to provide corrections to the rules, no s32AA evaluation has been required to be undertaken.

69 Chapter 17: Business Zone – 17.4.1.4 Subdivision – Title boundaries – Significant Natural Areas, Maaori Sites and Areas of Significance to Maaori

69.1.1 Submissions

Submission point	Submitter	Summary of submission
697.229	Waikato District Council	Amend Rule 17.4.1.4 NCI Subdivision - Title boundaries – Significant Natural Areas, Maaori Sites and Areas of Significance to Maaori to be a Discretionary activity rather than non-complying as follows: <u>NCI</u> Subdivision that does not comply with Rule 17.4.1.4 RDI
559.275	Heritage New Zealand Lower Northern Office	Retain Rule 17.4.1.4 NCI Title boundaries – Significant Natural Areas, Maaori sites and Areas of Significance to Maaori.
559.267	Heritage New Zealand Lower Northern Office	Retain Rule 17.4.1.4 NCI Title boundaries – Significant Natural Areas, Maaori sites and Maaori areas of Significance to Maaori, except for the amendments sought below. AND Amend Rule 17.4.1.4 NCI Title boundaries - Significant Natural Areas, Maaori sites and Maaori areas of Significance to be consistent with the equivalent rules in other zone chapters, including the provision

		of heritage items.
559.274	Heritage New Zealand Lower Northern Office	Retain Rule 17.4.1.4 RDI Title boundaries – Significant Natural Areas, Maaori sites and Areas of Significance to Maaori.
559.262	Heritage New Zealand Lower Northern Office	Retain Rule 17.4.1.4 RDI Title boundaries – Significant Natural Areas, Maaori sites and Maaori areas of Significance, except for the amendments sought below AND Amend Rule 17.4.1.4 RDI Title boundaries - Significant Natural Areas, Maaori sites and Maaori areas of Significance to be consistent with other zone chapters, including sites and areas not being divided by a proposed lot boundary line. AND Amend Rule 17.4.1.4 RDI Title boundaries - Significant Natural Areas, Maaori sites and Maaori areas of Significance to be consistent with the equivalent rules in other zone chapters.

69.1.2 Analysis

481. The submissions from Heritage New Zealand Lower Northern Office [559.275, 559.267, 559.274 and 559.262] seek to retain the rule.
482. The submission from Waikato District Council [697.229] seeks to change the activity status from non-complying to discretionary.
483. In my opinion, any subdivision which seeks to divide any of the features subject to the rule should be a non-complying activity, as they are matters of national importance under s6 of the RMA and the direction is for the ‘protection’ of such features from inappropriate subdivision.

69.1.3 Recommendations

484. It is recommended that the submissions from Heritage New Zealand Lower Northern Office [559.275, 559.267, 559.274 and 559.262] be **accepted**.
485. It is recommended that the submission from Waikato District Council [697.229] be **rejected**.

69.1.4 Section 32AA evaluation

486. As there are no changes to Chapter 17, no s32AA evaluation has been required to be undertaken.

70 Chapter 17: Business Zone – 17.4.1.5 Subdivision – Land containing heritage items

70.1.1 Submissions

Submission point	Submitter	Summary of submission
697.230	Waikato District Council	Amend Rule 17.4.1.5 NCI Subdivision - land containing heritage items, to be a Discretionary Activity rather than Non Complying as follows: NCDI Subdivision that does not comply with Rule 17.4.1.4 5 RDI
FS1323.78	Heritage New Zealand Pouhere Taonga	Oppose

559.253	Heritage New Zealand Lower Northern Office	Retain Rule 17.4.1.5 NCI Subdivision – land containing heritage items, except for the amendments sought below. AND Amend Rule 17.4.1.5 NCI Subdivision – land containing heritage items to be consistent with the equivalent rules in other zone chapters.
559.246	Heritage New Zealand Lower Northern Office	Retain Rule 17.4.1.5 RDI Subdivision – land containing heritage items, except for the amendments sought below. AND Amend Rule 17.4.1.5 RDI Subdivision – land containing heritage items as follows: (a) Subdivision of land containing a heritage item listed in Schedule 30.1 (Historic Heritage Items) (b) The Council's discretion is restricted to the following matters: (i) Effects on heritage values; (ii) Context and setting of the heritage item; (iii) The extent to which the relationship of the heritage item with its setting is maintained <i>within one lot</i> . AND Amend Rule 17.4.1.5 RDI Subdivision – land containing heritage items, to be consistent with the equivalent rules in other zone chapters, including heritage items being retained in one lot.

70.1.2 Analysis

487. The submissions from Heritage New Zealand Lower Northern Office [559.253 and 559.246] seek to retain the rule, with a clarification to one of the matters of discretion.
488. The submission from Waikato District Council [697.230] seeks to change the activity status from non-complying to discretionary.
489. In my opinion, any subdivision which seeks to divide any historic heritage feature subject to the rule should be a non-complying activity, as this is a matter of national importance under s6 of the RMA and the direction is for the ‘protection’ of such features from inappropriate subdivision.
490. The submission also sought to correct the rule reference in NCI and this can be accommodated as a clause 16 correction.

70.1.3 Recommendations

491. It is recommended that the submissions from Heritage New Zealand Lower Northern Office [559.253 and 559.246] be **accepted**.
492. It is recommended that the submissions from Waikato District Council [697.230] be **rejected**.
493. The following amendments are recommended to Chapter 17: Business Zone, as shown in Appendix 3 – Chapter 17: Business Zone:

17.4.1.5 Subdivision - land containing heritage items

RDI	(a) Subdivision of land containing a heritage item listed in Schedule 30.1 (Heritage Items) where the heritage item is wholly contained within one lot. (b) The Council’s discretion shall be limited to the following matters: (i) Effects on heritage values; (ii) Context and setting of the heritage item; (iii) The extent to which the relationship of the heritage item with its setting is maintained within one lot .
NCI	Subdivision that does not comply with Rule 17.4.1.4 5 RDI .

70.1.4 Section 32AA evaluation

494. As the changes to Chapter 17 are to provide clarification to the matter of discretion, no s32AA evaluation has been required to be undertaken.

71 Chapter 17: Business Zone – 17.4.1.6 Subdivision – Road frontage

71.1.1 Submissions

Submission point	Submitter	Summary of submission
697.231	Waikato District Council	Amend Rule 17.4.1.6 RDI Subdivision - Road frontage, as follows: RDI (a) Subdivision of land <u>Every proposed lot</u> with a road frontage boundary, other than any access or utility allotment, right of way or access leg, must provide <u>have</u> : (i) A <u>a</u> width along the road boundary of at least 15m; and (b) Rule 17.4.1.6 (a)(i) (a) does not apply to a proposed access allotment or utility allotment. (c) (b) The Council's discretion shall be limited <u>restricted</u> to the following matters: (i) Road efficiency and <u>Safety and efficiency of vehicle access and road network</u> ; (ii) Amenity and streetscape.
742.143	New Zealand Transport Agency	Retain Rule 17.4.1.6 RDI Subdivision - Road frontage as notified.

71.1.2 Analysis

495. The submission from Waikato District Council [697.231] has minor corrections and clarification of wording.

496. The submission from New Zealand Transport Agency [742.143] supports the rule.

71.1.3 Recommendations

497. It is recommended that the submissions from Waikato District Council [697.231] and New Zealand Transport Agency [742.143] be **accepted**.

498. The following amendments are recommended to Chapter 17: Business Zone, as shown in Appendix 3 – Chapter 17: Business Zone:

17.4.1.6 Subdivision - Road frontage

RDI	(a) Subdivision of land <u>Every proposed lot</u> with a road frontage boundary, other than any access or utility allotment, right of way or access leg, must provide <u>have</u> : (i) A <u>a</u> width along the road boundary of at least 15m; and (b) Rule 17.4.1.6 (a)(i) (a) does not apply to a proposed access allotment or utility allotment. (c) The Council's discretion shall be limited <u>restricted</u> to the following matters: (ii) Road efficiency and <u>Safety and efficiency of vehicle access and road network</u> ; (iii) Amenity and streetscape.
-----	---

71.1.4 Section 32AA evaluation

499. As the changes to Chapter 17 are to provide better rule structure and clarification to the matter of discretion, no s32AA evaluation has been required to be undertaken.

72 Chapter 17: Business Zone – 17.4.1.8 Esplanade reserves and esplanade strips

72.1.1 Submissions

Submission point	Submitter	Summary of submission
697.232	Waikato District Council	Amend Rule 17.4.1.7 Esplanade reserves and esplanade strips heading, to read as follows: <i>Subdivision</i> – Esplanade reserves and esplanade strips
871.13	Brendon John & Denise Louise Strong	Amend Rule 17.4.1.7 Esplanade reserves and esplanade strips, by replacing with the Waikato District Plan - Franklin Section Rule 11.5 Esplanade Reserves and Strips.
697.233	Waikato District Council	Amend Rule 17.4.1.7 RDI (a) Esplanade reserves and esplanade strips, as follows: (a) Subdivision must create a <i>An</i> esplanade reserve or <i>esplanade strip</i> 20m wide (or other width stated in Appendix 4 (Esplanade Priority Areas) is required to be created and vested in Council from every <i>subdivision where the land is being subdivided is proposed to:</i> (i) less than 4ha and within 20m of <i>any:</i> A. mean high water springs; B. the bank of any river whose bed has an average width of 3m or more; or C. a lake whose bed has an area of 8ha or more; and (ii) 4ha or more <i>and located</i> within 20m of <i>any:</i> A. mean high water springs or B. a water body identified in Appendix 4 (Esplanade Priority Areas).
697.234	Waikato District Council	Delete Rule 17.4.1.7 (RDI) matter of discretion (b)(vi) Esplanade reserves and esplanade strips.
942.91	Tainui	No specific decision sought, but submission refers to Rule 17.4.1.1 Esplanade Reserves and Esplanade strips.

72.1.2 Analysis

500. The submissions from Waikato District Council [697.232, 697.233 and 697.234] are either minor corrections and clarification of wording, or removal of an unnecessary matter of discretion.
501. The submission from Tainui [942.91] is neutral.
502. The submission from Brendon John & Denise Louise Strong [871.13] seeks that the esplanade provisions of the Franklin Section be applied. My analysis concludes that the propose esplanade provisions are a near duplication of the Franklin Section provisions.

72.1.3 Recommendations

503. It is recommended that the submissions from Waikato District Council [697.232, 697.233 and 697.234] and Tainui [942.91] be **accepted**.
504. It is recommended that the submission from Brendon John & Denise Louise Strong [871.13] be **rejected**.
505. The following amendments are recommended to Chapter 17: Business Zone, as shown in Appendix 3 – Chapter 17: Business Zone:

17.4.1.7 **Subdivision - Esplanade reserves and esplanade strips**

RDI	<p>(a) Subdivision must create aAn esplanade reserve or <u>esplanade</u> strip 20m wide (or other width stated in <u>Appendix 4 (Esplanade Priority Areas)</u> <u>is required to be created and vested in Council</u> from every <u>subdivision where the land being subdivided is proposed to:</u></p> <p>(i) less than 4ha and within 20m of <u>any:</u></p> <p style="padding-left: 40px;">mean high water springs;</p> <p style="padding-left: 40px;">B. the <u>bank</u> of any river whose <u>bed</u> has an average width of 3m or more; or a lake whose <u>bed</u> has an area of 8ha or more; and</p> <p>(ii) 4ha or more <u>and located</u> within 20m of:</p> <p style="padding-left: 40px;">A. mean high water springs; or</p> <p style="padding-left: 40px;">B. a water body identified in <u>Appendix 4 (Esplanade Priority Areas)</u>.</p> <p>(b) The Council's discretion shall be limited to the following matters:</p> <p>(i) The type of esplanade provided - reserve or strip;</p> <p>(ii) Width of the esplanade reserve or strip;</p> <p>(iii) Provision of legal access to the esplanade reserve or strip;</p> <p>(iv) Matters provided for in an instrument creating an esplanade strip or access strip;</p> <p>(v) Works required prior to vesting any reserve in the Council, including pest plant control, boundary fencing and the removal of structures and debris;</p> <p>(vi) Costs and benefits of acquiring the land.</p>
-----	--

72.1.4 Section 32AA analysis

506. As the changes to Chapter 17 are to provide better rule structure, no s32AA evaluation has been required to be undertaken.

73 Chapter 18: Business Town Centre Zone - Corrections

73.1.1 Submissions

Submission point	Submitter	Summary of submission
697.246	Waikato District Council	Amend Chapter 18 (2) Business Town Centre Zone, as follows: The rules that apply to subdivision in the Business Town Centre Zone are contained in Rule 18.4 <u>and the relevant rules in 14 Infrastructure and Energy and 15 Natural Hazards and Climate Change (Placeholder)</u> .
<i>FS1387.501</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
697.245	Waikato District Council	Amend the heading for Chapter 18 to read as follows: Business Town Centre Zone <u>Rules</u>
<i>FS1387.500</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>

73.1.2 Analysis

507. Both submission points are clarification and are agreed with.

73.1.3 Recommendations

508. It is recommended that the submissions from Waikato District Council [697.246 and 697.245] be **accepted**.

509. The following amendments are recommended to Chapter 18: Business Town Centre Zone, as shown in Appendix 4 – Chapter 18: Business Town Centre Zone:

Chapter 18: Business Town Centre Zone Rules

- (1) The rules that apply to activities in the Business Town Centre Zone are contained in **Rule 18.1** Land Use – Activities, **Rule 18.2** Land Use – Effects and **Rule 18.3** Land Use – Building.
- (2) The rules that apply to subdivision in the Business Town Centre zone are contained in **Rule 18.4** and the relevant rules in **14 Infrastructure and Energy** and **15 Natural Hazards and Climate Change (Placeholder)**.

73.1.4 Section 32AA evaluation

510. As the changes to Chapter 17 are clarification of which rules apply, no s32AA evaluation has been required to be undertaken.

74 Chapter 18: Business Town Centre Zone – New Rules

74.1.1 Submissions

Submission point	Submitter	Summary of submission
780.8	Whaingaroa Environmental Defence Incorporated Society	Add provisions to Chapter 18 – Business Town Centre Zone, to restrict further holiday accommodation in Raglan's residential and business areas. AND Add provisions for an area of high density development near the cement silos, of similar height to them and to the density and design of a traditional European fishing village, available for low cost purchase and rental by permanent residents for leases of no less than a year.
<i>FS1387.1194</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
<i>FS1142.18</i>	<i>Greig Metcalfe</i>	<i>Oppose</i>
825.8	John Lawson	Add provisions to Chapter 18 – Business Town Centre Zone, to restrict further holiday accommodation in Raglan's residential and business areas. AND Add provisions for an area of high density development near the cement silos, of similar height to them and to the density and design of a traditional European fishing village, available for low cost purchase and rental by permanent residents for leases of no less than a year.
<i>FS1387.1317</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
<i>FS1142.20</i>	<i>Greig Metcalfe</i>	<i>Oppose</i>
780.3	Whaingaroa Environmental Defence Incorporated Society	Add rules to Chapter 18 Business Town Centre Zone to provide for protection of defined views from public places to the harbour, coast and natural backdrops and to include at least the following defined views:- (a) from SH23 (north of Maungatawhiri Rd) to Kaitoke Creek (b) all existing views of the bar from Main Road, Bow St and Norrie Avenue (c) all existing views of Karioi from Raglan CBD (d) from Wainui Rd to the coast between the Bryant Reserve and the Bible Crusade Camp (e) from SH23 summit to Karioi (f) AroAro salt marsh from Wallis St. AND Amend the planning maps for any consequential relief required to give effect to this submission.
<i>FS1387.1189</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>

FSI258.49	Meridian Energy Limited	Oppose
FSI269.64	Housing New Zealand Corporation	Oppose
FSI142.17	Greig Metcalfe	Oppose
825.3	John Lawson	Add rules to Chapter 18 Business Town Centre Zone to provide for protection of defined views from public places to the harbour, coast and natural backdrops and to include at least the following defined views:- (a) from SH23 (north of Maungatawhiri Rd) to Kaitoke Creek (b) all existing views of the bar from Main Road, Bow St and Norrie Avenue (c) all existing views of Karioi from Raglan CBD (d) from Wainui Rd to the coast between the Bryant Reserve and the Bible Crusade Camp (e) from SH23 summit to Karioi (f) AroAro salt marsh from Wallis St. AND Amend the planning maps for any consequential relief required to give effect to this submission.
FSI387.1312	Mercury NZ Limited	Oppose
FSI258.54	Meridian Energy Limited	Oppose
FSI142.19	Greig Metcalfe	Oppose
435.8	Jade Hyslop	Add rules to Chapter 18 Business Town Centre, to provide for protection of defined views from public places to harbour, coast and natural backdrops which include at least the following defined views: (a) From SH23 (north of Maungatawhiri Road) to Kaitoke Creek. (b) All existing views of the bar from Main Road, Bow Street and Norrie Avenue. (c) All existing views of Karioi from Raglan CBD. (d) From Wainui Road to the coast between the Bryant Reserve and the Bible Crusade Camp. (e) From SH23 summit to Karioi. (f) AroAro salt marsh from Wallis Street. AND Amend the Planning maps for any consequential relief required to give effect to this submission point.
FSI258.47	Meridian Energy Limited	Oppose
831.90	Raglan Naturally	Add rules to Chapter 18: Business Town Centre Zone, to provide for the protection of defined views from public places to the harbour, coast and natural backdrops and to include at least the following defined views: From SH3 (north of Maungatawhiri Road) to Kaitoke Creek All existing views of the bard from Main Road, Bow St and Norrie Avenue All existing views of Kariroi from Raglan CBD From Wainui Road to the coast between the Bryant Reserve and the Bible Crusade Camp From SH23 summit to Karioi Aro Aro salt marsh from Wallis St AND Consequently amend the planning maps as necessary to satisfy the relief sought in this submission.
FSI258.57	Meridian Energy Limited	Oppose
FSI276.159	Whaingaroa Environmental Defence Inc. Society	Support
788.7	Susan Hall	Add a new set of rules to Chapter 18 Business Town Centre Zone to provide for the protection of defined views from public places in Raglan to the harbour, coast and natural backdrops in the chapters on rural, residential, and business town centre zones, to include at least the following defined views: (a) From

		SH23 (north of Maungatawhiri Road) to Kaitoke Creek; (b) All existing views of the bar from Main Road, Bow Street, and Norrie Avenue; (c) All existing views of Karioi from Raglan CBD; (d) From Wainui Road to the coast between the Bryant Reserve and the Bible Crusade Camp; (e) From SH23 summit to Karioi; and (f) AroAro salt marsh from Wallis Street. AND Amend the planning maps to identify defined views.
FSI258.51	Meridian Energy Limited	Oppose
FSI276.156	Whaingaroa Environmental Defence Inc. Society	Support

74.1.2 Analysis

511. The submissions from Whaingaroa Environmental Defence Incorporated Society [780.8] and John Lawson [825.8] seek the restriction on holiday accommodation in the zone. The zone provides for 'Travellers' accommodation' as a permitted activity, which is an accepted and legitimate part of the Town Centre zone.
512. The submissions from Whaingaroa Environmental Defence Incorporated Society [780.3], John Lawson [825.3], Jade Hyslop [435.8], Raglan Naturally [831.90] and Susan Hall [788.7] seek the protection of defined views. The protection of views at Raglan has not been a resource management issue that has been addressed through the development of the PWDP and no section 32 analysis has been undertaken. Nor have the submissions provided any detail of exactly which views are to be protected from which locality. Accordingly, no new rules are recommended.

74.1.3 Recommendations

513. It is recommended that the submissions from Whaingaroa Environmental Defence Incorporated Society [780.3 and 780.8], John Lawson [825.3 and 825.8], Jade Hyslop [435.8], Raglan Naturally [831.90] and Susan Hall [788.7] be **rejected**.

74.1.4 Section 32AA evaluation

514. As no changes are recommended, no s32AA evaluation has been required to be undertaken.

75 Chapter 18: Business Town Centre Zone – 18.1.2 Permitted activities

75.1.1 Submissions

Submission point	Submitter	Summary of submission
378.89	Fire and Emergency New Zealand	Add a new activity to Rule 18.1.2 Permitted Activities as a permitted activity, as follows: <i>(x) Emergency services training and management activities</i> . AND Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.
FSI388.63	Mercury NZ Limited	Oppose
FSI035.196	Pareoranga Te Kata	Support

785.39	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited 'Oil Companies'	Add a new activity to Rule 18.1.2 Permitted Activities; as follows: <u>Service Station activity</u> <u>Activity Specific Conditions: Nil</u> OR Retain commercial and retail activities as permitted activities, with service stations being clearly defined as one or both activities). AND Any consequential amendments or further relief to give effect to the submission.
746.58	The Surveying Company	Add a new permitted activity (P19) to Rule 18.1.2 (Permitted Activities) as follows: <u>P19 Multi-unit development of up to five units complying with the conditions</u> AND Add the conditions in Rule 18.1.3 RDI as activity specific conditions to the new P19.
<i>FS1387.934</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
81.154	Waikato Regional Council	Amend Rule 18.1.2 P1 Commercial activity and P3 Commercial services to clarify which particular activities are appropriate for each zone.
<i>FS1223.31</i>	<i>Mercury NZ Limited</i>	<i>Support</i>
<i>FS1078.3</i>	<i>Hugh Green Limited</i>	<i>Oppose</i>
697.249	Waikato District Council	Amend Rule 18.1.2 P10 (e) A temporary event, as follows: (e) The site is returned to its original <u>previous</u> condition no more than 3 days after the end of the event:
<i>FS1387.504</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
749.134	Housing New Zealand Corporation	Amend Rule 18.1.2 P2 Permitted Activities as follows: <u>P2 Residential activity Nil Located above ground floor level</u> AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
<i>FS1387.1050</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
<i>FS1078.44</i>	<i>Hugh Green Limited</i>	<i>Support</i>
602.14	Greig Metcalfe	Amend Rule 18.1.2 P2 Permitted Activities, as follows: Located above ground floor level <u>exclusive of any entrance lobby, stairwell, lift, vehicle access, parking, manoeuvring or service court.</u> AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
<i>FS1388.1029</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
<i>FS1078.22</i>	<i>Hugh Green Limited</i>	<i>Support</i>
403.8	Doug Nicholson	Amend Rule 18.1.2 P2 Permitted Activities, to allow for existing ground floor dwellings and new ground floor dwellings as permitted activities as per the existing mixed use area rules, for the duration of the existing legal owners.
<i>FS1388.146</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
<i>FS1078.8</i>	<i>Hugh Green Limited</i>	<i>Support</i>
403.7	Doug Nicholson	Amend Rule 18.1.2 P8 Permitted Activities, to allow offices at the rear of tenancies on the ground floor OR Amend Rule 18.1.2 P8 Permitted Activities, to have no restrictions on offices.
<i>FS1078.7</i>	<i>Hugh Green Limited</i>	<i>Support</i>

FSI 388.145	Mercury NZ Limited	Oppose
82.2	320 Limited trading as Kids Time Kindergarten and Kids Time Early Learning Centre	Amend Rule 18.1.2 Permitted Activities to include education facilities as a complying activity OR Amend the zoning of the property at 94 Great South Road, Ngaruawahia from Business Town Centre Zone to Business Zone.
FSI 386.68	Mercury NZ Limited	Oppose
588.18	Woolworths NZ Ltd	Amend Rule 18.1.2 Permitted Activities to read: P4 Retail activity Nil <u>Subject to Control 18.3.3 regarding Gross floor area P4A Supermarket Nil (for the avoidance of doubt, this activity is not subject to Control 18.3.3 regarding Gross floor area)</u> AND Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.
FSI 388.976	Mercury NZ Limited	Oppose
697.247	Waikato District Council	Amend Rule 18.1.2 Permitted activity Rule (a), as follows: (a) The following activities listed below are permitted activities if they <u>meet all the following</u> : (i) <u>Activity-specific conditions</u> ; and (ii) Land Use – Effects rules in Rule 18.2 (<u>unless the activity-specific rule and/or conditions identifies a condition(s) that does not apply</u>); and (iii) Land Use – Building rules in Rule 18.3 (unless the activity-specific rule and/or conditions identifies a condition(s) that does not apply); and (iii) Activity-specific conditions .
FSI 387.502	Mercury NZ Limited	Oppose
392.12	Hugh Green Limited	Amend the specific condition for Rule 18.1.2 P8 as follows: Located above ground floor level <u>if the site is subject to a verandah line identified on the planning maps</u> . AND Amend the Proposed District Plan to provide alternative, additional or consequential amendments/relief as necessary to achieve consistency with the other submission points and to satisfy submitter's concerns or such alternative relief to satisfy the concerns of the submitter.
FSI 388.108	Mercury NZ Limited	Oppose
392.9	Hugh Green Limited	Amend the specific conditions for Rule 18.1.2 P2 Permitted activities, as follows: Located above floor ground floor level <u>if the site is subject to a verandah line identified on the planning maps</u> . AND Amend the Proposed District Plan to provide alternative, additional or consequential amendments/relief as necessary to achieve consistency with the other submission points and to satisfy submitter's concerns or such alternative relief to satisfy the concerns of the submitter.
FSI 388.106	Mercury NZ Limited	Oppose
697.248	Waikato District Council	Delete Rule 18.1.2 P3 Commercial services.
FSI 078.36	Hugh Green Limited	Oppose
FSI 387.503	Mercury NZ Limited	Oppose
697.256	Waikato District Council	Delete Rule 18.2.1 Noise (1); AND Amend Rule 18.2.1 Noise - for consequential renumbering of (2) and (3).
FSI 387.510	Mercury NZ Limited	Oppose
742.192	New Zealand Transport	Retain Rule 18.1.2 P10 Permitted Activity - temporary event as

	Agency	notified.
FSI 387.892	Mercury NZ Limited	Oppose
496.7	The Department of Corrections	Retain Rule 18.1.2 P6 Permitted Activities.
FSI 388.494	Mercury NZ Limited	Oppose

75.1.2 Analysis

Rule clarity

515. The submissions from Waikato District Council [697.249 and 697.247] clarify the manner in which the rules are to operate.

Retain activities

516. The submissions from the Department of Corrections [496.7] and New Zealand Transport Agency [742.192] seek that the rules be retained.

Commercial activities P1 and P3

517. The submissions from Waikato Regional Council [81.154] and Waikato District Council [697.248] seek clarity around the provision for 'Commercial activity' and 'Commercial services'.

518. Both commercial activities and commercial services are activities that would be anticipated to be suitable in the Business Town Centre Zone. Commercial activities relate to the sale or distribution of good and services, and commercial services involve a wider range of repair and services (such as dry cleaning). As noted in Section 47 of this s42A report, I note that Hearing Report H5: Definitions, recommends deletion of the term 'commercial services', with these being included within the definition of 'commercial activities'. In my opinion, both should be provided, and I do not consider that providing for these activities in the Business Town Centre Zone is contrary to the Business Zone. Different activities will locate in both zones, depending on the availability of suitable premises and the scale of the business to support a town centre location.

