

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU**

Decision [2024] NZEnvC 001

IN THE MATTER OF appeals under clause 14 of the First
Schedule of the Resource Management
Act 1991

BETWEEN HAVELOCK VILLAGE LIMITED
(ENV-2023-AKL-000072)

HYNDS PIPE SYSTEMS LIMITED
HYNDS FOUNDATION
(ENV-2023-AKL-000087)

Appellants

AND WAIKATO DISTRICT COUNCIL
Respondent

Court: Environment Judge S M Tepania sitting alone under s 279 of the
Act

Last case event: 30 November 2023

Date of Order: 16 January 2024

Date of Issue: 16 January 2024

CONSENT DETERMINATION



A: Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

- (1) the relevant chapters in the Proposed Waikato District Plan are amended in accordance with Appendix 1 to this order;
- (2) the planning maps are amended in accordance with Appendix 2 to this order; and
- (3) the appeals remain extant.

B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] This consent order resolves the parts of two appeals as they relate to Waikato District Council's decision on the Proposed Waikato District Plan (**PDP**) zoning and precinct provisions for an urban residential development site known as Havelock, which is a 150ha site located on the existing urban edge of South Pokeno.

[2] The two appeals were grouped as part of Topic 10 for the purposes of the PDP process, which is called Pokeno South and includes a specific sub-topic item, being the spatial extent and precinct provisions for the Havelock site. The appeals are referenced as follows:

- (a) Havelock Village Limited v Waikato District Council - ENV-2022-AKL-000072 (**HVL Appeal**); and
- (b) Hynds Pipe Systems Limited and Hynds Foundation v Waikato District Council - ENV-2022-AKL-000087 (**Hynds Appeal**).

Background

[3] HVL and Hynds both made submissions and further submissions on the PDP.

[4] HVL's original submission sought to rezone its Havelock site on the southwest fringe of Pōkeno's existing urban area from its proposed rural zoning in the notified version of the PDP to general residential. Hynds lodged further submissions opposing the relief sought by HVL.

[5] Prior to the Council hearing, HVL undertook further master planning, refining its proposal to include residential zoning, with a greater spatial buffer from the existing heavy industry zone, as well as a small neighbourhood centre, and hilltop parks at Transmission Hill and Potters Hill. In addition, a rural lifestyle zoned area was included to transition to adjacent rural land. The rezoning was supported by a Havelock Precinct Plan and associated Precinct provisions to ensure a high-quality designed neighbourhood, and site-specific rules that sought to manage the effects of development and achieve intended environmental outcomes.

[6] Hynds has made a significant investment in Pōkeno establishing its regional concrete manufacturing and distribution plant within the existing heavy industrial business park at 9 McDonald Road, Pōkeno. In addition, Hynds has purchased adjoining land at 62 Bluff Road, Pōkeno to enable it to expand its activities in the future. Due to the elevated topography between the Havelock and Hynds' site, parts of the Hynds site are visible from the Havelock site. Hynds' original submission sought that residential development be prohibited or restricted adjacent to any Heavy Industry Zone to prevent potential reverse sensitivity effects.

[7] Following lodgement of original submissions, Hynds' purchased the property at 62 Bluff Road, which is immediately adjacent to its existing operation at 9 McDonald Road and the southeastern boundary of the Havelock site. The previous owner had lodged an original submission seeking the site be zoned Heavy Industry. Hynds took over this submission when it purchased the land and also lodged a further submission in support. Prior to the Council hearing Hynds refined the relief sought so as to seek to rezone only part of the site at 62 Bluff Road as Heavy Industry. HVL opposed this relief.

[8] Both HVL and Hynds appeared at the Council hearing before the Waikato District Council's Independent Hearing Panel (**IHP**) where the parties presented legal submissions and called expert evidence regarding the potential incompatibility of

Havelock's proposed residential zoning with Hynds' existing operation and proposed expansion as well as the potential for reverse sensitivity effects on those operations.

[9] The IHP issued its Decisions relating to the zoning of Havelock in Decision Report 28I: Zoning – Pōkeno.

[10] In summary, the Council Decision was to rezone the majority of Havelock from General Rural to General Residential and Rural Lifestyle but retain the General Rural zoning for land above RL100 and impose an Environmental Protection Area (**EPA**) on Area 1. An EPA is a planning mechanism used in the PDP that identified a spatial area where revegetation and enhancement planting should occur in order to address the effects of development. The Decision confirmed the inclusion of the Havelock Precinct Plan to identify site specific constraints and plan provisions, and a series of site-specific subdivision and land use controls were included in the PDP. No separate Havelock Precinct chapter was included.

HVL and Hynds Appeals

[11] HVL and Hynds both filed appeals against the Council Decision containing appeal points relating to Havelock.

[12] At paragraph 7 of HVL's appeal, it opposed the Zoning – Pokeno – Decision Report 28I, including:

- (a) retention of rural zoning for land above RL100 at Havelock;
- (b) identification of land in "Area 1" at Havelock as an EPA;
- (c) rezoning of part of 62 Bluff Road as Heavy Industry Zone; and
- (d) sought a minor adjustment to one Significant Natural Area (**SNA**) boundary on the Havelock site, contained in SNA – Decision Report 9.

[13] At paragraph 9 of the Hynds' appeal, it seeks the following relief:

- (a) remove the Havelock Precinct and all related provisions from the HVL Land and retain the General rural zone as set out in the PDP as notified; and

- (b) notwithstanding sub-paragraph (a) above, in the event that the Court is minded to approve the Havelock Precinct and related provisions in some form, Hynds seeks amendments to the provisions of the relevant PDP chapters to more appropriately address reverse sensitivity effects on Hynds' operations.

[14] These parts of the appeals have been assigned to Topic 10: Pokeno South – Spatial Extent and Havelock Precinct Provisions except for the Havelock SNA point which was allocated to the SNA PDP appeal topic.¹ The parties to the Havelock SNA boundary adjustment point are the same as those for the other Precinct and Zoning provisions in Topic 10.

