

IN THE ENVIRONMENT COURT  
AT AUCKLAND

I TE KŌTI TAIAO O AOTEAROA  
KI TĀMAKI MAKĀURAU

Decision [2024] NZEnvC 246

IN THE MATTER OF an appeal under clause 14 of Schedule 1  
of the Resource Management Act 1991

BETWEEN A NOAKES  
FRUHLING TRUST  
(ENV-2022-AKL-078)

Appellants

AND WAIKATO DISTRICT COUNCIL  
Respondent

Court: Chief Environment Judge D A Kirkpatrick sitting alone under  
s 279 of the Act  
Last case event: 4 October 2024  
Date of Order: 8 October 2024  
Date of Issue: 8 October 2024

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**CONSENT DETERMINATION**

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

- (1) the Amended Appeal is allowed subject to the amended plan  
provisions attached as **Appendix 1** to this order; and



(2) the Amended Appeal is resolved in its entirety.

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

## REASONS

### Introduction

[1] This consent determination relates to an appeal by Anna Noakes and Fruhling Trust (**Noakes** or **the Appellant**) against parts of the decisions of Waikato District Council (**Council** or **Respondent**) on the Proposed Waikato District Plan (**PDP**).

[2] The relief sought in the Noakes appeal has been assigned to Topic 4.3: Stormwater, and Topic 17: Natural hazards and climate change. This consent determination resolves the appeal in its entirety.

### Background

[3] Noakes owns and operates a farm on their 23-hectare rural property, being Lot 2 DP 176205 at Pōkeno. The property is adjacent and to the west of the Pōkeno Village Estate residential subdivision and adjacent to part of the proposed Havelock Village Limited development. Noakes made a submission and further submission on the PDP seeking a variety of amendments to various interpretations, policies, rules and definitions. The basis for this relief was to protect the property from further stormwater runoff effects resulting from nearby urban areas and (proposed) urban development in Pōkeno. The specific submission points of relevance to this consent order are addressed in turn below.

### *Impervious surfaces definition*

[4] Noakes' submissions sought to amend the definition of 'Impervious Surface' in the Interpretation chapter.<sup>1</sup> In Decision Report 30: Definitions, the Independent Hearings Panel (**IHP**) largely adopted the wording proposed by Kāinga Ora Homes

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<sup>1</sup> Chapter 13: Definitions of the notified version of the PDP.

and Communities in their submission, however it did accept some parts of the Noakes' submission with respect to the definition.<sup>2</sup>

***Water infrastructure and flood hazard***

[5] Noakes' submission sought the following:

- (a) Retention of proposed objective AINF-O7<sup>3</sup> which seeks the integration of infrastructure with subdivision and development;
- (b) Retention of proposed policy AINF-P26<sup>4</sup> which seeks to ensure subdivision, use and development are provided with infrastructure and services to a level that is appropriate to its location and intended use including "three waters (water, wastewater and stormwater management";<sup>5</sup>
- (c) Retention of proposed policy AINF-P28<sup>6</sup> which seeks to ensure that stormwater and drainage infrastructure for subdivision, land use and development:
  - (i) adopts a best-practice low impact design approach to the management of stormwater where appropriate;<sup>7</sup> and
  - (ii) retains pre-development hydrological conditions as far as practicable;<sup>8</sup>
- (d) Retention of proposed policies SUB-P6,<sup>9</sup> which seeks to achieve sufficient development density to support the provision of infrastructure services in areas without a structure plan, and SUB-P7<sup>10</sup> which seeks to

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<sup>2</sup> Decision Report 30: Definitions at [134]-[135].

<sup>3</sup> Objective 6.4.1 in the notified version of the PDP.

<sup>4</sup> Policy 6.4.3 in the notified version of the PDP.

<sup>5</sup> AINF-P26(1)(a).

<sup>6</sup> Policy 6.4.8 in the notified version of the PDP.

<sup>7</sup> AINF-P28(1)(a).

<sup>8</sup> AINF-P28(1)(d).

<sup>9</sup> Policy 4.7.7 in the notified version of the PDP.

<sup>10</sup> Policy 4.7.8 in the notified version of the PDP.

require any staging of subdivision to be undertaken in a manner that promotes efficient development and integration of infrastructure; and

- (e) Amendment to the proposed subdivision rules to give effect to proposed policies AINF-P26, AINF-P28, SUB-P6 and SUB-P7.

[6] In Decision Report 13: Infrastructure, the IHP accepted Noakes' submission with respect to AINF-O7, retaining the wording as notified with no amendments.<sup>11</sup> In terms of the policies which give effect to AINF-O7, AINF-P26 and AINF-P28, the IHP accepted Noakes' submission in part.<sup>12</sup> While the IHP largely retained the wording of these policies as notified, minor additional wording and/or amendments were made to better achieve AINF-O7.