Emergency services

519. The submission from Fire and Emergency New Zealand [378.89] seeks the addition of training and management activities. Such activities are suitable and anticipated in the zone.

Service stations

520. The submission from the Oil Companies [785.38] seeks the inclusion of 'Service stations'. There is no specific definition of 'Service station' in the PWDP and I note that Hearing Report H5: Definitions rejects the inclusion of such an activity. In my opinion, service stations come within the definition of 'Commercial activities' and no specific activity listing is required.

Residential

521. The submissions from The Surveying Company [746.58], Housing New Zealand Corporation [749.134], Greg Metcalfe [602.14], Doug Nicholson [403.8] and Hugh Green Limited [392.9] seek a range of changes to provide for dwellings and multi-units at ground level.

522. Multi-unit development above ground floor is provided for as a restricted discretionary activity, subject to meeting the listed conditions (refer to Rule 18.1.3). This activity status (along with the matters of discretion) indicates that multi-unit developments may be suitable

in the zone, but they require consideration as to the suitability of the activity within the zone. In my opinion, this activity status provides an enabling approach with opportunity for suitable consideration as to the detail of the proposed development within the context it is proposed to be located.

523. The purpose of the Business Town Centre Zone is to provide for commercial and other business activities. Providing for residential activities as a permitted activity on the ground floor has the potential for the zone to be developed essentially as a residential zone, which is contrary to the purpose of the zone. Accordingly, the rule applies, regardless of whether there is a verandah line applying or not. Provision for the entrance to be on the ground floor is reasonable, as it does not create a break along the frontage.

Offices

524. The submissions from Doug Nicholson [403.7] and Hugh Green Limited [392.12] seek the provision of offices at ground floor generally or where the verandah line does not apply. The provision of offices at ground floor has the potential to create blank lengths to the shopping frontage that can be a disincentive for pedestrians to walk further along the street. In the same manner as dwellings and multi-units, the location of offices at ground floor needs to be considered through the resource consent process to assess their suitability.

Supermarkets

525. The submission from Woolworths NZ Ltd [588.18] seeks to permit supermarkets as a permitted activity. The same issue applies to supermarkets as applies to residential and offices. While it is accepted that supermarkets could be a suitable activity to be located in the Business Town Centre Zone, the design, layout, access and other aspects of the activity mean they should be assessed as to their suitability through a resource consent application process.

Education

526. The submission from 320 Limited [82.2] is a site-specific submission. As with supermarkets and offices, the suitability of an education activity should be considered through the resource consent process.

75.1.3 Recommendations

527. It is recommended that the submissions from Fire and Emergency New Zealand [378.89], New Zealand Transport Agency [742.192] and Waikato District Council [697.249 and 697.247] be **accepted**.
528. It is recommended that the submissions from Waikato Regional Council [81.154], Waikato District Council [697.248], Oil Companies [785.39], The Surveying Company [746.58], Housing New Zealand Corporation [749.134], Greig Metcalfe [602.14], Doug Nicholson [403.7 and 403.8], Hugh Green Limited [392.9 and 392.12], Woolworths NZ Ltd [588.18] and 320 Limited [82.2] be **rejected**.
529. The following amendments are recommended to Chapter 18: Business Town Centre Zone, as shown in Appendix 4 – Chapter 18: Business Town Centre Zone:

18.1.2 Permitted Activities

- (a) The ~~following~~ activities listed below are permitted activities if they meet all the following:
- (i) Activity-specific conditions;
 - (ii) Land Use – Effects rules in Rule 18.2 (unless the activity-~~specific~~ rule and/or ~~activity-specific~~ conditions identify a condition(s) that does not apply);

- (iii) Land Use – Building rules in **Rule 18.3** (unless the activity-specific rule and/or activity-specific conditions identifies a condition(s) that does not apply);
 (iv) ~~Activity-specific conditions.~~

<u>P2</u>	<u>Residential activity</u>	(a) <u>Located above ground floor level</u> (b) <u>The entrance lobby, stairwell or lift may be located on the ground floor level</u>
<u>P11</u>	<u>Emergency services training and management activities</u>	<u>Nil</u>

75.1.4 Section 32AA evaluation

530. The provision of emergency services training and management is an activity that is not contrary to the objectives and policies of the zone, so no s32AA evaluation has been required to be undertaken.

76 Chapter 18: Business Town Centre Zone – 18.1.3 Restricted discretionary activities

76.1.1 Submissions

Submission point	Submitter	Summary of submission
378.90	Fire and Emergency New Zealand	Add a new activity to Rule 18.1.3 to include the following as a Restricted Discretionary activity: (x) Emergency service facilities. AND Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.
<i>FS1035.197</i>	<i>Pareoranga Te Kata</i>	<i>Support</i>
781.12	Ministry of Education	Add a rule for education facilities to Rule 18.1.3 Restricted Discretionary Activities as follows: Activity <i>RD3 Education Facilities</i> Council's discretion shall be restricted to the following matters: <u>a. The extent to which it is necessary to locate the activity within the Business Town Centre Zone</u> <u>b. Reverse sensitivity effects of adjacent activities</u> <u>c. The extent to which the activity may adversely impact on the transport network</u> <u>d. The extent to which the activity may adversely impact on the streetscape</u> <u>e. The extent to which the activity may adversely impact on the noise environment</u>
<i>FS1387.1217</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
<i>FS1272.14</i>	<i>KiwiRail Holdings Ltd</i>	<i>Support</i>
<i>FS1202.82</i>	<i>New Zealand Transport Agency</i>	<i>Support</i>
697.251	Waikato District Council	Add Rule 18.1.3 RDI (g) Restricted Discretionary Activity, as follows: <u>(g) Each residential unit must meet the following minimum unit size: Unit of Apartment Minimum Unit Area Studio Unit or 1 bedroom unit 60m² 2 bedroom unit 80m² 3 bedroom unit 100m²</u>

FSI387.505	Mercury NZ Limited	Oppose
697.459	Waikato District Council	Amend Rule 18.1.3 Restricted Discretionary Activities, to clarify the number of units that can be built based on the 300m2 net site area per residential unit.
FSI387.565	Mercury NZ Limited	Oppose
FSI078.37	Hugh Green Limited	Oppose
602.15	Greig Metcalfe	Amend Rule 18.1.3 RDI (b) Restricted Discretionary Activities, as follows: (b) The multi-unit development must be located above the ground floor level <u>exclusive of any entrance lobby, stairwell, lift, vehicle access, parking, manoeuvring or service court.</u> AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
FSI388.1030	Mercury NZ Limited	Oppose
FSI078.23	Hugh Green Limited	Support
602.16	Greig Metcalfe	Amend Rule 18.1.3 RDI (e) Restricted Discretionary Activities, by adding text to RDI (e), as follows: (e) A communal service court is <u>provided comprising: A. a minimum area of 20m2; and B. a minimum dimension of 3m; Or alternatively a private service court is provided for each residential unit comprising: A. a minimum area of 10m2; and B. a minimum dimension of 2.5m.</u>
FSI388.1031	Mercury NZ Limited	Oppose
602.18	Greig Metcalfe	Amend Rule 18.1.3 RDI (f) Restricted Discretionary Activities, as follows: Residential unit Minimum Living Court Area Minimum dimension Studio unit or 1 bedroom 10m2 2m 2 or more bedroom 15m2 <u>12m2</u> 2m <u>Communal living court 10m2 per unit 2m</u> AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
FSI388.1033	Mercury NZ Limited	Oppose
697.254	Waikato District Council	Amend Rule 18.1.3 RDI (i) Restricted Discretionary Activities, as follows: (vi) A communal service court is provided <u>comprising: A. a minimum of 20m2; and B. minimum dimension of 3m;</u>
FSI387.508	Mercury NZ Limited	Oppose
392.13	Hugh Green Limited	Amend Rule 18.1.3 RDI condition (b), as follows: The multi-unit development must be located above the ground floor level <u>if the site is subject to a verandah line identified on the planning maps.</u> AND Amend the Proposed District Plan to provide alternative, additional or consequential amendments/relief as necessary to achieve consistency with the other submission points and to satisfy submitter's concerns or such alternative relief to satisfy the concerns of the submitter.
FSI388.109	Mercury NZ Limited	Oppose
695.192	Sharp Planning Solutions Ltd	Amend Rule 18.1.3 RDI(f) Restricted Discretionary Activities so that an additional 10m2 bedroom be required for outdoor living space for 3 bedrooms or more, and the 4m dimension reduced to 3m.
FSI387.352	Mercury NZ Limited	Oppose

749.158	Housing New Zealand Corporation	Amend Rule 18.1.3 RD2 Restricted Discretionary Activities as follows: RD2 (a) The construction of any new building that meets all of the following conditions: (i) The Land Use- Effects in Rule 18.2; (ii) The Land Use- Building in Rule 18.3 except; A. Rule 18.3.9 (Dwellings) does not apply; B. Rule 18.3.10 (Living court) does not apply; The Council's discretion shall be limited to <u>any of</u> the following matters: (i) The extent to which the building is consistent with the following matters <u>listed in Appendix 3.3 (Town Centre Design Guidelines) including</u> : A. A site and contextual analysis that identifies and addresses the matters listed in section 3.3 ; B. A connectivity and movement network analysis that addresses the matters listed in section 4.3 ; C. A neighbourhood character assessment that identifies and addresses the elements listed in section 5 ; D. Detailed design illustrating how the building will promote these character elements <u>of the respective town</u> to achieve the outcomes sought in section 5.2 of the design guide ; (ii) Consistency with the relevant Town Centre Character Statement contained within Appendix 10.1-10.6 (Town Character Statements) . AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.												
FS1387.1063	Mercury NZ Limited	Oppose												
588.19	Woolworths NZ Ltd	Amend Rule 18.1.3 RD2 Restricted Discretionary Activity as follows: (a) The construction of any new building that meets all of the following conditions: ... (a) The Council's discretion shall be limited to the following matters: (i)... <u>(iii) For the purpose of assessing supermarkets against the above criteria, regard shall be had to the following operational and functional requirements: a) store visibility that is easily identifiable when viewed from the street and surrounding area b) the provision of appropriate customer parking, which is clearly visible; accessible to motorists approaching the store from the local roading network and to customers on site; and functionally well connected to the store entrance c) where large building formats are required, there is provision for solid facades to facilitate internal shelving and fresh produce display. d) adequate and accessible servicing areas that are preferably separated from customer vehicle traffic and pedestrian movements.</u> AND Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.												
FS1388.977	Mercury NZ Limited	Oppose												
749.135	Housing New Zealand Corporation	Amend Rule 18.1.3 Restricted Discretionary Activities as follows: Activity RD1 (a) A multi-unit development that meets all of the following conditions: ... (b) The multi-unit development must be located above the ground floor; (c)... (d) Each residential unit must be designed and constructed to achieve the internal design sound levels specified in Appendix 1 (Acoustic Insulation), Table 14; (e)... (f) Living court areas are provided above ground floor level to meet the following minimum requirements for each residential unit: <table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"></td> <td style="width: 35%; text-align: center;">Residential Unit</td> <td style="width: 35%; text-align: center;">Minimum Living Court</td> </tr> <tr> <td style="width: 30%;"></td> <td style="width: 35%; text-align: center;">Minimum Dimensions</td> <td style="width: 35%; text-align: center;">Studio unit or 1</td> </tr> <tr> <td style="width: 30%;">bedroom</td> <td style="width: 35%; text-align: center;">10m2</td> <td style="width: 35%; text-align: center;">2m 1.5m 2 or more</td> </tr> <tr> <td style="width: 30%;">bedrooms</td> <td style="width: 35%; text-align: center;">15m2</td> <td style="width: 35%; text-align: center;">2m 1.5m</td> </tr> </table> The Council's discretion shall be limited to <u>and of</u> the following		Residential Unit	Minimum Living Court		Minimum Dimensions	Studio unit or 1	bedroom	10m2	2m 1.5m 2 or more	bedrooms	15m2	2m 1.5m
	Residential Unit	Minimum Living Court												
	Minimum Dimensions	Studio unit or 1												
bedroom	10m2	2m 1.5m 2 or more												
bedrooms	15m2	2m 1.5m												

		<p>matters: (a) The extent to which the development is consistent with the Town Centre Guidelines contained in Appendix 3.3; (b) The extent to which the development is consistent with the Multi-unit design guidelines contained in Appendix 3.4; (c) The extent to which the development contributes to and engages with adjacent streets and public open space; (d) The extent to which the development creates visual quality and interest through the separation of buildings, variety in built form and architectural detailing, glazing, and materials; (e) The extent to which the design of the development incorporates energy efficiency measures such as passive solar principles; (f) Amenity values for occupants and neighbours in respect of outlook, privacy, noise, light spill, access to sunlight, living court orientation, site design and layout; (g) The extent to which staging is necessary to ensure that development is carried out in a coordinated and timely manner; (h) Avoidance or mitigation of natural hazards; (i) Geotechnical suitability for building; (j) Adequacy of the communal service court for the intended purpose.</p>
FS1387.1051	Mercury NZ Limited	Oppose
697.253	Waikato District Council	Amend Rule 18.1.3 Restricted Discretionary Activities RDI (a), to read as follows: (a) A multi-unit development that meets all of the following conditions: (i) The Land Use – Effects in Rule 18.2; (ii) The Land Use – Building in Rule 18.3, except <u>the following rules do not apply</u>; A. Rule 18.3.9 (Dwellings) does not apply; B. Rule 18.3.10 (Living court) does not apply;
FS1387.507	Mercury NZ Limited	Oppose
FS1387.507	Mercury NZ Limited	Oppose
697.252	Waikato District Council	Amend Rule 18.1.3 Restricted Discretionary Activities table heading, as follows: The Council's discretion shall be limited to the following matters: Matters of Discretion
FS1387.506	Mercury NZ Limited	Oppose
602.17	Greig Metcalfe	Amend Rule 18.1.3 Restricted Discretionary Activities, by deleting RDI (c) and replacing with the following minimum floor area requirements: (c) A detailed site plan depicting the proposed title boundaries for each residential unit and any common areas (including access and services) must be provided, ensuring that a freehold (fee simple) or unit title subdivision complies with Rule 18.4.2 (Subdivision of multi-unit developments); <u>The floor area of any unit or apartment in a Multi-Unit Development must comply with the following: Unit or Apartment Minimum Floor Area Studio unit 35m² 1 bedroom unit 45m² 2 bedroom unit 70m² 3 or more bedroom unit 90m²</u> AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
FS1388.1032	Mercury NZ Limited	Oppose
697.250	Waikato District Council	Amend Rule 18.1.3 Restricted Discretionary Rule RDI (c), as follows: (c) A detailed site plan depicting the proposed <u>record of title</u> boundaries for each residential unit and any common areas (including access and services) must be provided, ensuring that a freehold (fee simple) or unit title subdivision complies with Rule

		18.4.2 (Subdivision of multi-unit developments);
923.150	Waikato District Health Board	Retain Rule 18.1.3 RD1- A Multi-Unit Development as notified.
<i>FS1307.1</i>	<i>New Zealand Walking Access Commission</i>	<i>Support</i>
742.193	New Zealand Transport Agency	Retain Rule 18.1.3 RD1 Restricted Discretionary Activities, except for the amendments sought below AND Add to Rule 18.1.3 Restricted Discretionary Activities new matters of discretion, as follows: <i>(k) On-site parking and manoeuvring; (l) Safety and efficiency of the land transport network.</i> AND Request any consequential changes necessary to give effect to the relief sought in the submission.
<i>FS1387.893</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
81.157	Waikato Regional Council	Retain Rule 18.1.3 RD1 Restricted Discretionary Activities.
<i>FS1223.33</i>	<i>Mercury NZ Limited</i>	<i>Support</i>
<i>FS1223.163</i>	<i>Mercury NZ Limited</i>	<i>Support</i>
746.60	The Surveying Company	Retain Rule 18.1.3 RD2 Restricted Discretionary Activities as notified.
<i>FS1387.936</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>

76.1.2 Analysis

Retain

531. The submissions from Waikato Regional Council [81.157], Waikato District Health Board [923.150] and The Surveying Company [746.60] seek that the rule be retained.

Correction

532. The submissions from Waikato District Council [697.252, 697.250 and 697.253] correct the heading of the table, the reference to 'record of title' and the application of the rules.

533. The submissions from Waikato District Council [697.251] and Greig Metcalfe [602.17] seek to include standards for the size of the units. This was inadvertently left out of the rule.

534. The submissions from Greig Metcalfe [602.16], Waikato District Council [697.254] seek to correct the omission of standards for the communal service court.

Emergency Services

535. The submission from Fire and Emergency New Zealand [378.90] seeks the addition of emergency service facilities as a restricted discretionary activity (in addition to the training and management activities as a permitted activity). Such activities could be suitable on some sites within the Business Town Centre Zone, and need to be assessed through resource consent process due to such effects as vehicle access and disruption to frontages. The discretionary activity status, as provided in Rule 18.1.4, is considered appropriate.

Education Facilities

536. The submission from Ministry of Education [781.12] seeks the addition of education facilities as a restricted discretionary activity. For the same reasons as set out for emergency services, in my opinion, the discretionary activity status is the appropriate status that allows consideration of all adverse and positive effects.

Multi-unit development – number of units

537. The submission from Waikato District Council [697.459] seeks to include a standard that specifies the number of units that can be created. In my opinion, such a rule is not required, as the standards, along with the matters of discretion, will determine the number of units that can be created.

Multi-unit development – living court (f)

538. The submissions from Greig Metcalfe [602.18], Sharp Planning Solutions Ltd [695.192] and Housing Corporation New Zealand [749.135] seek to amend the dimensions for the living courts. In my opinion, the dimensions proposed are suitable to provide usable outdoor areas for the amenity of residents.

Multi-unit development – acoustic treatment

539. The submission from Housing New Zealand Corporation [749.135] also seeks the deletion of the acoustic standard. Given the location of multi-units in the Business Town Centre zone, compliance with minimum residential noise amenity should be a standard, with non-compliance with the standard being considered as a discretionary activity.

Multi-unit development – ground floor

540. The submissions from Greig Metcalfe [602.15] and Hugh Green Limited [392.13] seek the inclusion of exemptions for access at ground floor and the rule to only apply where the verandah line applies.
541. As discussed in Section 75 of this report, the rule applies regardless of whether there is a verandah line applying or not. Provision for the entrance to be on the ground floor is reasonable, as it does not create a break along the frontage.

Multi-unit development – matter of discretion

542. The submission from New Zealand Transport Agency [742.193] seeks the addition of two matters of discretion relating to transport. Both matters are already contained in the Town Centre Guidelines (Section 7) and in the Multi-unit design guidelines (Section 4).

Rule RD2 – new buildings

543. The submission from Housing New Zealand Corporation [749.158] seeks to remove the specific matters listed in the guidelines and the Town Centre Character Statements. In my opinion, directing the matters of discretion to the relevant specific provisions is helpful. Also, the Character Statements set out specific matters to be considered for each town, and as such are a helpful guide to the matters of importance to the community.
544. The submission from Woolworths NZ Ltd [588.19] proposes matters of discretion for the new activity of 'Supermarkets'. As my recommendation is that supermarkets can be considered through the discretionary activity status, no matters of discretion are required.

76.1.3 Recommendations

545. It is recommended that the submissions from Waikato Regional Council [81.157], Waikato District Health Board [923.150], The Surveying Company [746.60], Waikato District Council [697.252, 697.250, 697.251, 697.253 and 697.254], and Greig Metcalfe [602.16 and 602.17] be **accepted**.
546. It is recommended that the submissions from Waikato District Council [697.459], Greig Metcalfe [602.18], Sharp Planning Solutions Ltd [695.192], Housing Corporation New Zealand [749.135], Greig Metcalfe [602.15], Hugh Green Limited [392.13], New Zealand

Transport Agency [742.193], Woolworths NZ Ltd [588.19] and Housing New Zealand Corporation [749.158] be **rejected**.

547. The following amendments are recommended to Chapter 18: Business Town Centre Zone, as shown in Appendix 4 – Chapter 18: Business Town Centre Zone:

<p>RD1</p>	<p>(a) A multi-unit development that meets all of the following conditions:</p> <p>(i) The Land Use – Effects in Rule 18.2;</p> <p>(ii) The Land Use – Building in Rule 18.3, except the following rules do not apply;</p> <p style="margin-left: 20px;">A. Rule 18.3.9 (Dwellings) does not apply;</p> <p style="margin-left: 20px;">B. Rule 18.3.10 (Living court) does not apply;</p> <p>(b) The multi-unit development must be located above the ground floor level;</p> <p>(c) The entrance lobby, stairwell or lift may be located on the ground floor level;</p> <p>(d) A detailed site plan depicting the proposed record of title boundaries for each residential unit and any common areas (including access and services) must be provided, ensuring that a freehold (fee simple) or unit title subdivision complies with Rule 18.4.2 (Subdivision of multi-unit developments);</p> <p>(e) Each residential unit must be designed and constructed to achieve the internal design sound levels specified in Appendix 1 (Acoustic Insulation), Table 14;</p> <p>(f) A communal service court is provided comprising;</p> <p style="margin-left: 20px;">A. minimum area of 20m²; and</p> <p style="margin-left: 20px;">B. minimum dimension of 3m.</p> <p>(g) Living court areas are provided above ground floor level to meet the following minimum requirements for each residential unit:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Residential Unit</th> <th style="text-align: left;">Minimum Living Court Area</th> <th style="text-align: left;">Minimum Dimensions</th> </tr> </thead> <tbody> <tr> <td>Studio unit or 1 bedroom</td> <td>10m²</td> <td>2m</td> </tr> <tr> <td>2 or more bedrooms</td> <td>15m²</td> <td>2m</td> </tr> </tbody> </table> <p>(h) Each residential unit must meet the following minimum unit size:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Unit of Apartment</th> <th style="text-align: left;">Minimum Unit Area</th> </tr> </thead> <tbody> <tr> <td>Studio Unit or</td> <td></td> </tr> <tr> <td>1 bedroom unit</td> <td>60m²</td> </tr> <tr> <td>2 bedroom unit</td> <td>80m²</td> </tr> <tr> <td>3 bedroom unit</td> <td>100m²</td> </tr> </tbody> </table>	Residential Unit	Minimum Living Court Area	Minimum Dimensions	Studio unit or 1 bedroom	10m ²	2m	2 or more bedrooms	15m ²	2m	Unit of Apartment	Minimum Unit Area	Studio Unit or		1 bedroom unit	60m²	2 bedroom unit	80m²	3 bedroom unit	100m²	<p>(a) The extent to which the development is consistent with the Town Centre Guidelines contained in Appendix 3.3;</p> <p>(b) The extent to which the development is consistent with the Multi-unit design guidelines contained in Appendix 3.4;</p> <p>(c) The extent to which the development contributes to and engages with adjacent streets and public open space;</p> <p>(d) The extent to which the development creates visual quality and interest through the separation of buildings, variety in built form and architectural detailing, glazing, and materials;</p> <p>(e) The extent to which the design of the development incorporates energy efficiency measures such as passive solar principles;</p> <p>(f) Amenity values for occupants and neighbours in respect of outlook, privacy, noise, light spill, access to sunlight, living court orientation, site design and layout;</p> <p>(g) The extent to which staging is necessary to ensure that development is carried out in a coordinated and timely manner;</p> <p>(h) Avoidance or mitigation of natural hazards;</p> <p>(i) Geotechnical suitability for building;</p> <p>(j) Adequacy of the communal service court for the intended purpose.</p>
Residential Unit	Minimum Living Court Area	Minimum Dimensions																			
Studio unit or 1 bedroom	10m ²	2m																			
2 or more bedrooms	15m ²	2m																			
Unit of Apartment	Minimum Unit Area																				
Studio Unit or																					
1 bedroom unit	60m²																				
2 bedroom unit	80m²																				
3 bedroom unit	100m²																				

76.1.4 Section 32AA evaluation

548. As the changes clarify rules and correct omissions from the rule, no s32AA evaluation has been required to be undertaken.

77 Chapter 18: Business Town Centre Zone – 18.1.4 Discretionary activities

77.1.1 Submissions

Submission point	Submitter	Summary of submission
697.255	Waikato District Council	Amend Rule 18.1.4 Discretionary Activities (DI), as follows: Any <i>permitted</i> activity that does not comply with one or more of the activity-specific conditions for a permitted activity (in Rule 18.1.2) unless a lesser activity status under Land Use – Effects Rule 18.2 or Land Use – Building Rule 18.3 applies.
FS1387.509	Mercury NZ Limited	Oppose

77.1.2 Analysis

549. The submission seeks to clarify the application of the rules.

77.1.3 Recommendations

550. It is recommended that the submission from Waikato District Council [697.255] be **accepted**.

551. The following amendments are recommended to Chapter 18: Business Town Centre Zone, as shown in Appendix 4 – Chapter 18: Business Town Centre Zone:

DI	Any <i>permitted</i> activity that does not comply with one or more of the activity-specific conditions for a permitted activity (Rule 18.1.2) unless a lesser activity status under Land Use – Effects Rule 18.2 or Land Use – Building Rule 18.3 applies.
----	--

77.1.4 Section 32AA evaluation

552. As the changes clarify rules and correct omissions from the rule, no s32AA evaluation has been required to be undertaken.

