

SECTION 42A REPORT

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

Hearing 10: Residential Zone

Report prepared by: Alan Matheson and Louise Allwood
(Consultant Planners)

Date: 20 January 2020



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List of submitters and further submitters addressed in this report

Submitter	Submission number
2SEN Limited and Tuakau Estates Limited	299
Gerardus & Yvonne Gemma Aarts	688
Alstra (2012) Limited	693
Aparangi Retirement Village Trust	251
Auckland Council	372
Auckland Waikato Fish and Game Council	433
Balle Bros Group Limited	466
Bilimoria Consulting Ltd	3
Blue Wallace Surveyors Ltd	662
Bob MacLeod	822
Dee Bond	946
Rupert Copping	32
Anna Cunningham	457
BTW Company	445
Campbell Tyson	687
Josh Charlwood	27
CKL	471
Classic Builders Waikato Limited	123
Community Living Trust	212
Counties Manukau Police	297
Counties Power Limited	405

Further Submitter	Submission number
<i>Alstra (2012) Limited</i>	<i>FSI316</i>
<i>Andrew Mowbray</i>	<i>FSI305</i>
<i>Annie Chen</i>	<i>FSI261</i>
<i>Auckland Council</i>	<i>FSI129</i>
<i>Avondale Trust</i>	<i>FSI325</i>
<i>Bathurst Resources Limited and BT Mining Limited</i>	<i>FSI198</i>
<i>Blue Wallace Surveyors Ltd</i>	<i>FSI287</i>
<i>Campbell Tyson</i>	<i>FSI061</i>
<i>Chorus New Zealand Limited</i>	<i>FSI031</i>
<i>Colette Brown</i>	<i>FSI039</i>
<i>Counties Power Limited</i>	<i>FSI134</i>
<i>CSL Trust & Top End Properties</i>	<i>FSI297</i>
<i>Department of Conservation</i>	<i>FSI293</i>
<i>Federated Farmers</i>	<i>FSI342</i>
<i>Fire and Emergency New Zealand</i>	<i>FSI114</i>
<i>First Gas Limited on behalf of First Gas</i>	<i>FSI211</i>
<i>Garth & Sandra Ellmers</i>	<i>FSI092</i> <i>FSI093</i>
<i>Genesis Energy Limited</i>	<i>FSI345</i>
<i>Gerardus Aarts & Yvonne Gemma Aarts</i>	<i>FSI200</i>
<i>Greig Developments No 2 Limited</i>	<i>FSI187</i>
<i>Greig Metcalfe</i>	<i>FSI142</i>

Submitter	Submission number
Cyclespot Euro	33
Simon Dromgool on behalf of Christine Dromgool, John and Caroline Vincent and Mark Dromgool	698
Eastside Heights Ltd	699
Sandra Ellmers Family Trust	965
Garth and Sandra Ellmers	244
Environmental Management Solutions Limited	463
Environmental Management Solutions Limited	800
Fire and Emergency New Zealand	378
First Gas Limited	945
Future Proof Implementation Committee	606
Anne-Maree Gladding	489
Brent Greig	65
Greig Developments No 2 Limited	689
Greenways Orchards Limited	679
Grigor Construction Limited	86
Susan Hall	788
Hamilton City Council	535
Maurice Hayman	25
Lewis Heels	24
Heritage New Zealand	559

Further Submitter	Submission number
<i>Glenvale Stage 2 Limited</i>	<i>FSI070</i>
<i>Gulab Bilimoria</i>	<i>FSI017</i>
<i>Hamilton City Council</i>	<i>FSI379</i>
<i>Havelock Village Limited</i>	<i>FSI291</i> <i>FSI377</i>
<i>Horticulture New Zealand</i>	<i>FSI168</i>
<i>Housing New Zealand Corporation</i>	<i>FSI269</i>
<i>KiwiRail Holdings Ltd</i>	<i>FSI272</i>
<i>Koning Family Trust and Martin Koning</i>	<i>FSI329</i>
<i>Kristine Steed on behalf of Marshall & Kristine Steed, Lloyd Davis, Kylie Davis Strongwick, Jason Strongwick, Nicola and Kerry Thompson</i>	<i>FSI178</i>
<i>Lakeside Development Limited</i>	<i>FSI371</i>
<i>Mercury NZ Limited</i>	<i>FSI223</i>
<i>Mercury NZ Limited</i>	<i>FSI385</i>
<i>Mercury NZ Limited</i>	<i>FSI386</i>
<i>Mercury NZ Limited</i>	<i>FSI387</i>
<i>Mercury NZ Limited for Mercury</i>	<i>FSI388</i>
<i>Meridian Energy Limited</i>	<i>FSI258</i>
<i>Middlemiss Farm Holdings Limited</i>	<i>FSI330</i>
<i>New Zealand Transport Agency</i>	<i>FSI202</i>
<i>Ngati Tamaoho Trust</i>	<i>FSI369</i>
NA	

Submitter	Submission number
Lower Northern Office	
Stephanie Hooper	607
Horticulture New Zealand	419
Housing New Zealand Corporation	749
Perry Hughes	41
Jade Hyslop	435
Don Jacobs	768
John Joensen	305
John Lawson	825
Kainui Homes	625
Kawasaki NZ	23
Kirriemuir Trustee Limited	182
KiwiRail Holdings Limited (KiwiRail)	986
Roelof Lategan	52
Lavalla Farms Limited	681
Brian Leathem	26
Ted and Kathryn Letford	276
Jack Macdonald	782
Madsen Lawrie Consultants	838
Malcolm Titchmarsh	35
Malibu Hamilton	553
Paul Manuell	853
Ian McAlley	368

Further Submitter	Submission number
<i>Pareoranga Te Kata</i>	<i>FSI035</i>
<i>Perry Group Limited</i>	<i>FSI313</i>
<i>Phoebe Watson for Barker & Associates on behalf of T&G Global</i>	<i>FSI171</i>
<i>Pokeno Village Holdings Limited</i>	<i>FSI281</i>
<i>Ports of Auckland Limited</i>	<i>FSI087</i>
<i>Quinn Haven Investments Limited and M & S Draper</i>	<i>FSI317</i>
<i>Shaun McGuire</i>	<i>FSI136</i>
<i>Simon Upton</i>	<i>FSI107</i>
<i>Spark New Zealand Trading Limited</i>	<i>FSI033</i>
<i>Stewart Webster</i>	<i>FSI276</i>
<i>Synlait Milk</i>	<i>FSI322</i>
<i>Synlait Milk Limited</i>	<i>FSI110</i>
<i>The Surveying Company</i>	<i>FSI308</i>
<i>Tamahere Eventide Home Trust – Atawhai Assisi Retirement Village</i>	<i>FSI004</i>
<i>Tamahere Eventide Home Trust – Tamahere Eventide Retirement Village</i>	<i>FSI005</i>
<i>Te Kauwhata Land Limited</i>	<i>FSI150</i>
<i>Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)</i>	<i>FSI108</i>
<i>Transpower New Zealand Limited</i>	<i>FSI350</i>
<i>Turangawaewae Trust Board</i>	<i>FSI139</i>
<i>Van Den Brink Group</i>	<i>FSI193.33</i>
<i>Viaduct Harbour Nominees Ltd</i>	<i>FSI318</i>
<i>Vodafone New Zealand Limited</i>	<i>FSI032</i>

Submitter	Submission number
McCracken Surveys Limited	943
Bill McDonald	22
Sarah Hewitt and Dean McGill	289
Shaun McGuire	243
Janet Elaine McRobbie	684
Mercer Residents and Ratepayers Committee	367
Chanel Hargrave and Travis Miller	751
Greig Metcalfe	602
Ministry of Education	781
Adrian Morton	499
New Zealand Transport Agency	742
Ngati Tamaoho Trust	567
Ngati Te Ata	798
NZTE Operations Limited	823
Anna Noakes	524
Perry Group Limited	464
Pokeno Playcentre	259
Pokeno Playcentre	596
Pokeno Playcentre	617
Pokeno Village Holdings Limited	386
Ports of Auckland Limited	578
Raglan Chamber of Commerce	326
Raglan Community Board	824
Raglan Naturally	831
Chris Rayner	414
Kathleen Reid	130
Wayne Reilly	29

Further Submitter	Submission number
<i>Waikato Regional Airport Ltd</i>	<i>FS1253</i>
<i>Watercare Services Ltd</i>	<i>FS1176</i>
<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>FS1276</i>

Submitter	Submission number
Robert Smith	181
John Rowe	922
Sharp Planning Solutions Ltd	695
Mark Sillence	542
Tracey Smith	183
Tainui	942
Terra Firma Mining Ltd	732
The Department of Corrections	496
The Surveying Company	746
The Te Whaanga 2B3B2 & 2BI Ahu Whenua Trust	300
Brett Titchmarsh	34
Anita Torres	213
Waikare Golf Club (Te Kauwhata) Inc.	275
Waikato District Council	697
Waikato District Health Board	923
Waikato Regional Council	81
Whaingaroa Environmental Defence Incorporated Society	780
Whaingaroa Raglan Affordable Housing Project	310
Spencer and Isabelle Wheeler	720
Brendon John & Denise Louise Strong	871
Whenua Holdings Waikato Limited	829
Karen White	757
Brett Wilkinson	2
Withers Family Trust	598

Further Submitter	Submission number
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Submitter	Submission number
Woolworths NZ Ltd	588

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

I Introduction

I.1 Qualifications and experience

Report Preparation

1. This report is a combined report and has been written by Alan Matheson and Louise Allwood.

Alan Matheson

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

Louise Allwood

7. My name is Louise Allwood. I am employed by GHD Ltd as a Technical Lead - Planning.
8. I hold a Bachelor of Social Sciences, majoring in Resource and Environmental Planning and Geography with Honours from Waikato University (2004). I am a full member of the New Zealand Planning Institute.

9. I have been a practising planner for the past 15 years. I have been employed by GHD Ltd as a planner for the past 5 years. In 2013 I was employed by Auckland Council as an intermediate planner processing resource consents. During 2013 and 2006 I worked as a development control officer (processing the equivalent of resource consents) for various borough Councils in the United Kingdom (London Borough of Richmond Upon Thames, London Borough of Greenwich and Borough Council of Kings Lynn and West Norfolk). Prior to this I was employed by Hamilton City Council for three years.
10. I became involved with the Proposed Waikato District Plan (PWDP) in early 2018, when I was engaged by Waikato District Council (WDC) to assist with the review of the PWDP. This work required me to be seconded to WDC for a period of approximately 4 months, assisting with merging the Franklin and Waikato Sections of the district plan. My key tasks included summarising feedback on the draft district plan, recording and addressing feedback points, delivering the draft Residential and Village Zone rule chapters, and developing the policy and objective framework for the urban environment which consisted of the Residential Zone, Village Zone and urban subdivision. I also prepared the section 32 reports for both the Residential and Village Zones. More recently (2019) I have been assisting with the review of the Natural Hazards topic which forms Stage 2 of the Proposed District Plan. This work involved assisting with drafting the section 32 report and collating research information.

1.2 Code of Conduct

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

1.3 Conflict of Interest

13. To the best of our knowledge, we confirm that we have no real or perceived conflict of interest.

1.4 Preparation of this report

14. This report has been prepared collaboratively between the two authors. Louise Allwood has addressed all of the topics within this report with the exception of Noise (18) and Subdivision (33). Alan Matheson has specifically addressed topics Noise (18) and Subdivision (33). Mr Matheson has also provided guidance to Ms Allwood through the preparation of the topics she prepared and has undertaken a full peer review of this s42A report.
15. The scope of this evidence relates to the evaluation of submissions and further submissions received in relation to the provisions related to the Residential Zone.
16. The data, information, facts, and assumptions we have considered in forming our opinions are set out in the evidence. Where we have set out opinions in our evidence, we have given reasons for those opinions. We have not omitted to consider material facts known to us that might alter or detract from the opinions expressed.
17. In preparing this report we set out reports that are relevant to and inform the content of the Chapter 4 : Urban Environment objectives and policies of the PWDP included as Appendix 2 with regard to the character and density of the Residential Zone.

2 Scope of Report

2.1 Matters addressed by this report

18. This report is prepared in accordance with section 42A of the RMA. This report considers submissions that were received by the Council in relation to the provisions relating to the management of the Residential Zone within the PWDP. The following provisions are covered by this report:
- Chapter 4 Urban Environment;
 - Section 4.2 Residential Zone;
 - Section 4.4 Residential and Village Zones – Noise, lighting, outdoor storage, signs and odour (in relation to the Residential Zone);
 - Section 4.7 Urban Subdivision and development;
 - Chapter 13 Definitions (those specific to the Residential Zone);
 - Chapter 16 Residential Zone; and
 - Section D Appendices and Schedules.
19. The scope of this Section 42A report relates to the wording and linkages between activities, buildings, amenity effects, subdivision located within the Residential Zone and associated objectives, policies and rules including supporting appendices and schedules. The objectives and policies in Section 4.4 of the PWDP relate to noise, lighting, outdoor storage, signs and odour with respect to both the Residential and Village Zones. The assessment of the objectives and policies in relation to the Village Zone has been addressed in the s42A report for Hearing 6 – Village Zone. This s42A report addresses the objectives and policies as they pertain to the Residential Zone. In the same manner as has been undertaken for other zone hearing reports, the rules that are not specific to the Residential Zone (such as notable trees, historic heritage) are no address in this s42A report.

2.2 Overview of the topic / chapter

20. The purpose of the provisions located in Chapters 4 and 16 is to set the parameters in which activities, buildings and subdivision can occur in the Residential Zone. It ensures that the development and land use activities in this zone are coherent and consistent, whilst enabling residential use. In particular, the zone seeks to give effect to the relevant overarching strategic objectives of the Waikato District, especially those relating to the meeting the minimum targets for housing capacity, and integration of residential development with community infrastructure.
21. The Residential zone applies to the residential areas within the main towns (Tuakau, Pokeno, Te Kauwhata, Raglan, Huntly and Ngaaruawahia) and the smaller towns (Meremere, Taupiri, Gordonton, Horotiu, Te Kowhai, Whatawhata, Matangi and Rangiriri). The purpose of the Residential zone is to accommodate primarily residential and complementary activities (such as home occupations, childcare centres, health care facilities). For the main towns, the location of the Residential zone and the activities within the zone (particularly higher density residential), also support the nearby Business and Business Town Centre Zones.

2.3 Statutory requirements

22. As set out in Chapter 1 – Introduction to the PWDP, there are a number of guiding documents (such as the Waikato Regional Policy Statement, Waikato Regional Plan and other Waikato Region strategies and plans) and documents pertaining to the vision and strategy of management of resources such as the Waikato River, as well as relevant iwi

management plans are also identified. The relevance and application of these documents is set out in the Section 32 Report for the Residential Zone (July 2018), at Section 3.1 *Higher Level Planning Documents and Legislation* and discussed in more detail in the seven issues in Section 3.2 *Issues* and the evaluation of objectives in Section 4.

23. Paragraphs 67-74 of the Council's opening legal submissions set out the relevance and application of the National Planning Standards ('Planning Standards'). The Planning Standards were introduced to improve the consistency of council plans and policy statements.
24. The statutory considerations which are relevant to the provisions and/or submissions within the scope of this report are largely set out in the opening legal submissions by counsel for Council (23 September 2019) and the opening planning submissions for Council (23 September 2019, refer paragraphs 18 – 32). The opening planning submissions from the Council also detail the relevant iwi management plans (paragraphs 35-40), and other relevant plans and strategies (paragraphs 41-45). The statutory considerations of the National Planning Standards which are relevant to the provisions and/or submissions within the scope of this report are largely set out in the s42A report for Topic 5 (paragraphs 21-24).
25. This report includes reference to and reliance on matters regarding the National Planning Standards (14 – Definitions) which have been addressed in Hearing 5.

2.4 Procedural matters

26. At the time of writing this s42A report there has only been one pre-hearing conference with respect to the Ambury Properties Limited submission relating to the proposed rezoning at Ohinewai. I have read the minute and further directions issued by the Hearing Commissioners dated 20 August 2019. In my opinion there are no matters arising which are relevant to Hearing 10. Due to the time constraints in preparing this report and the clarity of submissions, no correspondence or meetings with submitters were needed. There are no procedural matters to consider for Hearing 10.

3 Consideration of submissions received

3.1 Overview of submissions

27. With respect to Hearing Report 10, there were 116 submitters and 637 original submission points. There were 735 further submission points.
28. The submissions addressed in this report cover a wide range of matters. The amendments sought to the PWDP are generally summarised below:
 - (a) Crime Prevention Through Environmental Design (CPTED) – inclusion of policies and provisions requiring compliance with national guidelines for CPTED;
 - (b) Emergency service facilities – objectives, policies and provisions to cater for these activities;
 - (c) Retirement villages – amendments to policies, an enabling activity status, relaxed maximum height, removal of minimum net site area, removal of public transport requirement and amendments to outdoor living courts;
 - (d) Reverse sensitivity – inclusion of policies and setbacks to address reverse sensitivity, particularly where the Residential Zone adjoins Rural and Industrial Zones (existing industrial activities, intensive farming and general farming/horticulture activities). A number of submissions were also received in relation to the Harrisville Motocross Track.