[7] With respect to amending the proposed subdivision rules, the IHP accepted Noakes' submission in part making some amendments to the relevant subdivision rules in the different zone chapters.<sup>13</sup> However, no specific amendments were made to the subdivision rules regarding water infrastructure and flood hazard.

[8] It is noted that in the notified version of the PDP, the rules relating to subdivision were contained within each zone chapter. However, when the National Planning Standards formatting was adopted, a single subdivision chapter was created which collated all of the subdivision provisions from each zone chapter. This is why the policies and rules relevant to the Noakes' submission on subdivision are contained in the SUB chapter of the PDP decisions version, however the IHP's decision report on the subdivision rules, which was prepared prior to the release of the new formatting, are split across the decisions for each zone (Decision Reports 14-27: Zones).

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<sup>11</sup> Decision Report 13: Infrastructure at [99].

<sup>12</sup> Ibid, at [100]-[101].

<sup>13</sup> Waikato District Council decisions on submissions – Submitter: Anna Noakes, Submission number: 524.

## Original Appeal and Amended Notice of Appeal

[9] Noakes lodged an appeal against the decisions version of the PDP regarding water infrastructure provisions on 1 March 2022. On 28 October 2022, Noakes sought leave to amend the notice of appeal.

[10] Following a scope determination from the Environment Court,<sup>14</sup> Noakes lodged an amended notice of appeal (**the Amended Appeal**) on 25 May 2023 and the appeal points referred to in this consent determination relate to the Amended Appeal.

[11] The Amended Appeal seeks to amend various provisions within the Interpretation, Water, wastewater, and stormwater (**WWS**), All infrastructure (**AINF**), Natural hazards and climate change (**NH**), Subdivision (**SUB**) and General residential zone (**GRZ**) chapters<sup>15</sup> of the PDP decisions version. The relief sought in the Amended Appeal includes:

- (a) Amendments to policies, standards and matters of discretion to avoid increased runoff volume, frequency, or duration on downstream properties as a result of development (thereby maintaining predevelopment hydrological conditions);
- (b) Amendments to require that water only be discharged to a perennial water course in a manner that does not increase the volume, frequency or duration of flow or area of inundation on adjacent land;
- (c) Amendments to the definition of impervious surface area to more accurately reflect how a surface functions, not its coverage material;
- (d) Amendments to the infrastructure policies to establish direction that stormwater infrastructure avoids, remedies, or mitigates adverse effects on the environment, community health, safety, and amenity and does not compromise the economic viability of downstream land;

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<sup>14</sup> *Noakes v Waikato District Council* [2023] NZEnvC 076.

<sup>15</sup> GRZ – General Residential Zone.

- (e) Amendments to the natural hazards policies to ensure that the risk of changes to these hydrological parameters is not transferred downstream; and
- (f) Broadening the geographical area that is considered when assessing adverse stormwater effects to take a whole catchment (not just the spatial extent of development) approach and/or specifically consider downstream or adjacent sites.

### **Parties to the Appeal**

[12] The following parties gave notice of an intention to become a party to the original appeal under section 274 of the Act and confirmed the extension of the original s 274 notices to the Amended Appeal:

- (a) CSL Trust;
- (b) Havelock Village Ltd;
- (c) Pōkeno Village Holdings Ltd;
- (d) Pōkeno West Ltd and West Pōkeno Ltd; and
- (e) Top End Properties Ltd.

[13] It is noted that Pokeno Village Holdings Ltd withdrew its interest in the Amended Appeal on 12 February 2024.

### **Agreement Reached**

[14] Following the filing of the Amended Appeal, the Appellant, Respondent and s 274 parties, together with their respective stormwater experts,<sup>16</sup> planners<sup>17</sup> and engineers<sup>18</sup> have entered into direct discussions and expert conferencing (some

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<sup>16</sup> Andrew Boldero for Council, Matthew Davis for Noakes.

<sup>17</sup> Gavin McCullogh for Council, Rachel Dimery for Noakes, Mark Tollemache for Havelock Village Ltd and Pōkeno West Ltd, James Oakley and Sir William Birch for CSL Trust and Top End Properties Ltd.

<sup>18</sup> Mark Curtis for Council, Ryan Pitkethley for Havelock Village Ltd and Pōkeno West Ltd and Kelly Bosgra for CSL Trust and Top End Properties Ltd.

facilitated by an independent infrastructure expert) and have now agreed on a proposal which will resolve the Amended Appeal in its entirety.