[15] Both the HVL and Hynds Appeals also include appeal points related to other Topics, that are not resolved through this consent order. These remaining appeal points are listed in and collectively referred to as the Outstanding Appeal Points for the purposes of this order. Those appeal points remain extant for the purposes of the PDP appeal process and are outlined below.

[16] A number of persons gave notice of their intention to be parties to the appeals under s 274 of the RMA. There are several s274 parties who either support or oppose aspects of the HVL Appeal and/or Hynds Appeal concerning the proposed Havelock rezoning and residential development. All parties have been involved in direct discussions with a view to reaching an agreed position on revised Precinct and Zoning provisions for the Havelock site (or have had the opportunity to participate in those discussions as facilitated by Council).

[17] In relation to the HVL appeal the following parties gave notice to join the appeal: Craig Hall; Kāinga Ora- Homes and Communities; Gareth Charles Harris; Yashili New Zealand Dairy Co Limited; Sir William Birch; Hynds Pipe Systems Limited and the Hynds Foundation; Ngāti Tamaoho Trust; Ngāti Te Ata; and Pokeno Village Holdings Limited.

[18] In relation to the Hynds appeal the following parties gave notice to join the appeal: CSL Trust; Craig Hall; Havelock Village Limited; Steven Hopkins and Patricia

¹ Topic 3 Ecosystem and biodiversity – Sub-topic Significant Natural Area.

(Teresa) Hopkins; Ngāti Tamaoho Trust; Ngāti Te Ata; Pokeno Village Holdings Limited; Synlait Milk Limited; and Yashili New Zealand Dairy Co. Limited.

Agreement reached between the parties

[19] Since the appeals were filed, the Parties have engaged in direct discussions as well as Council convened meetings and expert discussions and reached the agreements outlined below in relation to:

- (a) zoning for Havelock;
- (b) the Havelock Precinct Plan; and
- (c) Plan provisions relating specifically to Havelock.

[20] The details of the amended zoning map and Precinct Plan and amended plan provisions are contained within Appendix 1 and Appendix 2 of this consent order.

[21] The agreement reached addresses the concerns of the parties and Council Decision on the key issues of:

- (a) potential reverse sensitivity effects;
- (b) landscape and cultural effects; and
- (c) the format of the Precinct provisions and underlying zoning in terms of implementation of those intended outcomes.

[22] The amendments to the PDP include the addition of a new precinct description, objective and policy relating specifically to Havelock, which will be located within a new Havelock Precinct chapter in the PDP.

[23] The agreed zoning of Havelock involves the following aspects:

- (a) rezone land within Havelock above RL100 from General Rural to a combination of General Residential and Local Centre Zone;
- (b) amend the zoning of the land underneath the Havelock Industry Buffer from General Residential to General Rural Zone;

- (c) amend the zoning of the hilltop parks from General Rural to Open Space Zone;
- (d) amend the boundary between General Rural and General Residential Zone in limited locations to align with refined boundaries of the EPA; and
- (e) confirm the zoning of the balance of Havelock as General Residential.

[24] The Havelock Precinct Plan is amended to:

- (a) identify the Primary and Secondary ridgelines;
- (b) identify various building height restriction areas relating to the hilltop park, industry buffer and ridgelines;
- (c) remove the EPA overlay from the majority of Area 1 and replace in part with a new Height Restriction Area relating to Area 1;
- (d) increase the spatial extent of the EPA to the southeast of Area 1; and
- (e) make a minor boundary adjustment to one Significant Natural Area extent to align with onsite ecological values.

[25] Amend the rules relating to Havelock as follows:

- (a) amend the existing standards in the primary subdivision rule for Havelock (SUB-R21 PREC 4 Havelock) to clarify the hilltop parks and the Havelock Industry buffer area can be provided in stages, and the subdivision proposal must include the legal mechanisms to retain the EPA in perpetuity and prevent further subdivision;
- (b) include a new standard in the primary subdivision rule for Havelock that the proposal includes planted primary ridgelines and other ridgelines (as shown on the Precinct Plan) for any part of the ridgeline that falls within a proposal or stage;

- (c) amend existing matters of discretion for the primary subdivision rule to refer to:
 - (i) the design and planting of Hilltop Parks and adjoining road edges (including consideration of cultural values, management plans for weed and pest control and their implementation, ownership and ongoing management); and
 - (ii) the inclusion of a 3m width band of fast growing evergreen indigenous species along the upper edge of the Havelock Industry Buffer to provide a planting screen within the short term;
- (d) include a new matter of discretion for the primary subdivision rule relating to ridgeline landscape buffers and greenway to create a substantial planted landscape buffer along the primary and secondary ridgelines, compromising 20-25m for the primary ridgeline and 8m for the secondary ridgeline;
- (e) include a new controlled activity subdivision rule to allow for a boundary adjustment between HVL and Hynds, but without triggering the obligations relating to the first subdivision in the wider precinct, involved in the primary subdivision rule;
- (f) include a new land use rule imposing a height restriction of 5 metres for buildings when located within a height restricted area identified on the Precinct Plan;
- (g) amend an existing land use rule relating to building restriction area to include the EPA as well as the Havelock Industry Buffer;
- (h) include new land use rules for buildings within the Slope Residential Area to be landscaped to meet minimum standards, requiring 25% of the site area to be landscaped, comprising locally appropriate, eco sources indigenous vegetation planted species; and

- (i) include new land uses rule for maximum Light Reflectance Value (LRV) standards for all buildings within the Havelock Precinct, including the Local Centre.

[26] HVL is no longer pursuing its appeal point in relation to the zoning of 62 Bluff Road.

Section 32AA evaluation

[27] Section 32AA of the RMA requires a further evaluation of any changes to the proposal since the initial section 32 evaluation report and the Decision. Details of the amendments proposed are outlined above and the further reasoning is provided below.

