

12 August 2021

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Job No: 09047

**The District Plan Hearings Administrator  
Waikato District Council  
Private Bag 544  
Ngaruawahia 3742**

Attention: Fletcher Bell

Dear Fletcher,

**RE: Hearing 25: Rezoning - The Dilworth Trust Board (Submitter no. 577/2161)**

I am writing on behalf of The Dilworth Trust Board (“**Dilworth**”) in relation to Council’s Closing Statement on “Hearing 25: Rezoning – Rest of District”, dated 3<sup>rd</sup> August 2021.

At Hearing 25, the Hearings Panel directed Dilworth and the Council to enter discussions to reach an agreed set of provisions for the Rural Campus, located at 500 Lyons Road, Mangatawhiri.

The main point of disagreement raised in evidence by Council was in relation to the 10% maximum site area coverage control that has been proposed by Dilworth. As identified within Council’s Closing Statement,<sup>1</sup> the parties are now in agreement that the maximum building coverage control for the Rural Campus should be 10,000m<sup>2</sup>.

Council’s Closing Statement has proposed to amend the provisions of the Rural Zone, as opposed to incorporate the “Specific Area” provisions that are sought by Dilworth.

Dilworth was not provided with an opportunity to review or provide comment on the proposed amendments to the Rural Zone provisions and is of the opinion that they do not appropriately “enable” the Rural Campus activity to provide for the social, cultural, and recreational needs of the community, as required by Policy 5.3.9. Specifically:

- (a) While the “*Maintenance, operation, and alterations to... Dilworth School*” are provided for as a permitted activity (Rule 22.1.2 P20), no changes are proposed to the balance of the rule that states that additions to the Rural Campus are subject to Rule 22.1.3 RD3 and require resource consent as a restricted discretionary activity.
- (b) No provision has been made for student and staff accommodation, which is an integral part of the operation of the Rural Campus. Instead, any additional student or staff

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<sup>1</sup> Section 9; Section 42A Report Closing Statement; Hearing 25: Rezoning – Rest of District; Catherine Boulton; 3 August 2021.

accommodation will require resource consent as a restricted discretionary activity under Rule 22.1.3 RD3 (“educational facilities”).

Dilworth has discussed its concerns with Council and has agreed further amendments to the Rural Zone provisions. While Dilworth maintains its position that the inclusion of “Specific Area” provisions for the Dilworth Rural Campus is the most appropriate way to achieve the purpose of the RMA, the agreed amendments are sufficient to address Dilworth’s submission point<sup>2</sup> in respect of this matter.

A copy of the agreed amendments is appended as **Attachment 1**. The amendments result in the same outcome that has been sought by Dilworth within its “Specific Area” provisions and no further analysis in respect of section 32AA RMA is considered necessary, beyond that already provided in evidence at “Hearing 25: Rezoning”.

Please do not hesitate to contact me on tel. (09) 309 5367 should you require any further clarification in respect of this matter.

Yours faithfully,  
**BENTLEY & CO. LTD**



**Mark Arbuthnot**  
**Director**

Cc Jonathan Beaglehole (The Dilworth Trust Board)

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<sup>2</sup> 577.2

## Attachment 1

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Agreed amendments to Rural  
Zone provisions

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Changes recommended in the original s42A report prepared by Mr Clease at Hearing 18 are shown in red. Changes recommended in Mr Clease’s rebuttal statement at Hearing 18 are shown in blue. Changes recommended in Mr Clease’s closing statement following the Hearing 18 are shown in green. Further changes that are agreed between Dilworth and Council at Hearing 25 are shown in purple highlight.

## Chapter 22: Rural Zone

- (1) The rules that apply to activities in the Rural Zone are contained in Rule 22.1 Land Use – Activities, Rule 22.2 Land Use – Effects and Rule 22.3 Land Use – Building.
- (2) The rules that apply to subdivision in the Rural Zone are contained in Rule 22.4
- (3) The activity status tables and standards in the following chapters also apply to activities in the Rural zone:
  - 14 Infrastructure and Energy;
  - 15 Natural Hazards and Climate Change (Placeholder).
- (4) The following symbols are used in the tables:
  - (a) PR Prohibited activity
  - (b) P Permitted activity
  - (c) C Controlled activity
  - (d) RD Restricted discretionary activity
  - (e) D Discretionary activity
  - (f) NC Non-complying activity
- (5) The Rural Zone contains four Specific Areas listed below. These Specific Areas contain rules that are either in addition to, or different from, other rules that apply to the rest of the Rural Zone.
  - (a) Rule 22.5 Agricultural Research Centre;
  - (b) Rule 22.6 Huntly Power Station - Coal and Ash Water;
  - (c) Rule 22.7 Whaanga Coast Development Areas
  - (d) Rule 22.8 Lakeside Te Kauwhata Precinct

### 22.1 Land Use – Activities

#### Rules 22.1.1 – 22.1.6 – Permitted to prohibited activities

##### 22.1.1 – Prohibited activities

PRI	Any building, structure, objects or vegetation that obscure the sight line of the Raglan navigation beacons for vessels entering Whaingaroa (Raglan Harbour) (refer to Appendix 7).
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##### Rule 22.1.2 – Permitted Activities

- (1) The following activities are permitted activities if they meet all the following:
  - (a) Activity-specific conditions;
  - ~~(a)~~(b) Land Use – Effects rules in Rule 22.2 (unless the activity rule and/or activity-specific conditions identify a condition(s) that does not apply);
  - ~~(b)~~(c) Land Use – Building rules in Rule 22.3 (unless the activity rule and/or activity-specific conditions identify a condition(s) that does not apply);

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©Activity-specific conditions.