[15] The agreed amendments to the various chapters in the PDP decisions version as a result of the agreement reached are set out in **Appendix 1** to this order (additions marked as underlined and deletions as ~~striketrough~~).

### **Section 32AA evaluation**

[16] Section 32AA of the Act requires a further evaluation of any changes to the proposed plan change since the initial s 32 evaluation report and the Decision. Council has prepared a standalone s 32AA evaluation, which was included as an appendix to the joint memorandum of the parties dated 4 October 2024.

[17] In summary, the s 32AA assessment concludes that the objectives of the proposal are the most appropriate way of achieving the purpose of the Act on the basis that:

- (a) There are no proposed changes to objectives of the PDP. The objective of the proposal is to better manage stormwater, namely, to minimise the adverse effects of stormwater arising from new subdivision and development;
- (b) The efficient and appropriate management of stormwater enables efficient use of the land resource and protects people's health and properties from flood water, enabling people and communities to provide for their social and economic well-being in accordance with Section 5(2) of the Act;
- (c) This proposal will safeguard the life-supporting capacity of water, soil and ecosystems in accordance with Section 5(2)(b) of the Act by ensuring that development can manage stormwater on site and therefore minimise any changes to runoff received by waterbodies; and

- (d) The proposal will enable adverse effects of stormwater that arise from development to be avoided, remedied or mitigated in accordance with s 5(2)(c) of the Act.

[18] The s 32AA assessment further concludes that the proposed amendments to policies and rules in the AINF, WWS, NH, SUB and GRZ chapters, the proposed amendment to the definition of impervious surfaces and the proposed new definition for permeable paving satisfy the concerns raised in the Amended Appeal and are the most appropriate way to achieve the objectives of the proposal and applicable statutory documents on the basis that:

- (a) The agreed amendments give effect to the National Policy Statement for Freshwater Management in particular policies 3 and 4;
- (b) The agreed amendments give effect to the Waikato Regional Policy Statement as they are consistent with:
  - (i) Te Ture Whaimana provisions;
  - (ii) Method LF-M20;
  - (iii) Policy UFD-P1;
  - (iv) Policy UFD-P2;
  - (v) Method UFD-M8; and
  - (vi) Policy HAZ-P1;
- (c) The assessment of the proposed amendments has shown that they will be an efficient way to achieve the objectives of the proposal and the PDP by clearly setting stormwater standards and direction for decision makers, while retaining the activity status of affected activities and ensuring the ability to comply with permitted activity standards; and
- (d) The assessment of the proposed amendments has also shown that they will be an effective way to achieve the objectives of the proposal and the PDP by providing for more effective stormwater management and



infrastructure for new subdivision and development. The proposed amendments provide more explicit control over the baseline for downstream effects and enable more specific implementation of the policies.

### **Consideration**

[19] The Court has now read and considered:

- (a) The notice of appeal dated 1 March 2022;
- (b) The Environment Court decision granting leave to amend appeal points in the original notice of appeal dated 1 May 2023;
- (c) The Amended Appeal dated 25 May 2023; and
- (d) The joint memorandum of the parties dated 4 October 2024.

[20] 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:

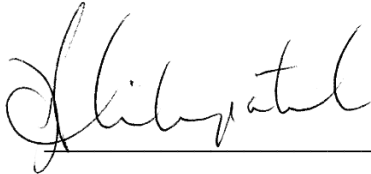
- (a) All parties to the proceedings have executed the memorandum requesting this order; and
- (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular,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

[21] The Court is satisfied that the agreement reached is within the scope of the Appellant's submission and the Amended Appeal.

### **Order**

[22] The Court orders, by consent, that:

- (a) The Amended Appeal is allowed subject to the amended plan provisions in **Appendix 1** to this order;
- (b) The Amended Appeal is resolved in its entirety; and
- (c) There is no order as to costs.



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**D A Kirkpatrick**  
**Chief Environment Court Judge**



**Appendix I: Tracked change version of the agreed amendments to the relevant PDP chapters**

**I. Interpretation chapter**

(a) Edit the definition of ‘impervious surfaces’ as follows:

<b>Term</b>	<b>Definitions</b>
Impervious Surfaces	<p>Means a surface <del>that is not vegetated, and</del> which prevents or significantly <del>retards</del><u>reduces</u> the soakage of water into the ground. It includes:</p> <ul style="list-style-type: none"> <li>a. Roofs</li> <li>b. Paved areas including driveways and sealed/compacted metal parking areas,</li> <li>c. Patios</li> <li>d. Sealed and compacted metal roads, and</li> <li>e. Layers engineered to be impervious such as highly<del>–</del>compacted soil.</li> </ul> <p>It excludes:</p> <ul style="list-style-type: none"> <li>f. Wooden decks with spacing between boards of 4mm or more, where water is allowed to drain through to a permeable surface below the deck;</li> <li>g. Grass and bush areas;</li> <li>h. Gardens and other vegetated areas;</li> <li>i. <del>Porous or p</del><u>Permeable</u> paving;</li> <li>j. Green or living roofs;</li> <li>k. <del>Permeable artificial surfaces, fields or lawns;</del></li> <li><del>l.</del><u>k.</u> Slatted decks;</li> <li><del>m.</del><u>l.</u> Swimming pools, ponds and dammed water; and</li> <li><del>n.</del><u>m.</u> Rain tanks; and</li> <li><del>o.</del><u>n.</u> Farm tracks.</li> </ul>

(b) Add in a new definition as follows:

<u>Permeable Paving:</u>	<p><u>Paving that enables stormwater to readily pass through it without the risk of blockage. Permeable paving must contain 15mm minimum gaps for water passage through the surface that is filled with either vegetation, sand, or gravel. Permeable paving without regular uniform gaps across the surface is not considered permeable and must be classified as an impervious surface for stormwater design purposes. The ‘gap’ or ‘void ratio’ between the pavers must enable the design rainfall event peak flow to pass through without ponding occurring with a minimum safety factor of 2. The void ratio calculation must only include the void or gap areas.</u></p>
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## 2. AINF – All infrastructure chapter

(a) Amend policy AINF-P28 (1) as follows:

**AINF-P28** Stormwater, drainage and flood management

(1) Ensure that stormwater and drainage infrastructure for subdivision, land use and development manages adverse effects on the environment, community health, safety, and amenity by:

- a. ~~Adopts~~ Adopting, where appropriate, a best-practice low impact design approach to the management of stormwater;
- b. ~~Manages~~ Managing stormwater in accordance with a drainage hierarchy, with a preference for at-source management;
- c. ~~Minimises~~ Minimising impervious surfaces to reduce stormwater run-off;
- d. ~~Retains~~ Minimising changes to pre-development hydrological conditions by utilising the best practicable option as far as practicable;
- e. ~~Does not increase the flow of stormwater runoff onto adjoining properties adjacent land or flood plains, or reduce storage capacity on-site; Avoiding, remedying, or mitigating the adverse effects of:~~
  - i. Altering the frequency, volume, or duration of flow of stormwater runoff onto adjacent land or downstream sites;
  - ii. Altering flood plains, or overland flow paths; or
  - iii. Reducing flood and stormwater storage capacity on-site;
- f. Mitigating upstream and downstream effects (including erosion and scour);
- f.g. ~~Provides~~ Providing a stormwater catchment management plan for future urban development which is consistent with any catchment management plan; and
- g.h. ~~Promotes~~ Promoting clean water reuse and groundwater recharge where practicable; and
- h.i. ~~Avoids, remedies or mitigates~~ Avoiding, remedying, or mitigating the generation of contaminants from urban development; and
- i. ~~Is supported by a stormwater management plan.~~

(b) Amend rule AINF-R16(2) as follows

AINF-R16	Service connections for subdivision	
All zones	<p><b>(1) Activity status: PER</b></p> <p><b>Activity specific standards:</b></p> <p>a. All new lots created as part of a subdivision other than a utility allotment, access allotment or reserve allotment, must be designed and located so that provision is made for access and service connections up to the boundary of the lot for:</p> <p>i. Wastewater;</p> <p>ii. Water supply;</p> <p>iii. Stormwater (a management system that complies with Rule WWS-R1);</p> <p>iv. Electricity supply;</p> <p>v. Telecommunications that is hard-wired or wireless; and</p> <p>vi. Vehicle access that complies with Rule TRPT-R1.</p> <p>b. Within all zones, except the GRUZ – General rural zone, RLZ – Rural lifestyle zone, LLRZ – Large lot residential zone and SETZ - Settlement zone where there is no reticulated water supply, the water supply required under Rule AINF-R16(1)(a)(ii) must be adequate for fire-fighting purposes in accordance with New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008. Compliance with this Code of Practice can typically be achieved through</p>	<p><b>(2) Activity status where compliance not achieved: RDIS</b></p> <p><b>Council's discretion is restricted to the following matters:</b></p> <p>a. The adequacy of the service connection;</p> <p>b. The functional and operational needs of, and benefits derived from, the infrastructure;</p> <p>c. Subdivision layout; <del>and</del></p> <p><u>d. Refer to matters of discretion in Rule WWS-R1; and</u></p> <p>For vehicle access:</p> <p><del>e.</del> Land transport network safety and efficiency;</p> <p><del>ef.</del> The extent to which the safety and efficiency of rail and road operations will be adversely affected, including:</p> <p>i. The outcome of any consultation with KiwiRail; NZTA; Waikato District Council, as the rail or road controlling authority;</p> <p>ii. Any characteristics of the proposed use that will make compliance unnecessary;</p> <p><del>fg.</del> Traffic generation by the activities to be served by the vehicle access;</p> <p><del>gh.</del> Mitigation to address safety and/or efficiency of vehicle access, including access</p>