[28] The parties agree that the amendments satisfy the concerns in the Appeals relating to:

- (a) the rezoning of land above RL100 for residential development and the management of landscape and cultural effects related to that development; and
- (b) the management of potential reverse sensitivity effects on nearby industrial activities from the establishment of residential activities.

[29] The amendments have had regard to the decision of the IHP in relation to the zoning of Havelock by addressing the matters raised in the Council Decision about development above RL100 and providing the nuanced landscape approach the panel said was required to allow residential development in this area.

[30] The section 32AA evaluation provided with the Joint Memorandum of Counsel outlines how the amended zoning and Precinct provisions will:

- (a) give better effect to higher order planning documents² than the Decision as they provide for more integrated, efficient and well-functioning urban

² For example, the National Policy Statement for Urban Development 2020 and the National Policy Statement for Freshwater 2020.

environment with greater opportunities for holistic environmental benefits and outcomes;

- (b) be consistent with the region's growth management (Future Proof 2022) and the district's growth management strategy (Waikato 2070) as well as providing social and economic benefits for current and future landowners and the community;
- (c) provide for additional residential dwellings and commercial activities (through the new local centre) and will help people provide for social and economic wellbeing, while avoiding, remedying and mitigating adverse effects;
- (d) protect areas of significant indigenous vegetation and significant habitats of indigenous fauna, through the retention of Significant Natural Areas and the enhancement of land contained within the EPA;
- (e) manage significant risks from natural hazards through the retention of the controls relating to the Slope Residential Area;
- (f) recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands and sites and particular regard to kaitiakitanga through the identification of the hilltop parks and the protection of the key ridgelines and connections;
- (g) provide for an efficient use of the Havelock site itself through the zoning of the entire site for development rather than part of the site, and an efficient use of infrastructure through the establishment of an urban expansion of the edge of the existing urban area of Pōkeno;
- (h) provide for the ongoing efficient use of adjacent and nearby heavy industry activities through the appropriate management of potentially incompatible land uses and reverse sensitivity effects;
- (i) have particular regard to the maintenance and enhancement of amenity values for future residents of Havelock, through high quality design, and

for other residents of Pōkeno, through protection of key ridgelines and enhancement planting to provide a backdrop to the town; and

- (j) maintain and enhance the quality of the environment through restoration and enhancement of waterways and existing rural sites.

HVL and Hynds appeal points resolved

[31] This consent order resolves part of the Hynds and HVL appeals. The following appeal points are resolved through this consent order:

- (a) HVL appeal:
 - (i) to rezone rural land above RL100 at Havelock to residential;
 - (ii) remove identification of additional EPA land in Area 1 at Havelock and convert EPA to residential zone;
 - (iii) minor adjustment to one SNA boundary at the Havelock site; and
 - (iv) oppose rezoning of part of 62 Bluff Road as Heavy Industry Zone. HVL is no longer pursuing this relief and supports the rezoning.
- (b) Hynds appeal:
 - (i) remove the Havelock Precinct and all related provisions from the HVL Land and retain the General rural zone as set out in the PWDP as notified; and
 - (ii) if the Havelock Precinct and related provisions are approved, amend the provisions of the relevant PDP chapters to more appropriately manage reverse sensitivity effects on Hynds' operations.

Outstanding appeal points

[32] The following points from the Appeals are not addressed by this consent order and remain extant for the purposes of the PDP appeal process:

- (a) HVL appeal:
 - (i) inclusion of a new restricted discretionary rule for Multi-Unit Housing;
- (b) Hynds appeal:
 - (i) that the higher order objectives and policies relating to reverse sensitivity in the PDP be strengthened;
 - (ii) that the Rural Lifestyle zoning applied to 39, 51 and 65 Pioneer Road and the Hopkins' Land at 67 Pioneer Road is declined and General rural zoning retained;
 - (iii) that the General rural zone provisions be amended to refer to reverse sensitivity effects on industrial activities and that a more restrictive activity status is applied to dwellings and minor dwellings on General rural zoned land in proximity to the Hynds Factory Site; and
 - (iv) the permitted activity standard for activities in the Heavy Industrial Zone is amended to provide for more than 250 vehicle movements per day (and with a larger proportion of the movements from heavy vehicles) from the Hynds Factory site.

Consideration

[33] In making this order the Court has read and considered:

- (a) the notices of appeal;
- (b) the consent memorandum dated 30 November 2023;
- (c) the joint memorandum of counsel dated 6 December 2023; and
- (d) the response of counsel for HVL dated 22 December 2023 to the Court's directions of 21 December 2023.

[34] The Court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits. The Court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order; and
- (b) all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.

Orders

[35] Therefore, the Court orders, by consent, that:

- (a) amendments are made to the provisions of the PDP as shown in Appendix 1;
- (b) the planning maps and Havelock Precinct Plan are amended in accordance with Appendix 2;
- (c) the outstanding appeal points, as outlined above, remain extant; and
- (d) there is no order as to costs.



S M Tepania
Environment Judge



APPENDIX 1: AMENDMENTS TO CHAPTERS IN PDP

PDP Decisions Version – January 2022

Havelock Zone and Precinct amendments in red

PREC33 HAVELOCK PRECINCT

Description of Havelock Precinct

The Havelock Precinct is located in between the main residential areas on the western side of Pokeno and the Waikato River and provides a range of housing opportunities. It includes an opportunity for a local centre to support the day-to-day needs of residents. The Precinct also includes a number of place-based provisions necessary for recognition and management of the development having regard to the topography, landscape context and proximity to the Heavy Industrial Zone.

Objective – Havelock Precinct

PREC33-01 Havelock Precinct

(i) The Havelock Precinct achieves a range of housing outcomes while recognising and integrating with natural and cultural heritage features such as the hilltops, streams, wetlands, Significant Natural Areas, ridgelines and steep slopes.