78 Chapter 18: Business Town Centre Zone – 18.1.5 Non-complying activities

78.1.1 Submissions

Submission point	Submitter	Summary of submission
392.14	Hugh Green Limited	Amend Rule 18.1.5 NC2 Non-Complying Activities, as follows: Residential activity on the ground floor <i>if the site is subject to a verandah line identified on the planning maps</i> . AND Amend the Proposed District Plan to provide alternative, additional or consequential amendments/relief as necessary to achieve consistency with the other submission points and to satisfy submitter's concerns or such alternative relief to satisfy the concerns of the submitter.
FS1388.110	Mercury NZ Limited	Oppose

602.19	Greig Metcalfe	Amend Rule 18.1.5 NC2 Non-Complying Activities, as follows: NC2 Residential activity on the ground floor <u>exclusive of any lobby, stairwell, lift, vehicle access, parking, manoeuvring or service court.</u> AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
FSI388.1034	Mercury NZ Limited	Oppose
FSI078.24	Hugh Green Limited	Support
FSI078.42	Hugh Green Limited	Support
392.15	Hugh Green Limited	Amend Rule 18.1.5 NC3 Non-Complying Activities, as follows: A multi-unit development located on the ground floor <u>if the site is subject to a verandah line identified on the planning maps.</u> AND Amend the Proposed District Plan to provide alternative, additional or consequential amendments/relief as necessary to achieve consistency with the other submission points and to satisfy submitter's concerns or such alternative relief to satisfy the concerns of the submitter.
FSI388.111	Mercury NZ Limited f	Oppose
602.20	Greig Metcalfe	Amend Rule 18.1.5 NC3 Non-Complying Activities, as follows: NC3 A multi-unit development located on the ground floor <u>exclusive of any entrance lobby, stairwell, lift, vehicle access, parking, manoeuvring or service court.</u> AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
FSI078.48	Hugh Green Limited	Support
FSI078.25	Hugh Green Limited	Support
403.9	Doug Nicholson	Amend Rule 18.1.5 Non-Complying Activities, to allow for rules under mixed-use area policy currently in place AND Amend Rule 18.1.5 Non-Complying Activities, to enable development on an indicative road.
FSI388.147	Mercury NZ Limited	Oppose
746.61	The Surveying Company	Delete Rule 18.1.5 NC2 Non-complying Activities and amend to a discretionary activity as set out below AND Add a new rule to Rule 18.1.4 Discretionary Activities for residential activity on the ground floor.
FSI387.937	Mercury NZ Limited	Oppose
749.136	Housing New Zealand Corporation	Delete Rule 18.1.5 NC2 Non-Complying Activities AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
FSI371.42	Lakeside Development Limited	Support
FSI387.1052	Mercury NZ Limited	Oppose
FSI078.45	Hugh Green Limited	Support
746.59	The Surveying Company	Delete Rule 18.1.5 NC3- Non-Complying Activities and amend to a discretionary activity as captured by Rule 18.1.4 D2 Discretionary Activities OR Amend Rule 18.1.3 RDI Restricted

		Discretionary Activities to allow residential development of the ground floor where the site adjoins a Residential Zone
FS1078.41	Hugh Green Limited	Support
FS1387.935	Mercury NZ Limited	Oppose
749.137	Housing New Zealand Corporation	Delete Rule 18.1.5 NC3 Non-Complying Activity AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
746.62	The Surveying Company	Delete Rule 18.1.5 NC3-Non-Complying Activities and amend to be a discretionary activity as outlined below AND Add a new rule to Rule 18.1.4- Discretionary Activities for multi-unit development located on the ground floor.
FS1387.938	Mercury NZ Limited	Oppose

78.1.2 Analysis

553. All the submissions seek a change in activity status for multi-unit development, residential developments and building development (including on an indicative road).
554. In my opinion, the activity status of non-complying provides the level of assessment necessary for such activities against the objectives and policies of the district plan, as they have the potential to fundamentally challenge the outcomes sought for the Business Town Centre Zone.

78.1.3 Recommendations

555. It is recommended that the submissions from Hugh Green Limited [392.14 and 392.15], Greig Metcalfe [602.19 and 602.20], Doug Nicholson [403.9], The Surveying Company [746.61, 746.59 and 746.62], and Housing New Zealand Corporation [749.136 and 749.137] be **rejected**.

78.1.4 Section 32AA evaluation

556. As there are no changes proposed, no s32AA evaluation has been required to be undertaken.

79 Chapter 18: Business Town Centre Zone – 18.2.1 Noise

79.1.1 Submissions

Submission point	Submitter	Summary of submission
403.1	Doug Nicholson	No specific decision sought, but submitter seeks that Rule 18.2.1 be amended.
923.151	Waikato District Health Board	Amend Rule 18.2.1.1 P2, P3, P4 and DI Noise - General, as follows: P2 <u>Sound measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 must not exceed:</u> (a) Noise measured <u>the following noise limits at any point</u> within any <u>other</u> site: (i) In the Business Town Centre Zone must not exceed: (i)(ii) A. 65 dB LAeq(15min) dB (LAeq). 7am to 11pm every day; and (ii)(iii) B. 55dB LAeq(15min) dB (LAeq) and 85dB

		<p>(LA_{max}), 11pm to 7am the following day; (iii)(iv)85 dB LAF_{max}, 11pm to 7am the following day; (b)The permitted activity noise limits for the zone of any other site where sound is received. (i)In the Residential and Village Zone must not exceed: — 55dB (LA_{eq}), 7am to 7pm; — 50Db (LA_{eq}), 7pm to 10pm; 45 dB (LA_{eq}) and 65dB (LA_{max}), 10pm to 7am the following day. P3 (a)Noise measured within any site in any zone other than the Business Town Centre Zone, Residential Zone or Village Zone must meet the permitted noise levels for that zone. P4 (a)Noise levels must be measured in accordance with the requirements of NZS 6801:2008 Acoustics Measurement of Environmental Sound. (b)Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 Acoustic Environmental Noise. D1 (a)Sound that is outside the scope of NZS 6802:2008 or a permitted activity standard; and (b) Sound Noise that does not comply with Rules 18.2.1.1 P1 or P2, P3 and P4.</p>
697.257	Waikato District Council	<p>Delete 18.2.1.1 Rules P3 and P4 Noise - General; AND Add to Rule 18.2.1.1 P2 Noise - General, as follows: (a) Noise measured within any site: (i) In the Business Town Centre Zone must not exceed: A. 65dB (LA_{eq}), 7am to 11pm every day; and B. 55dB (LA_{eq}) and 85dB (LA_{max}), 11pm to 7am the following day; or (ii) In the Residential Zone and Village Zone must not exceed: A. 55dB (LA_{eq}), 7am to 7pm; and B. 50dB (LA_{eq}), 7pm to 10pm; and C. 40dB (LA_{eq}) and 65dB (LA_{max}), 10pm to 7am the following day. (b) <u>Noise measured within any site in any zone other than the Business Town Centre Zone, Residential Zone or Village Zone must meet the permitted noise levels for that zone.</u> (c) <u>Noise levels must be measured in accordance with the requirements of NZS 6801:2008 “Acoustics - Measurement of Environmental Sound”.</u> (d) <u>Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 “Acoustics - Environmental noise”.</u> AND Amend Rule 18.2.1.1 D1 Noise - General, as follows: Noise that does not comply with Rules 18.2.1.1 P2, P3 or P4.</p>
378.91	Fire and Emergency New Zealand	Retain Rule 18.2.1.1 Noise - General.
FS1035.198	Pareoranga Te Kata	Support
697.258	Waikato District Council	Amend Rule 18.2.1.2 P1 Noise – Construction, as follows: (a) Construction noise must <u>not exceed</u> meet the limits in NZS 6803:1999 (Acoustics – Construction Noise); and
785.26	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited 'Oil Companies'	Retain Rule 18.2.1.2 Noise – Construction as notified.
414.5	Chris Rayner	Amend the Proposed District Plan by lifting noise limits within the town centre of Raglan to enable more live music and events.
FS1276.33	Whaingaroa Environmental Defence Inc. Society	Oppose
FS1276.170	Whaingaroa Environmental Defence Inc. Society	Oppose

79.1.2 Analysis

557. The submissions from Waikato District Council [697.256, 697.257 and 697.258] and Waikato District Health Board [923.151] are rule clarification changes.
558. The submissions from Fire and Emergency [378.91] and Oil Companies [785.26] seek retention of the noise rules.
559. The submission from Doug Nicholson [403.1] did not seek a specific amendment to the rule.
560. The submission from Chris Rayner [414.5] seeks a higher noise limit to apply in Raglan centre to enable live music and events. In the absence of any specified noise limits or time periods it is difficult to recommend any changes to the rules.

79.1.3 Recommendations

561. It is recommended that the submissions from Waikato District Council [697.256, 697.257 and 697.258], Waikato District Health Board [923.151], Fire and Emergency [378.91] and Oil Companies [785.26] be **accepted**.
562. It is recommended that the submissions from Doug Nicholson [403.1] and Chris Rayner [414.5] be **rejected**.
563. The following amendments are recommended to Chapter 18: Business Town Centre Zone, as shown in Appendix 4 – Chapter 18: Business Town Centre Zone:

P2	<p>(a) Noise measured within any site:</p> <p>(i) In the Business Town Centre Zone must not exceed:</p> <p>A. 65dB $L_{Aeq(15min)} - (L_{Aeq})$, 7am to 11pm every day; and</p> <p>B. 55dB $L_{Aeq(15min)} - (L_{Aeq})$; 11pm to 7am the following day; and</p> <p>C. 85dB $L_{Amax} - (L_{Amax})$, 11pm to 7am the following day; or</p> <p>(ii) In the Residential Zone and Village Zone must not exceed:</p> <p>A. 55dB $L_{Aeq(15min)} - (L_{Aeq})$, 7am to 7pm; and</p> <p>B. 50dB $L_{Aeq(15min)} - (L_{Aeq})$, 7pm to 10pm; and</p> <p>C. 40dB $L_{Aeq(15min)} - (L_{Aeq})$; 10pm to 7am the following day; and</p> <p>D. 65dB $L_{Amax} - (L_{Amax})$, 10pm to 7am the following day.</p> <p>(b) Noise measured within any site in any zone other than the Business Town Centre Zone, Residential Zone or Village Zone must meet the permitted noise levels for that zone.</p> <p>(c) Noise levels must be measured in accordance with the requirements of NZS 6801:2008 Acoustics - Measurement of Environmental Sound.</p> <p>(d) Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 Acoustics - Environmental.</p>
P3	<p>(a) Noise measured within any site in any zone other than the Business Town Centre Zone, Residential Zone or Village Zone must meet the permitted noise levels for that zone.</p>
P4	<p>(a) Noise levels must be measured in accordance with the requirements of NZS 6801:2008 Acoustics - Measurement of Environmental Sound.</p> <p>(b) Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 Acoustics - Environmental.</p>
DI	<p>Noise that does not comply with Rules 18.2.1.1 P2, P3 or P4.</p>

18.2.1.2 Noise – Construction

PI	<p>(a) Construction noise must meet-not exceed the limits in NZS 6803:1999 Acoustics – Construction Noise; and</p> <p>(b) Construction noise must be measured and assessed in accordance with the requirements of NZS6803:1999 Acoustics – Construction Noise.</p>
----	---

79.1.4 Section 32AA evaluation

564. As all the changes are to provide clarity to the rules and update to the latest metrics, no s32AA evaluation has been required to be undertaken.

80 Chapter 18: Business Town Centre Zone – 18.2.2 Servicing and hours of operation

80.1.1 Submissions

Submission point	Submitter	Summary of submission
749.138	Housing New Zealand Corporation	Amend Rule 18.2.2 PI Servicing and hours of operation as follows: The loading and unloading of vehicles and the receiving of customers and deliveries associated with a commercial activity on a site adjoining <i>a residential activity and/or</i> the Residential and Village Zones must only occur between 6.30am and 7.30pm. AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
697.259	Waikato District Council	Amend Rule 18.2.2 PI Servicing and hours of operation, as follows: The loading and unloading of vehicles and <i>or</i> the receiving of customers and <i>or</i> deliveries associated with a commercial activity on a site adjoining the Residential and Village Zones may occur between 6.30am and 7.30 8.00pm.

80.1.2 Analysis

565. The submission from Housing New Zealand Corporation [749.138] seeks to protect residential activities from commercial activity effects. This part of the submission relates to the Corporations overall submission seeking the deletion of the rule requiring acoustic insulation of residential units. In my opinion, the reverse sensitivity effects of residential activities within the Business Town Centre Zone on commercial activities needs to be addressed through acoustic insulation, otherwise activities in the Business Town Centre Zone are constrained.

566. The submission from Waikato District Council [697.259] seeks to enable more flexible use of sites and proposes amended hours which are reasonable taking into account the hours for noise.

80.1.3 Recommendations

567. It is recommended that the submission from Waikato District Council [697.259] be **accepted**.

568. It is recommended that the submission from Housing New Zealand Corporation [749.138] be **rejected**.

569. The following amendments are recommended to Chapter 18: Business Town Centre Zone, as shown in Appendix 4 – Chapter 18: Business Town Centre Zone:

18.2.2 Servicing and hours of operation

PI	The loading and unloading of vehicles and the receiving of customers and deliveries associated with a commercial activity on a site adjoining the Residential and Village Zones must only occur between 6.30 6.00 am and 7.30 8.00 pm.
-----------	--

80.1.4 Section 32AA evaluation

570. As the changes are to provide clarity to the rules and to make minor changes to align the hours of operation to reasonable times, no s32AA evaluation has been required to be undertaken.

81 Chapter 18: Business Town Centre Zone – 18.2.3 Glare and artificial light spill

81.1.1 Submissions

Submission point	Submitter	Summary of submission
697.260	Waikato District Council	Amend Rule 18.2.3 PI Glare and artificial light spill, as follows: Illumination from glare and artificial light spill must not exceed 10 lux measured horizontally and vertically at any other site <u>zoned Residential, Village or Country Living Zone</u> .
785.30	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited 'Oil Companies'	Retain Rule 18.2.3 Glare and Artificial light spill as notified.
742.194	New Zealand Transport Agency	Retain Rule 18.2.3 PI Glare and artificial light spill, as notified; AND Retain Rule 18.2.3 RD1 Glare and artificial light spill, as notified.

81.1.2 Analysis

571. The submission from Waikato District Council [697.260] seeks to clarify the application of the rule.

572. The submissions from the Oil Companies [785.30] and New Zealand Transport Agency [742.194] support the rule.

81.1.3 Recommendations

573. It is recommended that the submissions from Waikato District Council [697.260], Oil Companies [785.30] and New Zealand Transport Agency [742.194] be **accepted**.

574. The following amendments are recommended to Chapter 18: Business Town Centre Zone, as shown in Appendix 4 – Chapter 18: Business Town Centre Zone:

18.2.3 Glare and artificial light spill

PI	Illumination from glare and artificial light spill must not exceed 10 lux measured horizontally and vertically at any other site <u>zoned Residential, Village or Country Living Zone</u> .
-----------	--

81.1.4 Section 32AA evaluation

575. As the changes are to provide clarity to the application of the rules, no s32AA evaluation has been required to be undertaken.

82 Chapter 18: Business Town Centre Zone – 18.2.4 Earthworks

82.1.1 Submissions

Submission point	Submitter	Summary of submission
697.261	Waikato District Council	Amend Rule 18.2.4 (1) Earthworks, as follows: (1) Rules 18.2.4.1 – Earthworks - General provides the permitted rules for earthworks activities for the Business Town Centre Zone. <u>This rule does not apply in those areas specified in Rules 18.2.4.1A and 18.2.4.2.</u>
FS1350.93	Transpower New Zealand Limited	Oppose
403.2	Doug Nicholson	Amend Rule 18.2.4.1 Earthworks - General, to suit 10 Baird Avenue, Te Kauwhata.
697.263	Waikato District Council	Amend Rule 18.2.4.1 P1 Earthworks – General, as follows: P1 (a) Earthworks (<u>excluding the importation of fill material</u>) within a site must meet all of the following conditions: (i) Earthworks must be located more than 1.5m from a public sewer, open drain, overland flow path or other service pipe; (ii) Earthworks must Not exceed a volume of more than 250m ³ and an area of more than 1,000m ² <u>over any single consecutive 12 month period within a site</u> ; (iii) The height of the resulting cut, filled areas or fill batter face in stable ground, not including any surcharge , does not exceed 1.5m, with a maximum slope of 1:2 (1 vertical to 2 horizontal); (iv) <u>Earthworks are set back at least 1.5m from all boundaries</u> ; (iv) Areas exposed by earthworks are revegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks; (vi) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; (vii) Earthworks must not Do not divert or change the nature of natural water flows, waterbodies or established drainage paths; (vii) Earthworks must not result in the site being unable to be serviced by gravity sewers. P2 (a) <u>Earthworks for the purpose of creating a building platform within a site using imported fill material.</u> P23 (a) <u>Earthworks for purposes other than creating a building platform within a site, using imported fill material (excluding cleanfill) must meet all of the following conditions.</u> The importation of fill material to a site must meet the following conditions, in addition to the conditions in Rule 18.2.4.1.4 P1: (i) Must Does not exceed a total volume of 500m ³ per site and a depth of 1m; (ii) Is fit for compaction; (iii) The <u>slope height</u> of the resulting <u>filled area</u> batter face in stable ground must not exceed 1.5m with a maximum slope of 1:2 (1m

		vertical to 2m horizontal); <i>(iii) Fill material is setback at least 1.5m from all boundaries;</i> <i>(iv) Does not restrict the ability for land to drain;</i> <i>(v) Is not located within 1.5m of public sewers, utility services or manholes;</i> <i>(vi) The sediment from fill material is retained on the site.</i> <i>(iv) Areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;</i> <i>(v) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls;</i> <i>(vi) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.</i> RDI (a) Earthworks that do not comply with Rules 18.2.4.1 P1 or P23. (b) The Council's discretion shall be limited restricted to the following matters: (i) Amenity values and landscape effects; (ii) Volume, extent and depth of earthworks; (iii) Nature of fill material; (iv) Contamination of fill material; (v) Location of the earthworks in relation to waterways, significant indigenous vegetation and habitat; (vi) Compaction of the fill material; (vii) Volume and depth of fill material; (viii) Protection of the Hauraki Gulf Catchment Area; (ix) Geotechnical stability; (x) Flood risk, including natural water flows and established drainage paths (xi) Land instability, erosion and sedimentation; (xii) Proximity to underground services and service connections.
986.101	KiwiRail Holdings Limited (KiwiRail)	Amend Rule 18.2.4.1 P1(a) Earthworks General as follows (or similar amendments to achieve the requested relief): (i) Be located more than 1.5m from <i>infrastructure, including</i> a public sewer, open drain, overland flow path or other service pipe AND Any consequential amendments to link and/or accommodate the requested changes
FS1176.314	Watercare Services Ltd	Support
695.193	Sharp Planning Solutions Ltd	Amend Rule 18.2.4.1 P1(a)(ii) Earthworks – General so that earthworks are applied as a ratio to site area i.e. a 1:1 ratio based on a site area e.g. a 450m ² area would provide 450m ³ earthworks.
986.108	KiwiRail Holdings Limited (KiwiRail)	Amend Rule 18.2.4.1 P1(a)(iv) Earthworks general as follows (or similar amendments to achieve the requested relief): (iv) Areas exposed by the earthworks are <i>stabilized to avoid runoff within 1 month of the cessation</i> re-vegetated to achieve 80% ground cover 6 months of the commencement of the earthworks AND Any consequential amendments to link and/or accommodate the requested changes.
695.194	Sharp Planning Solutions Ltd	Amend Rule 18.2.4.1 P2(a)(i) Earthworks – General to enable importation of fill to occur.
749.139	Housing New Zealand Corporation	Amend Rule 18.2.4.1 RDI(b) Earthworks - General as follows: The Council's discretion shall be restricted <u>to any of</u> the following matters: ...
695.197	Sharp Planning Solutions Ltd	Retain a maximum area of earthworks in Rule 18.2.4.1 P1(a)(ii) Earthworks - General.
785.12	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited	Retain Rule 18.2.4.1 P1 Earthworks - General, except for the amendments sought below AND Amend Rule 18.2.4.1 P1 Earthworks – General as follows: P1 Earthworks within a

	'Oil Companies'	<p>site must meet the following conditions: Be located more than 1.5m from a public sewer, open drain, overland overland flow path or other <u>public</u> service pipe; Not exceed a volume of more than 250m³ and an area of more than 1000m² within a site; The height of the resulting cut, filled areas or fill batter face in stable ground, not including any surcharge, does not exceed 1.5m, with a maximum slope of 1:2 (1 vertical to 2 horizontal); Areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement, <u>or otherwise stabilised as soon as practicable at the completion of</u> the earthworks; Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; Do not divert or change the nature of natural water flows, water bodies or established drainage paths. AND Any consequential amendments or additional relief to give effect to the submission.</p>
785.14	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited 'Oil Companies'	<p>Retain Rule 18.2.4.1 P2 Earthworks – General, except for the amendments sought below AND Amend Rule 18.2.4.1 P2 Earthworks – General as follows: P2 The importation of infill material to a site must meet all of the following conditions in addition to Rule 18.2.4.1 P1: Does not exceed a total volume of 500m³ per site and a depth of 1m (<u>excluding backfill</u>); ... AND Any consequential amendments or additional relief to give effect to the submission.</p>
785.16	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited 'Oil Companies'	<p>Retain Rule 18.2.4.1 RD1 Earthworks – General as notified.</p>

82.1.2 Analysis

Retain

576. The submission from the Oil Companies [785.16] seeks that the rule be retained.
577. The submission from Sharp Planning Solutions Ltd [695.197] seeks that the maximum area of earthworks be retained.

Site specific

578. The submission from Doug Nicholson [403.2] seeks specific rules for his property at Te Kauwhata. The submission does not state what those are, and in their absence no change can be or needs to be made.

Rule Clarification

579. The submissions from Waikato District Council [697.261], KiwiRail Holdings Limited [986.101], Housing New Zealand Corporation [749.139] and the Oil Companies [785.14] seek minor rule amendments to improve clarity and meaning.

Rehabilitation

580. The submissions from KiwiRail Holdings Limited [986.108] and the Oil Companies [785.12] seek amendments to require land to be stabilised quicker than the 6 month vegetation period. The proposed amendments are agreed to, with it being proposed that the stabilisation be within 1 month and the vegetation within 6 months.

Volume

581. The submission from Sharp Planning Solutions [695.193] seeks that a ratio approach of 1:1 to the volume of earthworks in Rule P1 be introduced so that larger sites are not penalised. In my opinion, as the earthworks are for existing sites in the Business Town Centre Zone, the permitted activity volume of 250m³ is a reasonable volume. For comparison purposes only, if the material were to be moved by a large truck (capacity of approximately 6m³), this would equate to approximately 42 truck movements. The example in the submission of a 450² sized site would give 450m³ of volume, which would equate to 75 truckloads of material.

Rule P2

582. The submission from Sharp Planning Solutions [695.194] seeks the amendment of the rule to enable importation of fill to occur. The reasoning in the submission is that Rule P2, among other matters, is ultra vires and would make almost all development impossible.

583. In my opinion, the reasoning in the submission does not justify the deletion of the rule and the amendments included in the submission by Waikato District Council [697.263] discussed below addresses some of the matters raised.

Waikato District Council [697.263]

584. The submission from Waikato District Council [697.263] contains a number of matters relating to rule clarification and amendment, with the main matters discussed below:

- a. Addition of the words '*excluding the importation of fill material*' is not supported, as the definition of 'earthworks' does not include the importation of fill material;
- b. Addition of the words '*over any consecutive 12 month period*' is supported, as the way the rule is written at the moment, it could be interpreted as meaning either:
 - (iii) Earthworks can only be undertaken once and consequential earthworks require a consent; or
 - (iv) A large volume of earthworks could be undertaken on the basis that each one is within the permitted activity provisions.
- c. The deletion of the words '~~including any surcharge~~' are agreed with, as the measurement of what is surcharge is difficult, and over time with compaction, the surcharge will reduce;
- d. The setback of earthworks from boundaries is agreed with, as consideration of how earthworks are to be managed close to boundaries (such as stability) is a matter that can be assessed through the restricted discretionary activity process;
- e. A new rule for earthworks (including imported fill) for the creation of a building platform. I do not support this rule as proposed, as it has no standards associated with it, and as such could result in significant earthworks. I understand that the intent of the provision is to provide for earthworks associated with a building where the provisions of the Building Act would apply, and concur that the PWDP should not duplicate other legislation. I have suggested alternative wording; and
- f. The rewording of new Rule P3 are all clarification matters.

82.1.3 Recommendations

585. It is recommended that the submissions from Oil Companies [785.12], Sharp Planning Solutions Ltd [695.197], Waikato District Council [697.261], KiwiRail Holdings Limited

[986.101], Housing New Zealand Corporation [749.139], the Oil Companies [785.14], KiwiRail Holdings Limited [986.108], the Oil Companies [785.12] and Waikato District Council [697.263] be **accepted**.

586. It is recommended that the submissions from Doug Nicholson [403.2] and Sharp Planning Solutions [695.193] be **rejected**.

587. The following amendments are recommended to Chapter 18: Business Town Centre Zone, as shown in Appendix 4 – Chapter 18: Business Town Centre Zone:

Earthworks

- (1) **Rule 18.2.4.1** – Earthworks - General provides the permitted rules for **earthworks** activities within the Business Town Centre Zone. This rule does not apply in those areas specified in Rules 18.2.4.1 and 18.2.4.2.
- (2) There is a specific standard for **earthworks** within rule:
 - (a) **Rule 18.2.4.2** – Maaori Sites and Maaori Areas of Significance.

18.2.4.1 Earthworks – General

P1	<p>(a) Earthworks within a site must meet all of the following conditions:</p> <ol style="list-style-type: none"> (i) Earthworks must be located more than 1.5m from infrastructure including a public sewer, open drain, overland flow path or other public service pipe; (ii) Earthworks must not exceed a volume of more than 250m³ and an area of more than 1,000m² within a site over any single consecutive 12 month period; (iii) The height of the resulting cut, filled areas or fill batter face in stable ground, not including any surcharge, does not exceed 1.5m, with a maximum slope of 1:2 (1 vertical to 2 horizontal); (iv) <u>Earthworks are set back at least 1.5m from all boundaries;</u> (v) Areas exposed by earthworks are <u>stabilised to avoid runoff within 1 month and</u> re-vegetated to achieve 80% ground cover within 6 months of the commencement <u>cessation</u> of the earthworks; (vi) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; (vii) Earthworks must not divert or change the nature of natural water flows, waterbodies or established drainage paths; (viii) Earthworks must not result in the site being unable to be serviced by gravity sewers.
P2	<p>(d) <u>Earthworks for the purpose of creating a building platform within a site (including the use of imported fill material) that is:</u></p> <ol style="list-style-type: none"> (iii) <u>subject to an approved building consent; and</u> (iv) <u>the earthworks occur wholly within the footprint of the building.</u> <p>(e) <u>For the purposes of this rule, the footprint of the building extends 1.8m from the outer edge of the outside wall.</u></p> <p>(f) <u>For the purposes of this rule, this exemption does not apply to earthworks associated with retaining walls/structures which are not required for the structural support of the building.</u></p>
P23	<p>(b) Earthworks using tThe importation of fill material to a site must meet all of the following conditions in addition to Rule 17.2.4 P1:</p> <ol style="list-style-type: none"> (xi) Does Must not exceed a total volume of 500m³ per site and a depth of 1m (excluding backfill); (xii) Is fit for compaction; (xiii) The height slope of the resulting batter face filled area in stable ground must not exceed 1.5m with a maximum slope of 1:2 (1m vertical to 2m horizontal); (xiv) Fill material is setback at least 1.5m from all boundaries; (xv) Does not restrict the ability for land to drain; (xvi) Is not located within 1.5m of public sewers, utility services or manholes; (xvii) The sediment from fill material is retained on the site.

	<p>(xviii) <u>Areas exposed by earthworks are stabilised to avoid runoff within 1 month and revegetated to achieve 80% ground cover within 6 months of the cessation of the earthworks;</u></p> <p>(xix) <u>Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls;</u></p> <p>(xx) <u>Do not divert or change the nature of natural water flows, water bodies or established drainage paths.</u></p>
--	---

82.1.4 Section 32AA evaluation

588. As the changes are to provide clarity to the rules and to implement the policy direction, no s32AA evaluation has been required to be undertaken.
589. With respect to the proposed introduction of new rule P2, I note that Policy 4.5.41 seeks that the adverse effects of earthworks on adjoining properties and water bodies are addressed and in my opinion the rule is the most appropriate option. In my opinion, I consider that the proposed rule also meets the other s32AA evaluation criteria in that by removing duplication of legislation, it is 'effective and efficient', reduces costs and provides benefits.