- (e) Earthworks provisions – to remove or increase setback requirements, alter maximum volume and areas and alterations to importing ‘cleanfill’;
- (f) Sign provisions – to exclude any type of signage on Heritage Items and Maaori Sites of Significance, change the number and size and durations of real estate signs;
- (g) Building height and daylight admission – amendments to the daylight angle and height, seeking to increase the maximum height limit, and the location where height is measured from.
- (h) Building coverage –changes to the maximum building coverage (primarily seeking to increase it);
- (i) Road setbacks –to alter road setbacks, including for indicative roads and setbacks from state highways and how indicative roads are dealt with once formed;
- (j) Building setbacks –to include new building setbacks from the Rural Zone, intensive farming activities and railway corridors. Submissions relate primarily to reverse sensitivity.
- (k) Setbacks from waterbodies – exclusions for maimais and setbacks to be required from named rivers/streams;
- (l) Land use activities –in relation to the rules pertaining to prohibited, permitted, restricted discretionary, discretionary, and non-complying activities. The matters generally submitted on related to:
 - activity status becoming less restrictive;
 - home stays and boarding houses requiring registration;
 - provision of show homes as a permitted activity;
 - more or less restrictive conditions for activities (such as multi-unit development);
 - inclusion of the Pukeriri Area;
 - provision of education facilities; and
 - more controls around home occupations.
- (m) Housing options –in relation to the provisions relating to housing options (dwellings, minor dwellings and multi-unit developments). Many were seeking to create more enabling higher density provisions within the Plan, largely around the removal or reduction in minimum net site areas and provisions for two or more dwellings on a site as a permitted activity;
- (n) Outdoor living courts –to reduce the minimum dimension and living court requirements, change to living court orientation, and changes in activity status;
- (o) Service courts –to reduce the minimum area and dimensions and alteration of the activity status from discretionary to restricted discretionary where the permitted activity rules cannot be met;
- (p) Affordable housing - generally seeking the incorporation of affordable housing provisions into the plan;
- (q) Medium Residential Housing Area –the creation of an additional residential zone or area enabling medium density housing;
- (r) Noise – address drafting errors and update the metrics of the standards, with two others seeking specific provisions for noise associated with education facilities and intensive farming;

- (s) Subdivision – the majority of submissions sought amendments to correct drafting or grammatical errors. There are also a number of submissions that sought the subdivision provisions of the Operative District Plan – Franklin Section be included and reduction in minimum dimensions for subdivided lots. Other submissions sought the inclusion of subdivision for infrastructure;
- (t) Drafting errors and/or similar grammatical/consistency errors.
29. This report addresses each original submission point in turn (and accepts or rejects further submissions accordingly) throughout the report. The further submissions from Mercury opposes multiple submissions, as Mercury considers that it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This matter was addressed as a part of the s42A for Topic 2, with the s42A author stating at paragraphs 46 - 48;
- “I agree with the thrust of the above submission points, and the further submissions from Mercury, that ideally Stage 1 and 2 PWDP matters would have proceeded as an integrated whole. However, given that Waikato District Council has proceeded with a two stage PWDP process it would now be very inefficient and costly for all parties if Stage 1 of the PWDP was withdrawn or entirely placed on hold pending progress of Stage 2 matters.*
- Nevertheless, it is critical that the remainder of the process ensures that decisions are made in an integrated manner on Stage 1 zoning requests and other growth matters to which Stage 2 matters are fundamental.*
- In that regard, I am advised by Council staff that the intention is to notify Stage 2 provisions in early 2020 with the associated hearings to be held in early 2021. Stage 2 submissions will be able to be heard in conjunction with Stage 1 submissions featuring zoning requests and other growth matters to which Stage 2 matters are germane. In my view, that arrangement is an effective mechanism and avoids the risk of acting in terms of making decisions on Stage 1 zoning and growth related submissions in the light of incomplete information. If the hearing for Stages 1 and 2 dovetailed, a single comprehensive decision would be possible where decisions on Stage 1 are cognisant of Stage 2 provisions and submissions.*
30. We agree with the comments made by that author and subsequently, have made recommendations to reflect this where each further submission by Mercury Energy Limited has been made to the relevant submissions.
31. ‘All of Plan’ submissions have been addressed in the Report for Hearing 2, which can be found on the Council website link below
- https://wdcsitefinitiy.blob.core.windows.net/sitefinitiy-storage/docs/default-source/your-council/plans-policies-and-bylaws/plans/district-plan-review/hearings/hearing-2/section-42a-reports/hearing-2---s42a-report---plan-structure-and-all-of-plan.pdf?sfvrsn=bc40185a_8
32. Hearing Report 3 – Strategic objectives addresses all submissions in relation to the strategic direction of the district, providing a coherent overarching directive for the district and clearly indicates the outcomes sought. This is located on the Council website at the link below
- [https://wdcsitefinitiy.blob.core.windows.net/sitefinitiy-storage/docs/default-source/your-council/plans-policies-and-bylaws/plans/district-plan-review/hearings/hearing-3/section-42a-reports/h3-strategic-objectives-s42a-report-30-09-19-\(final\).pdf?sfvrsn=6b4e0a96_2](https://wdcsitefinitiy.blob.core.windows.net/sitefinitiy-storage/docs/default-source/your-council/plans-policies-and-bylaws/plans/district-plan-review/hearings/hearing-3/section-42a-reports/h3-strategic-objectives-s42a-report-30-09-19-(final).pdf?sfvrsn=6b4e0a96_2)
33. Hearing Report H5 – Definitions addresses all submissions relating to definitions, which can be found on the Council website link below.
- <https://wdcsitefinitiy.blob.core.windows.net/sitefinitiy-storage/docs/default-source/your-council/plans-policies-and-bylaws/plans/district-plan-review/hearings/hearing-5/section-42a->

[reports/proposed-district-plan-hearing-5---s42a-definitions_report121062239.pdf?sfvrsn=946784c9_2](https://www.govt.nz/assets/Uploads/reports/proposed-district-plan-hearing-5---s42a-definitions_report121062239.pdf?sfvrsn=946784c9_2)

3.2 Structure of this report

34. This report is structured in the same order as the PWDP (i.e. objectives and policies are addressed first and then rule provisions). As there are a large number of submissions and further submissions received and a broad range of matters raised, we have grouped submissions together where it is logical to do so within the section 42A report. The general structure however, is to address objectives first, policies second and rule provisions last (except where objectives, policies and rules can be clustered together due to their relationships and interconnectedness). For ease, land use topics are generally discussed first.

4 Topic I: Section 4.2 – Residential – Objectives and policies

4.1 Section 4.2 Residential Zone – Character

35. Objective 4.2.1 seeks to ensure that residential character in the Residential Zone is maintained. Policy 4.2.2 (character) enables residential character to be consistent with and encourages the aspects of residential character which are important to communities, such as views and vistas from public spaces, ensures scale and intensity of development is appropriate, and that setbacks provide sufficient open spaces for greenery.

4.1.1 Submissions

36. The following submissions were made:

Submission Point	Submitter	Summary of submission
662.40	Blue Wallace Surveyors Ltd	Retain Objective 4.2.1 Residential Character as notified.
368.11	Ian McAlley	Delete Policy 4.2.2 Character Or Amend the Proposed District Plan to identify the view points from public spaces and extent of view to be retained.
FS1386.560	Mercury NZ Limited	Oppose
662.41	Blue Wallace Surveyors	Retain Policy 4.2.2 Character.
FS1387.118	Mercury NZ Limited	Oppose
FS1107.10	Simon Upton	Support

4.1.2 Analysis

37. Blue Wallace Surveyors [662.40] and [622.41] supports the retention of Objective 4.2.1 (Residential Character) and Policy 4.2.2 (Character). No reason for this is given. The relief sought is accepted and I consider the objective and policy should be retained because Objective 4.2.1 and Policy 4.2.2 provide consistency for development and set a clear outcome for the Residential Zone. The policy also achieves the objective.

38. Ian McAlley [368.11] seeks to delete Policy 4.2.2 or amend the PWDP to identify view points from public spaces. This is a topic that is discussed in Topic 37 (Defined View Shafts) of this report. A number of other submissions were received with respect to the provision of view shafts and these are grouped together and therefore not discussed here.

4.1.3 Recommendation

39. For the reasons outlined above, it is recommended that no change be made to Objective 4.2.1 or Policy 4.2.2.
40. It is recommended that the submission from Blue Wallace Surveyors [662.40] and [662.41] be **accepted**.
41. It is recommended that the submission from Ian McAlley [368.11] be **rejected**.

4.1.4 Section 32AA evaluation

42. There are no recommended amendments. Accordingly, no s32AA evaluation has been required to be undertaken.

4.2 Objective 4.2.3 Residential Zone - Built Form

43. Objective 4.2.3 seeks to maintain good neighbourhood amenity values and safety.

4.2.1 Submissions

44. The following submissions were made:

Submission point	Submitter	Summary of submission
923.45	Waikato District Health Board	Amend objective 4.2.3(a) Residential Built form and amenity as follows: <i>(a) Maintain neighbourhood residential amenity values, <u>promote urban design protocols (Appendix 3.3)</u>, and facilitate safety in the Residential Zone.</i>
FS1387.1498	Mercury NZ Limited	Oppose
297.9	Dave Glossop (Counties Manukau Police)	Retain objective 4.2.3 residential built form and amenity as notified.
FS1269.9	Housing New Zealand Corporation	Oppose
FS1386.311	Mercury NZ Limited	Oppose

4.2.2 Analysis

45. Retention of Objective 4.2.3 as notified, and as sought by Counties Manukau Police [297.9] is concurred with as the objective clearly describes the outcome sought in relation to amenity values and safety, and provides the framework for Policies 4.2.4 to 4.2.8.
46. The submission point from Waikato District Health Board [923.45] to include “promote urban design protocols (Appendix 3.3)” within Objective 4.2.3 is not agreed with, as the objective is an outcome statement and the addition sought by Waikato District Health Board does not assist in describing an outcome. Appendix 3.3 is a tool to achieve residential amenity and safety in the neighbourhood. The use of the term “design protocols” is too ambiguous. Furthermore, Appendix 3.3 is the Town Centre Guidelines, which is not relevant to the Residential Zone.

4.2.3 Recommendation

47. For the reasons outlined above, it is recommended that no change be made to Objective 4.2.3.
48. It is recommended that the submission from Counties Manukau Police [297.9] be **accepted**.
49. It is recommended that the submission from Waikato District Health Board [923.45] be **rejected**.

4.2.4 Section 32AA evaluation

50. There are no recommended amendments. Accordingly, no s32AA evaluation has been required to be undertaken.

5 Topic 2: Setbacks

5.1 Introduction to Setbacks

51. Policies and rules relating to setbacks assist in achieving good residential amenity by adding to the feel and character of an area. Setbacks are a key mechanism in achieving street character by providing space for adequate greenery and daylight to residential properties. Glimpses of the views between properties also adds to the character to the area.
52. The policies and rules specifically addressed in this topic are outlined below:
- Policy 4.2.4 - Front Setback;
 - Policy 4.2.5 – Setback: Side boundaries;
 - Rule 16.3.9.1 Building setbacks – All boundaries;
 - Rule 16.3.9.2 Building setback – Sensitive land use; and
 - Rule 16.3.9.3 Building setback – Waterbodies.

5.2 Submissions

53. The following submissions were made:

Submission point	Submitter	Summary of submission
297.10	Counties Manukau Police	Amend Policy 4.2.4(a)(iii) Front setback as follows: <i>(iii) Providing for passive surveillance to roads, avoiding windowless walls to the street and conforming to national guidelines for CPTED principles.</i>
FS1269.10	Housing New Zealand Corporation	Oppose
695.13	Sharp Planning Solution Ltd	Add a new clause (iv) to Policy 4.2.5(a) Setback: Side boundaries as follows: <i>(iv) For property and building maintenance</i>
986.62	KiwiRail Holdings Limited (KiwiRail)	Add new matters of discretion relating to non-compliance with the 5m Building setback. <i>Railway corridor (sought elsewhere in other submission points) in Rule 16.1 Land Use as followings (or similar amendments to achieve the required relief):</i> <i>1. The size, nature and location of the buildings on the</i>

		<p>site.</p> <ol style="list-style-type: none"> 2. The extent to which the safety and efficiency of rail and road operations will be adversely affected. 3. The outcome of any consultation with KiwiRail. 4. Any characteristics of the proposed use that will make compliance unnecessary. <p>AND</p> <p>Any consequential amendments to link and/or accommodate the required changes.</p>
FS1269.89	Housing New Zealand Corporation	Oppose
986.71	KiwiRail Holdings Limited (KiwiRail)	<p>Amend Policy 4.2.5 – Setbacks side boundaries as follows (or similar amendments to achieve the requested relief):</p> <p><u>4.2.5 Policy – Setback: Side Boundaries</u></p> <p>(a) Require development to have sufficient side boundary setbacks to provide for...</p> <p>(c) <u>Manage reverse sensitivity by providing sufficient setbacks buildings to provide for residents' safety and amenity</u></p> <p>AND</p> <p>Any consequential amendments to link and/or accommodate to link and/or accommodate the requested changes.</p>
FS1269.91	Housing New Zealand Corporation	Oppose
FS1193.33	Van Den Brink Group	Oppose
695.14	Sharp Planning Solutions Ltd	Delete Policy 4.2.5(b)(i) and (ii) Setback – Side boundaries.
662.42	Blue Wallace Surveyors Ltd	<p>Retain Policy 4.2.5 Setback: Side boundaries, except for the amendments sought below AND</p> <p>Amend Policy 4.2.5 (b) Setback: Side boundaries as follows:</p> <p>(b) <u>Reduced side boundary setbacks occur only generally where it:</u></p> <ol style="list-style-type: none"> (i)... (ii) <u>Retains trees on the site;</u> (iii) <u>Written approval for the encroachment has been provided by the abutting landowner.</u>
123.10	Classic Builders Waikato Limited	Amend Rule 16.3.9 Building setbacks to not apply to rear lots, or other lots where the garage door is not on a main street facing facade of the dwelling, e.g. laneways or side entry garages.
FS1092.14	Garth & Sandra Ellmers	Support
419.5	Horticulture New Zealand	Add a new clause (v) to Rule 16.3.9.1 PI (a) Building setbacks - All boundaries , as follows:

		<p>(a) A building must be set back a minimum of: ... (v) <u>5m</u> from every boundary adjoining the Rural Zone.</p> <p>AND</p> <p>Any consequential or additional amendments as a result of changes sought in the submission.</p>
FSI 171.9	Phoebe Watson for Barker & Associates on behalf of T&G Global	Support
FSI 342.76	Federated Farmers	Support
FSI 377.84	Havelock Village Limited	Oppose.
749.113	Housing New Zealand Corporation	<p>Amend Rule 16.3.9 Building setbacks-All boundaries as follows:</p> <p>P1 (a) A building must be setback a minimum of:</p> <ul style="list-style-type: none"> (i) 3m <u>3m</u> from the road boundary; (ii) 1.5m <u>3m</u> from the edge of an indicative road; (iii) 1.5m <u>1m</u> from every boundary other than a road boundary; (iv) and 1.5m from every vehicle access to another site. <p>P2 (a) non habitable building can be set back less than 1.5m from a boundary, where:</p> <ul style="list-style-type: none"> (i) the total length of all buildings within 1.5m of the boundary does not exceed 6m; and (ii) the building does not have any windows or doors on the side of the building facing the boundary. <p>P3 P2 A garage must be setback behind the front street facing facade of the dwelling.</p> <p>RD1 (a) A building that does not comply with Rule 16A.3.9.1 P1 or P2 or P3.</p> <p>(b) Council's discretion shall be restricted to any of the following matters:</p> <ul style="list-style-type: none"> (i) Road network safety and efficiency; (ii) Reverse sensitivity effects; ... <p>AND</p> <p>Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.</p>
123.5	Classic Builders Waikato Limited	Amend Rule 16.3.9.1 P1 (a) Building setbacks – All boundaries, to allow eaves to encroach over setbacks.
746.42	The Surveying Company	<p>Amend Rule 16.3.9.1 P1 (a)- Building setbacks- All boundaries as follows:</p> <p>(a) A building must be set back a minimum of: ...</p> <ul style="list-style-type: none"> (i) 1.5m <u>1.2m</u> from every boundary other than a road boundary (ii) 1.5m <u>1.2m</u> from every vehicle access to another

		site
FS1377.248	Havelock Village Limited	Support.
FS1261.25	Annie Chen	Support
FS1297.31	CSL Trust & Top End Properties Limited	Support
943.2	McCracken Surveys Limited	Amend Rule 16.3.9.1 P1 (a)(ii) – Buildings setbacks – All boundaries, as follows; <i>(ii) 13m from the <u>edge centreline of an indicative road</u>;</i>
471.41	CKL	Amend Rule 16.3.9.1 P1 (a)(ii) Building setbacks - All boundaries, as follows: <i>(ii) 13m from the <u>edge of an indicative road; centre line of an indicative road if it has not been constructed and vested.</u></i> AND Any consequential amendments necessary.
751.16	Chanel Hargrave and Travis Miller	Amend Rule 16.3.9.1 P1 Building setbacks - All boundaries as follows: <i>(a) A building must be set back a minimum of: ...</i> <i>(i) <u>1.51.2m</u> from every boundary other than a road boundary; and</i> <i>(ii) <u>1.51.2m</u> from every vehicle access to another site.</i>
FS1261.26	Annie Chen	Support
FS1297.32	CSL Trust & Top End Properties Limited	Support
742.129	New Zealand Transport Agency	Amend Rule 16.3.9.1 P1(a) Building setback - all boundaries, as follows: <i>A building must be set back a minimum of:</i> <i>(i) 3 m from the road boundary (<u>excluding state highways</u>);</i> <i>(ii) <u>7.5 m from the boundary of a state highway</u>;</i> AND Add to Rule 16.3.9.1 P2(a) Building setback - all boundaries a new clause as follows: <i>(iii) <u>it is not a state highway road boundary.</u></i> AND Request any consequential changes necessary to give effect to the relief sought in the submission.
689.10	Greig Developments No 2 Limited	Amend Rule 16.3.9.1 P1(a) Building setbacks – All boundaries as follows: <i>(a) A building must be set back a minimum of: ...</i> <i>(i) <u>1.21.5m</u> from every boundary other than a road boundary; and</i> <i>(ii) <u>1.21.5m</u> from every vehicle access to another site.</i>

697.137	Waikato District Council	Amend Rule 16.3.9.1 P1(a)(ii) Building setbacks – All boundaries as follows: <i>(iii) 13m from the edge of an indicative road.</i>
471.42	CKL	Oppose - Amend Rule 16.3.9.1 P3 Building setbacks - All boundaries, as follows: <i>A garage door <u>facing the street</u> must be set back behind the front facade of the dwelling.</i> AND Any consequential amendments necessary.
310.10	Whaingaroa Raglan Affordable Housing Project	Amend Rule 16.3.9.1 RDI Building setbacks - All boundaries, to include the following: <i>(v) (iii) Positive effects for affordable housing.</i>
FS1276.20	Whaingaroa Environmental Defence Inc. Society	Support
FS1269.37	Housing New Zealand Corporation	Support
275.2	Waikare Golf Club (Te Kauwhata) Inc.	Amend the setback distance for the properties on the northern boundaries of Waikare Golf Club, Te Kauwhata from 1.5m to 10m.
FS1269.4	Housing New Zealand Corporation	Oppose
326.9	Raglan Chamber of Commerce	Delete Rule 16.3.9.1 P3 Building setback - All boundaries AND Add a matter of discretion to Rule 16.3.9.1 RDI Building setbacks - all boundaries, as follows: <i>(viii) Positive effects for affordable housing.</i>
FS1269.108	Housing New Zealand Corporation	Support
310.17	Whaingaroa Raglan Affordable Housing Project	Delete Rule 16.3.9.1 P3 Building setbacks - All boundaries.
86.1	Grigor Construction Limited	Delete Rule 16.3.9.1 P3 Building setbacks - All boundaries which requires a garage to be set back behind the facade of the dwelling.
310.16	Whaingaroa Raglan Affordable Housing Project	Delete the setback requirement for garages in Rule 16.3.9.1 Building setbacks - All boundaries.
FS1276.26	Whaingaroa Environmental Defence Inc. Society	Support
FS1269.101	Housing New Zealand Corporation	Support
946.8	Dee Bond	No specific decision sought, but submission questions

		with regards to Rule 16.3.9.1 P3 Boundary setbacks - All boundaries, why a garage should be set back behind the front facade of the dwelling. The submission considers a garage should be on the street frontage, with the home setback to reduce the street noise to the house.
943.4	McCracken Surveys Limited	Retain Rule 16.3.9.1 (a)(i) Buildings setbacks – All boundaries, as notified.
FS1387.1562	Mercury NZ Limited	Oppose
742.130	New Zealand Transport Agency	Retain Rule 16.3.9.1 Building setback- All boundaries, except for the amendments sought below AND Amend Rule 16.3.9.1 RDI matter of discretion (b)(i) Building setbacks- All boundaries as follows: Read <u>Transport network safety and efficiency</u> ; AND Request any consequential changes necessary to give effect to the relief sought in the submission.
244.17	Garth and Sandra Ellmers	Retain Rule 16.3.9.1 PI (a) Building setbacks – All boundaries, as notified.
419.6	Horticulture New Zealand	Add a new clause (vi) to Rule 16.3.9.2 PI (a) Building setback - Sensitive land use, as follows: <i>(a) Any new building or alteration to an existing building for a sensitive land use must be set back a minimum of: ...</i> <i>(vi) 100m from any boundary adjoining a Rural Zone.</i> AND Any consequential or additional amendments as a result of changes sought in the submission.
FS1330.25	Middlemiss Farm Holdings Limited	Oppose
FS1342.77	Federated Farmers	Support
FS1388.175	Mercury NZ Limited	Oppose
986.53	KiwiRail Holdings Limited (KiwiRail)	Amend Rule 16.3.9.2 Building setback – Sensitive land use as follows (or similar amendments to achieve the requested relief): <i>Building setback – Sensitive land use</i> <i>P1 Sensitive land use</i> <i>(a) Any new building or alteration to an existing building for a sensitive land use must be set back a minimum of:</i> <i>(i) 5m from the designated boundary of the railway corridor ...</i> <i>P2 Railway corridor</i> <i>(i) any new buildings or alterations to an existing building must be setback 5 metres from any designated railway corridor boundary</i>

		OR Retain Rule 16.3.9.2 PI(a)(i) Building setback -sensitive land use if the primary relief above is not accepted AND Any consequential amendments to link and/or accommodate the requested changes.
FS1269.88	Housing New Zealand Corporation	Oppose
FS1031.6	Chorus New Zealand Limited	Oppose
FS1032.6	Vodafone New Zealand Limited	Oppose
FS1033.6	Spark New Zealand Trading Limited	Oppose
749.114	Housing New Zealand Corporation	Delete Rule 16.3.9.2 Building setback for sensitive land use AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
FS1316.44	Alstra (2012) Limited	Oppose
FS1110.36	Synlait Milk Limited	Oppose
FS1322.15	Synlait Milk	Oppose
693.7	Alstra (2012) Limited	Retain Rule 16.3.9.2 Building setback - sensitive land use, except for the amendments sought below; AND Add to Rule 16.3.9.2 Building setback - sensitive land use a new clause (vi) as follows (or words to similar effect): <i><u>(vi) 300m from the closest point of a building on another site associated with an intensive farming activity.</u></i> AND Any consequential amendments or additional relief to address the matters raised in the submission.
FS1317.1	Quinn Haven Investments Limited and M & S Draper	Oppose
742.191	New Zealand Transport Agency	Retain Rule 16.3.9.2 D1 Building setback- Sensitive land sue as notified.
742.132	New Zealand Transport Agency	Retain Rule 16.3.9.2 D1 Building setback sensitive land use as notified.
FS1316.43	Alstra (2012) Limited	Support submission point 742.132 in part with amendment to Rule 16.3.9.2 PI as per submission point 693.7.