(ii) Urban development in the Havelock Precinct is designed to avoid as far as practicable or minimise reverse sensitivity effects on the Heavy Industrial Zone and incompatibility with existing land uses and to manage other effects on the environment.

Policies – Havelock Precinct

PREC33-P1

Subdivision and development shall:

- (i) Progressively implement the Havelock Precinct Plan.
- (ii) Prevent sensitive land uses locating within the Havelock Industry Buffer to avoid adverse health and amenity effects on sensitive land uses and avoid reverse sensitivity effects on the Heavy Industrial Zone (the extent of the Zone being as at 2018).
- (iii) Manage the potential for reverse sensitivity effects from sensitive land uses in proximity to the Heavy Industrial Zone (the extent of the Zone being as at 2018) by:
 - a. restricting the height of buildings in height restriction areas
 - b. earthworks contouring
 - c. requiring screen planting within the Environmental Protection Area.

- (iv) Design dwellings located between the 40 dB L_{Aeq} contour and the Havelock Industry Buffer with acoustic attenuation to provide for appropriate residential amenity in proximity to the Heavy Industrial Zone and manage reverse sensitivity effects.
- (v) Revegetate streams, wetlands and steep slopes associated with the Environmental Protection Area and avoid dwellings in these areas.
- (vi) Reinforce hill tops and ridgelines as viewed from Pokeno through use of open space, landscape plantings and building height restrictions.
- (vii) Establish a road connection to Bluff Road.
- (viii) Achieve cluster housing development within revegetated areas in the Rural Lifestyle Zone.

Application of rules

The area-specific and district-wide rules shall apply to the Havelock Precinct in addition to the following Precinct provisions. In the event of a conflict between an area-specific district-wide rule and an equivalent Precinct rule, the Precinct rule shall apply instead.

Subdivision Rules

<p>SUB-R19</p> <p>PREC4 - Havelock Precinct</p> <p><u>(Applies to Local Centre, General Rural, General Industry, General Residential Zone)</u></p>	<p>Subdivision – building platform within PREC – Havelock Precinct</p>	
<p>SUB-R21</p> <p>PREC4 – Havelock Precinct</p> <p><u>(Applies to Local Centre, General Rural, General</u></p>	<p>(1) Activity status: RDIS</p> <p>Activity specific standards:</p> <p>(a) <u>Except as provided for by SUB-R20A, subdivision within the PREC – Havelock Precinct that complies with all of the following standards:</u></p>	<p>(2) Activity status where compliance not achieved: NC</p> <p>(2) Activity status: DIS</p> <p>Where:</p> <p>(a) Subdivision that does not comply with Rule SUB-R21(1)(a)(i) – <u>(iii)</u>,</p>
<p>(1) Activity status: RDIS</p> <p>Activity specific standards:</p> <p>(a) Subdivision within PREC4 – Havelock Precinct where every proposed lot, other than one designed specifically for access, <u>is a boundary adjustment under SUB-R20A</u> or is a utility allotment, is capable of containing a building platform complying with SUB-R18(1) located outside the Havelock Pokeno Industry Buffer illustrated on the planning maps.</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Subdivision layout;</p> <p>(b) Shape of allotments;</p> <p>(c) Ability of allotments to accommodate a practical building platform;</p> <p>(d) Likely location of future buildings and their potential effects on the environment;</p> <p>(e) Avoidance or mitigation of natural hazards;</p> <p>(f) Geotechnical suitability for building; and</p> <p>(g) Ponding areas and primary overland flow paths <u>within and adjoining the Precinct.</u></p>		