83 Chapter 18: Business Town Centre Zone – 18.2.7 Signs

83.1.1 Submissions

Submission point	Submitter	Summary of submission
697.270	Waikato District Council	Amend Rule 18.2.7.1 P2 (a)(ix) Signs – General, as follows: (ix) The sign is not attached to a <u>for the purpose of identification and interpretation of a</u> Maaori Site of Significance listed in Schedule 30.3 (Maaori Sites of Significance) except for the purpose of identification and interpretation;
FSI 323.82	Heritage New Zealand Pouhere Taonga	Oppose
559.82	Heritage New Zealand Lower Northern Office	Amend Rule 18.2.7.1 P2 Signs - general to exclude any type of signage on Heritage Items and Maaori Sites of Significance. AND Amend Rule 18.2.7.1 RDI Signs - general to include signage on Heritage items and Maaori Sites of Significance. AND Add an advice note under this new rule to advise of the other heritage building related rules within the Chapter. AND Provide for any consequential amendments as required.
697.271	Waikato District Council	Amend Rule 18.2.7.1 P3 (a)(i) and (ii) Signs – General, as follows: (b) A real estate 'for sale' <u>or 'for rent'</u> sign <u>relating to the site on which it is located</u> must comply with all of the following conditions: (i) It relates to the sale of the site on which it is located; (ii) There is no more than + <u>3</u> signs per agency site;
588.20	Woolworths NZ Ltd	Amend Rule 18.2.7.1 Signs - General as follows: P2 (a) A sign must comply with all of the following conditions: ... (v) Where the sign is a freestanding sign, it must: A. Not exceed an area of <u>320</u> m ² for one sign <u>face</u> , and <u>1</u> m ² for any other freestanding sign on the site; B. <u>Must not exceed one sign per site;</u> and C. Be set back at least 5m from the boundary of the Residential Zone. RDI (a) A sign that does not comply with Rules 18.2.7.1 P2 or

		P3. (b) The Council's discretion shall be limited to the following matters: ... <u>(xi) Extent to which the signage is consistent with corporate branding and represents a cohesive visual appearance with the commercial activity on-site.</u> AND Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.
FS1323.80	Heritage New Zealand Pouhere Taonga	Oppose
602.30	Greig Metcalfe	Amend Rule 18.2.7.1. P3 (a) Signs - general as follows: (a) <u>Any real estate 'for sale' sign relating to the site on which it is located must comply with all of the following conditions: (i) There is no more than 1 sign per agency measuring 600mm x 900mm per road frontage of the site to which the sign relates; (ii) There is no more than 1 sign measuring 1800mm x 1200mm per site to which the sign relates; (iii) There is no more than 1 real estate header sign measuring 1800mm x 1200mm on one other site; (iv) The sign is not illuminated; (v) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; (vi) The sign does not project into or over road reserve. (vii) Any real estate sign shall be removed from display within 60 days of sale/lease or upon settlement, whichever is the earliest.</u> AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
FS1323.81	Heritage New Zealand Pouhere Taonga	Oppose
742.195	New Zealand Transport Agency	Retain Rule 18.2.7.1 P1 Signs - General as notified AND Retain Rule 18.2.7.1 RD1 Signs - General, as notified.
785.60	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited 'Oil Companies'	Retain Rule 18.2.7.1 P2 Signs – General as notified.
742.196	New Zealand Transport Agency	Retain Rule 18.2.7.1 P2 Signs- General, except for the amendments sought below AND Amend Rule 18.2.7.1 P2(a)(v) Signs - General as follows: Where the sign is a freestanding sign, it must: A. Not exceed an area of 3m ² for one sign per site, and 1m ² for any other <u>one additional</u> freestanding sign on the site; and B. Be set back at least 5m from the boundary of the Residential Zone; <u>and C. Be set back at least 1.5m from the boundary of a state highway;</u> AND Request any consequential changes necessary to give effect to the relief sought in the submission.
FS1089.16	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited for 'Oil Companies'	Oppose
785.64	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited 'Oil Companies'	Retain Rule 18.2.7.1 Signs – General, except for the amendments sought below AND Amend Rule 18.2.7.1 <u>RD1 Signs – General as follows: RD1 A sign that does not comply with Rule XXX PX or PX. Council's discretion shall be restricted to the following matters: Amenity values; Character of the locality; Effects on traffic safety; Glare and artificial light spill; Effects on a notable tree;</u>

		<u>Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign; Effects on cultural values of any Maaori Site of Significance; and Effects on notable architectural features of a building.</u>
FS1323.83	Heritage New Zealand Pouhere Taonga	Oppose
986.118	KiwiRail Holdings Limited (KiwiRail)	Amend Rule 18.2.7.2 PI Signs – Effects on traffic as follows (or similar amendments to achieve the requested relief): (a)Any sign directed at road <u>land transport</u> users must: ... (iii)Not obstruct sight lines of drivers turning into or out of a site entrance and intersections <u>or at a level crossing</u> ; AND Any consequential amendments to link and/or accommodate the requested changes.
697.272	Waikato District Council	Amend Rule 18.2.7.2 PI Signs - Effects on traffic, as follows: (b) Any sign directed at road users must <u>meet the following conditions</u> :
785.68	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited 'Oil Companies'	Amend Rule 18.2.7.2 Signs – Effects on Traffic to be consistent with the equivalent rules in Chapter 17, 20 and 21 as follows: <u>PI (a) Any sign directed at road users must: (i) Not imitate the content, colour or appearance of any traffic control sign; (ii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections; (iii) Contain no more than 40 characters and no more than 6 symbols; (iv) Have lettering that is at least 150mm high; DI Any sign that does not comply with Rule XXXX PI.</u> AND Any consequential amendments or additional relief to give effect to the submission.
785.52	Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited 'Oil Companies'	Add a new Permitted Activity Rule to Chapter 18 – Business Town Centre Zone as follows: <u>PX Any Healthy and Safety signage required by legislation.</u> AND Add an additional definition (if necessary) of ‘health and safety’ sign as follows: <u>Health and Safety sign means any sign necessary to meet other legislative requirements (e.g. HSNO/Work-safe).</u> AND Any consequential amendments or additional relief to give effect to the submission.
697.273	Waikato District Council	Delete Rule 18.2.7.2 PI (a)(iv) Signs - Effects on traffic.
742.198	New Zealand Transport Agency	Retain Rule 18.2.7.2 DI Signs - Effects on traffic as notified.
742.197	New Zealand Transport Agency	Retain Rule 18.2.7.2 PI Signs- Effects on traffic, except for the amendments sought below AND Amend Rule 18.2.7.2 PI(a) Signs- Effects on traffic as follows: (a) Any sign directed at road users must: ... (iii) Not obstruct sight lines of drivers turning in or out of a site entrance and intersections <u>(iv) Contain no more than 40 characters and no more than 6 words, symbols or graphics;</u> AND Consequently renumber the two clauses that follow. AND Request any consequential changes necessary to give effect to the relief sought in the submission.

83.1.2 Submissions

Rule P2 - general

590. The submissions from New Zealand Transport Agency [742.195 and 742.198] and the Oil Companies [785.60] support the signs provisions.

591. The submissions from Waikato District Council [697.272 and 697.273] are wording clarifications.

592. The submission from Heritage New Zealand Lower Northern Office [559.82] seeks that there be no signage on heritage items or Maaori sites of significance. In my opinion, the provisions are correct, as they are purely for identification and interpretation purposes. Approval from Heritage New Zealand would be required if the signage in any way was not permitted under the provisions of the Heritage New Zealand Pouhere Taonga Act 2014. Requiring resource consent from Waikato District Council would be a duplication of legislation that the rules were developed to avoid.
593. The submission from Woolworths NZ Ltd [588.20] seeks that freestanding signs be increased in size from 3m² to 20m². The consideration of large-scale freestanding signs through the restricted discretionary activity process enables consideration as to suitability.
594. The submissions from New Zealand Transport Agency [742.196 and 742.197] seek the restriction of additional freestanding signs to one. As the size of the additional signs is restricted to 1m², it is not considered necessary to restrict the number of signs. The setback of signs from the state highway is not required in the Business Town Centre Zones, as the location of these zones within towns with lower speed limits means that such a restriction is not required. The inclusion of the word 'graphic' is helpful.
595. The submission from the Oil Companies [785.52] seeks the addition of health and safety signs with a supporting definition. In my opinion, neither of the changes is required, as the definition of signs and Rule P2 encompass what is sought in the submission.

RDI

596. The submission from the Oil Companies [785.64] seeks the addition of a matter of discretion relating to 'character'. The submission from Woolworths NZ Ltd [588.20] sought a matter of discretion relating to corporate branding. In my opinion, both character and corporate branding are included with 'amenity values' as they are expressed in the Business Town Centre zone, and do not need to be included.

Rule P3 – real estate

597. The submission from Greig Metcalfe [602.30] seeks the introduction of a number of standards. Council made a deliberate decision to enable signs for real estate purposes to be undertaken without restrictions. Council considered that such signs are an integral and accepted part of the urban environment, with agencies having a number of different sign sizes to meet clients' needs. I concur with that approach, particularly within a Business Town Centre environment, where signs are anticipated as part of that environment.
598. The submission from Waikato District Council [697.271] seeks that the rule applies to signs for rent as well.

Effects on traffic

599. The submission from KiwiRail Holdings Ltd [986.118] seeks that the provisions apply to all transport including rail. I concur with the amendments.
600. The submission from the Oil Companies [785.64] seeks the removal of (v) as it applies to site identification signs. In my opinion, the rule is impracticable and should be deleted, but also made clear it does not apply to site identification.

83.1.3 Recommendations

601. It is recommended that the submissions from New Zealand Transport Agency [742.195 and 742.198], the Oil Companies [785.60], Waikato District Council [697.270, 697.271 697.272

and 697.273], New Zealand Transport Agency [742.197] and KiwiRail Holdings Ltd [986.118], be **accepted**.

602. It is recommended that the submissions from Heritage New Zealand Lower Northern Office [559.82], Woolworths NZ Ltd [588.20], New Zealand Transport Agency [742.196], Oil Companies [785.52, 785.64 and 785.68] and Greig Metcalfe [602.30] be **rejected**.

603. The following amendments are recommended to Chapter 18: Business Town Centre Zone, as shown in Appendix 4 – Chapter 18: Business Town Centre Zone:

18.2.7.1 Signs – General

PI	A public information sign erected by a government agency.
P2	<p>(a) A sign must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) The sign height does not exceed 10m; (ii) Where the sign is illuminated it must: <ul style="list-style-type: none"> A. Not have a light source that flashes or moves; and B. Not contain moving parts or reflective materials; and C. Be directed to ensure it does not spill light beyond the site; (iii) Where the sign is attached to a building, it must: <ul style="list-style-type: none"> A. Not extend more than 300mm from the building wall; and B. Not exceed the height of the building; (iv) Where the sign is attached to a verandah, it must: <ul style="list-style-type: none"> A. Be set back at least 500mm from the road carriageway; and B. Not be more than 500mm high; and C. Not project beyond the roof or fascia of the verandah more than 100mm in any direction; and D. Allow clearance of at least 2.4m above a footpath; (v) Where the sign is a freestanding sign, it must: <ul style="list-style-type: none"> A. Not exceed an area of 3m² for one sign, and 1m² for any other freestanding sign on the site; and B. Be set back at least 5m from the boundary of the Residential Zone; (vi) The sign must be wholly contained on the site except where it is attached to a verandah; (vii) The sign is not attached to a notable tree identified in Schedule 30.2 (Notable Trees), except for the purpose of identification; (viii) The sign is not attached to for the purpose identification and interpretation of a heritage item listed in Schedule 30.1 (Heritage Items) except for the purpose of identification and interpretation; (ix) The sign is not attached to a Maaori site of significance listed in Schedule 30.3 (Maori Sites of Significance), except for the purpose of identification and interpretation; (x) The sign relates to: <ul style="list-style-type: none"> A. Goods or services available on the site; or B. A property name sign.
P3	<p>(b) A real estate 'for sale' or 'for rent' 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) It relates to the sale of the site on which it is located; (ii) There is no more than 3 signs per agency site; (iii) The sign is not illuminated; (iv) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials.

18.2.7.2 Signs – Effects on traffic

PI	<p>(c) Any sign directed at road land transport users must meet all of the following conditions:</p> <ul style="list-style-type: none"> (vii) Not imitate the content, colour or appearance of any traffic control sign; (viii) Be located at least 60m from controlled intersections or at a level crossing, pedestrian crossings and any other sign; (ix) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections; (x) Contain no more than 40 characters and no more than 6 symbols; (xi) Have lettering that is at least 150mm high; and (xii) Where the sign directs traffic to a site entrance, the sign must be at least 130m from the entrance. <p>(i) <u>Rule P1(a) does not apply to site identification signs.</u></p>
----	---

83.1.4 Section 32AA evaluation

604. As the changes are to provide clarity to the rules, remove rules that are impracticable, and implement the policy direction, no s32AA evaluation has been required to be undertaken.

84 Chapter 18: Business Town Centre Zone – 18.2.8 Outdoor storage

84.1.1 Submissions

Submission point	Submitter	Summary of submission
697.274	Waikato District Council	Amend Rule 18.2.8 P1 (a)(i) Outdoor storage, as follows: (a) Outdoor storage of goods or materials must comply with the following conditions: (i) Be associated with the <u>activity</u> operating from the site
403.3	Doug Nicholson	Amend Rule 18.2.8 P1 (iii) Outdoor Storage, so activities on 10 Baird Ave, Te Kauwhata are a discretionary activity.
697.276	Waikato District Council	Amend Rule 18.2.8 P1 Outdoor storage, to include effective screening mechanisms for the outdoor storage of goods, where this is appropriate to manage amenity effects such as next to Residential, Village or Country Living Zones.
697.275	Waikato District Council	Amend Rule 18.2.8 P1 Outdoor storage, to include a maximum height condition for the outdoor storage of goods or materials where this is appropriate to manage amenity effects such as next to Residential, Village or Country Living Zones.
602.21	Greig Metcalfe	Amend Rule 18.2.8 P1(a)(i) Outdoor storage, as follows: (i) Be associated with the <u>activity</u> operating from the site. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.

84.1.2 Analysis

605. The submissions from Waikato District Council [697.274] and Greig Metcalfe [602.21] seek wording clarity to the rule.

606. The submissions from Waikato District Council [697.275 and 697.276] seek maximum height and screening of outdoor storage. As there is no restriction on the time that material

can be stored outside, and as buildings are restricted by height and daylight recession when adjoining other zones, then the control is justified.

607. It is unclear what changes the submission from Doug Nicholson [403.3] is seeking, as that is what the rule currently provides.

84.1.3 Recommendations

608. It is recommended that the submissions from Waikato District Council [697.274, 697.275 and 697.276] and Greig Metcalfe [602.21] be **accepted**.

609. It is recommended that the submission from Doug Nicholson [403.3] be **rejected**.

610. The following amendments are recommended to Chapter 18: Business Town Centre Zone, as shown in Appendix 4 – Chapter 18: Business Town Centre Zone:

18.2.8 Outdoor storage

PI	<p>(b) Outdoor storage of goods or materials must <u>comply with all of the following conditions</u>:</p> <p>(v) Be associated with the <u>activity</u> operating from the <u>site</u>;</p> <p>(vi) Not encroach on required parking or loading areas;</p> <p>(vii) <u>Rules 17.3.1 Height and 17.3.2 Daylight admission</u>; and</p> <p>(viii) Be fully screened from view by a close boarded fence or solid fence or wall to a height of 1.8m fencing or landscaping from any:</p> <p style="margin-left: 20px;">A. Public road;</p> <p style="margin-left: 20px;">B. Public reserve; and</p> <p style="margin-left: 20px;">C. <u>Adjoining site</u> in another zone.</p>
----	---

84.1.4 Section 32AA evaluation

611. As the changes are to provide clarity to the rules and to implement the policy direction that protects the amenity of adjoining zones, no s32AA evaluation has been required to be undertaken.

85 Chapter 18: Business Town Centre Zone – 18.3.1 Height

85.1.1 Submissions

Submission point	Submitter	Summary of submission
553.8	Malibu Hamilton	Retain Rule 18.3.1.1 Building height, restricting the maximum building height limit to 10m in the Whaingaroa Township.
<i>FS1388.786</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
746.63	The Surveying Company	Amend 18.3.1.1 PI - Height- Building general as follows: The maximum height of any building must not exceed 40m <u>15m</u> .
749.140	Housing New Zealand Corporation	Amend Rule 18.3.1.1 Height - Building general as follows: PI The maximum height of any building must not exceed <u>12m</u> 40m . D+RDL (a) Any building that does not comply with Rule 18.3.1.1 PI. (b) <u>Council's discretion shall be restricted to any of the following matters: (i) Height of the building; (ii) Design and location of the building; (iii) Extent of shading on adjacent sites; and (iv) Privacy on adjoining sites</u> AND Amend the Proposed District Plan as consequential or additional relief as necessary to address

		the matters raised in the submission as necessary.
378.93	Fire and Emergency New Zealand	Amend Rule 18.3.1.1 Height - Building general, as follows: 18.3.1.1 Height - Building General The maximum height of any building must not exceed 10m, <u>except hose drying towers up to 15m associated with emergency service facilities</u> . AND Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.
FS1035.200	Pareoranga Te Kata	Support
403.4	Doug Nicholson	Amend Rule 18.3.1.1 PI Height – Building General, from 10m to 15m.
780.28	Whaingaroa Environmental Defence Incorporated Society	Retain Rule 18.3.1.1 Height – Building general.
825.28	John Lawson	Retain Rule 18.3.1.1 Height – Building general.

85.1.2 Analysis

612. The submissions from Malibu Hamilton [553.8], Whaingaroa Environmental Defence Incorporated Society [780.28] and John Lawson [825.28] support retention of the rule.
613. The submissions from The Surveying Company [746.63], Housing New Zealand Corporation [749.140], Doug Nicholson [403.4] and Fire and Emergency New Zealand [378.93] all seek amendments to the 10m maximum height rule.
614. The specific provision for towers is accepted.
615. The additional height up to 12m would enable either three storey or taller buildings to accommodate business activities in the zone. The protection of amenity values of adjoining zones is provided through the daylight control. The restricted discretionary activity status is aligned with the daylight control activity status. The 15m height has the potential to be out of scale within the zone, but can be considered through the proposed restricted discretionary activity status.

85.1.3 Recommendations

616. It is recommended that the submissions from Malibu Hamilton [553.8], Whaingaroa Environmental Defence Incorporated Society [780.28], John Lawson [825.28], The Surveying Company [746.63], Housing New Zealand Corporation [749.140] and Fire and Emergency New Zealand [378.93] be **accepted**.
617. It is recommended that the submission from Doug Nicholson [403.4] be **rejected**.
618. The following amendments are recommended to Chapter 18: Business Town Centre Zone, as shown in Appendix 4 – Chapter 18: Business Town Centre Zone:

18.3.1.1 Height – Building general

PI	(c) The maximum height of any building must not exceed 12 +0m. (d) <u>The maximum height of hose drying towers associated with emergency service facilities must not exceed 15m.</u>
DRDI	(i) Any building that does not comply Rule 17.3.1.1 PI. (j) <u>The Council's discretion shall be restricted to any of the following matters:</u> (v) <u>Height of the building:</u>

	<p>(vi) <u>Design and location of the building</u></p> <p>(vii) <u>Extent of shading on an adjoining site:</u></p> <p>(viii) <u>Privacy on adjoining sites.</u></p>
--	---

85.1.4 Section 32AA evaluation

619. As the changes are to provide clarity to the rules, and to implement the policy direction that supports development in the Business Town Centre zone in a manner that protects the amenity of adjoining zones, no s32AA evaluation has been required to be undertaken.

86 Chapter 18: Business Town Centre Zone – 18.3.2 Daylight Admission

86.1.1 Submissions

Submission point	Submitter	Summary of submission
746.64	The Surveying Company	Amend Rule 18.3.2 PI- Daylight admission as follows: Buildings must not protrude through a height control plane rising at an angle of 35 <u>45</u> degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.
695.195	Sharp Planning Solutions Ltd	Amend Rule 18.3.2 PI Daylight admission as follows: (a) Any building must not protrude through a height control plane rising at an angle of 37 <u>45</u> degrees commencing at an elevation of 2.5 <u>3</u> m above ground level at the site boundary where it adjoins the: ...
749.141	Housing New Zealand Corporation	Amend Rule 18.3.2 PI Daylight admission as follows: (a) Any building must not protrude through a height control plane rising at an angle of 37 <u>45</u> degrees commencing at an elevation of 2.5m <u>3m</u> above ground level at the site boundary where it adjoins a: OR Amend Rule 18.3.2 PI Daylight admission to consider an alternative height in relation to the boundary standard in the Business Town Centre Zone. AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
697.277	Waikato District Council	Amend Rule 18.3.2 RDI Daylight admission, as follows: (b) Council's discretion is limited <u>restricted</u> to the following matters: (i) Height of <u>the</u> building; (ii) Design and location of the building; (iii) Level of shading on an adjoining <u>any other</u> sites; (iv) Privacy of <u>on</u> other sites; (v) Effects on Amenity values and town centre character.

86.1.2 Analysis

620. The submissions from The Surveying Company [746.64], Sharp Planning Solutions Ltd [695.195] and Housing New Zealand Corporation [749.141] all seek relaxation to the rule.
621. The daylight rule only applies to sites where they adjoin sensitive zones and are designed to protect the amenity values of those zones. The daylight rule matches that which applies within the adjoining zone. The daylight rule matches that which applies within the adjoining

zone. I note that Hearing Report H6: Village Zone recommends changing the daylight angle to 45° in the Village Zone. Should the Hearing Panel accept the change in this zone and other zones, then it will need to make consequential changes to this rule. With the additional height being recommended, the need to protect amenity values becomes more important. No change is recommended.

622. The submission from Waikato District Council [697.277] seeks to clarify the wording of the rule.

86.1.3 Recommendations

623. It is recommended that the submission from Waikato District Council [697.277] be **accepted**.

624. It is recommended that the submission from The Surveying Company [746.64], Sharp Planning Solutions Ltd [695.195] and Housing New Zealand Corporation [749.141] be **rejected**.

625. The following amendments are recommended to Chapter 18: Business Town Centre Zone, as shown in Appendix 4 – Chapter 18: Business Town Centre Zone:

RDI	<p>(c) Any building that does not comply with Rule 17.3.2 PI;</p> <p>(d) The Council's discretion shall be limited restricted to the following matters:</p> <p>(vi) Height of the building;</p> <p>(vii) Design and location of the building;</p> <p>(viii) Level of shading on any other sites adjoining site;</p> <p>(ix) Privacy on other site;</p> <p>(i) Amenity values of the locality.</p>
-----	--

86.1.4 Section 32AA evaluation

626. As the changes are to provide clarity to the rules, no s32AA evaluation has been required to be undertaken.

87 Chapter 18: Business Town Centre Zone – 18.3.3 Gross leasable floor area

87.1.1 Submissions

Submission point	Submitter	Summary of submission
403.10	Doug Nicholson	Amend Rule 18.3.3 DI Gross leasable floor area, as follows (or similar): Any individual tenancy with a gross leasable floor area over 350m ² and no greater than 500m² <u>1000m², and no greater than 5000m² for no more than two tenancies</u>
<i>FS1078.9</i>	<i>Hugh Green Limited</i>	<i>Support</i>
392.16	Hugh Green Limited	Amend Rule 18.3.3 DI Gross leasable floor area, to remove the reference to "and no greater than 500m ² ." AND Amend the Proposed District Plan to provide alternative, additional or consequential amendments/relief as necessary to achieve consistency with the other submission points and to satisfy submitter's concerns or such alternative relief to satisfy the

		concerns of the submitter.
588.21	Woolworths NZ Ltd	Amend Rule 18.3.3 Gross leasable floor area as follows: 18.3.3 Gross leasable floor area PI Any individual tenancy must have a gross leasable floor area of no more than 500 350m ² RD1 Any individual tenancy with a gross leasable floor area over 500 350m ² and no greater than 500m ² NCI Any individual tenancy with a gross leasable floor area over 500m² The Council's discretion shall be limited to the following matters: (i) The matters listed in 18.1.3 RD2(b) (ii) Extent to which operational and functional requirements dictate the necessity for a floor area over 500m². AND Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.
FS1078.14	Hugh Green Limited	Support
697.278	Waikato District Council	Amend Rule 18.3.3 PI Gross leasable floor area, as follows: (a) Any <u>Every</u> individual tenancy....
392.10	Hugh Green Limited	Delete Rule 18.3.3 NCI Gross leasable floor area. AND Amend the Proposed District Plan to provide alternative, additional or consequential amendments/relief as necessary to achieve consistency with the other submission points and to satisfy submitter's concerns or such alternative relief to satisfy the concerns of the submitter.

87.1.2 Analysis

627. The submission from Waikato District Council [697.278] seeks to clarify the rule.
628. The submissions from Doug Nicholson [403.10], Hugh Green Limited [392.16 and 392.10] and Woolworths NZ Ltd [588.21] all seek changes to either the metrics or the activity status for gross leasable floor area.
629. The metrics and the activity status have been deliberately chosen to give effect to the policy direction of supporting smaller-scale commercial activities to the Business Town Centre, and creating a pedestrian-attractive centre to the towns. Those activities requiring larger floor areas and/or needing to be accessed by vehicles due to the nature of the products provided, as well as accommodating associated carparking are provided for in the Business Zone. Accordingly, no changes to the rules are recommended.