	<p>connection to a Council reticulated water supply.</p> <p>c. Within the GRUZ – General rural zone, RLZ – Rural lifestyle zone and non-reticulated LLRZ – Large lot residential zone and SETZ – Settlement zone, where a subdivision is for the purposes of an additional house or workplace building, provision shall be made for an adequate supply of water and access to water supplies for firefighting purposes in accordance with New Zealand Fire Service Firefighting Water Services Code of Practice SNZ PAS 4509:2008.</p> <p>d. Rule AINF-RI6(1)(a)(i), (ii) and (iii) do not apply to any GRUZ – General rural zone, RLZ – Rural lifestyle zone, LLRZ – Large lot residential zone or SETZ - Settlement zone or site.</p>	<p>clearance requirements for fire-fighting purposes;</p> <p>hi. The foreseeable needs for access by emergency services and their vehicles;</p> <p>ij. Location and design of the vehicle access; and</p> <p>jk. Safety for all users of the vehicle access and/or intersecting road including but not limited to vehicle occupants or riders and pedestrians.</p>
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### 3. WWS – Water, Wastewater, and Stormwater chapter

(a) Amend rule WWS-RI(1) and (2) as follows:

<b>WWS-RI</b>	Stormwater systems for new development or subdivision	
All zones	<p><b>(1) Activity status: PER</b></p> <p><b>Activity-specific standards:</b></p> <p>a. <u>Subject to clause (b) below,</u>  <del>New</del> development or subdivision must have a stormwater system that complies with all of the following standards:</p> <p>i. Operates by gravity;</p> <p>ii. Manages stormwater through a Stormwater Management Plan in the following manner:</p> <ol style="list-style-type: none"> <li>1. Primary systems detain or retain runoff from all impervious surfaces during a 10% Annual Exceedance Probability storm event to ensure that the rate of any stormwater discharge off-site is at or below pre-development rates; and</li> <li>2. Secondary overflows are conveyed to a system or drainage path designed to collect concentrated stormwater during events up to and including a 1% Annual Exceedance Probability; or</li> <li>3. A controlled discharge to a <u>waterbody or reticulated network</u> <del>or receiving environment</del> that will have equivalent capacity (as in (i) and (ii) above) once the catchment is fully developed; <del>or</del></li> <li>4. <u>Where no designed flow path exists, measures are</u></li> </ol>	<p><b>(2) Activity status where compliance not achieved: RDIS</b></p> <p><b>Council’s discretion is restricted to the following matters:</b></p> <p><del>a. The likely effectiveness of the system to avoid flooding, nuisance or damage to other buildings and sites;</del></p> <p><del>b. The capacity of the system and suitability to manage stormwater;</del></p> <p><del>c. The potential for adverse effects to the environment in terms of stormwater quantity and stormwater quality effects; and</del></p> <p><del>d. Extent to which low impact design principles and approaches are used.</del></p> <p>a. <u>Management of adverse stormwater effects on downstream sites, including from the alteration of the volume, or duration, or frequency of stormwater runoff;</u></p> <p>b. <u>The effectiveness of the stormwater system to manage flooding (including safe access and egress), nuisance or damage to other infrastructure, buildings and sites, including the rural environment;</u></p> <p>c. <u>The design and capacity of the stormwater system and ability to manage stormwater;</u></p> <p>d. <u>The potential for adverse effects to the environment in</u></p>