<p><u>Industry, General Residential Zone)</u></p>	<p>(i) The first subdivision to create residential lots includes the indicative road connections from Hitchen Road and Yashili Drive as a road to vest.</p> <p>(ii) The proposal includes the indicative roads as roads to vest, provided that this can be constructed and vested in stages.</p> <p>(iii) The proposal includes the provision of the Hilltop Parks, <u>provided that these can be established in stages, and the creation of the Pōkeno Industry Buffer areas and Environmental Protection Areas (all as shown on the planning maps).</u></p> <p><u>(iv) The proposal includes the provision of the Havelock Industry Buffer area and Environmental Protection Area that it contains, provided that these can be established in stages (all as shown on the planning maps) and the proposal includes legal mechanisms to retain Environmental Protection Areas in perpetuity and which prevent further subdivision of them (such as via covenants, consent notice or vesting).</u></p> <p>(iv) The proposal <u>includes the provision of the Environmental Protection Area (where outside the Havelock Industry Buffer) and includes</u> legal mechanisms to retain Environmental Protection Areas in perpetuity and which prevent further subdivision of them (such as via covenants, consent notice or vesting).</p> <p>(vi) Either prior to or concurrent with subdivision in Lot 2 DP199997, an acoustic barrier (being a bund, building or structure, or any combination thereof) is constructed within the Havelock Precinct's GIZ - General industrial zone which is designed so as to:</p> <ol style="list-style-type: none"> (1) Achieve noise levels no greater than 45 dB LAeq between 10pm and 7am in the PREC4 – Havelock Pprecinct and GRZ – General residential zone; and (2) Be at a height of no less than that illustrated on Figure 20 below and a length along the entire common boundary between Lot 2 DP199997 and Lots 3 and 4 DP 492007 (excluding the Collector Road on the Havelock Precinct Plan and 5m front yard setback – Rule GIZ-S6(1)(a)(1)). <p><u>(vii) The proposal includes planted primary ridgelines and other ridgelines (as shown on the APP14 – Havelock Precinct Plan) for any part of the ridgeline that falls within that proposal or stage.</u></p> <p>Council's discretion is restricted to the following matters:</p>	<p><u>(v) and (vii) (iv) and (vi)</u></p> <p>(3)Activity status: NC</p> <p>Where:</p> <p>(a)Subdivision that does not comply with Rule SUB-R21(1)(a)(<u>iv) and (vi)</u>).</p>
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	<ul style="list-style-type: none"> (a) Consistency with the Havelock Precinct Plan (APP14 – Havelock Precinct Plan); (b) Design and construction of the indicative roads and pedestrian networks; (c) Design, location and timing of construction of the acoustic barrier within the Havelock Precinct’s GIZ – General industrial zone; (d) The design of, and potential effects on, the safe and efficient operation of the intersection of the Havelock Precinct’s Collector Road and Yashili Drive, including the design to accommodate safe vehicle access and egress for activities in the adjacent GIZ – General industrial zone; (e) Design <u>and planting (including cultural values and landmarks, management plans for weed and pest control and their implementation, ownership and ongoing management)</u> of the Hilltop Parks and adjoining park edge roads. <u>This includes the landscaping of the Hilltop Parks in indigenous species;</u> (f) Avoidance, minimisation or mitigation of visual and physical disturbance to the upper flanks of Transmission and Potters Hills (where the Hilltop Parks are located) resulting from road design and alignment; (g) Potential effects on the safe and efficient operation of Bluff and Pioneer Roads (including where these intersect with State Highway 1) from roading connections to Cole Road; (h) The design of, and potential effects on, the safe and efficient operation of the intersections of: <ul style="list-style-type: none"> (ii) Yashili Drive and Gateway Park Drive; (iii) Gateway Park Drive and Hitchen Road; and (iii) Gateway Park Drive and McDonald Road. (i) Potential effects on the safe and efficient operation of the McDonald Road railway crossing; (j) Accessible, safe and secure pedestrian and cycling connections within the Precinct and to the existing transport network and public facilities; (k) Provision within the Precinct design for future public transport; (l) Provision of planting, management plans for weed and pest control and their implementation, ownership and ongoing management of the Environmental Protection Area, <u>including a 3m width band of fast growing evergreen indigenous species along the upper edge of the Havelock Industry Buffer to provide a planting screen within the short term;</u> (m) Design of earthworks (contours and aspect), lot size and orientation, fencing and landscape treatment between the 40 dB L_{Aeq} dBA noise contour and the <u>Havelock Pōkeno</u> Industry Buffer on the planning maps to minimise possible reverse sensitivity effects on nearby HIZ - Heavy industrial zone activities, including 	
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	<p>through limiting potential for direct visual interaction from building platforms and associated future dwellings and outdoor living areas to industrial activities; and</p> <p><u>(n) Ridgeline landscape buffers and greenways as identified on the APP14 – Havelock Precinct Plan to create landscape plantings between the Hilltops and Environmental Protection Areas (20-25m width on primary ridgeline and 8m on other ridgeline), including provision of fast growing shelter species and indigenous canopy trees, ownership and ongoing management;</u></p> <p><u>(o) Provision of Te Ara Hikoi; and</u></p> <p><u>(p) Tangata Whenua engagement and Cultural effects.</u></p>	
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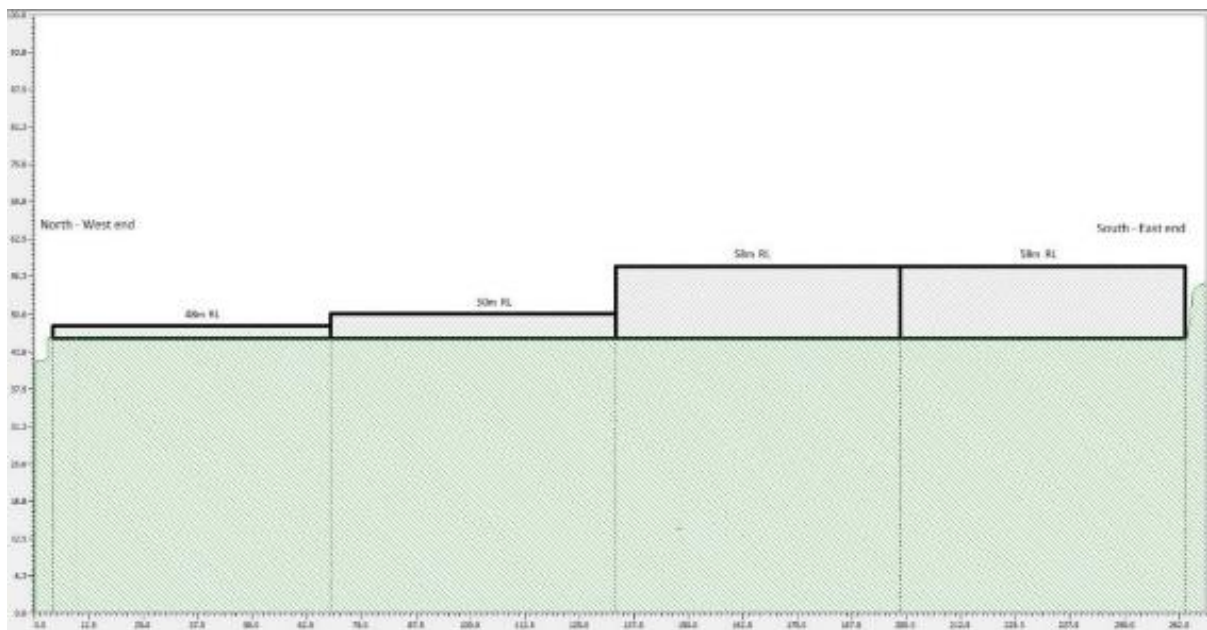