87.1.3 Recommendations

630. It is recommended that the submission from Waikato District Council [697.278] be **accepted**.
631. It is recommended that the submissions from Doug Nicholson [403.10], Hugh Green Limited [392.16 and 392.10] and Woolworths NZ Ltd [588.21] be **rejected**.
632. The following amendments are recommended to Chapter 18: Business Town Centre Zone, as shown in Appendix 4 – Chapter 18: Business Town Centre Zone:

18.3.3 Gross leasable floor area

PI	Any <u>Every</u> individual tenancy must have a gross leasable floor area of no more than 350m ² .
----	--

87.1.4 Section 32AA evaluation

633. As the changes are to provide clarity to the rules, no s32AA evaluation has been required to be undertaken.

88 Chapter 18: Business Town Centre Zone – 18.3.4 Display windows and building façades

88.1.1 Submissions

Submission point	Submitter	Summary of submission
749.142	Housing New Zealand Corporation	Add a new clause to Rule 18.3.4 PI Display windows and building facades as follows: (a) Any new building facade, or alteration of an existing building facade, must comply with the following conditions: (i) Not be set back from the road boundary; and (ii) Provide display windows comprising at least 50% of the building facade. (b) <u>Rule 18.3.4 PI (a) does not apply to multi-unit development.</u> AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
403.11	Doug Nicholson	Amend Rule 18.3.4 Display windows and building facades, to reflect Business Zone rule for 10 Baird Avenue, Te Kauwhata.
<i>FS1078.10</i>	<i>Hugh Green Limited</i>	<i>Support</i>
602.22	Greig Metcalfe	Amend Rule 18.3.4 PI (a) Display windows and building facades, as follows: (a) Any new building façade <u>adjoining a road boundary</u> , or alteration of an existing building façade <u>adjoining a road boundary</u> , must comply with the following conditions: (i) Not be set back from the road boundary <u>at ground floor level</u> ; and (ii) Provide display windows comprising at least 50% of the building façade <u>at ground floor level</u> . AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
<i>FS1078.49</i>	<i>Hugh Green Limited</i>	<i>Support</i>
588.22	Woolworths NZ Ltd	Retain Rule 18.3.4 PI Display windows and building facades as notified AND Amend Rule 18.3.4 D1 Display windows and building facades to be a restricted discretionary rather than a discretionary activity, as follows: <u>RDI (a) A building that does not comply with Rule 18.3.4 PI (b) The Council's discretion shall be limited to the following matters: i. Design and location of the building having regard to the operational and functional requirements of the activity to be accommodated ii. Extent to which the activity achieves the intent of the control by other means, to enable passive surveillance and promote pedestrian safety Effects on amenity values and town centre character.</u> AND Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.
<i>FS1078.26</i>	<i>Hugh Green Limited</i>	<i>Support</i>
<i>FS1078.15</i>	<i>Hugh Green Limited</i>	<i>Support</i>

88.1.2 Analysis

634. The submission from Housing New Zealand Corporation [749.142] seeks to clarify that the rule does not apply to multi-unit developments. The submission is part of the overall submission seeking to provide for multi-unit developments. I have recommended that the access to an above ground floor multi-unit development can be at ground floor, accordingly I have recommended that the rule does not apply to access.
635. The submission from Doug Nicholson [403.11] is site-specific and no change is recommended.
636. The submission from Greig Metcalfe [602.22] seeks to clarify that the rule only applies to road boundaries. As this was the intent of the rule, it is recommended that the changes be accepted.
637. The submission from Woolworths NZ Ltd [588.22] seeks to change the activity status for non-compliance with the rule from discretionary to restricted discretionary. However, as the matters to be considered where window and building façades are not achieved can be wide ranging, I have not recommended the change to the activity status.

88.1.3 Recommendations

638. It is recommended that the submissions from Housing New Zealand Corporation [749.142] and Greig Metcalfe [602.22] be **accepted**.
639. It is recommended that the submissions from Doug Nicholson [403.11] and Woolworths NZ Ltd [588.22] be **rejected**.
640. The following amendments are recommended to Chapter 18: Business Town Centre Zone, as shown in Appendix 4 – Chapter 18: Business Town Centre Zone:

18.3.4 Display windows and building façades

PI	(a) Any new building façade adjoining a road boundary , or alteration of an existing building façade, adjoining a road boundary must comply with the following conditions: D. Not be set back from the road boundary at ground floor level ; and E. Provide display windows comprising at least 50% of the building façade at ground floor level . (b) Rule 18.3.4 PI(a) does not apply to the entrance lobby, stairwell or lift located at ground floor level that services an above ground level multi-unit development.
----	--

88.1.4 Section 32AA evaluation

641. As the changes are to provide clarity to the rules, no s32AA evaluation has been required to be undertaken.

89 Chapter 18: Business Town Centre Zone – 18.3.5 Verandahs

89.1.1 Submissions

Submission point	Submitter	Summary of submission
589.3	Z Energy Ltd	Amend Rule 18.3.5 D1 Verandahs from a Discretionary activity to a Restricted Discretionary activity and include relevant matters of discretion: D1RD1 Any verandah that does not

		comply with Rule 18.3.5 PI. <u>Discretion is restricted to: (i) The effects on the amenity of the streetscape; (ii) The character and layout of the building; (iii) The nature, design and location of the verandah; and (iv) The functional requirements of the activities that the buildings are intended to accommodate.</u> AND Amend the Proposed District Plan, including consequential amendments, to address the matters raised in the submission.
559.213	Heritage New Zealand Lower Northern Office	Amend Rule 18.3.5 PI Verandahs as follows: PI (a) Any new building, or alteration to an existing building, <u>except a building included in Schedule 30.1 – Historic Heritage Items</u> , on land with a verandah line identified on the planning maps, must be provided with a verandah that complies with the following conditions: ...
697.279	Waikato District Council	Amend Rule 18.3.5 PI(a) Verandahs, as follows: (a) Any new building, or alteration <u>that increases the height or footprint</u> of an existing building, on land with a verandah line identified on the planning maps, must <u>be</u> provided with a verandah that complies with the following conditions:
780.20	Whaingaroa Environmental Defence Incorporated Society	Delete Rule 18.3.5 PI(a)(vi) Verandahs
825.20	John Lawson	Delete Rule 18.3.5 PI(a)(vi) Verandahs
559.214	Heritage New Zealand Lower Northern Office	Retain Rule 18.3.5 DI Verandahs (subject to historic heritage items being excluded from these requirements).
588.23	Woolworths NZ Ltd	Retain Rule 18.3.5 PI Verandahs as notified AND Amend Rule 18.3.5 DI Verandahs, to be a restricted discretionary activity rather than a discretionary activity as follows: <u>RDI (a) A building that does not comply with Rule 18.3.5 PI. (b) The Council's discretion shall be limited to the following matters: i. Design and location of the building having regard to the operational and functional requirements of the activity to be accommodated ii. Extent to which the activity achieves the intent of the control by other means, to encourage continuous pedestrian shelter and maintain pedestrian amenity iii. Effects on amenity values and town centre character.</u> AND Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.

89.1.2 Analysis

642. The submissions from Z Energy Ltd [589.3] and Woolworths NZ Ltd [588.23] seek to change the activity status for not providing a verandah from discretionary to restricted discretionary. The matters of discretion provided by Z Energy Ltd are comprehensive, and on that basis I recommend that the activity status can be changed.
643. The submissions from Heritage New Zealand Lower Northern Office [559.213 and 559.214] seek clarification that the rule does not apply to scheduled heritage items. The rule was not intended to apply to such buildings, and as such it is recommended that the amendments be accepted.
644. The submission from Waikato District Council [697.279] seeks to clarify that the rule only applies where the alteration increases the height or footprint of the building. However, I do

not think this provides the necessary clarification, as the alteration may be to the rear. The clarification needed is that the alteration is to the front of the building.

645. The submissions from Whaingaroa Environmental Defence Incorporated Society [780.20] and John Lawson [825.20] seek that the rule requiring the verandah to be cantilevered be deleted. It is appreciated that in Raglan, there is a mixture of cantilevered (newer buildings) and post-supported (older and corner buildings) verandahs. The preference is for cantilevered verandahs, as they have the advantage of providing ease of pedestrian movement and do not interfere with parking and loading on the street. With the proposed change in activity status to restricted discretionary, the opportunity is provided to add a matter of discretion.

89.1.3 Recommendations

646. It is recommended that the submissions from Z Energy Ltd [589.3], Woolworths NZ Ltd [588.23], Heritage New Zealand Lower Northern Office [559.213 and 559.214], Waikato District Council [697.279], Whaingaroa Environmental Defence Incorporated Society [780.20] and John Lawson [825.20] be **accepted**.

647. The following amendments are recommended to Chapter 18: Business Town Centre Zone, as shown in Appendix 4 – Chapter 18: Business Town Centre Zone:

18.3.5 Verandahs

PI	<p>(a) Any new building, or alteration to the frontage of an existing building, on land with a verandah line identified on the planning maps, must be provided with a verandah that complies with the following conditions:</p> <ul style="list-style-type: none"> (i) Is attached to the façade of the building; (ii) Has a height above the footpath of at least 2.5m but not more than 3.5m; (iii) Has a minimum width of 3m; (iv) The outer edge of the verandah is set back 0.5m from the kerb; (v) It is attached to any verandahs on adjoining buildings, so as to provide continuous pedestrian shelter; (vi) It is cantilevered from the building. <p>(b) Rule 18.3.5 PI (a) does not apply to a building included in Schedule 30.1 – Historic Heritage Items.</p>
PI RDI	<p>(a) Any verandah that does not comply with Rule 18.3.5 PI.</p> <p>(b) The Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) The effects on the amenity of the streetscape, including providing continuous pedestrian shelter and town centre character; (ii) The character and layout of the building; (iii) The nature, design and location of the verandah; and (iv) The functional requirements of the activities that the buildings are intended to accommodate.

89.1.4 Section 32AA evaluation

648. As the changes are to provide clarity to the application of the rules, and an activity status that still enables consideration of objectives, policies and matters of discretion through the resource consent application, no s32AA evaluation has been required to be undertaken.

90 Chapter 18: Business Town Centre Zone – 18.3.6 Building setbacks – zone boundaries & 18.3.7 Setback – water bodies

90.1.1 Submissions

Submission point	Submitter	Summary of submission
588.24	Woolworths NZ Ltd	Amend Rule 18.3.6 Building setbacks - zone boundaries, as follows: PI (a) A building must be set back a minimum of: i. 7.5 3m from rear and side boundaries adjoining any: A. Residential Zone ... RD1 (a) A building that does not comply with Rule 18.3.6 PI (b) <u>The Council's discretion shall be limited to the following matters: i. Height design and location of the building relative to the boundary ii. Privacy on other site iii. Effects on amenity values of adjacent property.</u> AND Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.
697.464	Waikato District Council	Amend Rule 18.3.7 Building setback - Waterbodies, to be consistent in terms of the terminology of structures across all zone chapters.
FSI 387.569	Mercury NZ Limited	Oppose
FSI 108.13	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Oppose
FSI 139.12	Turangawaewae Trust Board	Oppose
403.12	Doug Nicholson	Amend Rule 18.3.7 PI (a)(i)A Building setbacks - Waterbodies, to define what qualifies as a lake.
FSI 388.148	Mercury NZ Limited	Oppose
697.280	Waikato District Council	Amend Rule 18.3.7 PI Building setbacks – Water-bodies, as follows: PI (a) Any building must be setback a minimum of: (i) 23 27.5m from the margin of any: A. lake; B. wetland; (ii) 23 27.5m from the bank of any river (other than the Waikato and Waipa Rivers); (iii) 28-32.5m from the bank of either the Waikato River and the Waipa River; and (iv) 23 27.5m from mean high water springs.
FSI 387.514	Mercury NZ Limited	Oppose
662.51	Blue Wallace Surveyors Ltd	Amend Rule 18.3.7 PI(a) Building setback - Waterbodies as follows: (a) Any building must be setback a minimum of: (i) 23m from the margin of any: A. lake <u>over 4ha</u> ; and B. wetland; ... (v) <u>10m from a managed wetland</u> AND Any consequential amendments.
FSI 387.124	Mercury NZ Limited	Oppose
378.94	Fire and Emergency New Zealand	Retain Rule 18.3.7 Building setbacks - Waterbodies.
FSI 388.65	Mercury NZ Limited	Oppose

FS1035.201	Pareoranga Te Kata	Support
------------	--------------------	---------

90.1.2 Analysis

Zone Boundaries

649. The submission from Woolworths NZ Ltd [588.24] seeks a reduction in the setback rule which is designed to protect adjoining zone amenity. The setback of the adjoining zones from the Business Town Centre Zone is less than the 7.5m, accordingly the 7.5m setback is excessive and is recommended to be reduced to 3m. The discretionary activity status is considered to provide the relevant level of analysis to encompass the different matters that may arise from non-compliance with the standard.

Water bodies

650. The submissions from Waikato District Council [697.464 and 697.280] seek to align with esplanade requirement distances. The submission from Fire and Emergency New Zealand [378.94] supports the rule.

651. The submission from Doug Nicholson [403.12] seeks a definition of what is a lake and the submission from Blue Wallace Surveyors Ltd [662.51] seeks that the rule only apply to lakes over a certain size and to differentiate the setback from 'managed' wetlands. I interpret that they mean 'artificial' wetlands that have been created for water quality and quantity management purposes, otherwise the Whangamarino wetland would be included, as it is subject management of water quantity. I have recommended alternative wording.

652. There is no need to define 'lake', as that is defined in the RMA as "**lake** means a body of fresh water which is entirely or nearly surrounded by land".

90.1.3 Recommendations

653. It is recommended that the submissions from Waikato District Council [697.464 and 697.280], Fire and Emergency New Zealand [378.94] and Blue Wallace Surveyors Ltd [662.51] be **accepted**.

654. It is recommended that the submission from Doug Nicholson [403.12] be **rejected**.

655. The following amendments are recommended to Chapter 18: Business Town Centre Zone, as shown in Appendix 4 – Chapter 18: Business Town Centre Zone:

18.3.6 Building setbacks - zone boundaries

PI	(a) A building must be set back a minimum of: (i) 7.53m from rear and side boundaries adjoining any: A. Residential Zone; B. Village Zone; C. Country Living Zone; D. Reserve Zone; and (ii) 1.5m from rear and side boundaries adjoining any: i. Rural Zone; ii. Industrial Zone.
DI	A building that does not comply with Rule 18.3.6 PI .

18.3.7 Building setbacks – Water-bodies

PI	(a) Any building must be setback a minimum of: (vi) 23 27.5m from the margin of any: C. Lake; D. Wetland. (vii) 23 27.5m from the bank of any river (other than the Waikato River and Waipa River); and (viii) 23 32.5m from the margin of either the Waikato River and the Waipa River; (ix) 23 27.5m from mean high water springs (v) 10m from any artificial wetland .
P2	A public amenity of up to 25m ² or pump shed (private or public) within any building setback identified in Rule 18.3.7 P1.
DI	Any building that does not comply with Rules 18.3.7 P1 or P2.

90.1.4 Section 32AA evaluation

656. As the changes are to provide clarity to the rules, align the rules with the intent of the policy with respect to amenity values of adjoining zones, and to clarify the difference between natural and artificial wetlands, no s32 AA evaluation has been required to be undertaken.

91 Chapter 18: Business Town Centre Zone – 18.3.7 Building setbacks – railway corridor and state highways (new rule)

91.1.1 Submissions

Submission point	Submitter	Summary of submission
986.64	KiwiRail Holdings Limited (KiwiRail)	Add new matters of discretion relating to non-compliance with the 5m Building setback - railway corridor (sought elsewhere in other submission points) in Rule 18.1 Land Use Activities as follows (or similar amendments to achieve the requested relief): 1. The size, nature and location of the buildings on the site. 2. The extent to which the safety and efficiency of rail and road operations will be adversely affected. 3. The outcome of any consultation with KiwiRail. 4. Any characteristics of the proposed use that will make compliance unnecessary. AND Any consequential amendments to link and/or accommodate the requested changes.
986.58	KiwiRail Holdings Limited (KiwiRail)	Add a new rule to Rule 18.3 Land use - Building as follows (or similar amendments to achieve the requested relief): <u>Building setback - railway corridor (a) any new buildings or alterations to an existing building must be setback 5 metres from any designated railway corridor boundary</u> AND Any consequential amendments to link and/or accommodate the requested changes.
FS1033.11	Spark New Zealand Trading Limited	Oppose
FS1032.11	Vodafone New Zealand Limited	Oppose

FS1031.11	Chorus New Zealand Limited	Oppose
742.199	New Zealand Transport Agency	Add a new building setback rule as follows: <u>18.3.7A Building setbacks - State highways PI (a) Any building must be setback a minimum of: (i) 15m from a national route or regional arterial. (ii) 25m from the designated boundary of the Waikato Expressway. D1 Any building that does not comply with Rule 18.3.7A PI</u> AND Request any consequential changes necessary to give effect to the relief sought in the submission.
FS1387.894	Mercury NZ Limited	Oppose

91.1.2 Analysis

657. The submissions from KiwiRail Holdings Limited [98.64 and 986.58] and New Zealand Transport Agency [742.199] seek that there be setbacks of buildings from the railway and state highways respectively.
658. With respect to the Business Town Centre Zone, the activities provided for in the zone where reverse sensitivity effects are likely to occur would be multi-unit and residential development. Both activities are required to comply with acoustic insulation treatment.
659. For the state highway, it is noted that with the completion of the expressway, most Business Town Centre zones will be bypassed. For the rail corridor, in most instances the Business Town Centre zone is more than 5 metres away. Accordingly, in my opinion, there is no justification for the proposed rule.

91.1.3 Recommendations

660. It is recommended that the submission from KiwiRail Holdings Limited [98.64 and 986.58] and New Zealand Transport Agency [742.199] be **rejected**.

91.1.4 Section 32AA evaluation

661. As no changes are proposed, no s32AA evaluation has been required to be undertaken.

92 Chapter 18: Business Town Centre Zone – 18.3.8 Dwelling

92.1.1 Submissions

Submission point	Submitter	Summary of submission
392.11	Hugh Green Limited	Amend Rule 18.3.8 (a)(i) Dwelling, as follows: The dwelling must not be located at ground floor <u>if the site is subject to a verandah line identified on the planning maps</u> . AND Amend the Proposed District Plan to provide alternative, additional or consequential amendments/relief as necessary to achieve consistency with the other submission points and to satisfy submitter's concerns or such alternative relief to satisfy the concerns of the submitter.
FS1388.107	Mercury NZ Limited	Oppose

749.143	Housing New Zealand Corporation	Amend Rule 18.3.8 Dwelling as follows: PI (a) One <u>Any</u> dwelling within a lot must comply with all of the following conditions: (i) The dwelling must not be located at ground level; (ii) The dwelling must achieve the internal design sound levels specified in Appendix I (Acoustic Insulation), Table 14. (b) Rule 18.3.8 PI (a) does not apply to multi-unit development (refer to Rule 18.1.3 RDI (Multi-Unit Development). <u>RDI</u> Any dwelling that does not comply with Rule 18.3.8 PI (a)(ii). <u>NCI</u> Any dwelling that does not comply with Rule 18.3.8(a)(i). <u>AND</u> Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
FS1387.1054	Mercury NZ Limited	Oppose
403.13	Doug Nicholson	Amend Rule 18.3.8 Dwelling, to allow for current owners at 10 Baird Ave, Te Kauwhata to have the same rules as mixed policy area rules in place currently.
FS1388.149	Mercury NZ Limited	Oppose
FS1078.11	Hugh Green Limited	Support
697.283	Waikato District Council	Amend Rule 18.3.8 PI (a) and (b) Dwelling, as follows: (a) One dwelling on a record of title within a lot must comply with all of the following conditions: (b) <u>The dwelling must comply with all of the following conditions</u>
FS1387.517	Mercury NZ Limited	Oppose
602.23	Greig Metcalfe	Amend Rule 18.3.8 PI (a)(i) Dwelling, as follows: (i) The dwelling must not be located at ground level <u>exclusive of any entrance lobby, stairwell, lift, vehicle access, parking, manoeuvring or service court.</u> <u>AND</u> Any consequential amendments and/or additional relief required to address the matters raised in the submission.
FS1078.27	Hugh Green Limited	Support
FS1078.50	Hugh Green Limited	Support
FS1388.1035	Mercury NZ Limited	Oppose
742.200	New Zealand Transport Agency	Retain Rule 18.3.8 PI, DI and NCI Dwelling, as notified subject to the amendments sought to Appendix I being accepted (addressed elsewhere in the submission).

92.1.2 Analysis

662. The submissions from Waikato District Council [697.283] seek corrections to the rule. The submission from New Zealand Transport Agency [742.200] seeks retention of the rule.
663. The submissions from Hugh Green Limited [392.11] and Housing New Zealand Corporation Ltd [749.143] seek that the rule requiring dwellings to be above ground floor to only apply where there is a verandah line shown on the planning maps or to be deleted. As discussed earlier in this report, the policy direction was to ensure that residential activity (whether an individual dwelling or a multi-unit development) was to be located above ground to retain the ground floor for business activities.
664. The submission from Greig Metcalfe [602.23] clarifies that the entrance to a dwelling can be located at ground floor.

665. The submission from Doug Nicholson [403.13] relates to a specific property, which in my opinion does not have any specific characteristics to justify that it require specific provisions.

92.1.3 Recommendations

666. It is recommended that the submissions from Waikato District Council [697.283], New Zealand Transport Agency [742.200] and Greig Metcalfe [602.23] be **accepted**.

667. It is recommended that the submissions from Hugh Green Limited [392.11], Housing New Zealand Corporation Ltd [749.143] and Doug Nicholson [403.13] be **rejected**.

668. The following amendments are recommended to Chapter 18: Business Town Centre Zone, as shown in Appendix 4 – Chapter 18: Business Town Centre Zone:

18.3.8 Dwelling

PI	<p>(a) One dwelling within a lot on a record of title.</p> <p>(b) <u>The dwelling</u> must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) The <u>dwelling</u> must not be located at ground level; (ii) <u>The entrance lobby, stairwell or lift may be located on the ground floor level;</u> (iii) The <u>dwelling</u> must achieve the internal design sound levels specified in <u>Appendix I</u> (Acoustic Insulation), Table 14. <p>(c) <u>Rule 18.3.8 PI (a)</u> does not apply to <u>multi-unit development</u> (refer to <u>Rule 18.1.3 RDI</u> (Multi-Unit Development)).</p>
----	--

92.1.4 Section 32AA evaluation

669. As the changes are to provide corrections to the rules and provide a minor change to enable access to upstairs residences, no s32AA evaluation has been required to be undertaken.

93 Chapter 18: Business Town Centre Zone – 18.3.9 Living Court

93.1.1 Submissions

Submission point	Submitter	Summary of submission
749.144	Housing New Zealand Corporation	Amend Rule 18.3.9 Living Court as follows: PI (a) A living court must be provided for each dwelling that meets all of the following conditions: (i)... (iii) It is located on a balcony containing at least 10m² 15m² and a circle with a diameter of at least 1.5m 2.4m . RDI (a) A living court that does not comply with Rule 18.3.9 PI. <i>(b) Council's discretion shall be restricted to any of the following matters: (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 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.</i> AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
FS1387.1055	Mercury NZ Limited	Oppose

602.24	Greig Metcalfe	Amend Rule 18.3.9 P1(a)(iii) Living court, as follows: (iii) It is located on a balcony containing at least <u>10m² and with a minimum dimension of 2m.</u> 15m² and a circle with a diameter of at least 2.4m. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
FS1388.1036	Mercury NZ Limited	Oppose
695.196	Sharp Planning Solutions Ltd	Amend Rule 18.3.9(a)(iii) Living court, to be revised and made consistent with outdoor living provisions elsewhere in the Proposed District Plan.
FS1387.353	Mercury NZ Limited	Oppose

93.1.2 Analysis

670. All three submissions seek reductions in the living court provisions and the change in activity status. The requirement for and the dimensions of the living court have been set to provide a reasonable level of outside amenity for dwellings that will be located above the ground floor. Due to their location in the Business Town Centre Zone, dwellings may not have ready access to outdoor space on the site or nearby. It is accepted that there is additional cost in the provision of larger living courts, however this needs to be balanced with the need to provide residential amenity. The discretionary activity status is considered to provide the relevant level of analysis to encompass the different matters that may arise from non-compliance with the standard.

93.1.4 Recommendations

671. It is recommended that the submissions from Housing New Zealand Corporation Ltd [749.144], Greig Metcalfe [602.24] and Sharp Planning Solutions [695.196] be **rejected**.

93.1.4 Section 32AA evaluation

672. As there are no changes recommended, no s32AA evaluation has been required to be undertaken.

94 Chapter 18: Business Town Centre Zone – 18.4 Subdivision

94.1.1 Submissions

Submission point	Submitter	Summary of submission
697.290	Waikato District Council	Amend 18.4 Subdivision heading, to read as follows: Subdivision <u>Rules</u>
697.292	Waikato District Council	Amend Rule 18.4 (1)(a)(iii) Subdivision, as follows: (iii) Rule 18.4.5 – subdivision title boundaries, Maaori sites of significance and <u>Maaori</u> areas of significance to Maaori
FS1387.519	Mercury NZ Limited	Oppose
697.291	Waikato District Council	Amend Rule 18.4 Subdivision (1), to read as follows: Rules 18.4.1 and 18.4.2 provide for subdivision density and apply across <u>within</u> the Business Town Centre Zone.

FS1387.518	Mercury NZ Limited	Oppose
697.301	Waikato District Council	Amend Rule 18.4 Subdivision (2)(a), as follows: <u>(v) Rule 18.4.6A – subdivision of land within the National Grid Corridor</u> (vi) Rule 18.4.7 – subdivision esplanade reserves and esplanade strips. AND Add new rule, after Rule 18.4.6, as follows: <u>18.4.6A Subdivision of land within the National Grid Corridor RDI (a) The subdivision of land within the National Grid Corridor must comply with all of the following conditions: (i) All allotments intended to contain a sensitive land use must provide a building platform for the likely principal building(s) and any building(s) for a sensitive land use located outside of the National Grid Yard, other than where the allotments are for roads, access ways or infrastructure; and (ii) The layout of allotments and any enabling earthworks must ensure that physical access is maintained to any National Grid support structures located on the allotments, including any balance area. (b) Council’s discretion is restricted to the following matters: (i) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of the National Grid; (ii) The ability to provide a complying building platform outside of the National Grid Yard; (iii) The risk of electrical hazards affecting public or individual safety, and the risk of property damage; (iv) The nature and location of any vegetation to be planted in the vicinity of National Grid transmission lines. NCI Any subdivision of land within the National Grid Corridor that does not comply with one or more of the conditions of Rule 18.4.6A RDI.</u>
FS1350.125	Transpower New Zealand Limited	Oppose
FS1387.524	Mercury NZ Limited	Oppose

94.1.2 Analysis

673. The submissions from Waikato District Council [697.290, 697.292 and 697.291] are wording amendments to correct errors and provide clarity.
674. The submission from Waikato District Council [697.301] relocates the subdivision provisions from Chapter 14 (Rule 14.4.2) into the Business Town Centre Zone.

94.1.3 Recommendations

675. It is recommended that the submissions from Waikato District Council [697.290, 697.292, 697.291 and 697.301] be **accepted**.
676. The following amendments are recommended to Chapter 18: Business Town Centre Zone, as shown in Appendix 4 – Chapter 18: Business Town Centre Zone:

18.4 Subdivision Rules

- (1) Rules 18.4.1 and 18.4.2 provide for subdivision density ~~and apply across~~ within the Business Town Centre Zone.
- (a) Rule 18.4.2 (Subdivision – Multi-unit development) supersedes Rule 18.4.1 (General Subdivision).
- (2) Subdivision Controls
- (a) Rules 18.4.1 and 18.4.2 are subject to the following subdivision controls:
- (i) Rule 18.4.3 – subdivision boundary adjustments
- (ii) Rule 18.4.4 – subdivision amendments and updates to cross lease flats plans

- (iii) Rule 18.4.5 – subdivision title boundaries, Maaori sites of significance and Maaori areas of significance to Maaori
- (iv) Rule 18.4.6 - subdivision of land containing heritage items
- (v) Rule 18.4.7 - subdivision esplanade reserves and esplanade strips.

