

**WAIKATO DISTRICT PLAN REVIEW
KONING FAMILY TRUST SUBMITTER 685
EXTENT OF RESIDENTIAL ZONING AT RAGLAN**

**MEMORANDUM OF COUNSEL FOR KONING FAMILY TRUST AND
M KONING**

Dated: 28 May 2021

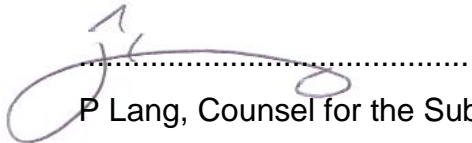
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1. This Memorandum responds to an issue raised in the Rebuttal Evidence for the Waikato District Council dated 10 May 2021.
2. That Rebuttal Evidence, at paragraph 12, questions the vires of Konings' proposed rule requiring subdivision and development in the Te Hutewai Structure Plan area to be in accordance with the Structure Plan.
3. It is not agreed that there is any issue with the validity of the Konings' proposal. In summary, the proposal is that the Structure Plan is incorporated into the District Plan by inserting the Structure Plan Development Plan and Structure Plan text into the District Plan as Appendix 13, and by requiring implementation of the Structure Plan through the following addition to Chapter 16.4: Residential Zone Subdivision:

(6) The Residential Zone contains a Structure Plan for the Te Hutewai Structure Plan Area in Appendix 13. Any subdivision or development undertaken in this location shall be in accordance with Te Hutewai Structure Plan contained in Appendix 13. Note that the requirements of this Rule and the Structure Plan are in addition to any relevant rules of the Residential Zone and any relevant District-wide rules.
4. To supplement those rules and give greater clarity about the nature of compliance that is required, the Konings suggest the further amendments to District Plan provisions that are shown as tracked changes in Appendix 1 to this Memorandum.

5. These proposed additions require compliance with the Te Hutewai Structure Plan as a compliance condition for subdivision within the Te Hutewai Structure Plan area, and set out additional matters of discretion for Restricted Discretionary activity subdivision in that locality.

Dated: 28 May 2021


P Lang, Counsel for the Submitter

APPENDIX 1

Rule 16.4.1

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| RDI (a) | <p>Subdivision must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) Proposed lots must have a minimum net site area of 450m², except where the proposed lot is an access allotment or utility allotment or reserve to vest; (ii) Proposed lots must be able to connect to public-reticulated water supply and wastewater; (iii) Where roads are to be vested in Council, they must follow a grid layout; (iv) Where 4 or more proposed lots are proposed to be created, the number of rear lots do not exceed 15% of the total number of lots being created; (v) Where the subdivision is within a structure plan area, neighbourhood centres within the site are provided in accordance with that structure plan document. <u>(vi) Where the subdivision is within the Te Hutewai Structure Plan area, subdivision is undertaken in a manner that complies with the Te Hutewai Structure Plan.</u> |
| (b) | <p>Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout; (ii) Shape of lots and variation in lot sizes; (iii) Ability of lots to accommodate a practical building platform including geotechnical stability for building; (iv) Likely location of future buildings and their potential effects on the environment; (v) Avoidance or mitigation of natural hazards, including liquefaction risk and fire risk (refer to Chapter 15); (vi) Amenity values and streetscape landscaping; (vii) Consistency with the matters contained within Appendix 3.1 (Residential Subdivision Guidelines); (viii) Vehicle and pedestrian networks; (ix) Consistency with any relevant structure plan or master plan including the provision of neighbourhood parks, reserves and neighbourhood centres; (x) Provision of infrastructure; <u>and</u> <u>(xi) For development within the Te Hutewai Structure Plan area, consistency with the Te Hutewai Structure Plan including:</u> |

- Confirmation of consultation with tangata whenua, and the implementation of an Archaeological Management Plan approved by the Council that addresses how identified archaeological sites and potential areas of interest within the site are to be managed
- The implementation of an Ecological Management Plan approved by Council that addresses the identified development actions set out in the structure plan
- Avoidance of subdivision and development within the identified 'no build' areas
- The provision of the main east-west collector road through the site, and the extent to which the connection of this road to Te Hutewai Road enables connectivity with future development in the Rangitahi South growth area
- The extent to which development provides for connectivity to future development to the north and south of the structure plan area
- The provision of an Integrated Transportation Assessment to confirm what infrastructure upgrades are necessary to accommodate growth in traffic volumes arising from the proposed development
- The provision of infrastructural assessment reports confirming the ability for development to connect to and be serviced by the Council's wastewater and water reticulated network and/or the provision of additional infrastructure as necessary to service that development
- The implementation of a Stormwater Management Plan approved by the Council that provides the site-wide framework for low impact stormwater management to be established in order to service urban development within the structure plan area and minimise effects on the downstream environments
- for any development within 100m of the Xtreme Zero Waste interface control, the implementation of measures to avoid reverse sensitivity effects, which may include the establishment of a 5m wide landscape strip designed to form a visual screen, the setback of dwellings by at least 50m from the site boundary, the design of dwellings to achieve a sufficient level of internal acoustic insulation, and the use of no complaints covenants on titles.

DI Subdivision that does not comply with a condition in Rule 16.4.1 RDI.