Figure 20 – Havelock **P**recinct

<p><u>SUB-R20A</u></p> <p><u>PREC4 – Havelock Precinct (Applies to Local Centre, General Rural, and General Residential Zone)</u></p>	<p><u>Subdivision – PREC4 – Havelock boundary adjustment</u></p> <p><u>(1) Activity status: CON</u></p> <p><u>Activity specific standards:</u></p> <p><u>(a) Boundary adjustment must comply with the following standard:</u></p> <p><u>(i) Boundary adjustment between sites within the Havelock Precinct and Lot 2 DP 463893 to include parts of the Havelock Industry Buffer and Environmental Protection Area within Lot 2 DP 463893</u></p> <p><u>Council’s control is reserved over the following matters:</u></p> <p><u>(a) Subdivision layout.</u></p>	<p><u>(2) Activity status where compliance not achieved: DIS</u></p>
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General Residential Zone

PREC4-S1	Height – Havelock height restriction areas Height – buildings or structures adjoining Hilltop parks within PREC4 – Havelock precinct
<p>(1) (3) Activity status: PER</p> <p>Where:</p> <p>(a) <u>A building or structure with a maximum height not exceeding 5m, measured from the ground level, where it is located within any of the following height restriction areas identified on the planning maps:</u></p> <p>(i) <u>Havelock Industry Buffer height restriction area; and/or</u></p> <p>(ii) <u>Havelock Hilltop Park height restriction area; and/or</u></p> <p>(iii) <u>Havelock ridgeline height restriction area; and/or</u></p> <p>(iv) <u>Area 1 height restriction area.</u></p> <p>(a) A building or structure with a maximum height not exceeding 5m, measured from the natural ground level immediately below that part of the structure, where it is located within 50m (horizontal distance) of the boundary of the Hilltop parks identified on the havelock precinct plan in APP14 – Havelock precinct plan.</p>	<p>(2) (4) Activity status where compliance not achieved: DIS</p>

PREC4-S2	Building restriction setback – sensitive land use within PREC4 – Havelock P precinct
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Any new building or alteration to an existing building for a sensitive land use within the PREC4 – Havelock Pprecinct that is located outside the Havelock Pōkene Industry Buffer <u>and Environmental Protection Area</u> identified on the planning maps.</p>	<p>(2) Activity status where compliance not achieved: NC</p>

PREC4-S3	Building design – sensitive land use with in PREC4 – Havelock P precinct
<p>(1) (3) Activity status: PER</p> <p>Where:</p> <p><u>(a) A building or structure with a maximum height not exceeding 8m, measured from the ground level immediately below that part of the structure, where it is located outside the Havelock Industry Buffer and the ‘Height Restriction Area’ (Rule PREC4-S1) but within the 40 dB LAeq noise contour shown on the planning maps.</u></p> <p>(a) <u>(b) Any new building or alteration to an existing building for a sensitive land use located outside the Havelock Pōkene Industry Buffer but within the 40 dB LAeq noise contour shown on the planning maps that is designed and constructed so that</u></p>	<p>(2) Activity status where compliance not achieved: DIS</p>

<p>internal noise levels do not exceed 25 dB L_{Aeq} in all habitable rooms.</p> <p>(b-c) Provided that if compliance with clause (a b) above requires all external doors of the building and all windows of these rooms to be closed, the building design and construction as a minimum:</p> <p>(i) Is mechanically ventilated and/or cooled to achieve an internal temperature no greater than 25°C based on external design conditions of dry bulb 25.1°C and wet bulb 20.1°C.</p> <p>(ii) Includes either of the following for all habitable rooms on each level of a dwelling:</p> <p>(1) Mechanical cooling installed; or</p> <p>(2) A volume of outdoor air supply to all habitable rooms with an outdoor air supply rate of no less than:</p> <p>(a) 6 air changes per hour for rooms with less than 30% of the façade area glazed;</p> <p>(b) 15 air changes per hour for rooms with greater than 30% of the façade area glazed;</p> <p>(c) 3 air changes per hour for rooms with facades only facing south (between 120 degrees and 240 degrees) or where the glazing in the façade is not subject to any direct sunlight.</p> <p>(iii) Provides relief for equivalent volumes of spill air.</p> <p>(iv) All is certified by a suitably qualified and experienced person.</p>	
PREC4-S4	Landscape Plantings - Havelock Precinct (Slope Residential Area)
<p>(1) Activity status: PER</p> <p>Where:</p> <p><u>(a) Any new building or alteration to an existing building within the Slope Residential Area that is landscaped to the following minimum standards:</u></p> <p><u>(i) 25% of the site area; and</u></p> <p><u>(ii) Comprises locally appropriate, eco sourced indigenous vegetation planted a maximum of 1.5m apart.</u></p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p><u>Council's discretion is restricted to the following matters:</u></p> <p><u>(a) Type, density and scale of indigenous vegetation; and</u></p> <p><u>(b) The extent to which the vegetated character of Slope Residential Area is achieved and buildings are located within a revegetated landform.</u></p>
PREC4-S5	Building Reflectivity - Havelock Precinct
<p>(1) Activity status: PER</p> <p>Where:</p> <p><u>(a) Any new building or alteration to an existing building that is designed to the following minimum standards:</u></p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p><u>Council's discretion is restricted to the following matters:</u></p> <p><u>(a) Effects on landscape values and visual amenity of views from public places; and</u></p>

<p><u>(i) The exterior finish of any building has a light reflectance value of no more than 20% for roofs and no more than 30% for exterior walls; and</u></p> <p><u>(ii) All glazing on the elevations of any building shall be low reflectivity glass having a reflectivity of less than 16%.</u></p>	<p><u>(b) Mitigation of effects including through plantings.</u></p>
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<u>PREC4-S6</u>	<u>Residential unit within the Slope Residential Area</u>	
<p><u>(1) Activity status: PER</u></p> <p><u>Where:</u></p> <p><u>(a) One residential unit per site.</u></p>		<p><u>(2) Activity status where compliance not achieved: DIS</u></p>
<u>PREC4-S7</u>	<u>Building coverage within the Slope Residential Area</u>	
<p><u>(1) Activity status: PER</u></p> <p><u>Where:</u></p> <p><u>(a) The maximum building coverage must not exceed 40% of the net site area.</u></p>		<p><u>(2) Activity status where compliance not achieved: DIS</u></p>