	<p><u>in place to disperse flow to ensure no scour or erosion.</u></p> <p>iii. Stormwater management measures must be in place and operational upon the completion of subdivision and/or development;</p> <p>iv. Systems must be designed using rainfall data specific to the area in which the property is located and be adjusted for a climate change temperature increase of <u>2.1°C 2.3°C; (RCP6);</u></p> <p>v. Stormwater management measures, including low impact design measures, must be implemented as appropriate in accordance with the following drainage hierarchy:</p> <ol style="list-style-type: none"><li>1. Retention of rainwater/stormwater for reuse;</li><li>2. Soakage techniques disposal (if within a known soakage area)</li><li>3. <u>with an infiltration rate of a minimum of 730mm/hour;</u></li><li>4. <u>3. Treatment, detention and gradual release to a watercourse in a manner that;</u><ol style="list-style-type: none"><li>a. <u>does not increase erosion or scour;</u></li><li>b. <u>does not increase the area of inundation; and</u></li><li>c. <u>otherwise avoids, remedies, or mitigates as far as practicable the adverse effects or alterations to volume, frequency, or duration of flow</u></li></ol></li></ol>	<p><u>terms of stormwater volume including downstream channel erosion and stormwater quality, taking into account the requirements or recommendations of the relevant Comprehensive Stormwater Discharge Consent, Catchment Management Plan and Waikato Regional Council Stormwater Guidelines; and</u></p> <p>e. <u>Extent to which low impact design principles and approaches are used for stormwater management.</u></p>
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	<p style="text-align: center;"><u>on downstream sites.</u></p> <p><del>5.</del> <u>4.</u> Treatment, detention and gradual release to a piped stormwater system.</p> <p><del>6.</del> <u>5.</u> Stormwater <del>treatment</del> <u>management</u> shall address water quality; downstream erosion and scour effects; <u>the area of inundation</u>; and cumulative volume effects.</p> <p>vi. Where land is subject to instability, stormwater discharges directly to ground occurs only where the ground conditions have been identified as being suitable to absorb such discharges without causing, accelerating or contributing to land instability and downstream effects either on the site or on neighbouring properties;</p> <p>vii. Connection of new development to any existing stormwater drainage system must not result in the minimum level of service not being met or the minimum level of capacity being exceeded. Alteration of the existing receiving stormwater network drainage system to achieve minimum level of service or additional onsite detention volume to ensure existing capacity will be required.</p> <p><u>b.</u> <u>WWS-RI (a) does not apply:</u></p> <p><u>i.</u> <u>Where a stormwater management plan has been approved by or as part of a</u></p>	
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	<p><u>district council resource consent; and</u></p> <p>ii. <u>The subdivision development is in accordance with that approved stormwater management plan.</u></p> <p>Advice notes:</p> <p>Acceptable means of compliance for the provision, design and construction of stormwater infrastructure, including low impact design features, are contained within the Regional Infrastructure Technical Specifications (RITS). Refer also to Waikato Stormwater Management Guideline and Waikato Stormwater Run-off Modelling Guideline.</p> <p>A stormwater discharge consent may also be required from the Waikato Regional Council.</p>	
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(b) Amend rule WWS-R7(2)(a) as follows:

<b>WWS-R7</b>	Stormwater ponds or wetlands	
All zones	<p><b>(1) Activity status: PER</b></p> <p><b>Activity-specific standards:</b></p> <p>a. Stormwater ponds or wetlands that comply with the following:</p> <p>i. The area of the pond or wetland does not exceed the equivalent site building coverage standards applicable to the zone.</p>	<p><b>(2) Activity status where compliance not achieved: RDIS</b></p> <p><b>Council's discretion is restricted to the following matters:</b></p> <p>a. The functional need and operational need of, and benefits derived from, the infrastructure;</p> <p>b. <u>Consistency with the stormwater management plan under WWS-RI;</u></p>

		<p><del>b-c.</del> Visual, streetscape and amenity effects;</p> <p><del>e-d.</del> Road network safety and efficiency;</p> <p><del>d-e.</del> The risk of hazards to public or individual safety, and risk of property damage; and</p> <p><del>e-f.</del> Effects on the specific values, qualities and characteristics of any Identified Area.</p>
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(c) Amend rule WWS-RI4(1)(a) as follows:

<p><b>WWS-RI4</b></p>	<p>Stormwater ponds or wetlands, that serve more than one site, located within:</p> <ul style="list-style-type: none"> <li>a. GRZ – General residential zone;</li> <li>b. MRZ – Medium density residential zone;</li> <li>c. RPZ – Rangitahi Peninsula zone;</li> <li>d. SETZ – Settlement zone;</li> <li>e. LLRZ – Large lot residential zone;</li> <li>f. RLZ – Rural lifestyle zone;</li> <li>g. Road and unformed road; and</li> <li>h. Identified Areas.</li> </ul>
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<p>All specified in rule</p>	<p><b>(1) Activity status: RDIS</b> <b>Activity-specific standards:</b> Nil. <b>Council's discretion is restricted to the following matters:</b> a. The functional need and operational need of, and benefits derived from, the infrastructure;  <u>b. Consistency with the stormwater management plan under WWS-RI;</u>  <del>b.c.</del> Visual, streetscape and amenity effects;  <del>c.d.</del> Road network safety and efficiency;  <del>d.e.</del> The risk of hazards to public or individual safety, and risk of property damage; and  e.f. Effects on the specific values, qualities and characteristics of any Identified Area.</p>	<p><b>(2) Activity status where compliance not achieved: n/a</b></p>
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## 4. NH – Natural hazards and climate change chapter