742.131	New Zealand Transport Agency	Retain Rule 16.3.9.2 PI Building setback- Sensitive land use, except for the amendments sought below AND Amend Rule 16.3.9.2 PI (a)(iii) Building setback - Sensitive land use as follows <i>(iii) 25m-35m from the designated boundary of the Waikato Expressway;</i> AND Request any consequential changes necessary to give effect to the relief sought in the submission.
871.6	Brendon John & Denise Louise Strong	Amend Rule 16.3.9.3 Building Setback - Water bodies, to match Rule 24.3.6.3 Building setback - water bodies; AND Amend Rule 16.3.9.3 Building setbacks - Water bodies, as follows: <i>Rule PI (a)(ii) ...from the bank of any <u>named</u> river ... <u>P3.A building must be set back a minimum of 10m from the bank of a perennial or intermittent named or unnamed stream.</u></i>
FS1371.43	Lakeside Development Limited	Support
FS1387.1419	Mercury NZ Limited	Oppose
FS1371.37	Lakeside Development Limited	Support
697.325	Waikato District Council	Amend Rule 16.3.9.3 Building setback - Waterbodies, to be consistent in terms of the terminology of structures across all zone chapters.
FS1387.527	Mercury NZ Limited	Oppose
751.17	Chanel Hargrave and Travis Miller	Amend Rule 16.3.9.3 Building setback - Waterbodies to adopt the provision of Rule 24.3.6.3 Building setbacks-water bodies, including the following amendments: <i>PI</i> <i>(a) Any building must be setback a minimum of: ...</i> <i>(ii) ...from the bank if any <u>named</u> river... ..</i> <i>P3</i> <i><u>A building must be set back a minimum of 10m from the bank of a perennial or intermittent named or unnamed stream.</u></i>
FS1387.1073	Mercury NZ Limited	Oppose
FS1281.47	Pokeno Village Holdings Limited	Oppose.
466.9	Balle Bros Group Limited	Amend Rule 16.3.9.3 Building setback – Waterbodies to change setback requirements to 30m from a lake

		and 20m from a watercourse.
FSI 388.403	Mercury NZ Limited	Oppose
65.3	Brent Greig	Amend Rule 16.3.9.3 Building setback - Waterbodies to reduce the setback from the bank of any river from 23m to 10m.
FSI 386.52	Mercury NZ Limited	Oppose
746.43	The Surveying Company	Amend Rule 16.3.9.3 P1 (a) (ii)-Building setback - Water bodies to match Rule 24.3.6.3- Building setback- Waterbodies, including the following: (ii) ...from the bank of any <u>named</u> river... AND Add a new permitted activity (P3) to Rule 16.3.9.3 Building setback- Water bodies as follows P3. A building must be set back a minimum of 10m from the bank of a perennial or intermittent <u>named</u> or <u>unnamed</u> stream.
FSI 387.923	Mercury NZ Limited	Oppose
433.22	Auckland Waikato Fish and Game Council	Amend Rule 16.3.9.3 P1 Building setback - Water bodies, as follows: (a) Any building <u>that is not a maimai</u> must be setback a minimum of: ... AND/OR Any alternative relief to address the issues and concerns raised in the submission.
FSI 223.79	Mercury NZ Limited	Support
662.8	Blue Wallace Surveyors Ltd	Amend Rule 16.3.9.3 P1(a) Building setback - Waterbodies as follows: (a) Any building must be setback a minimum of: (i) 23m from the margin of any: A. lake <u>over 4ha</u> ; and B. wetland; (ii) 23m from the bank of any river (other than the Waikato and Waipa Rivers); (v) <u>10m from a managed wetland</u> AND Any consequential amendments.
FSI 387.99	Mercury NZ Limited	Oppose
749.116	Housing New Zealand Corporation	Amend Rule 16.3.9.3 P1(a)(i) Building setback - Water bodies as follows: (a) Any building must be setback a minimum of: (i) <u>20m</u> 23m from the margin of any: ... AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters

		raised in the submission as necessary.
FSI387.1039	Mercury NZ Limited	Oppose
689.11	Greig Developments No 2 Limited	Amend Rule 16.3.9.3 P1(a)(ii) Building setback - Waterbodies to match Rule 24.3.6.3 Building setback - waterbodies AND Amend Rule 16.3.9.3 P1 Building setbacks - Waterbodies as follows: <i>(ii) 23m from the bank of any <u>named</u> river (other than the Waikato and Waipa Rivers);</i> AND Add a new permitted rule P3 to Rule 16.3.9.3 Building setback - Waterbodies as follows: <i><u>P3 A building must be set back a minimum of 10m from the bank of a perennial or intermittent named or unnamed stream.</u></i>
FSI387.285	Mercury NZ Limited	Oppose
34.2	Brett Titchmarsh	Amend Rule 16.3.9.3 P1(a)(iv) Building setback – Waterbodies to 10m from mean high water springs.
FSI386.28	Mercury NZ Limited	Oppose
697.139	Waikato District Council	Amend Rule 16.3.9.3 P2(a) Building setback – Water bodies as follows: <i>(a) A public amenity of up to 25m², or a pump shed (<u>public or private</u>), within any building setback identified in Rule 16.3.9.3 P1.</i>
FSI387.449	Mercury NZ Limited	Oppose
378.26	Fire and Emergency New Zealand	Retain Rule 16.3.9.3- Building setback - Waterbodies.
FSI388.30	Mercury NZ Limited	Oppose
FSI035.132	Pareoranga Te Kata	Obtain statement of performance expectation (SPE) to allow submission to be accepted.

54. Forty-seven original submissions have been received in relation to the setbacks policies and rules identified above. The submissions were generally concerned with the following matters:
- a. CPTED;
 - b. Building maintenance;
 - c. Reverse sensitivity;
 - d. Various alterations to the setback dimensions;
 - e. Alterations to matters of discretion;
 - f. Deleting rules or policies in their entirety; and
 - g. Retaining policies or rules as notified.

5.3 Analysis

5.3.1 Policy 4.2.4 – Front Setback and Policy 4.2.5 – Setback: Side boundaries

55. Counties Manukau Police [297.10] seeks to amend Policy 4.2.4(a)(iii) Front setback to incorporate more recognition of the CPTED principles and conform to national guidelines. In my opinion, CPTED (Crime Prevention Through Environmental Design) is addressed in Policy 4.1.8(a)(iv) as the Residential Subdivision Guidelines (Appendix 3.1) and Multi Unit Development Guide (Appendix 3.4) incorporate CPTED principles, as does Policy 4.7.3(a) (such as (a)(i) – pedestrian safety; (a)(viii) – pedestrian access; and (a)(ix) discouraging the creation of rear lots), and Policy 4.7.2(a)(v). Accordingly, I do not consider that specific addition into Policy 4.2.4(a)(iii) is required.
56. Sharp Planning Solutions Ltd [695.13] requests amendments to Policy 4.2.5(a) to provide for property maintenance. Property maintenance is not a planning matter, furthermore, housing typology may be attached such as duplex or terraced housing. This matter is best managed by property owners. The submitter (submission point [695.14]) also seeks to amend Policy 4.2.5 by deleting (b) (i) and (ii). In my opinion these are useful to enable positive outcomes for sites which are constrained. Setback distances are a key way of maintaining character in a street or area and should generally not be compromised.
57. KiwiRail Holdings Limited (KiwiRail) [986.71] request the inclusion of reverse sensitivity into Policy 4.2.5. I consider that this is adequately addressed by Objective 6.1.6 (Reverse sensitivity), Policies 6.1.7 (Reverse sensitivity and infrastructure) and Policy 4.7.11 (Reverse sensitivity).
58. Blue Wallace Surveyors Ltd [662.42] seek retention of Policy 4.2.5 and amend it by adding that setback distances can be reduced where written approval is provided by the abutting neighbour. It is not appropriate to address this in a policy. It is a mechanism which is accounted for by the resource consent process. I do not agree with the relief sought and therefore recommend no changes.

5.3.2 Rule 16.3.9.1 – Building setbacks – All boundaries

59. Classic Builders Waikato Limited [123.10] seeks to amend Rule 16.3.9 to remove the requirement for it to apply to rear lots or where the garage door is not on a main street. In my opinion, setbacks are still important, even if they are located on a rear lot or adjoin a right of way. They provide for character, control bulk and scale of the building on a boundary and assist in maintaining outlook and daylight. Rule 16.3.9.1 P1(a) provides for a minimum setback of 1.5m on every other boundary where it does not adjoin a road boundary. I do not agree with the relief sought. However, I do agree that Rule P3 should not apply to garages and this matter is addressed later in the report.
60. Horticulture New Zealand [419.5] request an additional 5m reverse sensitivity setback requirement to Rule 16.3.9.1 P1 (a), where the Residential Zone adjoins the Rural Zone. The submitter also seeks a reverse sensitivity setback for 'sensitive activities' and this is addressed in Section 5.3.3 of this s42A report.
61. With respect to intensive farming activities, it is noted that:
- a) Rule 22.1.3 Restricted Discretionary of the Rural Zone, adequately addresses those intensive farming activities that occur within the Rural Zone which are likely to cause reverse sensitivity effects on adjoining Residential, Village or Country Living Zones; and
 - b) Rule 16.4.7 RDI (a) (iii) requires new residential lots to comply with a minimum separation distance from specific rural activities which have the potential to create the highest reverse sensitivity effects and nuisance.
62. Accordingly, in my opinion, there is no justification for a setback in relation to these rural activities.

63. With respect to 'normal' farming activities, the Waikato Section of the Operative Waikato District Plan does not contain any specific setbacks from Rural Zone boundaries. The Franklin Section contains a 10 metre building setback from the Residential 2 Zone (Pokeno) and the Rural Zone. However, this only relates to specific property in the south west corner of Pokeno as the Residential 2 zone is generally separated from the Rural zone by 20 metre wide roads. If accepted, the effect of the submission would be to apply to all existing Residential/Rural zone interfaces, regardless of how long the boundary has been in existence or the location of buildings. No analysis, information or research is provided by the submission to support the requested dimension. In my opinion, reverse sensitivity is adequately managed through the provisions in the PWDP in conjunction with the manner in which general farming activities are undertaken. Accordingly, I do not agree with the relief sought.
64. Housing New Zealand Corporation [749.113] seeks to amend Rule 16.3.9 P1(a)(i) and (ii) and decrease the setback dimensions from an indicative road and all other boundaries other than a road boundary. No justification, research or analysis is provided for the alteration in dimensions.
65. With respect to indicative roads, these are shown on the planning maps as a single line. The 13 metre setback from this line provides for 10 metres of the 20 metre wide road and the 3m setback for a building from the road boundary.
66. With respect to the 1.5m setback, this is a standard in many district plans that can be reduced with the written approval of the adjoining neighbour (refer s87AA of the RMA). The proposed deletion of P2 is not agreed with, as it removes flexibility for the location of 'non-habitable buildings'. The proposed additional wording to P3 does not provide any additional clarity. In my opinion, the notified setback distances are acceptable and common to many district plans.
67. Classic Builders Waikato Limited [123.5] seek to amend Rule 16.3.9.1 P1 to allow the encroachment of eaves into the specified setback distances. I agree that eaves should be exempt from the setback requirement and the setback should be measured from the finished external wall of the building. In my experience, it is typical for district plans to provide a setback definition. The definition can control the maximum depth of eaves, building above and below ground (if necessary). A definition can also confirm the actual application of a setback requirement in relation to the relative boundaries, particularly where it is not perfectly perpendicular to the boundary. I note the PWDP does not provide one and it has also not been addressed within the s42A report for definitions. I note the creation of a setback definition is out of scope. I therefore agree that it should be specifically excluded from the application of this rule and suggest the amendment below:

16.3.9.1 Building setbacks – All boundaries

P1	(a) <u>The finished external walls (excluding eaves) of a A</u> building must be set back a minimum of: <ul style="list-style-type: none"> (i) 3m from the road boundary; (ii) 13m from the edge of an indicative road; (iii) 1.5m from every boundary other than a road boundary; and (iv) 1.5m from every vehicle access to another site.
P2	(a) <u>The finished external walls (excluding eaves) of a A</u> non-habitable building can be set back less than 1.5m from a boundary, where: <ul style="list-style-type: none"> (i) the total length of all buildings within 1.5m of the boundary does not exceed 6m; and (ii) the building does not have any windows or doors on the side of the building facing the boundary.
P3	(a) A garage must be set back behind the front façade of the dwelling.

RDI	<ul style="list-style-type: none"> (a) A building that does not comply with Rule 16.3.9.1 P1, P2 or P3. (b) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) Road network safety and efficiency; (ii) Reverse sensitivity effects; (iii) Adverse effects on amenity; (iv) Streetscape; (v) Potential to mitigate adverse effects; (vi) Daylight admission to adjoining properties; and (vii) Effects on privacy at adjoining sites
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68. The Surveying Company [746.42] seeks amendments to Rule 16.3.9.1 by reducing the required setback dimensions. No justification or research is provided to alter the dimensions. The setback dimensions as notified are typical and contained in the Operative District Plan. I therefore do not agree with the relief sought.
69. Garth and Sandra Ellmers [244.17] seek to retain Rule 16.3.9.1 P1 (a) as notified. I partially agree with this, with the exception of the amendments set out in the recommendations of this topic below.
70. McCracken Surveys Limited [943.2] and CKL [471.41] both seek amendments to clarify that Rule 16.3.9.1 P1(a)(ii) is from the centreline of the indicative road. CKL [471.41] also seeks clarification within the rule as to whether the rule applies once the road has been constructed or vested. In response to the above, if the road had been vested, it would be a road and not an indicative road. I do not agree that clarification is required in the rule itself, as it would defeat the purpose of the rule in the first place. The rule secures a setback from indicative roads created as part of structure plans and are identified on the planning maps as single lines (refer to discussion in paragraph 65), and as such it would not be practical to amend the rule to refer to the centreline of indicative roads. I recommend that submission points [943.2] and [471.41] be rejected. 'Indicative road' is defined in Chapter 13 as meaning a roading route that is identified on the planning maps. Accordingly, there is no need to clarify where the indicative roads are identified. In light of the above, no changes are recommended.
71. Chanel Hargrave and Travis Miller [751.16] and Greig Developments No 2 Limited [689.10] both seek amendments to alter the setback dimensions specified in Rule 16.3.9.1 P1(a), as they are considered to be excessive and will unduly restrict development. As previously noted, in my experience processing resource consents under various district plans, the setback dimensions contained within the rule are typical. No information or analysis is provided to support the amendments sought of a reduction from 1.5m to 1.2m. I therefore recommend the submission be rejected.
72. McCracken Surveys Limited [943.4] seeks that Rule 16.3.9.1 (a)(i) all boundaries be retained as notified. I am unclear as to which part of the rule (P1 or P2) they are referring to in their submission. In any event, I agree with their submission point, with the exception of the suggested amendments that I have recommended in response to other submissions at the end of this topic.
73. New Zealand Transport Agency [742.129] opposes Rule 16.3.9.1 P1(a) and seeks amendments to differentiate between the road hierarchies, in particular where a building is adjoining a state highway. A greater setback of 7.5 metres from the state highway road boundary is sought. This relief is adequately addressed by Rule 16.3.9.2 Building setback – Sensitive land use and no further amendment is required.
74. The relief sought by New Zealand Transport Agency [742.129] to the second part of Rule 16.3.9.1 P2 (a) relating to non-habitable buildings I do not agree with. The larger setback requirements as discussed above are typically required from a residential amenity

perspective and also to reduce future impacts to residents if New Zealand Transport Agency should require their land for road widening purposes. I find no valid reason why a building containing a non-habitable room (such as garage or storage sheds) can not be constructed closer to the road boundary, and none has been provided by New Zealand Transport Agency.

75. CKL [471.42] and Grigor Construction Limited [86.1] oppose Rule 16.3.9.1 P3 which requires a garage to be set back behind the front façade of the dwelling, and Dee Bond [946.8] does not seek a specific decision but questions the necessity of this rule. The submissions from Whaingaroa Raglan Affordable Housing Project [310.16 and 310.17] and Raglan Chamber of Commerce [326.9] seek deletion of the rule. CKL and Grigor Construction Limited oppose the requirement for garages to be subservient to the façade of the dwelling. The reason provided is not all garages in the front of dwellings result in poor design outcomes. It is generally recognised that setting garages back from the façade of a dwelling prevents the garages from being dominant within the street scene and it also assists with passive surveillance of the street by providing living areas and windows along the street frontage. Requiring garages to be set back behind the front façade of the house also encourages staggered setbacks of buildings along the street frontage, thereby creating a visual break from the bulk and scale of dwellings and garages when viewed within the street. Council's s42A report for the Village Zone (refer to paragraphs 499 – 503) provides research from other councils which supports the setting back of back garages from the dwelling façade for the reasons outlined here. I agree that the application of Rule 16.3.9.1 P3 is not applicable to rear sites and recommend that the following wording be used to clarify this matter, rather than the wording in the submission from CKL [471.42]:

P3	A garage must be set back behind the front façade of the dwelling <u>where the dwelling and garage are on a site that has frontage to a road.</u>
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76. Whaingaroa Raglan Affordable Housing Project [310.10] and Raglan Chamber of Commerce [326.9] seek amendments to Rule 16.3.9.1 RDI by including an additional matter of discretion relating to affordable housing. No analysis has been given with respect to the relationship between affordable housing and the setback of a garage from the façade of a dwelling. In my opinion, the issue of affordable housing is a complex issue with the location of a garage being an insignificant matter. Submissions relating to affordable housing are addressed in Topic 35.
77. Waikare Golf Club (Te Kauwhata) Inc [275.2] requests amendments to the rule to provide for an increased setback specific to their site. The justification provided is health and safety issues (presumably from golf balls hitting nearby houses). In my opinion, it is not appropriate for specific sites to have specific sets of rules, unless they are part of a wider specific overlay (e.g. Horotiu Acoustic Area). This is a matter that is best managed by the submitters themselves within the site (such as erecting boundary netting etc).
78. New Zealand Transport Agency [742.130] requests an amendment to the assessment criteria in Rule 16.3.9.1 RDI (b)(i) to remove the word 'road' and replace with 'transport'. No reason or information was provided for this particular amendment. I understand that evidence was provided at the Village Zone (Hearing 6) which sought that the submitters sought that the matter apply to all forms of transport and on that basis recommend that the submission be accepted.