Part 3_8 LCZ - Local Centre Zone

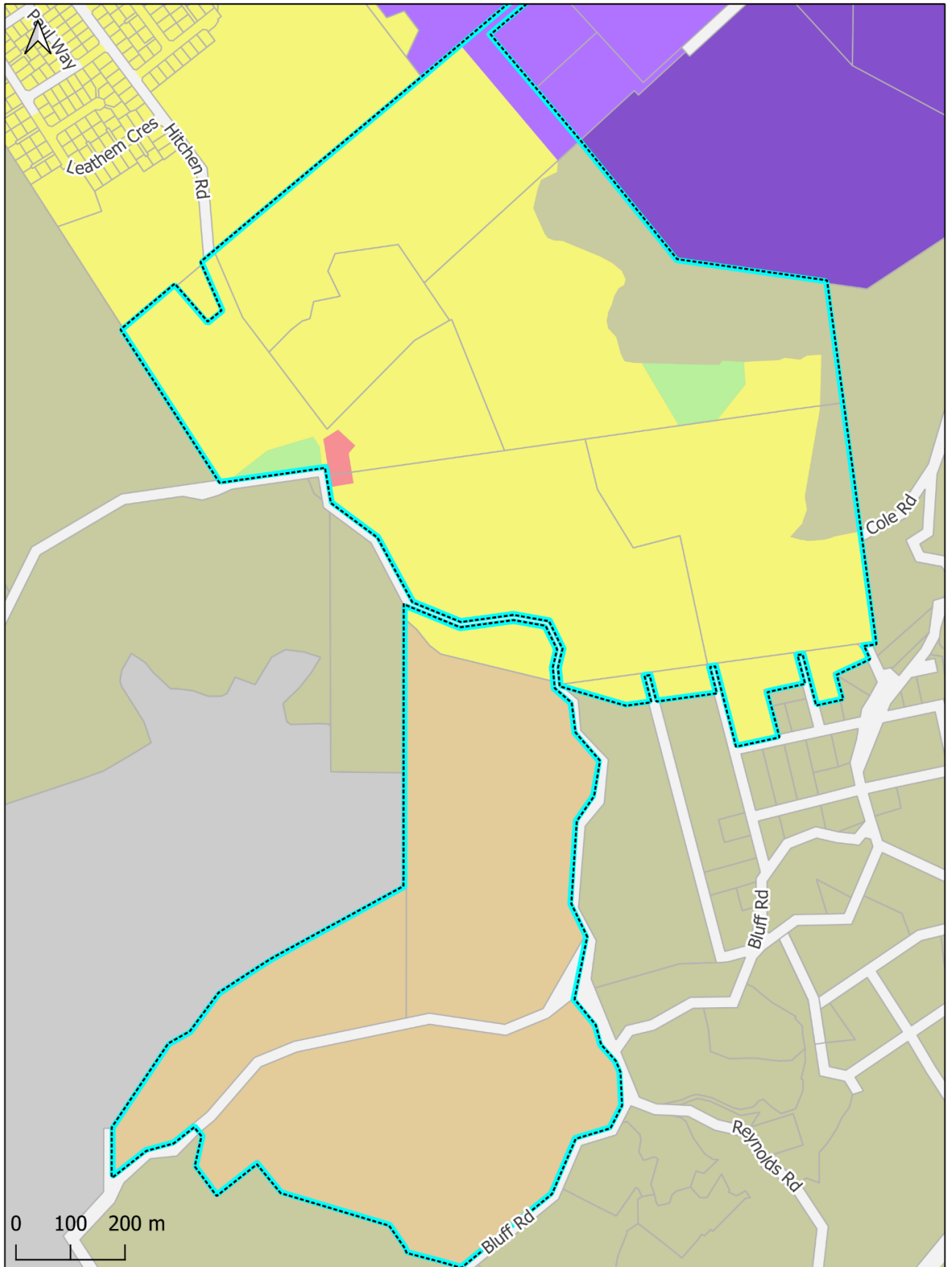
<u>PREC4-S8</u>	<u>Building Reflectivity - Havelock Precinct – Local Centre Zone</u>	
<p><u>(1) Activity status: PER</u></p> <p><u>Where:</u></p> <p><u>(a) Any new building or alteration to an existing building that is designed to the following minimum standards:</u></p> <p><u>(i) The exterior finish of any building has a light reflectance value of no more than 20% for roofs and no more than 30% for exterior walls; and</u></p> <p><u>(ii) All glazing on the elevations of any building shall be low reflectivity glass having a reflectivity of less than 16%.</u></p>		<p><u>(2) Activity status where compliance not achieved: RDIS</u></p> <p><u>Council’s discretion is restricted to the following matters:</u></p> <p><u>(a) Effects on landscape values and visual amenity of views from public places; and</u></p> <p><u>(b) Mitigation of effects including through plantings.</u></p>

<u>PREC4-S9</u>	<u>Building Height – Havelock height restriction areas – Local Centre Zone</u>	
<p><u>(1) Activity status: PER</u></p> <p><u>Where:</u></p> <p><u>(a) A building or structure with a maximum height not exceeding 5m, measured from the ground level, where it is located within any of the following height restriction areas identified on the planning maps:</u></p> <p><u>(i) Havelock Hilltop Park height restriction area; and/or</u></p> <p><u>(ii) Havelock ridgeline height restriction area.</u></p>		<p><u>(2) Activity status where compliance not achieved: DIS</u></p>

General Rural Zone

<u>PREC4-S10</u>	<u>Building restriction– sensitive land use within PREC4 – Havelock Precinct – General Rural Zone</u>
<u>(1) Activity status: NC</u> <u>Where:</u> <u>(a) Any new building or alteration to an existing building for a sensitive land use within the PREC4 – Havelock Precinct that is located within the Havelock Industry Buffer identified on the planning maps.</u>	