17.4.1.6A Subdivision of land within the National Grid Corridor

RDI	<p>(a) The subdivision of land within the National Grid Corridor must comply with all of the following conditions:</p> <p>(i) All allotments intended to contain a sensitive land use must provide a building platform for the likely principal building(s) and any building(s) for a sensitive land use located outside of the National Grid Yard, other than where the allotments are for roads, access ways or infrastructure; and</p> <p>(ii) The layout of allotments and any enabling earthworks must ensure that physical access is maintained to any National Grid support structures located on the allotments, including any balance area.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of the National Grid;</p> <p>(ii) The ability to provide a complying building platform outside of the National Grid Yard;</p> <p>(iii) The risk of electrical hazards affecting public or individual safety, and the risk of property damage;</p> <p>(iv) The nature and location of any vegetation to be planted in the vicinity of National Grid transmission lines.</p>
NCI	Any subdivision of land within the National Grid Corridor that does not comply with one or more of the conditions of Rule 17.4.1.6A RDI.

94.1.4 Section 32AA evaluation

677. As the changes are to provide corrections to the rules and relocate a rule to its correct location, no s32AA evaluation has been required to be undertaken.

95 Chapter 18: Business Town Centre Zone – 18.4.1 Subdivision- general

95.1.1 Submissions

Submission point	Submitter	Summary of submission
405.63	Counties Power Limited	Add a matter of discretion to Rule 18.4.1 RDI (b) Subdivision - General as follows: <i>The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of existing infrastructure assets;</i>
986.93	KiwiRail Holdings Limited (KiwiRail)	Add a new matter of discretion to Rule 18.4.1 Subdivision-general as follows (or similar amendments to achieve the requested relief): <i>Reverse sensitivity effects, including on land transport networks</i> AND Any consequential amendments to link and/or accommodate the requested changes.
749.145	Housing New Zealand	Amend Rule 18.4.1 RDI (a) General subdivision as follows: RDI

	Corporation	(a) Subdivision of land must comply with all of the following conditions: (i) Proposed <u>vacant</u> lots must have a minimum size of <u>200m²</u> 225m² net site area with the exception of access or utility allotments or reserves to vest; (ii) Proposed <u>vacant</u> lots must be connected to public-reticulated water supply and wastewater. AND Add a new controlled activity to Rule 18.4.1 Subdivision- General as follows: <u>CI (a) Any subdivision in accordance with an approved land use resource consent must comply with that resource consent. (b) Council's control shall be reserved to any of the following matters: (i) The effect of the design and layout of the proposed sites created; (ii) Provision of infrastructure. ...</u> AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
FS1371.41	Lakeside Development Limited	Support
FS1387.1056	Mercury NZ Limited	Oppose
FS1114.32	Fire and Emergency New Zealand	Not Stated
697.293	Waikato District Council	Amend Rule 18.4.1 RD1(a) Subdivision - general, as follows: (a) Subdivision shall <u>must</u> comply with all of the following conditions: (i) Proposed lots <u>The record of title to be subdivided must</u> shall have a minimum size of 225m ² net site area, with the exception of access or utility allotments or reserves to vest; (ii) All <u>Proposed</u> lots shall be connected to public-reticulated water supply and wastewater.
FS1387.520	Mercury NZ Limited	Oppose
602.25	Greig Metcalfe	Amend Rule 18.4.1 RD1(a)(i) Subdivision - general, as follows: (a) Subdivision shall comply with all of the following conditions: (i) Proposed lots shall have a minimum size of 225m ² net site area, with the exception of access or utility allotments, or reserves to vest, <u>or a Unit Title subdivision of existing lawfully established buildings</u> ; AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
FS1388.1037	Mercury NZ Limited Mercury E	Oppose
378.95	Fire and Emergency New Zealand	Retain Rule 18.4.1 Subdivision - General.
FS1388.66	Mercury NZ Limited	Oppose
FS1035.202	Pareoranga Te Kata	Support

95.1.2 Analysis

678. The submission from Counties Power Limited [405.63] seeks the addition of a matter of discretion to Rule 18.4.1 RD1. In my opinion, the matter is one that should be considered as part of subdivision.
679. The submission from KiwiRail Holdings Limited [986. 93] seeks the addition of a matter of discretion to Rule 17.8.1 RD1. In my opinion, this is not required, as it is the land use that creates the potential for reverse sensitivity, not subdivision.

680. The submission from Housing New Zealand Corporation [749.145] seeks that Rule 18.4.1 only apply to vacant lots, that the lot size be reduced and provision be made for subdivision of approved land uses as a controlled activity.
681. In my opinion, only providing for subdivision of vacant lots would make the subdivision of lots with existing buildings and activities a discretionary activity, which is not logical. The reduction in lot size by 25m² is not supported by any analysis or justification. I understand that the lot size has proven to be appropriate for subdivision in the Business Town Centre Zone, and on that basis should be retained.
682. The subdivision of existing land uses approved through resource consent is problematic, as although the resource consent has been approved, it may not be implemented and if it is implemented there is no guarantee as to how long the activity will be in place. In my opinion, this matter is preferably considered through the discretionary subdivision resource consent process.
683. The submission from Greig Metcalfe [602.25] seeks that the subdivision of a unit title around existing lawfully-established building should not be subject to the minimum lot size. This is appropriate, as matter of discretion (b)(ii) provides the necessary consideration.
684. The submission from Waikato District Council [697.293] corrects wording and the submission from Fire and Emergency New Zealand [378.95] supports the rule.

95.1.3 Recommendations

685. It is recommended that the submissions from Counties Power Limited [405.63], Greig Metcalfe [602.25], Waikato District Council [697.293] and Fire and Emergency New Zealand [378.95] be **accepted**.
686. It is recommended that the submissions from KiwiRail Holdings Limited [986. 93] and Housing New Zealand Corporation [749.145] be **rejected**.
687. The following amendments are recommended to Chapter 18: Business Town Centre Zone, as shown in Appendix 4 – Chapter 18: Business Town Centre Zone:

18.4.1 Subdivision - general

RDI	<p>(a) Subdivision shall-must comply with all of the following conditions:</p> <p>(i) Proposed lots The record of title shall have a minimum size of 225m² net site area, with the exception of access or utility allotments or reserves to vest or a Unit Title subdivision of existing lawfully established buildings;</p> <p>(ii) All Pproposed lots shall be connected to public-reticulated water supply and wastewater.</p> <p>(b) The Council's discretion shall be limited to the following matters:</p> <p>(i) Amenity values;</p> <p>(ii) The extent to which a range of future business activities can be accommodated;</p> <p>(iii) Impact on the operation, maintenance, upgrading and development of existing infrastructure.</p>
-----	---

95.1.4 Section 32AA evaluation

688. As the changes are to provide corrections to the rules and additional matters of discretion, no s32AA evaluation has been required to be undertaken.

96 Chapter 18: Business Town Centre Zone – 18.4.2 Subdivision – multi-unit subdivision

96.1.1 Submissions

Submission point	Submitter	Summary of submission
697.295	Waikato District Council	Amend Rule 18.4.2 RDI (a)(ii) Subdivision - Multi-unit subdivision, as follows: Be connected to public wastewater and water reticulation; <u>and</u>
FS1387.522	Mercury NZ Limited	Oppose
749.146	Housing New Zealand Corporation	Amend Rule 18.4.2 RDI Subdivision - Multi-Unit subdivision as follows: CL RDI (a) Subdivision for multi-unit development shall comply with all of the following conditions: (i)... (ii) <u>Any subdivision relating to an approved land use consent must comply with that resource consent;</u> (ii)(iii) Be connected to public wastewater and water reticulation; (iii)(iv) Where a residential unit is being created in accordance with the Unit Titles Act 2010, it meets the following minimum unit size: ... Studio unit or 1 bedroom 60m² <u>30m²</u> 2 bedroom or more residential unit 2 bedroom unit 80m² <u>45m²</u> 3 or more bedroom unit 100m² (b) The Council's <u>control</u> discretion shall be limited to <u>any of</u> the following matters: (i)... (ii) Provision of common areas for shared spaces, access and services; (iii)(ii) Avoidance or mitigation of natural hazards; (iv)(iii) Geotechnical suitability of site for buildings; (v)(iv) Amenity values and streetscape; <u>(v) Compliance with an approved land use consent.</u> (vi) Consistency with the matters contained, and outcomes sought, in Appendix 3.4 (Multi-unit development guideline); (vii) Consistency with any relevant structure plan or master plan, including the provision of neighbourhood parks, reserves and neighbourhood centres; (viii) Vehicle, pedestrian and cycle networks; (ix) Safety, function and efficiency of road network and any internal roads or accessways. AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
FS1387.1057	Mercury NZ Limited	Oppose
697.294	Waikato District Council	Amend Rule 18.4.2 RDI (a) Subdivision - Multi-unit subdivision, as follows: Subdivision for multi-unit development shall <u>must...</u>
FS1387.521	Mercury NZ Limited	Oppose
602.26	Greig Metcalfe	Amend Rule 18.4.2 RDI (a)(i) Subdivision - Multi-unit subdivision, as follows: (i) An application for land use consent under Rule 18.1.3 (Multi-Unit Development) must either accompany the subdivision <u>application</u> or have been granted resource consent by Council; <u>The subdivision (including boundaries for each residential unit and any common areas including access and services) shall be in accordance with the land use consent.</u> AND Delete Rule 18.4.2 RDI (a)(iii) Subdivision-Multi Unit Subdivision. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.

FSI 388.1038	Mercury NZ Limited	Oppose
378.96	Fire and Emergency New Zealand	Retain Rule 18.4.2 Subdivision - Multi-unit subdivision.
FSI 388.67	Mercury NZ Limited	Oppose
FSI 035.203	Pareoranga Te Kata	Support

96.1.2 Analysis

689. The submission from Waikato District Council [697.294] is a minor correction and Fire and Emergency New Zealand [378.96] supports the rule.
690. The submission from Housing New Zealand Corporation [749.146] seeks a reduction in the minimum unit areas. This matter has been addressed earlier in this report and no change to minimum unit site areas is recommended. The submission also seeks that the activity status be changed to a controlled activity, along with the deletion of some of the matters of discretion/control. As noted previously in this report, the controlled activity status has some logistical difficulties, in that the controlled activity subdivision cannot be declined. Maintaining the same activity status for the land use as for subdivision would avoid that difficulty. I concur with the part of the submission that the suggested matter of discretion negates the need to consider the other matters of discretion which would be considered as part of the land use anyway.
691. The submission from Greig Metcalfe [602.26] proposes to include a standard that the subdivision comply with the land use consent. As a restricted discretionary activity, Council has reserved control over the boundaries and in my opinion, compliance with the land use consent should not be a prerequisite to being a restricted discretionary activity.

96.1.3 Recommendations

692. It is recommended that the submissions from Waikato District Council [697.294], Fire and Emergency New Zealand [378.96] and Housing New Zealand Corporation [749.146] be **accepted**.
693. It is recommended that the submission from Greig Metcalfe [602.26] be **rejected**.
694. The following amendments are recommended to Chapter 18: Business Town Centre Zone, as shown in Appendix 4 – Chapter 18: Business Town Centre Zone:

18.4.2 Subdivision - Multi-unit subdivision

RDI	<p>(a) Subdivision for multi-unit development shall comply with all of the following conditions:</p> <p>(i) An application for land use consent under Rule 18.1.3 (Multi-Unit Development) must either accompany the subdivision or have been granted resource consent by Council;</p> <p>(ii) Be connected to public wastewater and water reticulation; and</p> <p>(iii) Where a residential unit is being created in accordance with the Unit Titles Act 2010, it meets the following minimum unit size:</p> <table border="1" style="margin-left: 40px;"> <thead> <tr> <th>Unit of Apartment</th> <th>Minimum Unit Area</th> </tr> </thead> <tbody> <tr> <td>Studio unit or 1 bedroom unit</td> <td>60m²</td> </tr> <tr> <td>2 bedroom unit</td> <td>80m²</td> </tr> <tr> <td>3 bedroom unit</td> <td>100m²</td> </tr> </tbody> </table>	Unit of Apartment	Minimum Unit Area	Studio unit or 1 bedroom unit	60m ²	2 bedroom unit	80m ²	3 bedroom unit	100m ²
Unit of Apartment	Minimum Unit Area								
Studio unit or 1 bedroom unit	60m ²								
2 bedroom unit	80m ²								
3 bedroom unit	100m ²								

	<p>(b) The Council's discretion shall be limited to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout including notional boundaries for the multi-unit development; (ii) Compliance with the proposed or approved land use resource consent; (iii) Provision of common areas for shared spaces, access and services; (iv) Avoidance or mitigation of natural hazards; (v) Geotechnical suitability of site for buildings; (vi) Amenity values and streetscape; (vii) Consistency with the matters contained, and outcomes sought, in Appendix 3.4 (Multi-unit development guideline); (viii) Consistency with any relevant structure plan or master plan, including the provision of neighbourhood parks, reserves and neighbourhood centres; (ix) Vehicle, pedestrian and cycle networks; (x) Safety, function and efficiency of road network and any internal roads or accessways.
--	--

96.1.4 Section 32AA evaluation

695. As the changes are to provide corrections to the rules and remove matters of discretion that are addressed in the land use consent application, no s32AA evaluation has been required to be undertaken.

97 Chapter 18: Business Town Centre Zone – 18.4.3 Subdivision - Boundary adjustments

97.1.1 Submissions

Submission point	Submitter	Summary of submission
697.296	Waikato District Council	Amend Rule 18.4.3 C1 Subdivision – Boundary adjustments, as follows: (a) A <u>Boundary adjustments must comply with the following:</u> (i) The conditions specified in either: A. Rule 18.4.1 (Subdivision - General); or B. Rule 18.4.2 (Subdivision-multi-unit development); and (b) Proposed RTs <u>lots</u> must not generate any additional building infringements to those which legally existed prior to the boundary adjustment. (c) The Council's control shall be limited <u>reserved over</u> to the following matters: (i) Purpose of the boundary adjustment; (ii) Effects on existing buildings.; <u>(iii) Shape of title and variation in lot size.</u>
FS1387.523	Mercury NZ Limited	Oppose
749.147	Housing New Zealand Corporation	Amend Rule 18.4.3 D1 Subdivision - Boundary adjustments as follows: <u>RDI</u> (a) Boundary adjustments that does not comply with Rule 18.4.3 C1. (b) <u>Council's discretion shall be restricted to the following matters: (i) Purpose of the boundary adjustment; (ii) Effects on existing buildings.</u> AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
FS1387.1058	Mercury NZ Limited	Oppose

97.1.2 Analysis

696. The submission from Waikato District Council [697.296] is for minor wording corrections.

697. The submission from Housing New Zealand Corporation [749.147] seeks to change the resource consent status from discretionary to restricted discretionary. As the matters of discretion are the same as for the controlled activity, this activity status is considered appropriate.

97.1.3 Recommendations

698. It is recommended that the submissions from Waikato District Council [697.296] and Housing New Zealand Corporation [749.147] be **accepted**.

699. The following amendments are recommended to Chapter 18: Business Town Centre Zone, as shown in Appendix 4 – Chapter 18: Business Town Centre Zone:

18.4.3 Subdivision – Boundary adjustments

CI	<p>(a) A Boundary adjustments must comply with the following:</p> <p>(i) The conditions specified in either:</p> <p>A. Rule 18.4.1 (Subdivision - General); or</p> <p>B. Rule 18.4.2 (Subdivision- multi-unit development); and</p> <p>(b) Proposed R-Ts lots must not generate any additional building infringements to those which legally existed prior to the boundary adjustment.</p> <p>(c) The <u>Council's</u> control shall be limited reserved to the following matters:</p> <p>(i) Purpose of the boundary adjustment;</p> <p>(ii) Effects on existing buildings;</p> <p>(iii) Shape of title and variation in lot size.</p>
D+RDI	<p>(a) Boundary adjustment that does not comply with Rule 18.4.3 CI.</p> <p>(d) The Council's discretion shall be restricted to the following matters:</p> <p>(iii) Subdivision layout;</p> <p>(iv) Shape of title and variation in title size.</p>

97.1.4 Section 32AA evaluation

700. As the changes are to provide corrections to the rules and apply a more appropriate resource consent activity status, no s32AA evaluation has been required to be undertaken.

98 Chapter 18: Business Town Centre Zone – 18.4.4 Subdivision – Amendment and updates to cross lease or flats plans

98.1.1 Submissions

Submission point	Submitter	Summary of submission
697.478	Waikato District Council	Amend for consistency of reading, the following rule: Rule 18.4.4 Subdivision - Amendments and updates to cross lease or flats plans.
697.297	Waikato District Council	Amend Rule 18.4.4 CI (a) Subdivision - Amendments and updates to cross lease or flats plans, as follows: (a) An amendment or update to a cross lease or flats plan where: (i) The purpose is to convert a cross lease or flats plan to a fee simple title; and or (ii) The An amendment or update must identify for additions or alterations to buildings, accessory

		buildings and areas for exclusive use by an owner or owners
--	--	---

701. The submissions from Waikato District Council [697.478 and 697.297] are minor corrections.

98.1.3 Recommendations

702. It is recommended that the submissions from Waikato District Council [697.478 and 697.297] be **accepted**.

703. The following amendments are recommended to Chapter 18: Business Town Centre Zone, as shown in Appendix 4 – Chapter 18: Business Town Centre Zone:

18.4.4 Subdivision - Amendments and updates to cross lease or flats plans

CI	<p>(a) An amendment or update to a cross lease or flats plan where:</p> <p>(i) The purpose is to convert a cross lease or flats plan to a fee simple title; and</p> <p>(ii) The An amendment or update must identify for additions or alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners.</p> <p>(b) The Council's control is limited to the following matters:</p> <p>(i) Purpose of the amendment or update to cross lease or flats plan;</p> <p>(ii) Effects on existing buildings;</p> <p>(iii) Site layout and design of cross lease or flats plan;</p> <p>(iv) Compliance with permitted building rules where the amendment is to convert a cross lease title to fee simple.</p>
----	---

98.1.4 Section 32AA evaluation

704. As the changes are to provide corrections and better wording to the rules, no s32AA evaluation has been required to be undertaken.

99 Chapter 18: Business Town Centre Zone – 18.4.5 Subdivision – Title boundaries – Maaori Sites and Areas of significance to Maaori

99.1.1 Submissions

Submission point	Submitter	Summary of submission
697.300	Waikato District Council	Amend Rule 18.4.5 NCI Subdivision - Title boundaries – Maaori Sites and Areas of significance to Maaori, to change from Non Complying to Discretionary as follows: NCI
697.299	Waikato District Council	Amend Rule 18.4.5 Subdivision - Title boundaries – Maaori Sites and Areas of significance to Maaori, as follows: (a)Subdivision of any lots containing any Significant Natural Areas , Maaori sites of significance.....
697.298	Waikato District Council	Amend Rule 18.4.5 Subdivision-Title boundaries-Maaori Sites and Areas of significance to Maaori heading, as follows: 18.4.5 Subdivision - Title boundaries – Maaori Sites and <u>Maaori</u> Areas of significance to Maaori
559.268	Heritage New Zealand Lower Northern Office	Retain Rule 18.4.5 NCI Title boundaries – Significant Natural Areas, Maaori sites and Maaori areas of Significance, except for the amendments sought below. AND Amend Rule 18.4.5 NCI Title boundaries - Significant Natural Areas, Maaori sites and Maaori areas of Significance to be consistent with the equivalent rules in other zone chapters, including the provision of heritage items.
559.263	Heritage New Zealand Lower Northern Office	Retain Rule 18.4.5 RDI Title boundaries – Maaori sites and areas of Significance to Maaori, except for the amendments sought below. AND Amend Rule 18.4.5 RDI Title boundaries - Maaori sites and areas of Significance to Maaori to be consistent with other zone chapters, including sites and areas not being divided by a proposed lot boundary line. AND Amend Rule 18.4.5 RDI

		Title boundaries - Maori sites and areas of Significance to Maori to be consistent with the equivalent rules in other zone chapters.
553.19	Malibu Hamilton	Retain Rule 18.4.5 Subdivision – Title boundaries – Maaori Sites and Areas of significance to Maaori.

99.1.2 Analysis

705. The submissions from Heritage New Zealand Lower Northern Office [559.268 and 559.263] and Malibu Hamilton [553.19] seek to retain the activity status. The submission from Waikato District Council [697.300] seeks to change the activity status from non-complying to discretionary.
706. In my opinion, any subdivision which seeks to divide any of the features subject to the rule should be non-complying activity, as they are matters of national importance under s6 of the RMA and the direction is for the 'protection' of such features from inappropriate subdivision.
707. The submissions from Waikato District Council [697.298 and 697.299] are minor corrections to wording.

99.1.3 Recommendations

708. It is recommended that the submissions from Heritage New Zealand Lower Northern Office [559.268 and 559.263], Malibu Hamilton [553.19] and Waikato District Council [697.298 and 697.299] be **accepted**.
709. It is recommended that the submission from Waikato District Council [697.300] be **rejected**.
710. The following amendments are recommended to Chapter 18: Business Town Centre Zone, as shown in Appendix 4 – Chapter 18: Business Town Centre Zone:

18.4.5 Subdivision - Title boundaries – Maori Sites and **Maaori** Areas of significance to Maaori

RDI	<p>(a) Subdivision of any lots containing any Significant Natural Areas, Maaori sites of significance or Maaori Areas of significance must not divide any of the following:</p> <ul style="list-style-type: none"> (i) A Maaori Site of Significance as listed in Schedule 30.3; (ii) A Maaori Area of Significance as listed in Schedule 30.4. <p>(b) The Council's discretion is limited to the following matters:</p> <ul style="list-style-type: none"> (i) Effects on Maaori sites of significance; (ii) Effects Maaori areas of significance.
-----	--

99.1.4 Section 32AA evaluation

711. As the changes are to provide corrections, no s32AA evaluation has been required to be undertaken.

100 Chapter 18: Business Town Centre Zone – 18.4.6 Subdivision – heritage items

100.1.1 Submissions

Submission point	Submitter	Summary of submission
559.254	Heritage New Zealand Lower Northern Office	Amend Rule 18.4.6 DI Subdivision – land containing heritage items to reflect a non-complying activity status for proposals that cannot achieve compliance with RDI. AND Amend Rule 18.4.6 DI Subdivision – land containing heritage items to be consistent with the equivalent rules in other zone chapters.
559.247	Heritage New Zealand Lower Northern Office	Retain Rule 18.4.6 RDI Subdivision – land containing heritage items, except for the amendments sought below. AND Amend Rule 18.4.6 RDI Subdivision - land containing heritage items as follows: (a) Subdivision of land containing a heritage item listed in Schedule 30.1 (Historic Heritage Items) (b) Council's discretion is restricted to the following matters: (i) Effects on heritage values; (ii) Context and setting of the heritage item; (iii) The extent to which the relationship of the heritage item with its setting is maintained <i>within one lot</i> . AND Amend Rule 18.4.6 RDI Subdivision - land containing heritage items to be consistent with the equivalent rules in other zone chapters, including heritage items being retained in one lot.

100.1.2 Analysis

712. The submissions from Heritage New Zealand Lower Northern Office [559.254 and 559.247] seek to retain the rule.

100.1.3 Recommendations

713. It is recommended that the submissions from Heritage New Zealand Lower Northern Office [559.254 and 559.247] be **accepted**.

100.1.4 Section 32AA evaluation

714. As there are no changes, no s32AA evaluation has been required to be undertaken.

101 Chapter 18: Business Town Centre Zone – 18.4.7 Esplanade reserves and esplanade strips

101.1.1 Submissions

Submission point	Submitter	Summary of submission
697.576	Waikato District Council	Amend Rule 18.4.7 Esplanade reserves and esplanade strips heading, as follows: <i>Subdivision – Esplanade reserves and esplanade strips</i>
697.577	Waikato District Council	Amend Rule 18.4.7 RDI Esplanade reserves and esplanade strips, as follows: (a) Subdivision must create a n esplanade

		reserve or <u>esplanade</u> strip 20m wide (or other width stated in Appendix 4 (Esplanade Priority Areas) <u>is required to be created and vested in Council</u> from every <u>subdivision where the land is being subdivided is proposed lot</u> : (i) less than 4ha and within 20m of: A. mean high water springs; B. the bank of any river whose bed has an average width of 3m or more; or C. a lake whose bed has an area of 8ha or more; and (ii) 4ha or more <u>and located</u> within 20m of any: A. mean high water springs or B. a water body identified in Appendix 4 (Esplanade Priority Areas). (b) The Council's discretion shall be limited <u>restricted</u> to the following matters:.....
697.578	Waikato District Council	Delete from Rule 18.4.7 Esplanade reserves and esplanade strips, as follows: (vi) Costs and benefits of acquiring the land.

101.1.2 Analysis

715. The submissions from Waikato District Council are either minor corrections and clarification or wording or removal of an unnecessary matter of discretion.

101.1.3 Recommendations

716. It is recommended that the submissions from Waikato District Council [697.576, 697.577 and 697.578] be **accepted**.

717. The following amendments are recommended to Chapter 18: Business Town Centre Zone, as shown in Appendix 4 – Chapter 18: Business Town Centre Zone:

18.4.7 Subdivision - Esplanade reserves and esplanade strips

RD1	<p>(a) Subdivision must create anAn esplanade reserve or <u>esplanade</u> strip 20m wide (or such other width stated in <u>Appendix 4</u> (Esplanade Priority Areas) <u>is required to be created and vested in Council</u> from every <u>subdivision where the land being subdivided is proposed lot</u>:</p> <p>(i) Less than 4ha and within 20m of any:</p> <p>A. <u>mean high water springs</u>;</p> <p>B. the <u>bank</u> of any river whose <u>bed</u> has an average width of 3m or more;</p> <p>C. a lake whose <u>bed</u> has an area of 8ha or more;</p> <p>(ii) 4ha or more and <u>and located</u> within 20m of any:</p> <p>A. <u>mean high water springs</u>; <u>or</u></p> <p>B. water body identified in <u>Appendix 4</u> (Esplanade Priority Areas).</p> <p>(b) The Council's discretion shall be limited to the following matters:</p> <p>(iv) The type of esplanade provided - reserve or strip;</p> <p>(v) Width of the esplanade reserve or strip;</p> <p>(vi) Provision of legal access to the esplanade reserve or strip;</p> <p>(vii) Matters provided for in an instrument creating an esplanade strip or access strip;</p> <p>(viii) Works required prior to vesting any reserve in the Council, including pest plant control, boundary fencing and the removal of structures and debris;</p> <p>(ix) Costs and benefits of acquiring the land.</p>
-----	--

101.1.4 Section 32AA evaluation

718. As the changes are all to provide clarity to the rules, no s32AA evaluation has been required to be undertaken.

102 Chapter 9: Specific Zones – 9.4 Business Zone Tamahere - Objective 9.4.2 – Adverse effects on land use

102.1.1 Submissions

Submission point	Submitter	Summary of submission
378.7	Fire and Emergency New Zealand	Retain Objective 9.4.2 Adverse effects of land use, to the extent that recognition is given to health and well-being of communities and they are protected from adverse effects of land use and development. AND Amend Objective 9.4.2(a) Adverse effects of land use, as follows: (a) The health, <u>safety</u> and well-being of people, communities and the environment are protected from the adverse effects of land use and development within the Business Zone Tamahere. AND Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.
FSI388.19	Mercury NZ Limited	Oppose
FSI035.112	Pareoranga Te Kata	Support

102.1.2 Analysis

719. The submission from Fire and Emergency New Zealand [378.7] seeks the addition of the word 'safety' into the objective. The word is included in s5 of the RMA, accordingly is recommended for inclusion.