5.3.3 Rule 16.3.9.2 Building setback – Sensitive land use

79. Horticulture New Zealand [419.6] requests an addition to Rule 16.3.9.2 P1 (a), specifically seeking a 100m setback where the Residential Zone adjoins a Rural Zone. Relief is sought in order to provide improved management of the Rural and Residential Zones, primarily to

manage reverse sensitivity. The Rural Zone Rule 22.1.3 Restricted Discretionary adequately addresses the primary activities that occur within the Rural Zone which are likely to cause reverse sensitivity effects on adjoining Residential, Village or Country Living Zones. Furthermore, Residential Zone subdivision Rule 16.4.7 RDI (a) (iii) requires new residential lots to comply with a minimum separation distance from specific rural activities which have the potential to create the highest reverse sensitivity effects and nuisance.

80. No analysis, information or research is provided around the specified dimension of 100m. In my opinion, as a residential activity comes within the definition of a 'sensitive activity', a setback distance of 100m would render large portions of the Residential Zone unusable and significantly hinder urban growth in the Waikato District. It is noted that in December 2018 new minimum targets for sufficient and feasible development capacity for housing were introduced under the National Policy Statement – Urban Development Capacity. The PWDP was updated with the new data as directed. The Residential Zone is where the bulk of this required growth would occur.
81. Alstra (2012) Limited [693.7] seeks the retention and amendment of Rule 16.3.9.2 to provide for an additional 300m setback from intensive farming activities. Although not clear in the decision requested, the reasons for the submission relate to the protection of the submitters existing intensive farming operations at Starr Road and River Road, within Ngaruawahia. I note that Rural Zone Rule 22.3.7.2 PI(a)(vii) requires a 300m setback of a building for a sensitive land use from another site containing an intensive farming activity. The submitters properties are within the Residential Zone and are given specific policy recognition at Policy 4.1.15 as follows:
- (i) *Existing intensive farming and industrial activities are protected from the effects of reverse sensitivity when locating new residential development; and*
 - (ii) *That future residential development is not located within the intensive farming setbacks from the two operating poultry farms until such time that the two poultry farms within the residential growth areas of Ngaruawahia cease to exist.*
82. However, although the policy direction was included in the PWDP, the supporting rule was omitted. Accordingly, the submission is recommended to be accepted and Rule 16.3.9.2 PI(a) to be amended as follows:
- (v) 300m from the boundary of the Alstra Poultry intensive farming activities located on River Road and Great South Road, Ngaruawahia.
83. KiwiRail Holdings Limited [986.53] requests a new permitted activity rule (Rule 16.3.9.2 P2) in relation to building setbacks from the railway corridor designation boundary. They seek relief so that any building (not just buildings for sensitive land uses) meets a minimum setback of 5m from any designated railway corridor boundary. KiwiRail Holdings Limited states that it is for safety and maintenance purposes. I do not agree with the relief sought. It penalises adjoining land uses that adjoin the designation. Furthermore, if access and maintenance activities require a 5m setback distance, this is usually incorporated into the original Notice of Requirement, or an alteration to a designation is usually sought to accommodate this. I also note that there are other mechanisms with which to gain access such as easements. I understand that KiwiRail Holdings Limited provided evidence at Hearing 6: Village Zone to support the setback on the basis of health and safety matters. However, in my opinion, the control of all buildings within the 5m setback is an education and civil matter for KiwiRail to address with adjacent landowners.
84. KiwiRail Holdings Limited [986.62] also seek to include additional matters of discretion to address non-compliance with the 5m setback rule proposed above. As I do not agree with the proposed rule, the proposed matters of discretion are unnecessary, and I recommend that the panel reject the relief sought.

85. Housing New Zealand Corporation [749.114] seeks to delete Rule 16.3.9.2 Building setback for sensitive land use. At the time of writing this, no justification, reason or analysis is provided. I do not agree that this rule should be deleted, as it manages reverse sensitivity between land uses that create on-going effects and the Residential Zone.
86. New Zealand Transport Agency [742.191] and [742.132] seeks to retain Rule 16.3.9.2 D1 Building setback – sensitive land use as notified. I agree with this relief. They also seek to amend Rule 16.3.9.2 [742.131] to increase the setback from the Waikato Expressway from 25m to 35m. The reason provided is that 25m is not sufficient enough distance to mitigate adverse reverse sensitivity effects. In addition, the Operative District Plan (Waikato Section) requires a 35m setback. From my analysis it would appear that the only part of the new Waikato Expressway (due to the existing state highway network being revoked) that adjoins a Residential Zone will be at Pokeno (refer to Planning Map 7.5). This was part of Franklin Section where Rule 27A.5.5.5 required a 20 metre yard with the State Highway. No information, analysis has been provided to justify the increase in setback required. Accordingly, it is recommended that the submission be rejected.

5.3.4 Rule 16.3.9.3 Building Setback – Waterbodies

87. Brendon John and Denise Louise Strong [871.6] seek to amend Rule 16.3.9.3 to match Rule 24.3.6.3 (Building setback – waterbodies) within the Village Zone chapter. I note the authors' recommendation in paragraph 563 of the Village Zone to align this particular rule more with the Residential Zone, and their supporting reasons. This matter was addressed in paragraph 427 of Hearing Report H9 : where the following was noted:

“The amendments from the Strongs seek setbacks from perennial or intermittent streams. Streams come within the definition of ‘river’, and as such are already subject to the rule. I also note that changes set out in the proposed National Policy Statement and National Environmental Standard for Freshwater include setbacks from water bodies. Accordingly, in my opinion, it is better to await the outcome of those changes and align the PWDP with them.”

88. Accordingly, it is recommended that the submission be rejected.
89. Waikato District Council [697.325] seeks amendments to the rule to be consistent in terms of terminology and structure across all zone chapters. While I agree that a consistent approach should be taken across the plan, it is unclear exactly what the submitter requires amending. I therefore disagree with the relief sought.
90. Chanel Hargrave and Travis Miller [751.17], The Surveying Company [746.43], Greig Development No 2 Limited [689.11] and Brendon John and Denise Louise Strong [871.6] seek the same amendments to Rule 16.3.9.3 PI to include reference to a named river and to add P3 to align with Rule 24.3.6.3, which requires a minimum setback of 10m from streams (perennial, named or unnamed). Reasons provided are they are not consistent with the Operative District Plan – Franklin Section Provisions. From my experience processing resource consents, it is typical to have a setback from streams both within the urban and rural environments to protect the streams themselves, their setting and also riparian vegetation in terms of their ecological value. It is also common that streams or their tributaries are not mapped. I also note that Rule 4.2.18.1 of the Waikato Regional Plan controls building within 10m of artificial watercourses (drains), modified watercourses or rivers within drainage districts and river control scheme areas that are managed by the Waikato Regional Council or the Waikato District Council. As noted above, no changes are recommended.
91. Balle Bros Group Limited [466.9], Brent Greig [65.3], Blue Wallace Surveyors Ltd [662.8], Housing New Zealand Corporation [749.116] and Brett Titchmarsh [34.2] seek various

amendments to the specified setback distances within Rule 16.3.9.3 from lakes, rivers, watercourses and mean high water springs. The reasons provided are:

- a. these dimensions should align across the plan,
 - b. ambiguous definitions of wetlands within the RMA should be clarified,
 - c. consideration should be given to the setback dimension,
 - d. no reason was provided and a lake can be ambiguous, a dimension should be assigned to it as a starting point (i.e 4ha).
92. It is my understanding that the setback requirements of Rule 16.3.9.3 correspond with the respective requirements as set out in Rule 16.4.14 and Appendix 4 Esplanade Priority Areas. The author of the s42A report for Hearing 6 : Village Zone also assessed the issue of altering the setback dimensions in paragraphs 547 – 551. This was also addressed in paragraphs 425 – 428 of the s42A report for Hearing 9 : Business Zones. I agree with their rational and approach, in so far as the dimensions seek to protect the natural character of lakes, wetlands, and rivers and their margins. I also agree that the RMA definitions with respect to lake, wetlands, and river are very broad and are not easily determined in practice. However, that is the definition that needs to be worked with. also acknowledge that managed wetlands (e.g. man-made stormwater treatment areas) can also become problematic and that their natural character should not necessarily be protected. It is recommended that the submission from Blue Wallace be accepted by making reference to ‘artificial’ wetlands. Otherwise, I disagree with the relief sought.
93. Auckland Waikato Fish and Game Council [433.22] seek to amend Rule 16.3.9.3 P1 to provide for maimais. I agree with the submitters’ reasoning, in that they are controlled by the Building Act 2004, and they are addressed by the Waikato Regional Plan, specifically by Rule 4.2.7.1 as a permitted activity. However, maimai are not a building provided for (nor are likely) in the Residential Zone and accordingly the submission is rejected.
94. Waikato District Council [697.139] seek to amend Rule 16.3.9.3 P2(a) to specify that the pump shed can be private or public. I agree with the amendments proposed, as the rule indicates that this only applies to public amenities and recommend that amendments are incorporated as set out below.

16.3.9.3 Building setback – Waterbodies

PI	(a) Any building must be setback a minimum of: <ol style="list-style-type: none"> (i) 23m from the margin of any; <ol style="list-style-type: none"> A. lake; and B. wetland; (ii) 23m from the bank of any river (other than the Waikato and Waipa Rivers); (iii) 28m from the margin of both the Waikato River and the Waipa River; and (iv) 23m from mean high water springs.
P2	(a) A public amenity of up to 25m ² or a pump shed (<u>public or private</u>), within any building setback identified in Rule 16.3.9.3 P1.
DI	Any building that does not comply with Rule 16.3.9.3 P1 or P2.

95. Fire and Emergency New Zealand [378.26] seeks to retain Rule 16.3.9.3. It is recommended that the relief sought be accepted in part insofar as I have recommended amendments in response to other submission points.

5.4 Recommendations

96. I recommend, for the reasons given above, that the Hearings Panel:

- a. **Reject** submission point Counties Manukau Policy [297.10]
- b. **Reject** submission point Sharp Planning Solutions Ltd [695.13] and [695.14]
- c. **Reject** submission point KiwiRail Holdings Limited [986.71]
- d. **Reject** submission point KiwiRail Holdings Limited [986.62]
- e. **Reject** submission point Blue Wallace Surveyors Ltd [662.42]
- f. **Reject** submission point Classic Builders Waikato Limited [123.10]
- g. **Reject** submission point Horticulture New Zealand [419.5]
- h. **Reject** submission point Housing New Zealand Corporation [749.113]
- i. **Accept** submission point Classic Builders Waikato Limited [123.5]
- j. **Reject** submission point The Surveying Company [746.42]
- k. **Reject** submission points McCracken Surveys Limited [943.2] and CKL [471.41]
- l. **Reject** submission point Garth and Sandra Ellmers [244.17].
- m. **Reject** submission points Chanel Hargrave and Travis Miller [751.16] and Greig Developments No 2 Limited [689.10]
- n. **Accept in part** submission point [943.4] by McCracken Surveys Limited.
- o. **Reject** submission point New Zealand Transport Agency [742.129]
- p. **Reject** submission point Waikato District Council [697.137]
- q. **Accept** submission points CKL [471.42] and Grigor Construction Limited [86.1]
- r. **Reject** submission point Dee Bond [946.8]
- s. **Reject** submission points Whaingaroa Raglan Affordable Housing Project [310.10], [310.17], [310.16] and Raglan Chamber of Commerce [326.9]
- t. **Reject** submission point Waikare Golf Club (Te Kauwhata) Inc [275.2]
- u. **Accept** submission point New Zealand Transport Agency [742.130]
- v. **Reject** submission point Horticulture New Zealand [419.6]
- w. **Reject** submission point KiwiRail Holdings Limited [986.53]
- x. **Reject** submission point Housing New Zealand Corporation [749.114]
- y. **Accept** submission point Alstra (2012) Limited [693.7]
- z. **Accept in part** submission points New Zealand Transport Agency [742.191] and [742.132].
- aa. **Reject** submission point New Zealand Transport Agency [742.131].
- bb. **Reject** submission point Brendon John and Denise Louise Strong [871.6]
- cc. **Reject** submission point Waikato District Council [697.325]
- dd. **Reject** submission points Chanel Hargrave and Travis Miller [751.17] and Greig Development No 2 Limited [689.11]
- ee. **Reject** submission points The Surveying Company [746.43]
- ff. **Reject** submission points Balle Bros Group Limited [466.9], Brent Grieg [65.3], Blue Wallace Surveyors Ltd [662.8], Housing New Zealand Corporation [749.116], Brett Titchmarsh [34.2] and Auckland Waikato Fish and Game Council [433.22].
- gg. **Accept** submission point Waikato District Council [697.139]

hh. **Accept in part** submission point Fire and Emergency New Zealand [378.26].

5.5 Recommended amendments

97. The following amendments are recommended:

16.3.9.1 Building setbacks – All boundaries

PI	(a) <u>The finished external walls (excluding eaves) of a A</u> building must be set back a minimum of: <ul style="list-style-type: none"> (i) 3m from the road boundary; (ii) 13m from the edge of an indicative road; (iii) 1.5m from every boundary other than a road boundary; and (iv) 1.5m from every vehicle access to another site.
P2	(a) <u>The finished external walls (excluding eaves) of a A</u> non-habitable building can be set back less than 1.5m from a boundary, where: <ul style="list-style-type: none"> (i) the total length of all buildings within 1.5m of the boundary does not exceed 6m; and (ii) the building does not have any windows or doors on the side of the building facing the boundary.
P3	A garage must be set back behind the front façade of the dwelling <u>where the dwelling and garage are on a site that has frontage to a road.</u>
RDI	(a) A building that does not comply with Rule 16.3.9.1 P1, P2 or P3. (b) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) Road network safety and efficiency; (ii) Reverse sensitivity effects; (iii) Adverse effects on amenity; (iv) Streetscape; (v) Potential to mitigate adverse effects; (vi) Daylight admission to adjoining properties; and (vii) Effects on privacy at adjoining sites

16.3.9.2 Building setback – Sensitive land use

PI	(a) Any new building or alteration to an existing building for a sensitive land use must be set back a minimum of: <ul style="list-style-type: none"> (i) 5m from the designated boundary of the railway corridor; (ii) 15m from the boundary of a national route or regional arterial; (iii) 25m from the designated boundary of the Waikato Expressway; (iv) 300m from the edge of oxidation ponds that are part of a municipal wastewater treatment facility on another site; and (v) 30m from a municipal wastewater treatment facility where the treatment process is fully enclosed; and (vi) <u>300m from the boundary of the Alstra Poultry intensive farming activities located on River Road and Great South Road, Ngaruawahia.</u>
DI	Any building for a sensitive land use that does not comply with Rule 16.3.9.2. P1.

16.3.9.3 Building setback – Water bodies

PI	(a) Any building must be setback a minimum of: <ul style="list-style-type: none"> (i) 23m from the margin of any; <ul style="list-style-type: none"> A. lake; and B. wetland; (ii) 23m from the bank of any river (other than the Waikato and Waipa Rivers); (iii) 28m from the margin of both the Waikato River and the Waipa River; and
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	(iv) 23m from mean high water springs.
P2	A public amenity of up to 25m, ² or a pump shed (<u>public or private</u>) within any building setback identified in Rule 16.3.9.3 P1.
D1	Any building that does not comply with Rule 16.3.9.3 P1 or P2.

5.6 Section 32AA evaluation

98. The recommended amendments to Rules 16.3.9.1 and 16.3.9.3 are to provide clarification to assist with understanding of the purpose/intent of the rules and how they are to be assessed and applied. Accordingly, no s32AA evaluation has been required to be undertaken.

6 Topic 3: Site coverage

6.1 Introduction

99. Policy 4.2.7 – Site Coverage and Permeable Surfaces seeks to ensure that sites have sufficient open space in order to contribute to character, amenity and a feeling of the street. It also provides for adequate stormwater drainage. Additionally, Rule 16.3.6 Building coverage is one of the mechanism that implements this policy. Policy 4.2.7 and Rule 16.3.6 are addressed in this topic.

6.2 Submissions

100. The following submissions were made:

Submission point	Submitter	Summary of submission
831.13	Raglan Naturally	Add rules that support Policy 4.2.7 Site Coverage and Permeable Surfaces.
825.11	John Lawson	Add rules that support Policy 4.2.7 Site Coverage and Permeable Surfaces.
FS1385.69	Mercury NZ Limited for Mercury B	Oppose
780.11	Whaingaroa Environmental Defence Incorporated Society	Add rules that support Policy 4.2.7 Site Coverage and Permeable Surfaces.
FS1385.49	Mercury NZ Limited for Mercury B	Oppose
695.15	Sharp Planning Solutions Ltd	Amend Policy 4.2.7(b) site coverage and permeable surfaces to remove the words “lawns and gardens”.
749.110	Housing New Zealand Corporation	Add a restricted discretionary activity provision to Rule 16.3.6 Building coverage that reads as follows: <u>RDI</u> <u>(a) Total building coverage that does not comply with Rule 16.3.6 P1.</u> <u>(b) Council's discretion shall be rested to any of the</u>

Submission point	Submitter	Summary of submission
		<p><u>following matters:</u></p> <p><u>(i) Design and location of the building;</u></p> <p><u>(ii) Provision for outdoor living space;</u></p> <p><u>(iii) Privacy on adjoining sites.</u></p> <p>AND</p> <p>Amend Rule 16.3.6 D1 Building coverage as follows: Total building coverage that does not comply with Rule 16.3.6 P1, P2 or P3.</p> <p>AND</p> <p>Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.</p>
FS1387.1038	Mercury NZ Limited	Oppose
697.135	Waikato District Council	<p>Add in after Rule 16.3.6 as follows:</p> <p><u>Rule 16.3.6A Impervious surfaces</u></p> <p><u>P1 - The impervious surface of a site must not exceed 70%.</u></p> <p><u>RDI</u></p> <p><u>(a) Impervious surface that does not comply with Rule 16.3.6A P1</u></p> <p><u>(b) Council's discretion is restricted to the following matters:</u></p> <p><u>(i) Site design, layout and amenity;</u></p> <p><u>(ii) The risk of flooding, nuisance or damage to the site or other buildings and sites.</u></p>
697.134	Waikato District Council	Amend Rule 16.3.6 D1 Building coverage as follows: Total Building coverage that does not comply with Rule 16.3.6 P1, P2 or P3.
471.53	CKL	<p>Amend Rule 16.3.6 D1 Building coverage to be a restricted discretionary activity as follows:</p> <p>D1<u>RDI</u> Total building coverage that does not comply with Rule 16.3.6 P1, P2 or P3.</p> <p>AND</p> <p>Any consequential amendments necessary.</p>
FS1308.182	The Surveying Company	Oppose
FS1269.130	Housing New Zealand Corporation	Support.
689.7	Greig Developments No 2 Limited	Amend Rule 16.3.6 P1 Building coverage as follows The total building coverage must not exceed

Submission point	Submitter	Summary of submission
		50% 40%
746.39	The Surveying Company	Amend Rule 16.3.6 P1- Building Coverage as follows: <i>The total building coverage must not exceed 40% 50%.</i>
751.13	Chanel Hargrave and Travis Miller	Amend Rule 16.3.6 P1 Building Coverage as follows: <i>The total building coverage must not exceed 40 60%.</i>
244.15	Garth and Sandra Ellmers	Amend Rule 16.3.6 P1 Building coverage, to increase building coverage for homes from 40% to 50%.
368.26	Ian McAlley	Amend Rule 16.3.6 P2 Building Coverage, to make the building coverage allowance in the Te Kauwhata Residential West Area the same as the Residential Zone 40%.
FS1061.12	Campbell Tyson	Support
946.6	Dee Bond	Amend Rule 16.3.6 P3 Building Coverage, to include "Raglan".
871.5	Brendon John & Denise Louise Strong	Amend Rule 16.3.6 P1 Building Coverage, as follows: <i>The total building coverage must not exceed 4050%.</i>

101. In summary, the submissions seek to:

- a. Alter the activity status from Discretionary to Restricted Discretionary if the permitted activity standards are not met;
- b. Increase the total coverage from 40% to 50% or 60%;
- c. Remove reference to lawns and gardens from the policy; and
- d. Provide more rules to underpin the policy.