Activity		Activity specific conditions
...	...	...
P20	<p>Maintenance, operation, and alterations to:</p> <p>(a) Dilworth School (legal description);</p> <p>(b) Tamahere Hospital (legal description);</p> <p>Note: additions to these facilities this facility are subject to Rule 22.1.3 RD3</p>	(a) The alterations do not increase net floor area
P20A	<p>Educational facilities including student accommodation and staff accommodation at Dilworth Rural Campus (Lot 2 DP 52908 and Lot 1 DP 210936).</p>	<p>(a) Land Use – Effects in Rule 22.2;</p> <p>(b) Land Use – Building in Rule 22.3, except:</p> <p>(i) Rule 22.3.1 (Number of dwellings) does not apply;</p> <p>(ii) Rule 22.3.2 (Minor dwellings) does not apply;</p> <p>(c) Student accommodation must be ancillary to the educational facilities.</p> <p>(d) Staff accommodation must be ancillary to the educational facilities.</p>
...	...	...

### 22.1.3 Restricted Discretionary Activities

(I) The activities listed below are restricted discretionary activities.

Activity		Matters of Discretion
...	...	...
RD3	<p>(a) Child care facility for five or more non-resident children;</p> <p>(b) Education facilities that are primary or secondary schools not otherwise provided for as a permitted activity by Rule 22.1.2 P20A;</p> <p>(c) Community facility;</p> <p>Where (a)-(c) meet the following condition:(i) Not in an Urban Expansion Area</p>	<p>(a) Council’s discretion is restricted to the following matters:</p> <p>(i) Whether the scale and nature of the activity is consistent with managing urban growth through the consolidation of townships and the extent to which it is necessary to locate in the Rural Zone;</p> <p>(ii) Effects on rural character and amenity of both the streetscape and neighbours with particular regard to the bulk and location of buildings;</p>

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		<p>(iii) <u>Nuisance effects including light spill and glare, odour, dust, and noise;</u></p> <p>(iv) <u>Traffic effects;</u></p> <p>(v) <u>Reverse sensitivity effects on existing farming, intensive farming, rural industry, or mineral extraction activities;</u></p> <p><u>Whether the facilities are designed to meet Crime Prevention Through Environmental Design outcomes;</u></p>
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#### 22.1.4 5 Discretionary Activities

(l) The activities listed below are discretionary activities.

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#### 22.1.5 Non-Complying Activities

(l) The activities listed below are non-complying activities.

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### 22.2 Land Use Effects

#### 22.2.1 Noise

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#### 22.2.2 Glare and Artificial Light Spill

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#### 22.2.3 Earthworks

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#### 22.2.6 Signs

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### 22.3 Land Use - Building

#### 22.3.1 Number of dwellings within a lot

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### 22.3.2 Minor dwelling

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### 22.3.4 Height

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### 22.3.5 Daylight admission

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### 22.3.6 Building coverage

PI	<p>(a) The total building coverage must not exceed <del>the larger of:</del></p> <ul style="list-style-type: none"> <li>(i) 42% of the site area or 500m<sup>2</sup> (whichever is larger) for sites smaller than 10ha; or</li> <li>(ii) 5000m<sup>2</sup> for sites larger than 10ha.</li> </ul> <p>(b) <u>No site coverage limit applies to Artificial Crop Protection Structures that meet the following conditions:</u></p> <ul style="list-style-type: none"> <li>(i) <u>Green or black cloth shall be used on vertical faces within 30m of the site boundary;</u></li> <li>(ii) <u>Green, black or white cloth shall be used on horizontal surfaces.</u></li> </ul>
P2	<p>The total building coverage at Dilworth <del>School</del> Rural Campus (Lot 2 DP 52908 and Lot 1 DP 210936) must not exceed 10,000m<sup>2</sup>.</p>
DI	<p>A building that does not comply with Rule 22.3.6 PI or P2</p>

### 22.3.7 Building setbacks

- (a) Rules 22.3.7.1 to 22.3.7.4 provide the permitted building setback distances for buildings from site boundaries, specific land use activities and environmental features.
- (b) Rule 22.7.1 Building setbacks – all boundaries provides permitted building setback distances from all boundaries on any site within the Rural Zone. Different setback distances are applied based on the type of building ~~and~~, the site area and for buildings at Dilworth ~~School~~ Rural Campus.
- (c) Rule 22.3.7.2 Building setback - sensitive land use provides permitted setback distances for any building containing a sensitive land use from specified land use activities.
- (d) Rule 22.3.7.3 Building setback – water bodies provides permitted setback distances from lakes, wetlands, rivers and the coast.
- (e) Rule 22.3.7.4 Building setback - Environmental Protection Area provide specific setback distances from specified environmental features.

#### 22.3.7.1 Building Setbacks – All boundaries

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...	...
P5	Any building at Dilworth School Rural Campus (Lot 2 DP 52908 and Lot 1 DP 210936) must be set back a minimum of <del>7m</del> 12m from any site boundary
RDI	<p>(a) A building that does not comply with Rule 22.3.7.1 P1, P2, P3 <del>or P4</del> or P5.</p> <p>(b) Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) amenity values;</li> <li>(ii) <del>effects on traffic, transport network safety and efficiency;</del></li> <li>(iii) <u>reverse sensitivity;</u></li> <li>(iv) <u>where the road boundary is with an unformed paper road the likelihood of the road being formed or readily utilised by the public.</u></li> </ul>

#### Rule 22.3.7.2 – Building setback – sensitive land uses

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#### 22.3.7.4 Building – Noise Sensitive Activities

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#### 22.3.7.5 Building setback – water bodies

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#### 22.3.7.6 Building setback – Te Kauwhata Environmental Protection Area

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#### 22.5 Specific Area – Agriculture Research Centres

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#### 22.6 Specific Area - Huntly Power Station - Coal and Ash Management Areas ~~Water~~

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