102.1.3 Recommendations

720. It is recommended that the submission from Fire and Emergency New Zealand [378.7] be **accepted**.

721. The following amendments are recommended to Chapter 9: Specific Zones – 9.4 Business Zone Tamahere, as shown in Appendix 5 – Chapter 9: Specific Zones:

9.4.2 Objective – Adverse effects of land use

(a) The health, safety and well-being of people, communities and the environment are protected from the adverse effects of land use and development within the Business Zone Tamahere.

102.1.4 Section 32AA evaluation

722. As the change is to include a matter that is encompassed by the RMA and within the objective outcome sought, no s32AA evaluation has been required to be undertaken.

103 Chapter 19: Business Zone Tamahere - Corrections

103.1.1 Submissions

Submission point	Submitter	Summary of submission
------------------	-----------	-----------------------

697.580	Waikato District Council	Amend Chapter 19 Business Zone Tamahere Rule 19(2), as follows: The rules that apply to subdivision in the Business Zone Tamahere are contained in Rule 19.4 <i>and the relevant rules in 14 Infrastructure and Energy; and 15 Natural Hazards and Climate Change (Placeholder)</i> .
697.579	Waikato District Council	Amend the heading for Chapter 19 Business Zone Tamahere, as follows: Business Zone Tamahere <i>Rules</i>

103.1.2 Analysis

723. Both submission points are clarification and are agreed with.

103.1.3 Recommendations

724. It is recommended that the submissions from Waikato District Council [697.580 and 697.579] be **accepted**.

725. The following amendments are recommended to Chapter 19: Business Zone Tamahere, as shown in **Appendix 6 – Chapter 19: Business Zone Tamahere:**

Chapter 19: Business Zone Tamahere Rules

- (1) The rules that apply to activities in the Business Zone Tamahere are contained in **Rule 19.1** Land Use – Activities, **Rule 19.2** Land Use – Effects and Rule **19.3** Land Use – Building.
- (2) The rules that apply to subdivision in the Business Zone Tamahere are contained in **Rule 19.4** *and the relevant rules in 14 Infrastructure and Energy and 15 Natural Hazards and Climate Change (Placeholder)*.

103.1.4 Section 32AA evaluation

726. As the changes are clarification of which rules apply, no s32AA evaluation has been required to be undertaken.

104 Chapter 19: Business Zone Tamahere - General

104.1.1 Submissions

Submission point	Submitter	Summary of submission
724.22	Tamahere Community Committee	Retain the provisions in Chapter 19 containing the provisions for the Business Zone at Tamahere which are altered to be consistent with the approved resource consent for the new development

104.1.2 Analysis

727. The submission is in general support and is not seeking any specific changes.

104.1.3 Recommendations

728. It is recommended that the submission from Tamahere Community Committee [724.22] be **accepted**.

104.1.4 Section 32AA evaluation

729. As there are no changes sought, no s32AA evaluation has been required to be undertaken.

105 Chapter 19: Business Zone Tamahere – 19.1.1 Permitted activities

105.1.1 Submissions

Submission point	Submitter	Summary of submission
378.97	Fire and Emergency New Zealand	Add a new activity to Rule 19.1.1 Permitted Activities as a permitted activity, as follows: (x) <i>Emergency services training and management activities</i> . AND Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.
FS1035.204	Pareoranga Te Kata	Support
697.581	Waikato District Council	Amend Rule 19.1.1 Permitted Activities, as follows: (1) The following activities are permitted activities if they meet all the following: (a) <i>Activity-specific conditions; and</i> (a) <i>(b) Land Use – Effects rules in Rule 19.2 (unless the activity <u>specific</u> rule and/or activity-specific conditions identify a condition(s) that does not apply); and</i> (b) <i>(c) Land Use – Building rules in Rule 19.3 (unless the activity <u>specific</u> rule and/or activity-specific conditions identifies a condition(s) that does not apply); and</i> (c) <i>Activity-specific conditions.</i>

105.1.2 Analysis

730. The submission from Fire and Emergency New Zealand [378.97] seeks the addition of training and management activities. Such activities are suitable and anticipated in the Business Zone Tamahere.

731. The submission from Waikato District Council [697.581] clarifies the manner in which the rules are to operate.

105.1.3 Recommendations

732. It is recommended that the submissions from Waikato District Council [697.581] and Fire and Emergency New Zealand [378.97] be **accepted**.

733. The following amendments are recommended to Chapter 19: Business Zone Tamahere, as shown in **Appendix 6 – Chapter 19: Business Zone Tamahere**:

19.1.1 Permitted Activities

The following activities are permitted activities if they meet all the following:

Activity specific conditions; and

Land Use – Effects rules in **Rule 19.2** (unless the activity specific rule and/or activity-specific conditions identify a condition(s) that does not apply);

Land Use – Building rules in **Rule 19.3** (unless the activity specific rule and/or activity-specific conditions identify a condition(s) that does not apply);

~~Activity-specific conditions:~~

P7	Emergency services training and management activities	Nil
---------------	--	----------------

105.1.4 Section 32AA evaluation

734. As the activity proposed to be included is acceptable in the zone and the lack of clarity in the activity status needed to be corrected, no s32AA evaluation has been required to be undertaken.

106 Chapter 19: Business Zone Tamahere – 19.1.2 Restricted discretionary activities

106.1.1 Submissions

Submission point	Submitter	Summary of submission
378.98	Fire and Emergency New Zealand	Add a new activity to Rule 19.1.2 Restricted Discretionary Activities, as follows: (x) Emergency service facilities . AND Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.
FS1035.205	Pareoranga Te Kata	Support
781.13	Ministry of Education	Add a rule for education facilities to Rule 19.1.2 Restricted Discretionary Activities as follows: <u>Activity RD2 Education Facilities</u> Council's discretion shall be restricted to the following matters: <u>The extent to which it is necessary to locate the activity within the Business Zone Tamahere.</u> <u>Reverse sensitivity effects of adjacent activities.</u> <u>The extent to which the activity may adversely impact on the transport network.</u> <u>The extent to which the activity may adversely impact on the streetscape.</u> <u>The extent to which the activity may adversely impact on the noise environment.</u>
81.8	Waikato Regional Council	Retain Rule 19.1.2 RDI Restricted Discretionary Activities.

106.1.2 Analysis

735. The background to the development of the Tamahere Village Business zone provisions, is that it is an area defined to provide for localised commercial opportunities to meet the needs of a diverse community seeking alternative retail options (including a mixture of small boutique retail activities) along with offices and professional rooms. It is anticipated that as the population increases there is the possibility that some community facilities may need to be established in the future.
736. The submissions from Fire and Emergency New Zealand [378.98] and Ministry of Education [781.13] seek to include emergency service facilities and education facilities as restricted discretionary activities. It is understood that during the community engagement leading to the preparation of the PWDP, there was no demand for any changes to the Tamahere Village Business zone provisions. Accordingly, no change to the activities is proposed.

106.1.3 Recommendations

737. It is recommended that the submission from Waikato Regional Council [81.8] be **accepted**.
738. It is recommended that the submissions from Fire and Emergency New Zealand [378.98] and Ministry of Education [781.13] be **rejected**.

106.1.4 Section 32AA evaluation

739. As there are no changes proposed, no s32AA evaluation has been required to be undertaken.

107 Chapter 19: Business Zone Tamahere – 19.1.3 Discretionary activities

107.1.1 Submissions

Submission point	Submitter	Summary of submission
697.582	Waikato District Council	Amend Rule 19.1.3 D1 Discretionary Activities, as follows: Any permitted activity that does not comply with <u>one or more of the activity-specific conditions in</u> Rule 19.1.1
697.583	Waikato District Council	Amend Rule 19.1.3 D2 Discretionary Activities Rule, as follows: Any restricted ien discretionary activity that does not comply with Rule 19.1.2 RDI.

107.1.2 Analysis

740. The two submissions are minor corrections to the clarity of the rules.

107.1.3 Recommendations

741. It is recommended that the submissions from Waikato District Council [697.582 and 697.583] be **accepted**.
742. The following amendments are recommended to Chapter 19: Business Zone Tamahere, as shown in Appendix 6 – Chapter 19: Business Zone Tamahere:

19.1.3 Discretionary Activities

Activities listed below are discretionary activities

D1	Any permitted activity that does not comply with one or more of the activity-specific conditions in Rule 19.1.1.
D2	Any restricted ien discretionary activity that does not comply with Rule 19.1.2 RDI .

107.1.4 Section 32AA evaluation

743. The changes are to clarify the wording of the rules. Accordingly, no s32AA evaluation has been required to be undertaken.

108 Chapter 19: Business Zone Tamahere – 19.2.1 Noise

108.1.1 Submissions

Submission point	Submitter	Summary of submission
697.584	Waikato District Council	Delete Rule 19.2.1 Noise (1) and consequentially renumber (2) and (3).
923.152	Waikato District Health Board	Amend Rule 19.2.1.1 P2, P3, P4 and D1- Noise- General as follows: P2 Sound measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 must not exceed: (a) Noise measured within the following noise limits at any point within any other site in the Business Zone Tamahere must not exceed: (i) 65dB LAeq(1.5min) dB (LAeq) , 7am to 11pm every day; and (ii) 55dB LAeq(1.5min) dB (LAeq) , 11pm Friday to 1am Saturday; and (iii) 55dB LAeq(1.5min) dB (LAeq) , 11pm Saturday to 1am Sunday; and (iv) 45dB LAeq(1.5min) dB (LAeq) , Sunday to Thursday 11pm to 1am the following day; (v) 45dB LAeq(1.5min) dB (LAeq) , 1am to 7am every day; and (vi) 75dB LAeq(1.5min) dB (LAeq) , 11pm to 7am the following every day; (b) The permitted activity noise limits for the zone of any other site where sound is received. P3 (a) Noise measured at the notional boundary within any site in the Country Living Zone must not exceed: (i) 50 dB (LAeq), 7am to 7pm every day; (ii) 45 dB (LAeq), 7pm to 10pm every day; and (iii) 40 dB (LAeq), and 65dB (LAm _{ax}), 10pm to 7am every day. P4 (a) Noise levels must be measured in accordance with the requirements of NZS 6801:2008 'Acoustics Measurement of Environmental Sound' and (b) Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 'Acoustic Environmental Noise.' D1 (a) Sound that is outside the scope of NZS 6802:2008 or a permitted activity standard; and (b) Sound Noise that does not comply with Rule 19.2.1.1 P1 or P2, P3 or P4.
697.585	Waikato District Council	Delete 19.2.1.1 P3 and P4 Noise – General; AND Add to Rule 19.2.1.1 (P2) Noise – General; as follows: <u>P2 (b) Noise measured at the notional boundary within any site in the Country Living Zone, must not exceed: (i) 50dB (LAeq), 7am to 7pm every day; (ii) 45dB (LAeq), 7pm to 10pm every day; and (iii) 40dB (LAeq) and 65dB (LAm_{ax}), 10pm to 7am every day. (c) Noise levels must be measured in accordance with the requirements of NZS 6801:2008 'Acoustics Measurement of Environmental Sound' and (d) Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 'Acoustic Environmental noise'.</u> AND Amend Rule 19.2.1.1 (D1) Noise – General; as follows: Noise that does not comply with Rule 19.2.1.1 P2, P3 or P4.
378.99	Fire and Emergency New Zealand	Retain Rule 19.2.1.1 Noise - General.
FS1035.206	Pareoranga Te Kata	Support
697.586	Waikato District Council	Amend Rule 19.2.1.2 P1 Construction noise, as follows: (a) Construction noise must not exceed meet the limits in NZS 6803:1999 (Acoustics – Construction Noise); and...

108.1.2 Analysis

744. The submissions from Waikato District Council [697.584, 697.585 and 697.586] and Waikato District Health Board [923.152] are rule clarification changes.
745. The submission from Fire and Emergency New Zealand [378.99] seeks retention of the noise rules.

108.1.3 Recommendations

746. It is recommended that the submissions from Waikato District Council [697.584, 697.585 and 697.586] and Waikato District Health Board [923.152] be **accepted**.
747. The following amendments are recommended to Chapter 19: Business Zone Tamahere, as shown in Appendix 6 – Chapter 19: Business Zone Tamahere:

19.2.1 Noise

- ~~(1) Rules 19.2.1.1 and 19.2.1.2 provide the permitted noise levels for noise generated by land-use activities.~~
- (2) Rule 19.2.1 Noise – General provides permitted noise limits in the Business Zone Tamahere.
- (3) Rule 19.2.1.2 Noise – Construction provides the noise limits for construction activities.

19.2.1.1 Noise – General

P1	Noise generated by emergency generators and emergency sirens.
P2	<p>(b) Noise measured within the Business Zone Tamahere must not exceed:</p> <p>(vi) 65dB (L_{Aeq})$L_{Aeq(15min)}$, 7am to 11 pm every day; and</p> <p>(vii) 55dB (L_{Aeq})$L_{Aeq(15min)}$, 11pm Friday to 1am Saturday; and</p> <p>(viii) 55dB (L_{Aeq})$L_{Aeq(15min)}$, 11pm Saturday to 1am Sunday; and</p> <p>(ix) 45dB (L_{Aeq})$L_{Aeq(15min)}$, 1am to 7am every day, and</p> <p>(x) 75dB (L_{Amax})L_{Amax}, 11pm to 7am every day.</p> <p>(c) Noise measured at the notional boundary within any site in the Country Living Zone, must not exceed:</p> <p>(viii) 50dB (L_{Aeq})$L_{Aeq(15min)}$, 7am to 7pm every day;</p> <p>(ix) 45dB (L_{Aeq})$L_{Aeq(15min)}$, 7pm to 10pm every day; and</p> <p>(x) 40dB (L_{Aeq})$L_{Aeq(15min)}$, 10pm to 7am every day; and</p> <p>(xi) 65dB (L_{Amax})L_{Amax}, 10pm to 7am every day.</p> <p>(e) Noise levels must be measured in accordance with the requirements of NZS 6801:2008 'Acoustics Measurement of Environmental Sound' and</p> <p>(f) Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 'Acoustic Environmental noise'.</p>
P3	<p>(b) Noise measured at the notional boundary within any site in the Country Living Zone, must not exceed:</p> <p>(i) 50dB (L_{Aeq}), 7am to 7pm every day;</p> <p>(ii) 45dB (L_{Aeq}), 7pm to 10pm every day; and</p> <p>(iii) 40dB ($L_{Aeq,T}$) and 65dB (L_{Amax}), 10pm to 7am every day.</p>
P4	<p>(e) Noise levels must be measured in accordance with the requirements of NZS 6801:2008 'Acoustics Measurement of Environmental Sound' and</p> <p>(d) Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 'Acoustic Environmental noise'.</p>

DI	Noise that does not comply with Rule 19.2.1.1 P2, P3 or P4.
----	---

19.2.1.2 Construction noise

PI	(c) Construction noise must meet not exceed the limits in NZS 6803:1999 (Acoustics – Construction Noise); and (d) Construction noise must be measured and assessed in accordance with the requirements of NZS6803:1999 'Acoustics – Construction Noise'.
DI	Construction noise that does not comply with Rule 19.2.1.2 P1.

108.1.4 Section 32AA evaluation

748. As all the changes are to provide clarity to the rules and update to the latest metrics, no s32AA evaluation has been required to be undertaken.

109 Chapter 19: Business Zone Tamahere – 19.2.4 Earthworks

109.1.1 Submissions

Submission point	Submitter	Summary of submission
986.102	KiwiRail Holdings Limited (KiwiRail)	Amend Rule 19.2.4 P1(a) Earthworks General as follows (or similar amendments to achieve the requested relief): (i) Be located more than 1.5m from <i>infrastructure, including</i> a public sewer, open drain, overland flow path or other service pipe AND Any consequential amendments to link and/or accommodate the requested changes.
FS1176.315	Watercare Services Ltd	Support
697.587	Waikato District Council	Amend Rule 19.2.4 Earthworks, as follows: P1 (a) Earthworks within a site must meet all of the following conditions: (i) Earthworks must be located more than 1.5m from a public sewer, open drain, overland flow path or other service pipe; (ii) Earthworks must not exceed a volume of more than 5000m3 and an area of more than 1,000m2 within a site; (iii) The height of the resulting cut, filled areas or fill batter face in stable ground, not including any surcharge , does not exceed 1.5m, with a maximum slope of 1:2 (1 vertical to 2 horizontal); (iv) Areas exposed by earthworks are revegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks; (v) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls. <i>P2 (a) Earthworks for the purpose of creating a building platform within a site using imported fill material. P3 (a) Earthworks for purposes other than creating a building platform within a site, using imported fill material (excluding cleanfill) must meet all of the following conditions. (i) Must not exceed a total volume of 500m3 per site and a depth of 1m; (ii) The slope of the resulting</i>

		<p><u>filled area in stable ground must not exceed maximum slope of 1:2 (1m vertical to 2m horizontal); (iii) Fill material is setback at least 1.5m from all boundaries; (iv) Areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks; (v) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; (vi) Does not divert or change the nature of natural water flows, water bodies or established drainage paths. RD 1 (a) Earthworks that do not comply with Rule 19.2.4.1 P1 or P3 (b) Council's discretion is restricted to the following matters: (i) Amenity values and landscape effects; (ii) Volume, extent and depth of earthworks; (iii) Nature of fill material; (iv) Contamination of fill material; (v) Location of the earthworks to waterways, significant indigenous vegetation and habitat; (vi) Compaction of the fill material; (vii) Volume and depth of fill material; (viii) Protection of the Hauraki Gulf Catchment Area; (ix) Geotechnical stability; (x) Flood risk, including natural water flows and established drainage paths (xi) Land instability, erosion and sedimentation; and (xii) Proximity to underground services and service connections. D+</u></p> <p>Earthworks that do not comply with Rule 19.2.4 P1</p>
FS1387.620	Mercury NZ Limited	Oppose
695.198	Sharp Planning Solutions Ltd	Amend Rule 19.2.4 P1(a)(ii) Earthworks to be applied on a ratio based on site area. i.e. a 1:1 ratio so that a 450m2 site would provide 450m3 earthworks.
986.109	KiwiRail Holdings Limited (KiwiRail)	Amend Rule 19.2.4 P1(a)(iv) Earthworks general as follows (or similar amendments to achieve the requested relief): (iv) Areas exposed by the earthworks are <u>stabilized to avoid runoff within 1 month of the cessation</u> re-vegetated to achieve 80% ground cover 6 months of the commencement of the earthworks AND Any consequential amendments to link and/or accommodate the requested changes
695.200	Sharp Planning Solutions Ltd	Retain the maximum area of earthworks in Rule 19.2.4 P1(a)(ii) Earthworks.

109.1.2 Analysis

Rule clarification

749. The submissions from KiwiRail Holdings Limited [986.102] and Waikato District Council [697.587] seek minor rule amendments to improve clarity and meaning.

Rehabilitation

750. The submission from KiwiRail Holdings Limited [986.109] seeks amendments to require land to be stabilised quicker than the 6 month vegetation period. The proposed amendments are agreed to, with it being proposed that the stabilisation be within 1 month and the vegetation within 6 months.

Volume

751. The submission from Sharp Planning Solutions [695.200] seeks the retention of the maximum area.

752. The submission from Sharp Planning Solutions [695.198] seeks that a ratio approach of 1:1 to the volume of earthworks, be introduced so that larger sites are not penalised. In my

opinion, as the earthworks are for existing sites in the Business Zone Tamahere, the permitted activity volume of 5,000m³ is a reasonable volume.

Waikato District Council [697.587]

753. The submission from Waikato District Council [697.587] contains a number of matters relating to rule clarification and amendments with the main matters discussed below:

- (a) Deletion of the words ‘~~including any surcharge~~’ are agreed with as the measurement of what is surcharge is difficult and over time with compaction, the surcharge will reduce;
- (b) A new rule for earthworks (including imported fill) for the creation of a building platform. I do not support this rule as proposed, as it has no standards associated within it, and as such could result in significant earthworks. I understand that the intent of the provision is to provide for earthworks associated with a building, where the provisions of the Building Act would apply, and concur that the PWDP should not duplicate other legislation. I have suggested alternative wording to address this matter; and
- (c) Change the activity status from discretionary to restricted discretionary activity. As the matters of discretion are able to be specified clearly, this change in status is agreed with.

109.1.3 Recommendations

754. It is recommended that the submissions from KiwiRail Holdings Limited [986.102 and 986.109], Waikato District Council [697.587] and Sharp Planning Solutions [695.200] be **accepted**.

755. It is recommended that the submissions from Sharp Planning Solutions [695.198] be **rejected**.

756. The following amendments are recommended to Chapter 19: Business Zone Tamahere, as shown in **Appendix 6 – Chapter 19: Business Zone Tamahere**:

PI	<p>(a) Earthworks within a site must meet all of the following conditions:</p> <ul style="list-style-type: none"> (i) Earthworks must be located more than 1.5m from infrastructure including a public sewer, open drain, overland flow path or other public service pipe; (ii) Earthworks must not exceed a volume of more than 5000m³ and an area of more than 1,000m² within a site; (iii) The height of the resulting cut, filled areas or fill batter face in stable ground, not including any surcharge, does not exceed 1.5m, with a maximum slope of 1:2 (1 vertical to 2 horizontal); (iv) Areas exposed by earthworks are stabilised to avoid runoff within 1 month and re-vegetated to achieve 80% ground cover within 6 months of the commencement cessation of the earthworks; (v) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls.
P2	<p>(g) Earthworks for the purpose of creating a building platform within a site (including the use of imported fill material) that is:</p> <ul style="list-style-type: none"> (v) subject to an approved building consent; and (vi) the earthworks occur wholly within the footprint of the building. <p>(h) For the purposes of this rule, the footprint of the building extends 1.8m from the outer edge of the outside wall.</p> <p>For the purposes of this rule, this exemption does not apply to earthworks associated with retaining walls/structures which are not required for the structural support of the building.</p>

P3	<p>(c) Earthworks using the importation of fill material to a site must meet all of the following conditions:</p> <p>(xxi) Must not exceed a total volume of 500m³ per site and a depth of 1m (excluding backfill);</p> <p>(xxii) The slope of the resulting filled area in stable ground must not exceed a maximum slope of 1:2 (1m vertical to 2m horizontal);</p> <p>(xxiii) Fill material is setback at least 1.5m from all boundaries;</p> <p>(xxiv) Areas exposed by earthworks are stabilised to avoid runoff within 1 month and revegetated to achieve 80% ground cover within 6 months of the cessation of the earthworks;</p> <p>(xxv) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls;</p> <p>(xxvi) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.</p>
<p>D+ RDI</p>	<p>Earthworks that do not comply with Rule 19.2.4 P1.</p> <p>(a) Earthworks that do not comply with Rules 19.2.4.1 P1, P2 or P3.</p> <p>(b) The Council's discretion shall be limited to the following matters:</p> <p>(i) Amenity values and landscape effects;</p> <p>(ii) Volume, extent and depth of earthworks;</p> <p>(iii) Nature of fill material;</p> <p>(iv) Contamination of fill material;</p> <p>(v) Location of the earthworks in relation to waterways, significant indigenous vegetation and habitat;</p> <p>(vi) Compaction of the fill material;</p> <p>(vii) Volume and depth of fill material;</p> <p>(viii) Protection of the Hauraki Gulf Catchment Area;</p> <p>(ix) Geotechnical stability;</p> <p>(x) Flood risk, including natural water flows and established drainage paths</p> <p>(xi) Land instability, erosion and sedimentation;</p> <p>(xii) Proximity to underground services and service connections.</p>

109.1.4 Section 32AA evaluation

757. As the changes are to provide clarity to the rules and implement the policy direction with respect to earthworks, no s32AA evaluation has been required to be undertaken.
758. With respect to the proposed introduction of new rule P2, I note that Policy 4.5.41 seeks that the adverse effects of earthworks on adjoining properties and water bodies are addressed and in my opinion the rule is the most appropriate option. In my opinion, I consider that the proposed rule also meets the other s32AA evaluation criteria in that by removing duplication of legislation, it is 'effective and efficient', reduces costs and provides benefits.

110 Chapter 19: Business Zone Tamahere – 19.2.6 Signs

110.1.1 Submissions

Submission point	Submitter	Summary of submission
697.590	Waikato District Council	Amend Rule 19.2.6.1 P3 (a)(i) and (ii) Signs – General, as follows: (a) A real estate 'for sale' or 'for rent' sign relating to the site on which it is located must comply with all of the following

		conditions: (i) — It relates to the sale of the site on which it is located; (ii) There is no more than + 3 signs per agency site; ...
602.31	Greig Metcalfe	Amend Rule 19.2.6.1. P3 (a) Signs - general as follows: (a) <u>Any real estate 'for sale' sign relating to the site on which it is located must comply with all of the following conditions: (i) There is no more than 1 sign per agency measuring 600mm x 900mm per road frontage of the site to which the sign relates; (ii) There is no more than 1 sign measuring 1800mm x 1200mm per site to which the sign relates; (iii) There is no more than 1 real estate header sign measuring 1800mm x 1200mm on one other site; (ii) (iv) The sign is not illuminated; (ii) (v) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; (iv) (vi) The sign does not project into or over road reserve. <u>(vii) Any real estate sign shall be removed from display within 60 days of sale/lease or upon settlement, whichever is the earliest.</u> AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.</u>
697.591	Waikato District Council	Delete Rule 19.2.6.1 P3 (a)(iv) Signs – General.
697.592	Waikato District Council	Amend Rule 19.2.6.2 P1 Signs - Effects on traffic, as follows: (a) Any sign directed at road users must <u>meet the following conditions:</u>
697.593	Waikato District Council	Delete Rule 19.2.6.2 P1 (a)(vi) Signs - Effects on traffic.