6.3 Analysis

102. Raglan Naturally [831.13], John Lawson [825.11], and Whaingaroa Environmental Defence Incorporated Society [780.11] request rules to support Policy 4.2.7. However, I note that Rule 16.3.6 P1 (Building coverage) and Rule 16.3.7 (Living court) already support the policy. Furthermore, Rule 14.11.1 P2 and rule 14.11.2 RD2 Water, Wastewater and stormwater manages stormwater from a site also underpins the policy. No specific amendments were sought. I do not support the relief sought.
103. Sharp Planning Solutions Ltd [695.15] seeks to amend policy 4.2.7(b) site coverage and permeable surfaces to remove words "lawns and gardens". The reason being that it is not for council to dictate what form the permeable areas may take. I agree with this statement and agree the reference to lawn and gardens should be removed from policy 4.2.7(b). I suggest the below amendment:

4.2.7 Policy – Site Coverage and Permeable Surfaces

- a) Ensure all sites have sufficient open space to provide for landscaping, on-site stormwater disposal, parking, and vehicles manoeuvring by maintaining maximum site coverage requirements for buildings in the Residential Zone.
- b) Ensure a proportion of each site is maintained in permeable surfaces ~~such as lawn and gardens~~, in order to ensure there is sufficient capacity to enable disposal of stormwater.
104. Housing New Zealand Corporation [749.110] and CKL [471.53] both seek to amend Rule 16.3.6 (building coverage) so that if the building coverage exceeds 40% as required under PI then the rule defaults to a restricted discretionary activity rather than a discretionary activity status. Housing New Zealand Corporation has provided a list of matters that should be considered as part of a restricted discretionary activity application. I concur with the submitter that as the matters of discretion are able to be determined, then the restricted discretionary activity status is more efficient than a full discretionary activity. There are additional matters of discretion that I consider relevant to add to the list as set out below.
105. Greig Developments No 2 Limited [689.7], The Surveying Company [746.39], Bendon John & Denise Louise Strong [871.5] and Garth and Sandra Ellmers [244.15] seek to amend Rule 16.3.6.1 PI to increase building coverage from 40% to 50%. The reason provided is that it does not enable the efficient use of urban land and fails to increase the development capacity of existing urban areas. They further state that building coverage is linked to utilisation of residential-zoned land, which supports the strategic direction outlined in Section A and Chapter B 4.1. Chanel Hargrave and Travis Miller [751.13] also seek to amend the building coverage from 40% to 60%, indicating that lifestyle trends around the world and family life no longer require big gardens. In my opinion, the site coverage at 40% reflects the level of residential amenity still sought for most residential development. The recommended activity status of restricted discretionary provides the flexibility to consider increases in the site coverage on a site by site basis. In addition, it is noted that Rule 16.1.3 RDI (Multi-Unit development), Rule 16.3.2 (Minor dwelling) and Rule 16.4.4 Subdivision - Multi-unit development) has been specifically included to provide for various housing typology and higher density developments. These provisions have been specifically provided as an incentive for comprehensive residential developments. Accordingly, no change to the site coverage standard is recommended.
106. Waikato District Council [697.135] seeks to relocate the permeable surface rule from Chapter 14, specifically Rules 14.11.1(P2) and 14.11.2(RD2) into the Residential Zone Chapter. The reason stated is it is easier to find when navigating the plan. The impervious surfaces rule do not naturally sit within the Chapter 14 Infrastructure and Energy and it would be typical in other district plans to find impervious surface rules located within the individual zone chapters alongside building coverage rules. I also do not consider the movement of this rule into this chapter would undermine the purpose of Chapter 14 Infrastructure and Energy.

16.3.6A Impervious surfaces

<u>PI</u>	<u>The impervious surfaces of a site must not exceed 70%.</u>
<u>RDI</u>	<p>(a) <u>Impervious surface that does not comply with Rule 16.3.6A PI</u></p> <p>(b) <u>Councils discretion is restricted to the following matters:</u></p> <p>(i) <u>Site design, layout and amenity;</u></p> <p>(ii) <u>The risk of flooding, nuisance or damage to the site or other buildings and site.</u></p>

107. Waikato District Council [697.134] seeks to amend Rule 16.3.6 DI to remove the word 'total' and refer to 'building coverage' as opposed to total building coverage. The reason

given is so it aligns with the other chapters in the plan. I do not agree with the relief sought, clarification of 'total' building coverage is useful.

108. Ian McAlley [368.26] seeks to amend Rule 16.3.6 P2 Building coverage to increase the building coverage from 35% to 40% within the Te Kauwhata Residential Area or the Te Kauwhata Ecological Residential Area. The submitter states that no justification is given for the smaller site coverage size within the plan. I note that 35% building coverage is carried over from the Operative District Plan (Rule 21A.10) and was incorporated into the plan as part of the Te Kauwhata Structure Plan. The Council officer's section 32 report states in Part 3 page 27:

"A reduction in amount of building coverage allowed within the Te Kauwhata structure plan area compared with elsewhere in the district reflects the importance of retaining natural hydrology and landscape values as much as possible. This rule in combination with the lot-size rules will result in more rain infiltrating the soil and more area being available for amenity planting, particularly trees. Regulation is both efficient and effective in producing the desired environmental outcomes because developers are made aware of the Council's requirements at the earliest opportunity.

Benefits:

- (i) Hydrological and amenity objectives promoted;
 - (ii) Costs;
 - (iii) Constraint on land use development;
 - (iv) Risk of acting or not acting – not applicable."
109. It is clear from the analysis contained within the section 32 report the importance of lower building coverage requirements. The submitter has provided no research, justification or information supporting the proposed relief sought. I therefore disagree with the relief sought for the above-mentioned reasons.
110. Dee Bond [946.6] seeks to amend Rule 16.3.6 P3 to include the word 'Raglan'. Rule 16.3.6 P1 covers the Bankart Street and Wainui Road Business Overlay Areas, which are shown on the planning maps where business use occurs in the Residential Zone and therefore a higher building coverage is provided. There is no need to specify that the rule relates to Raglan.

6.4 Recommendations

111. I recommend, for the reasons given above, that the Hearings Panel:
- a. **Reject** submission point Raglan Naturally [831.13]
 - b. **Reject** submission point John Lawson [825.11]
 - c. **Reject** submission point Whaingaroa Environmental Defence Incorporated Society [780.11]
 - d. **Accept** submission point Sharp Planning Solutions Ltd [695.15]
 - e. **Accept** submission point Housing New Zealand Corporation [749.110]
 - f. **Accept** submission point Waikato District Council [697.135]
 - g. **Reject** submission point Waikato District Council [697.134]
 - h. **Accept** submission point CKL [471.53]
 - i. **Reject** submission point Greig Developments No 2 Limited [689.7]
 - j. **Reject** submission point The Surveying Company [746.39]
 - k. **Reject** submission point Chanel Hargrave and Travis Miller [751.13]

- l. **Reject** submission point Garth and Sandra Ellmers [244.15]
- m. **Reject** submission point Ian McAlley [368.26]
- n. **Reject** submission point Dee Bond [946.6]
- o. **Reject** submission point Brendon John & Denise Louise Strong [871.5]

6.5 Recommended amendments

112. The recommended amendments are shown in Appendix 2, Policy 4.2.7 and new Rule 16.3.6A. As set out below:

4.2.7 Policy – Site Coverage and Permeable Surfaces

- a) Ensure all sites have sufficient open space to provide for landscaping, on-site stormwater disposal, parking, and vehicles manoeuvring by maintaining maximum site coverage requirements for buildings in the Residential Zone.
- b) Ensure a proportion of each site is maintained in permeable surfaces ~~such as lawn and gardens~~, in order to ensure there is sufficient capacity to enable disposal of stormwater.

16.3.6 Building coverage

P1	The total building coverage must not exceed 40%.
P2	Within the Te Kauwhata Residential West Area or the Te Kauwhata Ecological Residential Area as identified on the planning maps, the total building coverage must not exceed 35%.
P3	Within the Bankart Street and Wainui Road Business Overlay Area as identified on the planning maps, total building coverage must not exceed 50%.
P4 RDI	<p>(a) Total building coverage that does not comply with Rule 16.3.6 P1, P2 or P3.</p> <p>(b) <u>Council's discretion shall be restricted to the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>Whether the balance of open space and buildings will maintain the character and amenity values anticipated for the zone;</u> (ii) <u>Visual dominance of the street resulting from building scale;</u> (iii) <u>Management of stormwater flooding, nuisance or damage to within the site.</u>

16.3.6A Impervious surfaces

PI	<u>The impervious surfaces of a site must not exceed 70%.</u>
RDI	<p>(a) <u>Impervious surface that does not comply with Rule 16.3.6A PI</u></p> <p>(b) <u>Councils discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>Site design, layout and amenity;</u> (ii) <u>The risk of flooding, nuisance or damage to the site or other buildings and site.</u>

6.6 Section 32AA evaluation

113. The recommended amendments to Policy 4.2.7, Rule 16.3.6 and new Rule 16.3.6A (although being relocated from Chapter 14 to Chapter 16) are to provide clarification, consistency and for ease of location. Accordingly, no s32AA evaluation has been required to be undertaken with respect to those changes.

114. The change in activity status due to non-compliance with the permitted activity status from discretionary to restricted discretionary, is an efficient and effective means of directing the assessment to the specific matters that need to be considered.

7 Topic 4: Excessive building scale

7.1 Introduction

115. Policy 4.2.8 seeks to manage and facilitate a high quality of development within the Residential Zone . This aids in developing good character, streetscape and feeling to a street or area. Policy 4.2.8 – Excessive building scale is specifically addressed in this topic.

7.2 Submissions

116. The following submissions were made:

Submission point	Submitter	Summary of submission
749.1	Housing New Zealand Corporation	Amend Policy 4.2.8 Excessive building scale by changing the heading as follows: <i>Policy - Excessive <u>Building Scale</u></i> AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
FS/387.988	Mercury NZ Limited	Oppose

117. In summary, the submission seeks an amendment to the title of the policy and supports the intent of the policy, but does not agree with the title, stating it should focus on building scale.

7.3 Analysis

118. I agree that the title of the policy should focus on building scale, although noting that the intent of the policy is to control excessive building scale and height.

7.4 Recommendations

119. I recommend, for the reasons given above, that the Hearings Panel:
- a. **Accept** the submission from Housing New Zealand Corporation [749.1].

7.5 Recommended amendments

120. The following amendment is recommended, as shown in Appendix 2 – Chapter 4: Urban Environment – Section 4.2 Residential Zone

4.2.8 Policy – ~~Excessive~~ **B**uilding scale

- a) Facilitate quality development by ensuring buildings are a complementary height, bulk and form for the site, and are in keeping with the amenity values of the street.

8 Topic 5: Daylight and outlook

8.1 Introduction

121. Policy 4.2.10 – Daylight and outlook seeks to maintain adequate levels of daylight for solar gain, maintain privacy and access to minimise visual dominance, and maintain and enhance open spaces, including residential character. Rule 16.3.5 Daylight admission gives effect to this policy, by requiring buildings and structures to comply with the height control plane. These seek to ensure that overshadowing/loss of privacy/detraction of amenity does not occur. Adequate daylight and open appearance affects the feel and look of a street, and significantly effects residents’ on-site amenity.

8.2 Submissions

122. The following submissions were made:

Submission point	Submitter	Summary of submission
695.16	Sharp Planning Solutions Ltd	Amend Policy 4.2.10(a) Daylight and outlook as follows: <i>Maintain adequate daylight, and enable opportunities for passive solar gain by providing for the progressive reduction in the heights of buildings.</i> AND Consider adding a link to a rule or a source for context for Policy 4.2.10(a) Daylight and outlook.
695.17	Sharp Planning Solutions Ltd	Amend Policy 4.2.10(b) Daylight and outlook as follows: <i>Require the height, bulk and location of development to maintain sunlight access and privacy, and to minimise <u>non-compliant</u> visual dominance effects on adjoining sites <u>where they are demonstrated to the satisfaction of council that they cannot be reasonably avoided due to constraints such as steep topography in relation to effects of works and costs.</u></i>
695.18	Sharp Planning Solutions Ltd	Amend Policy 4.2.10(c) Daylight and outlook as follows: <i>Maintain and enhance attractive open space character of residential areas by ensuring that development is compatible in scale to surrounding activities and structures and has <u>generous compliant</u> on-site landscaping, screening and street planting, <u>as set out in design guide xyz as stated as being applicable to the proposal in that design guide.</u></i>
297.11	Counties Manukau Police	Amend Policy 4.2.10(c) Daylight and outlook as follows: <i>Maintain and enhance attractive open space character of residential areas by ensuring that development is compatible in scale to surrounding activities and structures and has generous on-site landscaping, screening and street planting, <u>conforming to the national guidelines for CPTED.</u></i>
FS1269.11	Housing New Zealand Corporation	Oppose

Submission point	Submitter	Summary of submission
749.109	Housing New Zealand Corporation	Amend Rule 16.3.5 Daylight admission as follows: <i>PI Buildings must not protrude through a height control plane rising at an angle of 37 45 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.</i> <i>RDI (a) A building that does not comply with Rule 16.3.5 PI.</i> <i>(b) Council's discretion shall be restricted to the following matters: ... (iv) Privacy on another adjoining sites; and (f) Effects on amenity values and residential character.</i> AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
FS1297.23	CSL Trust & Top End Properties Limited	Support.
FS1261.17	Annie Chen	Support
243.5	Shaun McGuire	Amend Rule 16.3.5 Daylight admission, to change the rising angle of the height control plane from 37 degrees to 45 degrees.
FS1377.47	Havelock Village Limited	Support
FS1261.14	Annie Chen	Support
FS1297.20	CSL Trust & Top End Properties Limited	Support
368.25	Ian McAlley	Amend Rule 16.3.5 Daylight Admission, to enable the height control plane to be measured from the top of a retaining wall where that retaining wall was included in the design of the subdivision and constructed as part of the subdivision prior to individual houses being built.
689.6	Greig Developments No 2 Limited	Amend Rule 16.3.5 PI Daylight admission as follows: <i>Buildings must not protrude through a height control plane rising at an angle of 3745 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary</i>
FS1261.15	Annie Chen	Support
FS1297.21	CSL Trust & Top End Properties Limited	Support
FS1377.195	Havelock Village Limited	Support.
943.49	McCracken Surveys Limited	Amend Rule 16.3.5 PI - Daylight admission, to increase daylighting to 45 degrees north and 37 degrees south measured 3.0m above the ground level at all boundaries.
746.38	The Surveying Company	Amend Rule 16.3.5 PI- Daylight admission as follows:

Submission point	Submitter	Summary of submission
		<i>Buildings must not protrude through a height control plane rising at an angle of 37 <u>45</u> degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.</i>
FS1297.22	CSL Trust & Top End Properties Limited	Support
FS1261.16	Annie Chen	Support
662.6	Blue Wallace Surveyors Ltd	Amend Rule 16.3.5 PI Daylight admission as follows: <i>Buildings must not protrude through a height control plane rising at an angle of 37 degrees commencing at an elevation of 2.5<u>3</u>m above ground level at every point of the site boundary</i>
695.170	Sharp Planning Solutions Ltd	Amend Rule 16.3.5 PI Daylight admission as follows: <i>Buildings must not protrude through a height control plane rising at an angle of 37<u>45</u> degrees commencing at an elevation of 2.5<u>3</u>m above ground level at every point of the site boundary.</i>
FS1287.32	Blue Wallace Surveyors Ltd	Support
751.12	Chanel Hargrave and Travis Miller	Amend Rule 16.3.5 PI Daylight admission as follows: <i>Buildings must not protrude through a height control plane rising at an angle of 37<u>45</u> degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.</i>
FS1297.24	CSL Trust & Top End Properties Limited	Support
FS1261.18	Annie Chen	Support
123.8	Classic Builders Waikato Limited	Amend Rule 16.3.5 PI Daylight admission, as follows: <i>Buildings must not protrude through a height control plane rising at an angle of 37<u>45</u> degrees commencing at an elevation of 2.5<u>2.7</u>m above ground level at every point of the site boundary.</i>
FS1092.13	Garth & Sandra Ellmers	Not stated
FS1092.9	Garth & Sandra Ellmers	Support.
871.4	Brendon John & Denise Louise Strong	Amend Rule 16.3.5 PI Daylight admission, as follows: <i>Buildings must not protrude through a height control plane rising at an angle of 37<u>45</u> degrees commencing at an elevation of 2.5m above the ground level at every point of the site boundary.</i>
FS1297.25	CSL Trust & Top End Properties Limited	Support
FS1261.19	Annie Chen	Support

Submission point	Submitter	Summary of submission
698.3	Simon Dromgool on behalf of Christine Dromgool, John and Caroline Vincent and Mark Dromgool	Amend Rule 16.3.5 PI Daylight Admission, to 45 degrees at 2.7 metre boundary height.
244.14	Garth and Sandra Ellmers	Amend Rule 16.3.5 PI Daylight admission, to reduce the height control plane angle to be more in line with other NZ councils – a relaxation of the control plane angle when a proposed building is not adjacent to residence on one or more boundaries for example, lots adjoining public walkways, public parks, road, rear driveways, reserves etc.
697.133	Waikato District Council	Amend Rule 16.3.5 RDI(b) Daylight admission to read as follows: <i>(a) Council's discretion shall be restricted to the following matters:</i> <i>(i) Height of the building;</i> <i>(ii) Design and location of the building;</i> <i>(iii) Extent of shading on adjacent sites <u>Level of shading on any other sites;</u></i> <i>(iv) Privacy on another <u>any other sites;</u> and</i> <i>(v) Effects on amenity values and residential character of the locality.</i>
386.11	Pokeno Village Holdings Limited	Retain Rule 16.3.5 RDI Daylight admission where non-compliance with the daylight admission standards is assessed as a restricted discretionary activity.

123. In summary, 19 submissions have been received in relation to daylight and outlook, they generally seek to:
- a. Amend Policy 4.2.10 to be more prescriptive;
 - b. Amend Rule 16.3.5 to increase the elevation at which the height control plane is measured from, 2.5m to 3m; and
 - c. Amend Rule 16.3.5 to increase the angle at which the height control plane is measured from 37 degrees to 45 degrees.

8.3 Analysis

124. Sharp Planning Solutions Ltd [695.16], [695.17] and [695.18] seek amendments to all three parts of Policy 4.2.10 – Daylight and outlook. Amendments are sought to part (a) to remove the mechanism of how this is achieved within the policy. I agree that the policy contains a 'method' and that part of the policy should be deleted.
125. In relation to the amendment sought to Policy 4.2.10 part (b) by submission point [695.17], the submitter seeks to amend the policy to refer to 'non-compliant' visual dominance and tailor the policy to demonstrate that no other alternative is available, due to site topography and costs. They state that visual dominance will only occur through a non-compliance or an

effect greater than a permitted activity. The policy as worded clearly sets out the approach to achieve daylight and outlook. The wording proposed in the submission reads more as a matter of discretion and is not required in the policy.