(a) Amend policy NH-PI5(1)(b) as follows

- NH-PI5            Managing flood hazards through integrated catchment management.
- (1)                Manage flood hazards by requiring new subdivision and development within floodplains, flood ponding areas and overland flow paths to adopt integrated catchment plan-based management methods which:
- a.    Maintain the function of natural floodplains, wetlands and ponding areas including flood storage capacity; and
  - b.    Retain the function and capacity of overland flow paths to convey stormwater run-off without resulting in increased scour and erosion; and
  - c.    Do not transfer or increase risk elsewhere within the catchment; and
  - d.    Promote best practice stormwater management with reference to the Waikato Stormwater Management Guideline and the Regional Infrastructure Technical Specifications (RITS); and
  - e.    Minimise impervious surfaces.

## 5. SUB – Subdivision chapter

(a) Amend policy SUB-P2(1)(c)(vi) as follows:

- SUB-P2            Residential subdivision.
- (1)                Promote residential subdivision and development that:
- a.    Integrates staging to ensure multi-modal connectivity;
  - b.    Limits the number and length of cul-de-sacs;
  - c.    Ensures pedestrian access is consistent with the Crime Prevention through Environmental Design (CPTED) principles;
    - i.     Discourages the creation of rear lots;
    - ii.    Includes adequate lighting levels in publicly accessible spaces;
    - iii.   Reflects local characteristics;
    - iv.    Orientates lots are orientated in a way that:
      - 1.    Maximizes solar access; and
      - 2.    Addresses the street frontage and public places

- v. Creates lots that can accommodate a variety of density with a mix of usable lot types; and
- vi. Designs infrastructure to manage stormwater in a sustainable manner by:
  - 1. Minimising environmental impacts and maintenance costs, and reducing stormwater discharging to existing reticulated networks and downstream sites; and
  - 2. Promoting and maintaining riparian margins.

(b) Amend policy SUB-P4(1)(g) as follows:

**SUB-P4** Servicing requirements

- (1) Require subdivision and development in all zones except for GRUZ – General rural zone and RLZ – Rural lifestyle zone to be serviced to a level that will provide for the anticipated activities in a structure plan, or otherwise anticipated within the zone, including through the provision of:
  - a. Reserves for community, active and passive recreation;
  - b. Pedestrian and cycle connections;
  - c. Roads;
  - d. Public transport infrastructure, e.g. bus stops;
  - e. Telecommunications;
  - f. Electricity;
  - g. Stormwater collection, treatment, attenuation and disposal;
  - h. Wastewater treatment and reticulation, water provision for domestic and fire fighting purposes; and
  - i. Connections to identified adjacent future growth areas.

(c) Amend rule SUB-R11 as follows:

<b>SUB-R11</b>	Subdivision - general	
GRZ – General residential zone	<p><b>(1) Activity status: RDIS</b></p> <p><b>Activity-specific standards:</b></p> <p>a. Subdivision shall comply with all of the following:</p> <ul style="list-style-type: none"> <li>i. Proposed lots must have a minimum net site area (excluding access legs) of 450m<sup>2</sup>, except where the proposed lot is an access allotment or utility allotment or reserve to vest;</li> <li>ii. Proposed lots must be able to connect to public-reticulated water supply and wastewater;</li> <li>iii. Where the subdivision is within a structure plan area, neighbourhood centres within the site are provided in accordance with that structure plan document.</li> </ul> <p><b>Council’s discretion is restricted to the following matters:</b></p> <ul style="list-style-type: none"> <li>b. Subdivision layout including the grid layout of roads and the number of rear lots;</li> <li>c. Shape of lots and variation in lot sizes;</li> <li>d. Ability of lots to accommodate a practical building platform including geotechnical stability for building;</li> <li>e. Likely location of future buildings and their potential effects on the environment;</li> </ul>	<p><b>(2) Activity status where compliance not achieved: DIS</b></p>