110.1.2 Analysis

759. The submissions from Waikato District Council [697.590, 697.591, 697.592 and 697.593] are wording clarifications and deletion of the distance rule with respect to effects on traffic, as the distance requirement is impracticable to be met.
760. The submission from Greig Metcalfe [602.31] seeks the introduction of a number of standards. Council made a deliberate decision to enable signs for real estate purposes to be undertaken without restrictions. Council considered that such signs are an integral and accepted part of the urban environment with agencies having a number of different signs sizes to meet clients' needs. I concur with that approach, particularly within a Business environment where signs are an anticipated part of that environment.

110.1.3 Recommendations

761. It is recommended that the submissions from Waikato District Council [697.590, 697.591, 697.592 and 697.593] be **accepted**.
762. It is recommended that the submission from Greig Metcalfe [602.31] be **rejected**.
763. The following amendments are recommended to Chapter 19: Business Zone Tamahere, as shown in Appendix 6 – Chapter 19: Business Zone Tamahere:

19.2.6.1 Signs – General

P3	(a) A real estate 'for sale' or 'for rent' sign relating to the site on which it is located must comply with all of the following conditions: (i) The sign relates to the sale of the site on which it is located; (ii) There is no more than + 3 signs per agency site; (iii) The sign is not illuminated; (iv) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; (v) The sign does not project into or over road reserve.
----	--

19.2.6.2 Signs - Effects on traffic

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

110.1.4 Section 32AA evaluation

764. As the changes are to provide clarity to the rules, remove rules that are impracticable, and implement the policy direction, no s32AA evaluation has been required to be undertaken.

III Chapter 19: Business Zone Tamahere – 19.2.7 Outdoor storage

III.1.1 Submissions

Submission point	Submitter	Summary of submission
697.595	Waikato District Council	Amend Rule 18.2.7 PI Outdoor storage, to include effective screening mechanisms for the outdoor storage of goods, particularly where boundaries are adjoined by Residential, Village or Country Living Zones.
697.594	Waikato District Council	Amend Rule 19.2.7 PI (a) Outdoor storage, as follows: (a) Outdoor storage of goods or materials must <u>comply with all the following conditions</u> :

III.1.2 Analysis

765. The submissions from Waikato District Council [697.595 and 697.594] seek a rule clarification and maximum height to outdoor storage and rule clarification. No additional restrictions are required as there is already a 2m height restriction.

III.1.3 Recommendations

766. It is recommended that the submission from Waikato District Council [697.594] be **accepted**.

767. It is recommended that the submission from Waikato District Council [697.595] be **rejected**.

768. The following amendments are recommended to Chapter 19: Business Zone Tamahere, as shown in Appendix 6 – Chapter 19: Business Zone Tamahere:

19.2.7 Outdoor storage

PI	(a) Outdoor storage of goods or materials must <u>comply with all of the following conditions:</u> <ul style="list-style-type: none">(i) Not exceed a height of 2m;(ii) Be limited to one 25m² storage area over the entire Business Zone Tamahere site(iii) Be screened from view by a close boarded fence or wall to height of 1.8m from:<ul style="list-style-type: none">A. A public road;B. Public reserve; andC. An adjoining site in another zone.
----	---

111.1.4 Section 32AA evaluation

769. As the change is only to provide clarity to the rule, no s32AA evaluation has been required to be undertaken.

112 Chapter 19: Business Zone Tamahere – 19.3.1 Height

112.1.1 Submissions

Submission point	Submitter	Summary of submission
697.596	Waikato District Council	Amend Rule 19.3.1 Height-Building heading, as follows: Height – building <i>general</i>
378.101	Fire and Emergency New Zealand	Amend Rule 19.3.1 Height - Building, to include the following: 19.3.1 Height- Building The maximum height of any building must not exceed 10m, <u>except hose drying towers up to 15m associated with emergency service facilities</u> . AND Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.
FS1035.208	Pareoranga Te Kata	Support

112.1.2 Analysis

770. The submission from Waikato District Council [697.596] is a heading clarification.

771. The submission from Fire and Emergency New Zealand [378.101] seeks provision for hose drying towers, which is recommended to be accepted.

112.1.3 Recommendations

772. It is recommended that the submissions from Waikato District Council [697.596] and Fire and Emergency New Zealand [378.101] be **accepted**.

773. The following amendments are recommended to Chapter 19: Business Zone Tamahere, as shown in Appendix 6 – Chapter 19: Business Zone Tamahere:

19.3.1 Height – Building **general**

PI	<p>(a) The maximum height of any building must not exceed 10m.</p> <p>(b) <u>The maximum height of hose drying towers associated with emergency service facilities must not exceed 15m.</u></p>
----	---

112.1.4 Section 32AA evaluation

774. As the changes are to provide the correct heading and provide a specific exemption for a community facility, no s32AA evaluation has been required to be undertaken.

113 Chapter 19: Business Zone Tamahere – 19.3.2 Buildings, structures, vegetation and objects with an airport obstacle limitation surface

113.1.1 Submissions

Submission point	Submitter	Summary of submission
697.598	Waikato District Council	Amend Rule 19.3.2 PI Buildings, structures, vegetation and objects within an airport obstacle limitation surface, as follows: Any building, structure or vegetation must not protrude through any airport obstacle limitation surface as shown <u>identified</u> on the planning maps <u>and defined in Section E Designation N Waikato Regional Airport.</u>
<i>FS1253.12</i>	<i>Waikato Regional Airport Ltd</i>	<i>Support</i>
697.451	Waikato District Council	Amend Rule 19.3.2 Buildings, structures and vegetation within an airport obstacle limitation surface, to include a calculation to determine the permitted height with the airport obstacle limitation surface.
<i>FS1253.10</i>	<i>Waikato Regional Airport Ltd</i>	<i>Oppose</i>
697.597	Waikato District Council	Amend the heading to Rule 19.3.2 Buildings, structures, vegetation and objects within an airport obstacle limitation surface, as follows: Buildings, structures, <u>and</u> vegetation and objects within an airport obstacle limitation surface
<i>FS1253.11</i>	<i>Waikato Regional Airport Ltd</i>	<i>Support</i>

113.1.2 Analysis

775. The submissions from Waikato District Council [697.598 and 697.597] are rule clarifications.

776. The submission from Waikato District Council [697.451] seeks to include a calculation to enable the height of buildings and structures to be calculated. Rather than a calculation, I would recommend that the heights at regular intervals be included on the planning maps, so that the 'Property Search' function can identify what contour range the property is located within. This matter is best addressed in Hearing 26 – Other matters.

113.1.3 Recommendations

777. It is recommended that the submissions from Waikato District Council [697.598, 697.451 and 697.597] be **accepted**.
778. The following amendments are recommended to Chapter 19: Business Zone Tamahere, as shown in Appendix 6 – Chapter 19: Business Zone Tamahere:

19.3.2 Buildings, structures, **and** vegetation **and objects** within an airport obstacle limitation surface

PI	Any building , structure or vegetation must not protrude through any airport obstacle limitation surface as shown identified on the planning maps and defined in Section E Designation N Waikato Regional Airport .
----	---

779. It is recommended that the Hearing Panel direct that amendments to the Planning Maps be undertaken to show the relevant heights at regular intervals with respect to the Hamilton Airport.

113.1.4 Section 32AA evaluation

780. As the changes are to provide clarity to the rules, no s32AA evaluation has been required to be undertaken.

114 Chapter 19: Business Zone Tamahere – 19.3.3 Daylight admission

114.1.1 Submissions

Submission point	Submitter	Summary of submission
695.199	Sharp Planning Solutions Ltd	Amend Rule 19.3.3 PI Daylight admission as follows: Any building must not protrude through a height control plane rising at an angle of 37.45 degrees commencing at an elevation of 2.53 m above ground level at every point of the boundary of a site within the Business Zone Tamahere.
697.599	Waikato District Council	Amend Rule 19.3.3 PI Daylight admission, as follows: Any building must not protrude through a height control plane rising at an angle of 37 degrees commencing at an elevation of 2.5m above ground level at every point of the boundary of a site within the Business Zone Tamahere .
697.600	Waikato District Council	Amend Rule 19.3.3 RDI Daylight admission, as follows: (a) Any building that does not comply with Rule 19.3.3 PI. (b) Council's discretion is limited to the following matters: (i) Height of <u>the</u> building; (ii) Design and location of the building; (iii) Extent <u>Level</u> of shading on <u>any other</u> adjacent sites; (iv) Effects on <u>Privacy of</u> <u>on</u> other sites; (v) Effects on <u>Amenity values of</u> other sites the <u>locality</u>

114.1.2 Analysis

781. The submission from Sharp Planning Solutions [695.199] seeks a relaxation to the rule and the submission from Waikato District Council [697.599] seeks deletion of the reference to the Business Zone. There appears to be an error in that the rule in the PWDP applies to all

boundaries of sites within the Business Zone Tamahere. I note that the rule in the Operative Waikato District Plan only applied to the boundary with the Country Living zone, and in my opinion, that is the correct application of the rule. The other boundaries of the Business Zone Tamahere are either streets or reserves.

782. The submission from Waikato District Council [697.600] are rule clarification matters.

114.1.3 Recommendations

783. It is recommended that the submissions from Waikato District Council [697.599 and 697.600] be **accepted**.

784. It is recommended that the submission from Sharp Planning Solutions [695.199] be **rejected**.

785. The following amendments are recommended to Chapter 19: Business Zone Tamahere, as shown in Appendix 6 – Chapter 19: Business Zone Tamahere:

19.3.3 Daylight admission

PI	Any building must not protrude through a height control plane rising at an angle of 37 degrees commencing at an elevation of 2.5m above ground level at every point of the boundary of a site within the Business Zone Tamahere adjoining the Country Living Zone.
RDI	(a) Any building that does not comply with Rule 19.3.3 PI . (b) Council's discretion is limited to the following matters: (i) Height of the building ; (ii) Design and location of the building ; (iii) Extent Level of shading on and other adjacent sites ; (iv) Effects on p Privacy of on other sites ; (v) Effects on Amenity values of other sites the locality .

114.1.4 Section 32AA evaluation

786. As the changes are to provide clarity to the rules and to implement the direction in Objective 9.4.2 to protect the health and well-being of people, communities and the environment from adverse effects, no s32AA evaluation has been required to be undertaken.

115 Chapter 19: Business Zone Tamahere – 19.3.5 Gross Leasable Floor Area

115.1.1 Submissions

Submission point	Submitter	Summary of submission
697.601	Waikato District Council	Amend Rule 19.3.5 PI Gross Leasable Floor Area, as follows: (a) Any Every individual tenancy....

115.1.2 Analysis

787. The submission is a wording correction to provide clarity. As a consequential amendment, the rest of the rule should also use the term 'Every'.

115.1.3 Recommendation

788. It is recommended that the submission from Waikato District Council [697.601] be **accepted**.
789. The following amendments are recommended to Chapter 19: Business Zone Tamahere, as shown in Appendix 6 – Chapter 19: Business Zone Tamahere:

19.3.5 Gross Leasable Floor Area

PI	(a) Any Every individual tenancy must have a gross leasable floor area between 70m ² and 350m ² ; (b) There must be no more than four individual tenancies, each with a gross leasable floor area between 250m ² and 350m ² .
DI	AnyEvery individual tenancy that does not comply with Rule 29.3.5 PI except where Rule 29.3.5 NCI applies.
NCI	AnyEvery individual tenancy that has a gross leasable floor area over 350m ² .

115.1.4 Section 32AA evaluation

790. As the change is a minor wording clarification, no s32AA evaluation has been required to be undertaken.

116 Chapter 19: Business Zone Tamahere – 19.3.6 Building setbacks

116.1.1 Submissions

Submission point	Submitter	Summary of submission
697.603	Waikato District Council	Amend Rule 19.3.6 DI Building setbacks, as follows: Any building that does not comply with Rule 19.3.6.1 <i>PI</i> .
697.602	Waikato District Council	Amend Rule 19.3.6 PI Building setbacks, as follows: (a) The Any building must be set back <i>a minimum of at least</i>

116.1.2 Analysis

791. The submissions seek wording corrections to provide clarity.

116.1.3 Recommendations

792. It is recommended that the submissions from Waikato District Council [697.603 and 697.602] be **accepted**.
793. The following amendments are recommended to Chapter 19: Business Zone Tamahere, as shown in Appendix 6 – Chapter 19: Business Zone Tamahere:

19.3.6 Building setbacks

PI	(a) The Any building must be set back a minimum of at least: <ul style="list-style-type: none"> (i) 12m from the Country Living Zone boundary; (ii) 20m from any road boundary; and (iii) 2m from the boundary of the Recreation Zone.
DI	Any building that does not comply with Rule 19.3.6.1 PI.

116.1.4 Section 32AA evaluation

794. As the change is a minor wording clarification, no s32AA evaluation has been required to be undertaken.

117 Chapter 19: Business Zone Tamahere – 19.4.1 Subdivision – Restricted Discretionary

117.1.1 Submissions

Submission point	Submitter	Summary of submission
697.604	Waikato District Council	Amend Rule 19.4.1 RDI (b)(ii) Subdivision – Restricted Discretionary Activities, as follows: (ii) Matters referred to in Appendix 3.2.3 Tamahere Business Zone - Development Plan Guidelines;

117.1.2 Analysis

795. The submission seeks to correct the reference to the Appendix. However, the reference is correct, as Appendix 3.2.3 is headed “*Tamahere Business Zone - Development Plan Guideline*”.

117.1.3 Recommendation

796. It is recommended that the submission from Waikato District Council [697.604] be rejected.

117.1.4 Section 32AA evaluation

797. As no change is recommended, no s32AA evaluation has been required to be undertaken.

118 Appendix 3.3 Town Centre Guidelines

118.1.1 Submissions

Submission point	Submitter	Summary of submission
297.53	Counties Manukau Police	Amend Appendix 3.3 Town Centre Guidelines to prominently include the national guidelines for CPTED to provide further useful information, and not just listed as a reference.
FS1386.320	Mercury NZ Limited	Oppose
FS1269.23	Housing New Zealand	Oppose

	<i>Corporation</i>	
923.114	Waikato District Health Board	Retain Appendix 3.3- Town Centre Guidelines as notified.
<i>FS1387.1527</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>

118.1.2 Analysis

798. The submission from Counties Manukau Police [297.53] seeks an amendment to the appendix to include information on CPTED. The principles of CPTED have been incorporated into the guidelines and are elaborated on in other policies within Chapter 4. Accordingly, in my opinion no additional changes are required.

118.1.2 Recommendations

799. It is recommended that the submission from Waikato District Health Board [923.114] be **accepted**.

800. It is recommended that the submission from Counties Manukau Police [297.53] be **rejected**.

118.1.4 Section 32AA evaluation

801. As no change is recommended, no s32AA evaluation has been required to be undertaken.

119 Town Centre Character Statements – General (Appendix 10.1 – Appendix 10.6)

119.1.1 Submissions

Submission point	Submitter	Summary of submission
749.152	Housing New Zealand Corporation	Delete Appendix 10 Town Centre Character Statements; AND Delete all references to Character Statements in the Proposed District Plan as a consequential amendment. OR If the desired outcomes are sought, add new specific policies into Chapter 4 Urban Environment of the Proposed District Plan that reflect the guidelines within Appendix 10 Town Centre Character Statements or as specific matters of discretion or rules with the appropriate activity and zone. AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
<i>FS1387.1059</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>

119.1.2 Analysis

802. The submission from Housing New Zealand Corporation [749.152] seeks the deletion of all the statements for the following main reasons:

- (a) The outcomes sought and guidelines within these town centre character statements read as desired requirements and rules that a consent holder must follow; and
- (b) The guidelines should be written as specific policies within Chapter 4 as specific matters of discretion or rules.

803. In my opinion, the content of the statements have been incorporated within the policies of Chapter 4, particularly at Policy 4.5.12 through to Policy 4.5.19, with further specific and detailed policies from Policy 4.5.20 through to Policy 4.5.42 (noting that some of the policies within this range are not relevant to the Business Town Centre zone).
804. The manner in which the statements have been used is as matters of discretion for restricted discretionary activities (such as Rule 18.1.3 RDI).
805. For the above reasons, in my opinion, the statements have been correctly referenced and applied in the objectives, policies and rules.

119.1.3 Recommendations

806. It is recommended that the submission from Housing New Zealand Corporation [749.152] be **rejected**.

119.1.4 Section 32AA evaluation

807. As no change is recommended, no s32AA evaluation has been required to be undertaken.

120 Town Centre Character Statements – Appendix 10.4 Pokeno Town Centre Character Statement

120.1.1 Submissions

Submission point	Submitter	Summary of submission
798.28	Ngati Te Ata	Amend the Pokeno Town Centre Design Guidelines to address: Sustainable development; Road contaminants being treated through vegetated swales or rain gardens; and Enhancement of significant streams- there does not seem to be any discussion around enhancement of these areas.
<i>FS1108.37</i>	<i>Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)</i>	<i>Support</i>
<i>FS1387.1288</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
567.21	Ngati Tamaoho Trust	No specific decision sought, but submission questions if it is an intended omission that there is no consideration for road contaminants being treated through vegetated swales or rain gardens in Appendix 10: Town Centre Character Statements - 10.4 - Pokeno Town Centre.
567.29	Ngati Tamaoho Trust	No specific decision sought, but submission questions if it is an intended omission that there is no discussion of enhancement of streams in Appendix 10.4 Town Centre Character Statements for Pokeno Team Centre.
567.22	Ngati Tamaoho Trust	No specific decision sought, but submission questions if it is an intended omission that there is no discussion of enhancement of streams in Appendix 10: Town Centre Character Statements - 10.4 - Pokeno Town Centre.
567.20	Ngati Tamaoho Trust	No specific decision sought, but submission questions if it is an intended omission that there is no mention of sustainable

		development in Appendix 10: Town Centre Character Statements - 10.4 - Pokeno Town Centre.
--	--	---

120.1.2 Analysis

808. The matters raised in the submissions from Ngati Te Ata [798.28] and Ngati Tamaoho Trust [567.21, 567.29, 567.22 and 567.20] are all matters that are not the specific purpose of the guidelines, as they are focused on the built form location of activities and the manner in which the built form is sought to be developed. The matters raised in the submissions have been addressed in other policies within Chapter 4 of the PWDP.

120.1.3 Recommendations

809. It is recommended that the submissions from Ngati Te Ata [798.28] and Ngati Tamaoho Trust [567.21, 567.29, 567.22 and 567.20] be **rejected**.

120.1.4 Section 32AA evaluation

810. As no change is recommended, no s32AA evaluation has been required to be undertaken.

121 Town Centre Character Statements – Appendix 10.5 Te Kauwhata Town Centre Character Statement

121.1.1 Submissions

Submission point	Submitter	Summary of submission
384.1	Te Kauwhata Community Committee	Amend Appendix 10.5 Character Statements for Te Kauwhata Town Centre 2017, as per but not limited to the suggestions in the document attached to the submission. Some points for consideration are, but not limited to: Ensure that there are fluid connections to walkways/cycleways and also to include those trails etc that are envisaged in the future; Public transport options; Smaller/modern retail features with more options/opportunities eg: rental/lease opportunities for small business in Te Kauwhata to have a physical presence and to be able to contribute more fully to the local economy; Consideration of any effect (positive or negative) of mixed zoning options ie: Residential and Retail; Enhanced/improved cosmetic features whilst retaining the heritage features of the main street eg: better/brighter/modern appearance/features of the retail sector, town centre feature(s)/plantings, improved parking, more park bench setting, usage of the currently vacant land in town; Work with Mana Whenua regarding the development and promotion of cultural features in Te Kauwhata ie: Cultural Repatriation.

121.1.2 Analysis

811. The submission from the Te Kauwhata Community Committee [384.1] included an attachment with track changes to the original document. In my opinion, the changes are minor changes in description and emphasis, which do not change the content of the statement. Accordingly, in my opinion, no changes to the statement are required.

121.1.3 Recommendations

812. It is recommended that the submission from Te Kauwhata Community Committee [384.1] be **rejected**.

121.1.4 Section 32AA evaluation

813. As no change is recommended, no s32AA evaluation has been required to be undertaken.

122 Town Centre Character Statements – Appendix 10.6 Tuakau Town Centre Character

122.1.1 Submissions

Submission point	Submitter	Summary of submission
567.24	Ngati Tamaoho Trust	No specific decision sought, but submission questions if it is an intended omission that there is no consideration for road contaminants being treated through vegetated swales or rain gardens in Appendix 10: Town Centre Character Statements - 10.6 - Tuakau Town Centre.
567.25	Ngati Tamaoho Trust	No specific decision sought, but submission questions if it is an intended omission that there is no discussion of enhancement of streams in Appendix 10: Town Centre Character Statements - 10.6 - Tuakau Town Centre.
567.23	Ngati Tamaoho Trust	No specific decision sought, but submission questions if it is an intended omission that there is no mention of sustainable development in Appendix 10: Town Centre Character Statements - 10.6 - Tuakau Town Centre.

122.1.2 Analysis

814. Refer to the discussion in Section 119 of this report.

122.1.3 Recommendations

815. It is recommended that the submissions from Ngati Tamaoho Trust [567.24, 567.25 and 567.23] be **rejected**.

122.1.4 Section 32AA evaluation

816. As no change is recommended, no s32AA evaluation has been required to be undertaken.

123 Chapter 13 - Definitions

123.1.1 Submissions

Submission point	Submitter	Summary of submission
697.391	Waikato District Council	Amend the definition of "Gross leasable floor area" as follows: Means the total sum of any floor areas (within the external walls for buildings or, <i>in the absence of a wall on any side, it shall be</i>

		<i>measured to the exterior edge of the floor boundary for outdoor areas) designed....</i>
749.48	Housing New Zealand Corporation	Amend the definition of "Gross leasable floor area" in Chapter 13 Definitions to include a link to the definition "Gross floor area". AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
588.28	Woolworths NZ Ltd	Add a new definition of "Supermarket" in Chapter 13 Definition as follows: <i>An individual retail outlet having a store footprint over 1,000m2 GFA that sells, primarily by way of self-service, a comprehensive range of: a) domestic supplies, fresh food, groceries, such as fresh meat and produce; chilled, frozen, packaged, canned and bottled foodstuffs and beverages; and general housekeeping and personal goods, including (but not limited to) cooking, cleaning and washing products; kitchenwares; toilet paper, diapers and other paper tissue products; pharmaceuticals, health and personal hygiene products and other toiletries; cigarettes, magazines and newspapers, greeting cards and stationery, batteries, flashlights, light bulbs and related products; and b) non-domestic supplies and comparison goods comprising not more than 20 per cent of all products offered for sale as measured by retail floor space, including (but not limited to) clothing and footwear; furniture; electrical appliances.; office supplies; barbeque and heating fuels; audio visual products. Note Retail floor space means that area of the premises to which the public has access for the purpose of shopping, together with any area: a) taken up for the purpose of display of goods; and b) any counter areas used by or occupied exclusively by staff members whilst actively engaged in serving the public. This area does not include floor space used for: storerooms back of house including delivery areas trolley storage areas entrance lobbies behind counter areas, and checkouts</i> AND Amend the Proposed District Plan to make consequential or alternative relief to give effect to the specific amendments sought.
FS1388.979	Mercury NZ Limited	Oppose

123.1.2 Analysis

817. The submission from Waikato District Council [697.391] seeks to clarify how the floor area rule applies when there are no exterior walls. This clarification will assist in the administration of the rules within which the definition is used.
818. The submission from Housing New Zealand Corporation [749.48] seeks to link the definitions of 'gross floor area' with 'gross leasable floor area'. In my opinion, the manner in which the definitions are used is discrete and for different purposes. Accordingly, no linkage is required.
819. The submission from Woolworths NZ Ltd [588.28] seeks a definition of 'Supermarket' on the basis that Chapter 14.12 Transportation includes supermarkets within Table 14.12.5.7 – Required parking spaces and loading bays and Table 14.12.5.13 – Traffic generation rates. None of the business zones lists 'supermarkets' as an activity, as these are included within the generic term 'Commercial activity'. As supermarkets are not separately identified as an activity, the general understanding of what is a supermarket is all that is required to enable the Transport chapter to operate.

123.1.3 Recommendations

820. It is recommended that the submission from Waikato District Council [697.391] be **accepted**.
821. It is recommended that the submissions from Housing New Zealand Corporation [749.48] and Woolworths NZ Ltd [588.28] be **rejected**.
822. The following amendments are recommended to Chapter 13: Definitions as shown below:

Gross leasable floor area	Means the total sum of any floor areas (within the external walls for buildings or, in the absence of a wall on any side, it shall be measured to the exterior edge of the floor boundary for outdoor areas) designed or used for individual tenant occupancy but excludes: (a) common lift wells and stairwells, including landing areas (b) common corridors and halls (other than food court areas) (c) common toilets and bathrooms (d) any parking areas required by the plan.
---------------------------	--

123.1.4 Section 32AA evaluation

823. As the change is a minor wording clarification, no s32AA evaluation has been required to be undertaken.

124 Planning Maps – Verandah Overlay, Pokeno

124.1.1 Submissions

Submission point	Submitter	Summary of submission
411.2	Kelvin Norgrove	Amend the planning maps for Pokeno, by extending the verandah annotation to corner sites (including the property at 26 Market Street) that are within the Town Centre Business Zone at the western end (Market Square).

124.1.2 Analysis

824. The submission from Kelvin Norgrove [411.2] seeks that the verandah notation be extended around the corner from Great South Road into Market Square. Planning map 'Pokeno Town Centre 7.7' of the PWDP shows 26 Market Street zoned as Business Zone. The verandah notation does not apply to properties in the Business Zone. I also note that the Appendix 10.4 Pokeno Town Centre Character Statement seeks to confine the retail pedestrian area to both sides of Great South Road from Cambridge Street up to Market Square.

124.1.3 Recommendation

825. It is recommended that the submission from Kelvin Norgrove [411.2] be **rejected**.

124.1.4 Section 32AA evaluation

826. As no change is recommended, no s32AA evaluation has been required to be undertaken.

125 Conclusion

827. The main changes recommended are summarised as follows:
- a) Inclusion of policy to recognise emergency services;
 - b) Minor changes to Chapter 4 policy with respect to reverse sensitivity, signs in relation to effects on road users, the role of lighting in supporting CPTED, earthworks;
 - c) Differentiation of the scale of commercial activities between the Business and Business Town Centre zones;
 - d) Provision of emergency services as a permitted activity;
 - e) Clarification of the earthworks rules, in particular the recognition of earthworks managed under the Building Act;
 - f) Recognition of the reverse sensitivity effects between users of SH23 and the Business Zone near Greenslade Road; and
 - g) Clarification of subdivision rules.
828. I recommend that the provisions in Chapters 4, 9, 17, 18 and 19 be amended as set out in Appendices 2 – 6 for the reasons set out in this s42A report.
829. I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, especially for changes recommended to objectives and policies for the reasons set out in the Section 32AA evaluations undertaken and included in this s42A report.