126. Amendments sought to part (c) of Policy 4.2.10 by submission point [695.18] are to remove the word “generous” and replace with “compliant” and add reference to a design guide. Reasons stated include the term generous as being too open ended and they wish council to develop a design guide to outline what requirements are acceptable. I note that Rule 16.3.6 is generally seeking a site coverage of up to 40% and Rule 16.3.6A impermeability up to 70%, leaving a balance of 30% of a site for landscaping and open space. In my opinion, both the word ‘generous’ is incorrect and ‘compliant’ is unnecessary in the policy, as not complying with the rules would have the effect of being contrary to the policy. There is no need to reference the design guide, as what is contained within the design guide will be one of the matters to consider as part of any resource consent applications.

4.2.10 Policy – Daylight and outlook

- a) Maintain adequate daylight, and enable opportunities for passive solar gain. ~~by providing for the progressive reduction in the height of buildings.~~
 - b) Require the height, bulk and location of development to maintain sunlight access and privacy, and to minimise visual dominance effects on adjoining sites.
 - c) Maintain and enhance attractive open space character of residential areas by ensuring that development is compatible in scale to surrounding activities and structures and has generous on-site landscaping, screening and street planting.
127. Counties Manukau Police [297.11] seek to amend Policy 4.2.10(c) to incorporate CPTED in a more specific way, and conform to national guidelines. In my opinion, CPTED is addressed in Policy 4.7.3(a)(viii) and Policy 4.7.2(a)(v) and does not require specific addition into Policy 4.2.4(a)(iii).
128. The following submitters all seek amendments to Rule 16.3.5 P1 in relation to changing the height control plane from 37 degrees to 45 degrees: Housing New Zealand Corporation [749.109], Shaun McGuire [243.5], Greig Developments No 2 Limited [689.6], The Surveying Company [746.38], Chanel Hargrave and Travis Miller [751.2], Garth and Sandra Ellmers [244.14], Brendon John & Denise Louise Strong [871.4], McCracken Surveys Limited [943.49], Sharp Planning Solutions [695.170], Simon Dromgool on behalf of Christine Dromgool, John and Caroline Vincent and Mark Dromgool [698.3] and Classic Builders Waikato Limited [123.8].

The reasons provided include:

- a. No reason provided;
 - b. Too restrictive for a two storey dwelling on a 450m² site;
 - c. It makes it difficult to provide acceptable living space in the upper levels of the dwelling;
 - d. 45 degrees on east, west and south, and 55 degrees on the north face are more common;
 - e. Roof design of 45 degrees pitch is typical;
 - f. Too restrictive for urban areas;
 - g. It is inconsistent with previous planning documents;
 - h. Align with other councils where there is a relaxation of the rule where it adjoins open space zones and right of ways and driveways etc;
 - i. Adequate amenity and daylight for adjoining sites can be achieved with a less restrictive height control plane; and
 - j. A 37 degree angle is difficult to calculate.
129. I agree the 37 degrees recession plane seems odd, and is unusual. In my experience it is typical to have 45 degrees at the east and west boundaries, 28 - 35 degrees on the southern

boundary, and 55 degrees on the northern boundary or road boundary. The author of the s42A report for Hearing 6: Village Zone (refer to paragraph 438) has undertaken this assessment and concludes that 45 degrees is commonly used by other Council's. In my experience variation in the recession plane is also provided where access to daylight and sunlight in the southern regions on New Zealand is more important. I agree that 45 degrees is an easier dimension to measure and also generally aligns with common roof pitches. For the reasons indicated above, I agree with the relief sought and recommend that the recession plane be altered to 45 degrees.

130. I also agree that it is typical for compliance with the recession plane to be exempt where it adjoins a reserve zone, business zone or driveway/right of way.

16.3.5 Daylight admission

PI	Buildings must not protrude through a height control plane rising at an angle of 37 45 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.
RDI	<p>(a) A building that does not comply with Rule 16.3.5 PI.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Height of the building; (ii) Design and location of the building; (iii) Extent of shading on adjacent sites; (iv) Privacy on another sites; and (v) Effects on amenity values and residential character.

131. Ian McAlley [368.25] seeks to amend Rule 16.3.5 to enable the height control plane to be measured from the top of a retaining wall where the retaining wall is included in the design and constructed as part of the subdivision. The reason provided by the submitter can see the completed building platforms and that it leads to unnecessary resource consents. Whilst I acknowledge the point that a future purchaser should be aware of the relationship of the new house and the retaining wall, it is not always the case, and it does not account for extensions and additions on other sites where it is not part of a new subdivision. The National Planning Standard definition of 'height' and 'ground level' states as follows:

Height means, the vertical distance between a specified reference point and the highest part of any feature, structure or building above that point”.

Ground level means:

- (a) the actual finished surface level of the ground after the most recent subdivision that created at least one additional allotment was completed (when the record of title is created);
- (b) if the ground level cannot be identified under paragraph (a), the existing surface level of the ground;
- (c) if, in any case under paragraph (a) or (b), a retaining wall or retaining structure is located on the boundary, the level on the exterior surface of the retaining wall or retaining structure where it intersects the boundary.

132. Accordingly, part (c) of the ground level definition addresses the concern of the submitter and no change is required.

133. Blue Wallace Surveyors Ltd [662.6], Sharp Planning Solutions Ltd [695.170], Classic Builders Waikato Limited [123.8], Simon Dromgool on behalf of Christine Dromgool, John and

Caroline Vincent and Mark Dromgool [698.3] and McCracken Surveys Limited [943.49] all seek various amendments to increasing the point at which it is measured from, i.e from 2.5 m to 3m. The author of the s42A report for the Hearing 6: Village Zone (refer to paragraph 439) has concluded that the height at which the daylight angle is measured varies among Councils between 2m and 3m+ in height from the boundary. Generally, an increase in boundary height increases the length of the shadow cast by the building or structure. Given the lack of evidence provided by submitters to support their requested amendments, I recommend that the height be retained as notified at 2.5m.

134. Waikato District Council [697.133] seeks various amendments to the matters of discretion in Rule 16.3.5 RDI(b). In particular, amendments so that it is not only adjoining sites that may be considered. The reason provided is to provide clarity and consistency with other zones. I do not agree with the use of the term “level” compared with the word “extent” as sought to clause (b)(iii), as “extent” is a more appropriate term to use in this situation. I also do not agree with the amendments sought to (b)(v), as they are ambiguous and not easily applied by a resource consent planner.
135. The submission from Housing New Zealand Corporation [749.109] sought the restriction on privacy (matter of discretion (iv)) to be restricted to adjoining sites only and the deletion of matter of discretion (v). The change to (iv) is not agreed with for the reasons set out with respect to the Waikato District Council submission. The deletion of (v) is also not agreed with as residential amenity and character are an important factor to be considered.
136. I also note that Policy 4.2.10 (b) refers to adjoining sites. In my view this policy should also be amended to refer to other sites for the same reasons given above. However, it is out of scope of the submission. I agree in part with the relief sought and suggest the below amendments:

RDI	<p>(a) A building that does not comply with Rule 16.3.5 P1.</p> <p>(b) Council’s discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Height of the building; (ii) Design and location of the building; (iii) Extent of shading on adjacent <u>any other</u> sites; (iv) Privacy on another <u>any other</u> sites; and (v) Effects on amenity values and residential character.
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137. Pokeno Village Holdings Limited [386.11] seeks to retain Rule 16.3.5 RDI, and that non-compliance with the permitted standards is assessed as a restricted discretionary activity. I recommend partially accepting the submission point, with the exception of the amendments outlined above in response to other submitters.

8.4 Recommendations

138. I recommend, for the reasons given above, that the Hearings Panel:
- a. **Accept** submission point Sharp Planning Solutions Ltd [695.16].
 - b. **Reject** submission points Sharp Planning Solutions Ltd [695.17] and [695.18].
 - c. **Reject** submission point Counties Manukau Police [297.11].
 - d. **Reject** submission point Housing New Zealand Corporation [749.109].
 - e. **Accept in part** submission point McCracken Surveys Limited [943.49], Sharp Planning Solutions Ltd [695.170], Classic Builders Waikato Limited [123.8], Simon Dromgool on behalf of Christine Dromgool, John and Caroline Vincent and Mark

Dromgool [698.3], Garth and Sandra Ellmers [244.14], Waikato District Council [697.133] and Pokeno Village Holdings Limited [386.11].

- f. **Accept** submission points Shaun McGuire [243.5], Greig Developments No 2 Limited [689.6], The Surveying Company [746.38], Chanel Hargrave and Travis Miller [751.12] and Brendon John & Denise Louise Strong [871.4].
- g. **Reject** submission points Ian McAlley [368.25] and Blue Wallace Surveyors Ltd [662.6].

8.5 Recommended amendments

139. The following amendments are recommended:

4.2.10 Policy – Daylight and outlook

- (a) Maintain adequate daylight, and enable opportunities for passive solar gain ~~by providing for the progressive reduction in the height of buildings.~~
- (b) Require the height, bulk and location of development to maintain sunlight access and privacy, and to minimise visual dominance effects on adjoining sites.
- (c) Maintain and enhance attractive open space character of residential areas by ensuring that development is compatible in scale to surrounding activities and structures and has ~~generous~~ on-site landscaping, screening and street planting.

16.3.5 Daylight admission

PI	Buildings must not protrude through a height control plane rising at an angle of 37 45 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.
RDI	<ul style="list-style-type: none"> (a) A building that does not comply with Rule 16.3.5 PI. (b) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) Height of the building; (ii) Design and location of the building; (iii) Extent of shading on adjacent any other sites; (iv) Privacy on another any other sites; and (v) Effects on amenity values and residential character.

8.6 Section 32AA evaluation

140. The following points evaluate the recommended change under Section 32AA of the RMA.

Effectiveness and efficiency

141. Based on my experience of processing resource consents across different plans, it is my view that a 45 degree angle affords adequate daylight and would continue to minimise visual dominance. Accordingly, the recommended amendment will more effectively achieve Objective 4.2.9 and Policy 4.2.10 while enabling efficient use of the land resource for residential development.

Cost and benefits

142. With respect to the amendment to Rule PI from 37 degrees to 45 degrees, consistency across a region generally makes it less confusing for the public. As indicated, typically roofs are built at a 45 degree pitch. There may be increases in shading levels and these may impact home owners' use of outdoor living spaces. The rule provides control over the visual aesthetics of a building and controls its dominance on the site when viewed from adjacent sites. A more relaxed height control plane will be more enabling for urban development and

potentially enable more efficient development. It will also reduce the likelihood that a building will be subject to a resource consent.

Risk of acting or not acting

143. There are no additional risks of not acting. There is sufficient information on the cost to the environment, benefit to people and communities to justify the amendment to the rule.

Decision about most appropriate option

144. The amendment still gives effect to the relevant objective and policies of Chapter 4.2. In my opinion, the recommended amendment is more effective in achieving the purpose of the RMA than the notified version.

9 Topic 6: Policy 4.2.12 Outdoor living court – Multi-unit development

9.1 Introduction

145. Policy 4.2.12 enables outdoor living courts for multi-unit development to be accessible and usable in different ways, and aligning the development with Waikato District Council's Multi-unit Development Urban Design Guidelines (Appendix 3.4). Multi-unit development requires a resource consent as a restricted discretionary activity and this policy is achieved primarily by the living court standards which apply to Rule 16.1.3 RDI.

9.2 Submissions

146. The following submissions were made on this matter:

Submission point	Submitter	Summary of submission
297.12	Counties Manukau Police	Amend Policy 4.2.12(a) Outdoor Living Court Multi-unit development as follows; <i>Enable multi-unit development to provide usable, <u>safe</u> and accessible outdoor living courts in alternative ways...</i>
FS1269.12	Housing New Zealand Corporation	<i>Oppose.</i>
749.2	Housing New Zealand Corporation	Delete Policy 4.2.12 Outdoor living court – Multi- unit development. AND Amend Policy 4.2.18(a) - Multi unit Development as follows: <i>Ensure multi-unit residential subdivision and development is designed in a way that:</i> <ul style="list-style-type: none"> <i>i. provides a range of housing types;</i> <i>ii. Addresses and Integrates with adjacent residential development, town centres and public open space;</i> <i>iii. Addresses <u>Manages</u> and responds to the constraints of the site, including typography <u>topography</u>, natural</i>

		<p><i>features and heritage values;</i></p> <p>iv. <i>Provides usable and accessible outdoor living courts that maximises light access, functionality and privacy;</i></p> <p>v. <i>Supports an integrated transport network, including walking and cycling connections to public open space network;</i></p> <p>vi. <i>Maintains the amenity values of neighbouring sites.</i></p> <p>AND</p> <p>Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.</p>
FS1371.29	Lakeside Development Limited	Support
FS1387.989	Mercury NZ Limited	Oppose
662.43	Blue Wallace Surveyors Ltd	Retain Policy 4.2.12 Outdoor living court - Multi-unit development, as notified.

9.3 Analysis

147. Counties Manukau Police [297.12] seeks to amend Policy 4.2.12 to include the word “safe” in the policy to incorporate CPTED. In my opinion, CPTED (Crime Prevention Through Environmental Design) is addressed in Policy 4.7.3(a)(viii) and Policy 4.7.2(a)(v) and does not require specific addition to Policy 4.2.12.
148. Housing New Zealand Corporation [749.2] seeks to delete Policy 4.2.12 and incorporate the outdoor living court matters within Policy 4.2.18 – Multi-unit Development. I concur with this approach and discuss the incorporation within Policy 4.2.18 in Topic 12 (Housing Options Objectives and Policies).
149. Blue Wallace Surveyors Ltd [662.43] seeks to retain Policy 4.2.12 as notified. I recommend accepting this relief, noting that in effect the content of the policy is retained even if it is relocated.

9.4 Recommendations

150. I recommend, for the reasons given above, that the hearings Panel:
- Reject** submission point Counties Manukau Police [297.12]
 - Accept** submission point Housing New Zealand Corporation [749.2]
 - Accept** submission point Blue Wallace Surveyors Ltd [662.43].

9.5 Recommended amendments

151. It is recommended that Policy 4.2.12 be deleted and the content included in Policy 4.2.18 Multi-unit Developments.

9.6 Section 32AA evaluation

152. The recommended amendment is a relocation of content. Accordingly, no s32AA evaluation has been required to be undertaken.

10 Topic 7: Policy 4.2.13 – Outdoor living court – Retirement villages

10.1 Introduction

153. Policy 4.2.13 seeks to ensure that the usability and accessibility of outdoor living courts for retirement villages suits the use of the site. A new retirement village or alterations to an existing retirement village is a permitted activity under Rule 16.1.2 P3. In order to be a permitted activity, P3 sets out standards for living courts or balcony areas which must be complied with.

10.2 Submissions

154. The following submissions were made:

Submission point	Submitter	Summary of submission
297.13	Counties Manukau Police	Amend Policy 4.2.13(a) Outdoor living court – Retirement villages as follows: <i>Require outdoor living courts or communal outdoor living courts to be usable, and-accessible and safe (conforming to the national guidelines for CPTED.)</i>

10.3 Analysis

155. Counties Manukau Police [297.13] seeks to amend Policy 4.2.13 to include specific reference to CPTED. In my opinion, CPTED (Crime Prevention Through Environmental Design) is addressed in Policy 4.7.3(a)(viii) and Policy 4.7.2(a)(v) and does not require specific addition into Policy 4.2.13.

10.4 Recommendations

156. I recommend, for the reasons given above, that the hearings Panel:

- a. **Reject** submission point Counties Manukau [297.13].

10.5 Recommended amendments

157. No amendments are recommended.

10.6 Section 32AA evaluation

158. There are no recommended amendments. Accordingly, no s32AA evaluation has been required to be undertaken.

11 Topic 8: Earthworks

11.1 Introduction

159. Objective 4.2.14, Policy 4.2.15 and Rules 16.2.4 and 16.2.4.1 seek to manage the effects from earthworks relating to fill materials, shape, contour, and ground stability. They also recognise

that earthworks facilitate use and general development.. This topic addresses submission points made on the following plan provisions:

- a. Objective 4.2.14 – Earthworks
- b. Policy 4.2.15 – Earthworks
- c. Rules 16.2.4 Earthworks and 16.2.4.1 – Earthworks – General

160. There are other earthworks rules in the Residential Zone for Maaori Sites and Maaori Areas of Significance (Rule 16.2.4.2), Significant Natural Areas (Rule 16.2.4.3) and Landscape and Natural Character Areas (Rule 16.2.4.4) and these will be addressed in other Hearings.

11.2 Submissions

161. The following submissions were made on the Residential Zone earthworks provisions:

Submission point	Submitter	Summary of submission
368.7	Ian McAlley	Amend Objective 4.2.14 – Earthworks, to read as follows; <i>Earthworks facilitate <u>efficient</u> subdivision, use and development.</i>
524.43	Anna Noakes	Retain Objective 4.2.14 Earthworks, as notified.
FS1287.20	Blue Wallace Surveyors Ltd	<i>Support.</i>
662.44	Blue Wallace Surveyors Ltd	Retain Objective 4.2.14 Earthworks, as notified.
598.10	Withers Family Trust	Retain Objective 4.2.14 Earthworks.
FS1287.25	Blue Wallace Surveyors Ltd	<i>Support.</i>
559.45	Heritage New Zealand Lower Northern Office	Add to Policy 4.2.15 Earthworks a new clause 'f' as follows: <i>(a) ... (f) <u>Earthworks are designed and undertaken in a manner that they do not adversely affect historic heritage and cultural values.</u></i>
297.14	Counties Manukau Police	Add to Policy 4.2.15 Earthworks a new line as follows: <i><u>Manage the earthworks site to ensure that resources at the site are safe and to minimise the risk of victimisation</u></i>
FS1281.7	Pokeno Village Holdings Limited	<i>Support.</i>
FS1269.13	Housing New Zealand Corporation	<i>Oppose.</i>
466.35	Balle Bros Group Limited	Amend Policy 4.2.15 (c) Earthworks to include provision for ancillary rural earthworks associated with existing activities AND Amend Policy 4.2.15 Earthworks to consider reverse

Submission point	Submitter	Summary of submission
		sensitivity issues associated with ancillary rural earthworks associated with existing activities.
368.8	Ian McAlley	Amend Policy 4.2.15(a)(iv) - Earthworks, to read as follows: <i>The importation and exportation of cleanfill is avoided in the Residential Zone.</i>
FS1308.22	The Surveying Company	Oppose
FS1061.4	Campbell Tyson	Oppose.
986.21	KiwiRail Holdings Limited (KiwiRail)	Amend Policy 4.2.15(b) as follows (or similar amendments to achieve the requested relief): <i>Earthworks are designed and undertaken in a manner that ensures the stability and safety of surrounding land, buildings, <u>infrastructure</u> and structures.</i> AND Any consequential amendments to link and/or accommodate the requested changes.
FS1176.288	Watercare Services Ltd	Support
FS1345.140	Genesis Energy Limited	Support
695.22	Sharp Planning Solutions Ltd	Amend Policy 4.2.15(e) Earthworks to identify which sites this applies to as a planning overlay on the Proposed District Plan maps. OR Amend Policy 4.2.15(e) Earthworks to provide a reference document source for applicants to refer to determine to what extent they need to comply.
746.107	The Surveying Company	Delete Policy 4.2.15 (a) (iv)- Earthworks OR Amend Policy 4.2.15 (a) (iv)- Earthworks to enable land to be developed for residential activities as follows: <i>The importation of cleanfill is avoided in the Residential Zone <u>except where it is required to enable land to be developed for residential purposes.</u></i> OR Amend Policy 4.2.15 (a) (iv)- Earthworks to enable land to be developed for residential activities as follows: <i>The <u>inappropriate</u> importation of clean fill is avoided in the Residential Zone <u>where it is not required to enable greenfield land to be developed.</u></i>
FS1377.254	Havelock Village Limited	Support.
751.43	Chanel Hargrave and Travis Miller	Delete Policy 4.2.15(a)(iv) Earthworks

Submission point	Submitter	Summary of submission
		<p>OR</p> <p>Amend Policy 4.2.15(a)(iv) Earthworks to ensure fill can be imported where required to enable land to be developed for residential activities as follows: <i>The importation of cleanfill is avoided in the Residential Zone, <u>except where it is required to enable land to be developed for residential purposes.</u></i></p> <p>OR</p> <p>Amend Policy 4.2.15(a)(iv) Earthworks to ensure fill can be imported where required to enable land to be developed for residential activities follows: <i>The importation of cleanfill is avoided in the Residential Zone</i> <i>The inappropriate importation of cleanfill is avoided in the Residential Zone where it is not required to enable greenfield land to be developed.</i></p>
695.20	Sharp Planning Solutions Ltd	<p>Delete Policy 4.2.15(a)(iv) Earthworks.</p> <p>OR</p> <p>Amend Policy 4.2.15(a)(iv) Earthworks to refer to "unauthorised clean-fill" instead of "clean-fill".</p>
368.9	Ian McAlley	Delete Policy 4.2.15(d) - Earthworks.
FS1377.69	Havelock Village Limited	Support.
FS1061.5	Campbell Tyson	Support.
695.21	Sharp Planning Solutions Ltd	<p>Delete Policy 4.2.15(d) Earthworks.</p> <p>OR</p> <p>Amend Policy 4.2.15(d) Earthworks to refer to minimising earthworks to maintain the fundamental shape, contour and landscape characteristics where otherwise possible.</p>
FS1377.200	Havelock Village Limited	Support
742.19	New Zealand Transport Agency	<p>Retain Policy 4.2.15 Earthworks, except for the amendments sought below</p> <p>AND</p> <p>Amend Policy 4.2.15(b) Earthworks as follows: <i>Earthworks are designed and undertaken in a manner that ensures the stability and safety of surrounding land. Buildings, <u>infrastructure</u> and structures.</i></p> <p>AND</p> <p>Request any consequential changes necessary to give effect to the relief sought in the submission.</p>
FS1345.42	Genesis Energy Limited	Support.