	<ul style="list-style-type: none"><li>f. Avoidance or mitigation of natural hazards;</li><li>g. <u>Management of adverse stormwater effects on downstream sites, including from alteration of the volume, or duration, or frequency of stormwater runoff;</u></li><li>h. <u>The effectiveness of the stormwater system to manage flooding (including safe access and egress), nuisance or damage to other infrastructure, buildings and sites, including the rural environment;</u></li><li>i. <u>The design and capacity of the stormwater system and ability to manage stormwater;</u></li><li>j. <u>The potential for adverse effects to the environment in terms of stormwater volume including downstream channel erosion and stormwater quality, taking into account the requirements or recommendations of the relevant Comprehensive Stormwater Discharge Consent, Catchment Management Plan and Waikato Regional Council Stormwater Guidelines;</u></li><li>k. <u>Extent to which low impact design principles and approaches are used for stormwater management;</u></li><li>g. l. Amenity values; and</li><li>h. m. Potential for reverse sensitivity effects;</li><li>h. n. Streetscape landscaping;</li><li>j. o. Vehicle and pedestrian networks;</li><li>k. p. Consistency with any relevant structure plan or master plan included in the plan, including the</li></ul>	
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	<p>provision of neighbourhood parks, reserves and neighbourhood centres; and</p> <p>h. q. Avoidance or mitigation of conflict with gas transmission infrastructure and the ability to inspect, maintain and upgrade the infrastructure; and</p> <p>m. r. Provision for new infrastructure and the operation, maintenance, upgrading and development of existing infrastructure including water supply for firefighting purposes.</p>	
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(d) Amend rule SUB-R31 as follows:

<b>SUB-R31</b>	Subdivision - general	
MRZ – Medium density residential zone	<p><b>(1) Activity status: RDIS</b></p> <p><b>Activity specific standards:</b></p> <p>a. Subdivision must comply with all of the following standards:</p> <p>i. Proposed vacant lots must have a minimum net site area (excluding access legs) of 200m<sup>2</sup>, except where the proposed lot is an access allotment, utility allotment or reserve to vest; and</p> <p>ii. Proposed vacant lots must be able to connect to public-reticulated water supply and wastewater.</p> <p><b>Council’s discretion is restricted to the following matters:</b></p> <p>a. Subdivision layout;</p> <p>b. Shape of lots and variation in lot sizes;</p>	<p><b>(2) Activity status where compliance not achieved: DIS</b></p>

	<ul style="list-style-type: none"><li>c. Ability of lots to accommodate a practical building platform including geotechnical stability for building;</li><li>d. Likely location of future buildings and their potential effects on the environment;</li><li>e. Avoidance or mitigation of natural hazards;</li><li>f. Opportunities for streetscape landscaping;</li><li>g. <u>Management of adverse stormwater effects on downstream sites, including from alteration of the volume, or duration, or frequency of stormwater runoff;</u></li><li>h. <u>The effectiveness of the stormwater system to manage flooding (including safe access and egress), nuisance or damage to other infrastructure, buildings and sites, including the rural environment;</u></li><li>i. <u>The design and capacity of the stormwater system and ability to manage stormwater;</u></li><li>j. <u>The potential for adverse effects to the environment in terms of stormwater volume including downstream channel erosion and stormwater quality, taking into account the requirements or recommendations of the relevant Comprehensive Stormwater Discharge Consent, Catchment Management Plan and Waikato Regional Council Stormwater Guidelines;</u></li><li>k. <u>Extent to which low impact design principles and approaches are used for stormwater management;</u></li></ul>	
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	<p><del>g.</del> <u>l.</u> Vehicle and pedestrian networks;</p> <p><del>h.</del> <u>m.</u> Consistency with any relevant structure plan or master plan including the provision of neighbourhood parks, reserves and neighbourhood centres; and</p> <p><del>i.</del> <u>n.</u> Provision of infrastructure.</p>	
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## 6. GRZ – General Residential Zone chapter

(a) Amend standard GRZ-S13 as follows:

<b>GRZ-S13</b>	Impervious surfaces	
<p><b>(1) Activity status: PER</b></p> <p><b>Where:</b></p> <p>a. The impervious surfaces of a site shall not exceed 70%.</p>		<p><b>(2) Activity status where compliance not achieved: RDIS</b></p> <p><b>Council’s discretion is restricted to the following matters:</b></p> <p>a. Site design, layout and amenity; and</p> <p><del>b. The risk of flooding, nuisance or damage to the site or other buildings and sites.</del></p> <p><u>b. Management of adverse stormwater effects on downstream sites, including from alteration of the volume, or duration or frequency of stormwater runoff;</u></p> <p><u>c. The effectiveness of the stormwater system to manage flooding (including safe access and egress), nuisance or damage to other infrastructure, buildings and sites, including the rural environment;</u></p> <p><u>d. Stormwater management and the use of Low Impact Design methods; and</u></p> <p><u>e. Whether there is sufficient space on site for a stormwater treatment device and infrastructure.</u></p>