APPENDIX 2: AMENDMENTS TO PLANNING MAPS AND PRECINCT PLAN




Legend

 Havelock precinct

Zones


 GRZ – General residential zone


 LCZ – Local centre zone

 OSZ – Open space zone

 GRUZ – General rural zone

 RLZ – Rural lifestyle zone

 GIZ – General industrial zone

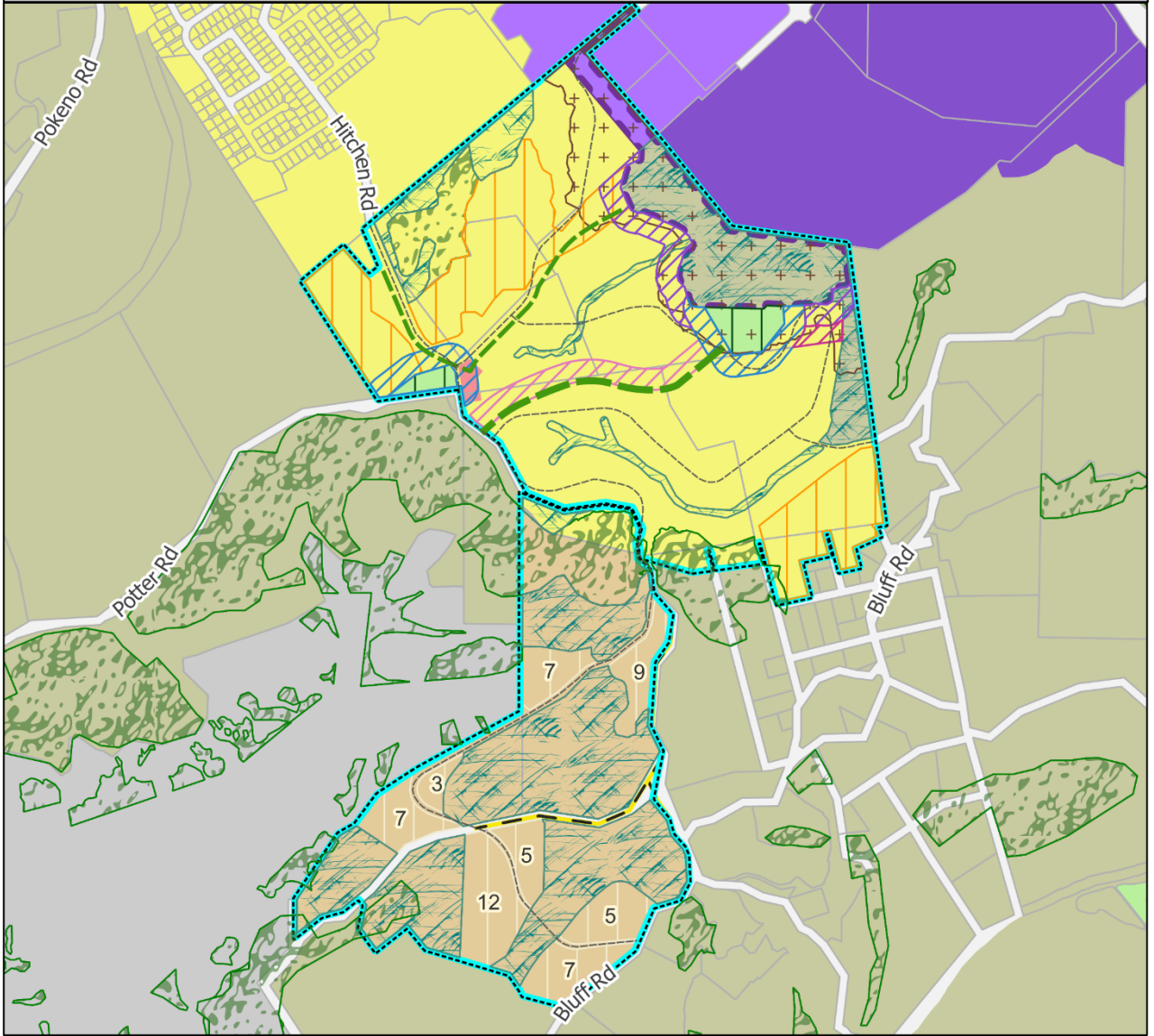
 HIZ – Heavy industrial zone

 TTZ - TaTa Valley zone

 Road

 Parcel boundary

Havelock Precinct Plan



Legend

- | | | |
|---|---|--------------------------------|
| Area 1 height restriction area* | Havelock ridgelines* | Zones |
| Environmental protection area | Primary ridgeline | GRZ – General residential zone |
| Havelock 40 dB LAeq noise contour | Secondary ridgeline | LCZ – Local centre zone |
| Havelock hilltop park | Havelock ridgeline height restriction area* | OSZ – Open space zone |
| Havelock hilltop park height restriction area* | Havelock precinct | GRUZ – General rural zone |
| Havelock indicative roads | Havelock rural lifestyle cluster (number = max. number of lots) | RLZ – Rural lifestyle zone |
| Havelock industry buffer | Havelock slope residential area | GIZ – General industrial zone |
| Havelock industry buffer height restriction area* | Havelock walkway cycleway/bridleway | HIZ – Heavy industrial zone |
| | Significant Natural Area | TTZ - TaTa Valley zone |
| | Parcel boundary | Road |



0 250 500 m



Waikato District Council
 Printed: 6 Nov 2023
 Cadastre Boundaries and addresses - Land Information New Zealand
 Projection: NZTM2000
 Ref: ME47930

* Note: symbology is not final and may be different on final District Plan maps

MINOR BOUNDARY ADJUSTMENT TO SIGNIFICANT NATURAL AREA

Amended boundaries shown in map below