Submission point	Submitter	Summary of submission
FS1387.849	Mercury NZ Limited	Oppose
697.103	Waikato District Council	Amend Rule 16.2.4 Earthworks as follows: (1) <u>Rule 16.2.4.1 – General, provides the permitted rules for earthworks activities for the Residential Zone. This rule does not apply in those areas specified in Rule 16.2.4.2, 16.2.4.3 and 16.2.4.4.</u>
FS1350.91	Transpower New Zealand Limited	Oppose.
471.38	CKL	Amend Rule 16.2.4.1 PI (a)(ii) Earthworks - General, by increasing the allowable volume from 250m ³ to 500m ³ . AND Any consequential amendments necessary.
FS1269.126	Housing New Zealand Corporation	Support.
FS1308.65	The Surveying Company	Support
945.7	First Gas Limited	Add a new condition to Rule 16.2.4.1 PI Earthworks general as follows: (x) <u>Earthworks to a depth of greater than 200mm must be located a minimum of 12m from the centre line of a gas transmission pipeline.</u> AND Any consequential amendments and other relief to give effect to the matters raised in the submission.
419.4	Horticulture New Zealand	Add a new matter of discretion to Rule 16.2.4.1 RDI (b) Earthworks - General, as follows: (xii) <u>Measures to avoid reverse sensitivity effects on any adjoining Rural zoned land.</u> AND Any consequential or additional amendments as a result of changes sought in the submission.
FS1171.8	Phoebe Watson for Barker & Associates on behalf of T&G Global	Support.
FS1342.75	Federated Farmers	Support.
945.8	First Gas Limited	Add a new matter of discretion to Rule 16.2.4.1 RDI(b) Earthworks - General as follows: <u>Effects on the safe, effective and efficient operation, maintenance and upgrade of infrastructure, including access.</u>
419.3	Horticulture New Zealand	Add a new permitted activity rule in Rule 16.2.4.1 Earthworks, as follows: <u>Ancillary rural earthworks</u> AND Any consequential or additional amendments as a result of changes sought in the submission.

Submission point	Submitter	Summary of submission
FS1171.7	Phoebe Watson for Barker & Associates on behalf of T&G Global	Support
FS1308.34	The Surveying Company	Oppose
FS1342.74	Federated Farmers	Support.
FS1388.174	Mercury NZ Limited	Oppose
466.5	Balle Bros Group Limited	Add a new permitted activity to Rule 16.2.4.1 Earthworks – General for Ancillary Rural Earthworks where existing commercial vegetable production operations have been rezoned residential.
697.106	Waikato District Council	Amend Rule 16.2.4.1 P3(a)(iv) Permitted Activities to read as follows: <i>(iv) Fill material is setback <u>at least</u> 1.5m from all boundaries;</i>
746.31	The Surveying Company	Amend Rule 16.2.4.1- Earthworks- General PI (a)(ii) as follows: <i>(ii) Not exceed a volume of 250m² <u>500m²</u></i>
368.21	Ian McAlley	Amend Rule 16.2.4.1 Earthworks, to enable the assessment of bulk earthworks as part of a subdivision to be assessed as permitted activity where consent has been received from the Waikato Regional Council for those earthworks.
FS1061.9	Campbell Tyson	Support.
751.8	Chanel Hargrave and Travis Miller	Amend Rule 16.2.4.1 NCI Earthworks - General to be considered a restricted discretionary activity, rather than a non-complying activity and read as follows: NCIRD2 <i>Earthworks including the importation of cleanfill to a site.</i>
943.46	McCracken Surveys Limited	Amend Rule 16.2.4.1 PI (a) (ii) – Earthworks General, as follows: <i>(ii) Not exceed a volume of 250<u>500</u>m³;</i> AND Amend Rule 16.2.4.1 P3 (a)(i) – Earthworks General, as follows: <i>(i) Not exceed a total volume of 20<u>500</u>m³;</i>
FS1276.162	Whaingaroa Environmental Defence Inc. Society	Oppose.
695.84	Sharp Planning Solutions Ltd	Amend Rule 16.2.4.1 PI Earthworks - General so that earthworks are applied as a ratio to site area, i.e. a 1:1 ratio on a 450m ² site would provide 450m ³ earthworks.
749.83	Housing New Zealand	Amend Rule 16.2.4.1 PI(a) Earthworks - General as

Submission point	Submitter	Summary of submission
	Corporation	<p>follows:</p> <p>(a)...</p> <p>(i) Not exceed a volume of 250m³ <u>1000m³</u></p> <p>(ii) Not exceed an area of 1000m² <u>1ha</u> ...</p> <p>(iii) Earthworks are setback 1.5m from all boundaries;</p> <p>...</p> <p>AND</p> <p>Amend Rule 16.2.4.1 P3(a) Earthworks - General as follows:</p> <p>(i) Not exceed a total volume of 5020m³;</p> <p>(ii) Not exceed a depth of 1.5m <u>1m</u>;</p> <p>(iv) Fill material is setback 1.5m from all boundaries; ...</p> <p>AND</p> <p>Amend Rule 16.2.4.1 RD1 Earthworks - General as follows:</p> <p>... (b) The Council's discretion shall be restricted to any of the following matters: ...</p> <p>(viii) Protection of the Hauraki Gulf Catchment Area; ...</p> <p>AND</p> <p>Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.</p>
FS1293.57	Department of Conservation	Oppose.
FS1308.122	The Surveying Company	Support
986.96	KiwiRail Holdings Limited (KiwiRail)	<p>Amend Rule 16.2.4.1 PI(a) Earthworks-General as follows (or similar amendments to achieve the requested relief):</p> <p>(i) Be located more than 1.5 m horizontally from any infrastructure, including a waterway, open drain or overland flow path;</p> <p>AND</p> <p>Any consequential amendments to link and/or accommodate the requested changes.</p>
FS1176.309	Watercare Services Ltd	Support
697.105	Waikato District Council	<p>Amend Rule 16.2.4.1 PI(a) Permitted Activities to read as follows:</p> <p>(a) Earthworks (excluding the importation of fill material) within a site must meet all of the following conditions:</p> <p>(i) Be located more than 1.5 m horizontally from any waterway, open drain or overland flow path;</p> <p>(ii) Not exceed a volume of 250m³ and an area of</p>

Submission point	Submitter	Summary of submission
		<p><u>more than 1000m² over any consecutive 12 month period;</u></p> <p>(iii) Not exceed an area of 1000m² over any consecutive 12 month period;</p> <p>(iv) The total depth of any excavation or filling does not exceed 1.5m above or below ground level;</p> <p>(v) The slope of the resulting cut, filled areas or fill batter face in stable ground, does not exceed a maximum of 1:2 (1 vertical to 2 horizontal);</p> <p>(vi) Earthworks are set back <u>at least</u> 1.5m from all boundaries;</p> <p>(vii) Areas exposed by earthworks are revegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;</p> <p>(viii) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls;</p> <p>(ix) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.</p>
986.106	KiwiRail Holdings Limited (KiwiRail)	<p>Amend Rule 16.2.4.1 P1(vii) Earthworks general as follows (or similar amendments to achieve the requested relief):</p> <p>(vii) Areas exposed by the earthworks are stabilized to avoid runoff within 1 month of the cessation re-vegetated to achieve 80% ground cover 6 months of the commencement of the earthworks</p> <p>AND</p> <p>Any consequential amendments to link and/or accommodate the requested changes.</p>
695.86	Sharp Planning Solutions Ltd	<p>Amend Rule 16.2.4.1 P3 Earthworks - General so that the volume is applied as a ratio to site, i.e. a 1:5 ratio, so a 450m² site would therefore provide a 90m³ fill.</p>
746.33	The Surveying Company	<p>Amend Rule 16.2.4.1 P3(a)(i) Earthworks- General as follows: Not exceed a total volume of 20m³ <u>100m³</u></p> <p>AND</p> <p>Amend Rule 16.2.4.1 P3(a)(ii) Earthworks- General as follows: Not exceed a depth of 4m <u>1.5m</u>.</p>
466.6	Balle Bros Group Limited	<p>Amend Rule 16.2.4.1 RDI Earthworks to avoid reverse sensitivity effects on any adjoining Rural Zoned land.</p>
FS1308.60	The Surveying Company	Support
FS1388.401	Mercury NZ Limited	Oppose
368.23	Ian McAlley	Amend Rule 16.2.4.1, to only require assessment of amenity and landscape effects related to earthworks

Submission point	Submitter	Summary of submission
		where the earthworks are occurring in an area clearly defined in the Plan as being protected for its landscape and/or natural character values.
FS1061.11	Campbell Tyson	Support.
FS1308.20	The Surveying Company	Support
751.5	Chanel Hargrave and Travis Miller	Amend Rule 16.2.4.1P1(a)(ii) Earthworks - General as follows: <i>Not exceed a volume of 250500m³</i> ;
FS1387.1069	Mercury NZ Limited	Oppose
751.7	Chanel Hargrave and Travis Miller	Amend Rule 16.2.4.1P3(a) Earthworks - General as follows: <i>(a) Earthworks for purposes other than creating a building platform for residential purposes within a site, using imported fill material must meet all of the following conditions:</i> <i>(i) Not exceed a total volume of 20100m³</i> ; <i>(ii) Not exceed a depth of <u>1.5m</u>; ...</i>
299.18	2SEN Limited and Tuakau Estates Limited	Amend Rules 16.2.4.1 P1, P2, and P3 Earthworks-General to clarify how these rules work together. AND Any consequential changes necessary to give effect to the relief sought.
466.65	Balle Bros Group Limited	Delete requirement for 1.5m setback from boundary where effects are mitigated from Rule 16.2.4.1 P1 Earthworks – General.
368.22	Ian McAlley	Delete Rule 16.2.4.1 NC1- Earthworks - General, the assessment of the importation of cleanfill to a site as a non-complying activity.
FS1061.10	Campbell Tyson	Support
746.34	The Surveying Company	Delete Rule 16.2.4.1 NC1 Earthworks General AND Add a new restricted discretionary activity (RD2) to Rule 16.2.4.1 as follows: RD2 Earthworks including the importation of cleanfill to a site.
123.4	Classic Builders Waikato Limited	Delete Rule 16.2.4.1 P1(a) (vi) Earthworks – General requiring earthworks to be a minimum of 1.5m from all boundaries.
FS1092.7	Garth & Sandra Ellmers	Support.
FS1308.2	The Surveying Company	Support
871.3	Brendon John & Denise Louise Strong	No specific decision sought, but submission recognises that the importation of fill to enable residential development is appropriate in Rule 16.2.4.1 Earthworks

Submission point	Submitter	Summary of submission
		- General, and questions whether this would be a permitted activity (P2) or a non-complying activity (NCI).
684.4	Janet Elaine McRobbie	No specific decision sought, but submission recognises that the importation of fill to enable residential development is appropriate in Rule 16.2.4.1 Earthworks- General and questions whether this would be a permitted activity (P2) or a non-complying activity (NCI).
689.4	Greig Developments No 2 Limited	No specific decision sought, but submission recognises the importation of fill to enable residential development is appropriate in Rule 16.2.4.1 Earthworks - General and questions whether this would be a permitted activity (P2) or a non-complying activity (NCI).
695.85	Sharp Planning Solutions Ltd	Retain a maximum area of earthworks in Rule 16.2.4.1 P1 Earthworks - General.
662.5	Blue Wallace Surveyors Ltd	Retain Rule 16.2.4.1 P2 Earthworks - General, except for the amendments sought below AND Amend Rule 16.2.4.1 P2 Earthworks - General as follows (or words to similar effect): <i>Earthworks for the purpose of creating a building platform and accessway for residential purposes within a site, using imported fill material must meet the following condition:</i>
FS1387.98	Mercury NZ Limited	Oppose
746.32	The Surveying Company	Retain Rule 16.2.4.1 P2 Earthworks-General as notified.
751.6	Chanel Hargrave and Travis Miller	Retain Rule 16.2.4.1P2 Earthworks - General
FS1387.1070	Mercury NZ Limited	Oppose
81.3	Waikato Regional Council	Amend Permitted Activity standards for all zones for earthworks to provide for a minimum 5 metre distance from any waterbody or overland flow path, example of which is as follows: <i>P16.2.4.1</i> <i>(a)(i) Be located more than 4.5 m 5.0 m horizontally from any waterway, open drain or overland flow path.</i>
FS1293.7	Department of Conservation	Support
FS1110.25	Synlait Milk Limited	Oppose
FS1139.97	Turangawaewae Trust	Support

Submission point	Submitter	Summary of submission
	<i>Board</i>	
<i>FSI198.56</i>	<i>Bathurst Resources Limited and BT Mining Limited</i>	<i>Oppose</i>
<i>FSI322.34</i>	<i>Synlait Milk</i>	<i>Oppose</i>
<i>FSI342.38</i>	<i>Federated Farmers</i>	<i>Oppose</i>
<i>FSI108.110</i>	<i>Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)</i>	<i>Support</i>
<i>FSI168.191</i>	<i>Horticulture New Zealand</i>	<i>Oppose</i>

162. In summary, 53 submissions were received. They largely sought:

- a) To retain Objective 4.2.14 as notified;
- b) Amendments to Policy 4.2.15 to have regard to infrastructure and heritage items, avoid exportation of cleanfill, planning overlay for earthworks, allow the importation of cleanfill to enable development of greenfield sites, and delete the policy entirely.
- c) To amend Rule 16.2.4.1 Earthworks – General to increase the volume and areas, require depths and distances from infrastructure, add new matters of discretion relating to reverse sensitivity, new permitted activity relating to ancillary rural earthworks, less restrictive activity status, amendments to align with the Waikato Regional earthworks provisions, remove the requirement that earthworks be 1.5m from boundaries, and importation of material should be allowed to enable residential development.

11.3 Analysis

11.3.1 Objective 4.2.14 – Earthworks

163. Ian McAlley [368.7] seeks to amend Objective 4.2.14 to add the word “efficient”. In my opinion this is not necessary, as Objectives 4.1.2, 4.1.7 and 4.7.1, along with their supporting policies set out what is sought with respect efficient and integrated subdivision, use and development with the environment and infrastructure. In my opinion, the inclusion of the work ‘efficient’ does not assist with the outcome of the objective.

164. Submission points from Anna Noakes [524.43], Blue Wallace Surveyors Ltd [662.44], and Withers Family Trust [598.10] all seek to retain Objective 4.2.14 as notified.

11.3.2 Policy 4.2.15 – Earthworks

Explanation of Objective, Policy and Rules

165. Prior to considering the submissions, I consider it would be helpful to set out the manner in which the provisions differentiate between ‘fill material’ and ‘cleanfill’. This matter has been partly addressed in the s42A report for Hearing 5: Definitions at Section 3.49 (paragraphs 744 –759). I concur with the analysis in paragraphs 752 and 753 to:

- (a) replace the term ‘fill material’ with the National Planning Standards definition of ‘cleanfill material’; and

- (b) Replace the term 'cleanfill' with the definition of 'controlled fill material' from the *Technical Guidelines for Disposal to Land*, WasteMINZ (August 2018).
166. As an aside, I note that the recommendation at paragraph 754 appears to have mixed up the application of the definitions.
167. This difference in definition complements the objective, policy and rule approach to earthworks in the Residential Zone, where (using the new definitions), the following hierarchy applies:
- (a) Earthworks involving the movement of existing material around a site (excluding the importation of 'cleanfill material' is supported – Policy 4.2.15(c) and (d) and Rule 16.2.4.1 P1;
 - (b) Earthworks for the purpose of creating a building platform which can include the importing of 'cleanfill material' is supported – Policy 4.2.15(b) and (c) and Rule 16.2.4.1 P2;
 - (c) Earthworks for other purposes (such as forming access, gardens or flat areas) which can include the importing of 'cleanfill material' is supported within specified limits - Policy 4.2.15(b) and (c) and Rule 16.2.4.1 P2;
 - (d) Earthworks not meeting the permitted activity standard are restricted discretionary activities – Rule 16.2.4.1 RD1; and
 - (e) Earthworks involving the importation of 'controlled fill material' is not supported – Policy (a)(iv) and Rule 16.2.4.1 NCI.
168. I will use the new definitions in the rest of this analysis.

Analysis of Submissions

169. Heritage New Zealand [559.45] seeks to amend Policy 4.2.15 to insert a new clause to ensure earthworks does not adversely affect historic heritage and cultural values. I consider that this matter is adequately addressed by Policy 7.1.3(b) – Heritage Items, as it includes land development. It is noted that the Hearing Panel has directed that the PWDP be reformatted in accordance with the National Planning Standards, and when that is done, all earthworks provisions will be included as a chapter in Part 2 – General District-Wide Matters. That is the relevant chapter to include specific matters in relation to earthworks and historic heritage. To assist in this reformatting exercise, I have included wording to Policy 4.2.15 that can be relocated to the correct section.

4.2.15 Policy - Earthworks

- (a) Manage the effects of earthworks to ensure that:
 - (i) Erosion and sediment loss is avoided or mitigated;
 - (ii) Changes to natural water flows and established drainage paths are mitigated;
 - (iii) Adjoining properties and public services are protected; ~~and~~
 - (iv) The importation of cleanfill is avoided in the Residential Zone; and
 - (v) Adverse effects on historic heritage.
170. Counties Manukau Police [297.14] seeks to amend the policy to ensure that sites during construction are safe and minimise the risk of victimisation. It is not appropriate to include this in the district plan as it is dealt with via other Acts and Regulations such as the Health and Safety at Work Act 2015.

171. Balle Bros Group Limited [466.35] seeks to amend Policy 4.2.15 (c) by including a provision for ancillary rural earthworks. I disagree with the relief sought, as the policy as notified can be applied to any activity undertaking earthworks. Furthermore, Policy 5.3.5 Earthworks activities addresses activities in the rural zones, whereas Chapter 4 is focused on the urban environment. While there are likely to be remnant rural activities undertaken on Residential Zoned land in areas of the district where there has been a relatively recent change in zoning (such as Pokeno), these are not common and can rely on Section 10 of the RMA to afford them existing use rights without the need to specifically recognise them in a policy.
172. Ian McAlley [368.8] seeks amendments to Policy 4.2.15(a)(iv) to not only avoid the importation of cleanfill into the Residential Zone, but to also avoid the exportation of cleanfill ('controlled fill material') from the Residential Zone. The reason provided by the submitter is that earthworks for individual house sites should be incorporated within the overall bulk subdivision earthworks, thereby promoting a balance of on-site cut to fill. The policy along with supporting Rule 16.2.4.1 NCI (*Earthworks including the importation of cleanfill to a site*) seeks to promote the use of the on-site earth resource to create usable residential sites, rather than removing the earth resource and using the space created for cleanfill disposal. The removal of earth and 'controlled fill material' from the demolition of existing buildings, structures and infrastructure, and contaminated land is either not required for the subsequent residential development or is material that should be disposed of in a 'controlled fill' facility, is an accepted component of land use subdivision and development. Accordingly, the submission is recommended to be rejected.
173. The Surveying Company [746.107] and Chanel Hargrave and Travis Miller [751.43] seek to either delete or amend Policy 4.2.15(a)(iv) to enable the importation of cleanfill where there is insufficient balanced cut to fill to enable the development of residential sites. With the clarification that importing of 'cleanfill material' is supported and provided for to assist with residential development, then I do not agree that the policy should be supporting the importing of 'controlled fill material'.
174. Sharp Planning Solutions [695.20] seeks to delete Policy 4.2.15(a)(iv) or amend the policy to refer to "*unauthorised dean-fill*". As discussed, with the clarification of definitions, no further clarification in the policy is required.
175. KiwiRail Holding Limited (KiwiRail) [986.21] and New Zealand Transport Agency [742.19] seeks amendments to Policy 4.2.15(b) to specifically reference infrastructure. Policy 4.2.15(b) already includes reference to 'buildings' and 'structures' and the inclusion of the word 'infrastructure' would provide clarity that it also includes infrastructure including bridges, power lines etc.
- (b) Earthworks are designed and undertaken in a manner that ensures the stability and safety of surrounding land, buildings, infrastructure and structures.
176. Sharp Planning Solutions Ltd [695.22] seeks an amendment to Policy 4.2.15(e) to identify where the geotechnical risks may occur through a planning overlay. Mapping potential ground instability would be a severely onerous task to undertake and would be at a coarse level of detail due to the size of the District and limited in its usefulness. Geotechnical risks and issues are better identified by geotechnical reports and assessed on a site-by-site basis.
177. Ian McAlley [368.9] and Sharp Planning Solutions Ltd [695.21] seek to delete Policy 4.2.15(d) which requires subdivision and development occur in a way that maintains the shape and general contours of the land. The reason provided by the submissions is that the land is zoned for residential purposes and should provide for this unless it has been specifically identified to be protected for its landscape characteristics, allowing development to occur in the most efficient way possible. Sharp Planning Solutions indicated that the policy is ultra vires, as they consider that altering the fundamental shape of land is unavoidable, and if the intended outcome is to minimise earthworks, then this should be stated. The policy is not

about protecting the character of an area or an outstanding landscape. It is about ensuring that development generally retains the existing contours, elevation and characteristics of the land, managing unnecessary cutting and filling. This policy is supported by provisions within Appendix 3.1 – *Residential Subdivision Guidelines*, particularly within Section 3.2 – *Outcome Sought* and Section 3.3 – *Guidelines for site and contextual analysis – Landform and vegetation. Site and Contextual Analysis*. As set out in Appendix 3.1, the policy is promoting subdivision that integrates with the existing landform and vegetation as much as possible. In my opinion, there is nothing in the policy or Appendix 3.1 that seeks to minimise earthworks.

11.3.3 Rule 16.2.4 Earthworks

178. Thirty five submissions have been received relating to Rule 16.2.4 Earthworks. These are addressed below.
179. Waikato District Council [697.103] seeks an amendment to Rule 16.2.4 to clarify the application of the suite of earthworks rules and the clarification is agreed with as set out below.

16.2.4 Earthworks

- (1) Rule 16.2.4.1 – General, provides the permitted rules for earthworks activities for the Residential Zone. This rule does not apply in those areas specified in Rule 16.2.4.2, 16.2.4.3 and 16.2.4.4.
- (2) There are specific standards for earthworks within rules:
- (a) Rule 16.2.4.2 – Maaori Sites and Maaori Areas of Significance;
- (b) Rule 16.2.4.3 – Significant Natural Areas;
- (c) Rule 16.2.4.4 – Landscape and Natural Character Areas.
180. 2SEN Limited and Tuakau Estates Limited [299.18] seek clarifications and amendments to Rules 16.2.4.1 P1, P2, P3 as they consider it is unclear how these provision relate. In particular, whether earthworks that do not involve importation of fill for a building platform would fall within P1 or P2. The manner in which the rules apply is set out in paragraph 167 (a) – (e) and along with the clarification provided by the new definitions, in my opinion some confusion is removed. However, I concur that additional clarification within the rules would assist in their implementation and have set that out below in relation to:
- (a) Rule P1 – clarify that the rule does not include ‘cleanfill material’ or ‘controlled fill material’;
- (b) Rule P2 – clarify that the creation of a building platform can include use of material on the site and importing ‘cleanfill material’;
- (c) Rule P3 – clarify that this rule applies earthworks that involve the importing of ‘cleanfill material’ (ie is not provided by Rule P1);
- (d) Rule RDI(a) – clarify that this activity status only applies where any one or more of the conditions for P1, P2 or P3 are not met (this makes it clear that ‘controlled fill material’ is Rule NCI); and
- (e) Rule NCI- the activity is in relation to earthworks ‘involving’ (rather than ‘including’) ‘controlled fill material’.

P1	(a) Earthworks (excluding the importation the use of fill cleanfill material or controlled fill material) within a site must meet all of the following conditions:...
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P2	Earthworks for the purpose of creating a building platform for residential purposes within a site, using <u>including the use of</u> imported fill <u>cleanfill</u> material must meet the following condition: (a) Be carried out in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development.
P3	(a) Earthworks for purposes other than creating a building platform for residential purposes within a site, using imported fill <u>cleanfill</u> material must meet all of the following conditions: (i) Not exceed a total volume of 20m ³ ; (ii) Not exceed a depth of 1m; (iii) The slope of the resulting filled area in stable ground must not exceed a maximum slope of 1:2 (1 vertical to 2 horizontal); (iv) Fill material is setback at least 1.5m from all boundaries; (v) Areas exposed by filling are revegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks; (vi) Sediment resulting from the filling is retained on the site through implementation and maintenance of erosion and sediment controls; (vii) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.
RDI	(a) Earthworks that do not comply with <u>any one or more of the conditions of</u> Rule 16.2.4.1 P1, P2 or P3.
NCI	Earthworks including <u>involving</u> the importation of cleanfill <u>controlled fill material</u> to a site.

181. A variety of amendments are sought by submitters in relation to volumes, areas and general dimensions within Rule 16.2.4. CKL [471.38], Chanel Hargrave and Travis Miller [751.5], The Surveying Company [746.31], and McCracken Surveys Limited [943.46] seek to amend Rule 16.2.4.1 P1(a)(ii) by increasing the allowable volumes from 250m³ to 500m³.
182. Sharp Planning Solution Ltd [695.84] seeks to amend Rule 16.2.4.1 P1 so that earthworks amounts are applied as a ratio. For example, 1:1 ratio on a 450m² site would provide 450m³.
183. Housing New Zealand Corporation [749.83] also seeks various amendments to the earthworks thresholds of Rule 16.2.4.1 P1(a)(ii) from 250m³ to 1,000m³, and in part (iii) from 1,000m² to 1ha. Amendment is also sought to 16.2.4.1 P3(a)(i) from 20m³ to 50m³ and part (ii) from 1m to 1.5m. The deletion of part (iv) (fill within 1.5m of all boundaries) is also sought.
184. McCracken Surveys [943.46] also seeks to amend Rule 16.2.4.1 P3 (a)(i) to increase the volume from 20m³ to 500m³ in relation to the creation of a building platform.
185. The reasons provided for the above amendments by the submitters are:
- The amount is easily exceeded, leading to unnecessary resource consents;
 - The notified rule unnecessarily penalises big sites with no apparent outcome;
 - An increase would allow for various topographies, noting that the effects of earthworks are easily managed and well understood;
 - Sites are subject to engineering at building consent stage; and
 - Permitted activity standards are able to control the adverse effects of any works.
186. The submitters have not provided any analysis, research or information to justify the changes sought. I do agree that earthworks thresholds should not be unduly restrictive and should generally enable development in the Residential Zone. However, the majority of

developments - i.e creation of new lots and earthworks to establish suitable building platforms and installation of services - would occur during the subdivision stage of a project. These would be subject to the regional earthworks provisions in addition to the district plan provisions. The earthworks thresholds provided in my view are suitable for a Residential-zoned site (which is typically not going to be more than 450m²). For comparison purposes only, if 450m³ of material was to be moved by a truck (capacity of approximately 6m³) this would equate to approximately 75 truck movements. For the reasons provided above, I do not agree with the relief sought.

187. Housing New Zealand Corporation seeks to include the word “any” in Rule 16.2.4.1 RDI(b) and delete RDI (viii) which relates to the Hauraki Gulf Catchment Area. No reason is provided for the deletion of (viii). The submitter seeks insertion of “any” to allow the planner to assess the resource consent on any one or more matters listed, therefore it is not an inclusive list.
188. I disagree with the insertion of “any” and deletion of part of RDI (b)(viii). The insertion of “any” is not required and RDI(b) “The Council’s discretion shall be restricted to the following matters” does not indicate that all of the matters must be met during assessment of an application – only those that are relevant will be applied.
189. First Gas Limited [945.7] seek a new permitted activity standard to Rule 16.2.4.1 PI to manage the effects of earthworks in proximity to the gas transmission lines. They also seek a new matter of discretion to Rule 16.2.4.1 RDI (b) in submission [945.8] associated with the above reason. Paragraph 345 of the Village Zone s42A report addresses this matter. Noting that gas pipelines in the Waikato District are either covered by a designation or an easement which restricts activities (including earthworks) within the 12m corridor, I agree with the conclusions reached in the s42A report and accordingly no change is recommended.
190. KiwiRail Holdings Limited (KiwiRail) [986.96] seeks to amend Rule 16.2.4.1 PI(a)(i) to include “infrastructure”. Chapter 14 (Infrastructure and Energy) manages earthworks effects relating to the construction, minor upgrading and repair of infrastructure. It does not deal with other activities which interface with existing infrastructure. Not all infrastructure is designated. The amendments sought in my opinion would be complementary to the provisions in Chapter 14. I agree with the relief sought and suggest the below amendment:

PI	(b) Earthworks (excluding the importation of fill material) within a site must meet all of the following conditions: <ul style="list-style-type: none"> (i) Be located more than 1.5 m horizontally from any infrastructure including a waterway, open drain or overland flow path; ...
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191. Waikato Regional Council [81.3] seeks amendments to Rule 16.2.4.1 PI(a)(i) to require a distance of 5m rather than 1.5m from a waterway, open drain or overland flow path. The reasons provided by the submitter include that the rule does not align with higher-order documents and it does not adequately manage sediment loading entering stormwater networks and waterbodies. In my opinion, rather than widening the setback from waterways, the better way to manage sediment entering waterbodies is for the earthwork area to be stabilised and revegetated as soon as possible and changes to Rule PI(a)(vii) are recommended.
192. Horticulture New Zealand [419.4] and Balle Bros Group Limited [466.6] both seek to add a matter of discretion to Rule 16.2.4.1 RDI to manage reverse sensitivity effects on any adjoining Rural Zone. Earthworks is generally a temporary activity subject to compliance with conditions of consent that would preclude effects of such a scale that they would cause adverse effects on rural activities.

193. Horticulture New Zealand [419.3] and Balle Bros Group Limited [466.5] both seek an amendment to Rule 16.2.4.1 to allow for ancillary rural earthworks. The submitters state that this should be a permitted activity to allow for existing operations to continue where land is rezoned from rural to residential. The continuation of rural activities is provided under existing use provisions of s10 of the RMA and it would be ultra vires for the PWDP to include rules that purport to state what those provisions entail.
194. Ian McAlley [368.21] seeks to amend Rule 16.2.4.1 to remove the requirement for earthworks consent if sought and approved by the Waikato Regional Council at the subdivision stage. The reasons stated in the submission are that earthworks should be accepted as part of the land development process, large scale earthworks are undertaken by experienced contractors and require resource consents under the Waikato Regional Plan. Resource consent approval (either at the subdivision stage or subsequently) for earthworks may also be required from Waikato District Council, as the matters addressed by the Waikato District Council (such as residential amenity, transport, noise) are different to those addressed by the Waikato Regional Council. In my experience it is typically the earthworks associated with smaller-scale developments which have the potential to create the greatest effects, in terms of tracking material on the road and displacement of sediments off site.
195. Chanel Hargrave and Travis Miller [751.8], Ian McAlley [368.22] and The Surveying Company [746.34] seek to amend Rule 16.2.4.1 NCI to a restricted discretionary activity rather than a non-complying activity. The reasons stated are that cleanfill may be required in the residential zone to enable greenfield development, the requirement to avoid it unnecessarily restricts development in the residential zone, the importation volume is too low, and the current non-complying activity status is too restrictive. With the clarification between the provisions for ‘cleanfill material’ and ‘controlled fill material’, and the activity status (refer to paragraph 180) no change is required.
196. Waikato District Council [697.105] and [697.106] seeks to amend Rule 16.2.4.1 PI(a) so that a single consecutive 12 month period applies to both volume and area earthworks thresholds. They also seek to add “at least” to part (vi). I agree with the relief sought, as it consistently applies the rule, and in my opinion is less restrictive. The insertion of “at least” provides clarity on the practical application of the rule and is consistent with other amendments sought to the earthworks rule in the Village Zone. Suggested amendments are set out below:

16.2.4.1 Earthworks – general

PI	<p>(a) Earthworks (excluding the importation of fill material) within a site must meet all of the following conditions:</p> <ul style="list-style-type: none"> (i) Be located more than 1.5 m horizontally from any waterway, open drain or overland flow path; (ii) Not exceed a volume of 250m³ <u>and an area of not more than 1,000m² over any consecutive 12 month period;</u> (iii) Not exceed an area of 1000m² over any consecutive 12 month period; (iii) The total depth of any excavation or filling does not exceed 1.5m above or below ground level; (iv) The slope of the resulting cut, filled areas or fill batter face in stable ground, does not exceed a maximum of 1:2 (1 vertical to 2 horizontal); (v) Earthworks are set back <u>at least</u> 1.5m from all boundaries; (vi) Areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks; (vii) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; (viii) Do not divert or change the nature of natural water flows, water bodies or
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	established drainage paths.
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197. KiwiRail Holdings Limited (KiwiRail) [986.106] seeks to amend Rule 16.2.4.1 P1 (vii) to refer to a timeframe (1 month) rather than threshold. The reason provided is that it is ambiguous. I agree with the relief sought. I also note that earthworks activities may take longer than 6 months from start to finish. As discussed in the s42A report for Hearing H9: Business Zone (refer paragraph 377), it is recommended that both the stabilisation and the subsequent revegetation be required. I suggest the below amendment:

PI	<p>(a) Earthworks (excluding the importation of fill material) within a site must meet all of the following conditions:</p> <ul style="list-style-type: none"> (i) Be located more than 1.5 m horizontally from any waterway, open drain or overland flow path; (ii) Not exceed a volume of 250m³; (iii) Not exceed an area of 1000m² over any consecutive 12 month period; (iv) The total depth of any excavation or filling does not exceed 1.5m above or below ground level; (v) The slope of the resulting cut, filled areas or fill batter face in stable ground, does not exceed a maximum of 1:2 (1 vertical to 2 horizontal); (vi) Earthworks are set back 1.5m from all boundaries; (vii) Areas exposed by earthworks are <u>stabilised to avoid runoff within 1 month and re-vegetated to achieve 80% ground cover within 6 months of the commencement- cessation</u> of the earthworks; (viii) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; (ix) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.
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198. Sharp Planning Solutions Ltd [695.86] seeks to amend Rule 16.2.4.1 P3 to a 1:5 ratio, so that a site of 450m² would therefore enable 90m³ of fill. The reason provided by the submission is that the rule penalises bigger sites for no apparent reason. The Surveying Company [746.33] also seeks to amend the thresholds in relation to importing fill, from 20m³ to 100m³, in addition to increasing the maximum excavation depth from 1m to 1.5m. Chanel Hargrave and Travis Miller [751.7] also seek to increase the fill volume from 20m³ to 100m³ and exceed a depth of 1m to 1.5m. The reason stated is that the imported fill thresholds are too low and are not sufficient to enable residential development. I also note that this rule is in relation to fill other than creating a “building platform”. “Building platform” is defined as “means land that is suitable and practical for building developments, having regard to soil conditions, geotechnical stability, gradient, access and natural hazards.” The clarification to the rules in paragraph 180 of this S42A report addresses any issue raised in the submission.
199. In the submission point from Ian McAlley [368.23] amendment to Rule 16.2.4.1 RDI(b)(i) is sought so that consideration of amenity and landscape should only occur in an area that is protected for its landscape/and/or natural character values. I do not agree with the relief sought. In my opinion, in considering adverse effects on the environment the effects of earthworks on the wider landscape and amenity is required in addition to any landscapes identified in the PWDP.
200. Balle Bros Group Limited [466.65] and Classic Builders Waikato Limited [123.4] seek that Rule 16.2.4.1 P1(vi) (1.5m setback from all boundaries) be deleted. The submitters question whether this is necessary if all appropriate erosion sediment controls are in place and effects are mitigated. I do not agree that erosion sediment controls could adequately mitigate any potential adverse effects in relation to undertaking earthworks in proximity to adjoining

boundaries, specifically in relation to instability and undermining any adjoining structures. That is the purpose of the restricted discretionary activity RDI. I recommend that the relief sought be rejected.

201. Brendon John & Denise Louise Strong [871.3], Janet Elaine McRobbie [684.4] and Greig Developments No 2 Limited [689.4] do not seek a specific decision but query the importation of fill being a permitted activity under P2 or a non-complying activity under NCI. The clarification of the rules in paragraph 180 of this S42A report addresses the submission points.
202. Sharp Planning Solutions [695.85] seeks to retain a maximum area of earthworks in Rule 16.2.4.1 P1 Earthworks – General. I agree with the outcome sought and consider that maximum area for permitted earthworks is an effective way of achieving Objective 4.2.14 and managing the effects of earthworks.
203. Blue Wallace Surveyors Ltd [662.5] seeks to retain Rule 16.2.4.1 P2 as notified, and include the words “*and accessway*”. Earthworks associated with the creation of an accessway are provided within Rules P1 and P2. Accessway earthworks in excess of the provisions need to be considered through the restricted discretionary activity resource consent process.
204. The Surveying Company [746.32] and Chanel Hargrave and Travis Miller [751.6] both seek to retain Rule 16.2.4.1 P2 as notified. I recommend accepting these submissions and consider that P2 appropriately enables earthworks for the purpose of creating a stable building platform.

11.4 Recommendations

205. I recommend, for the following reasons given above, that the hearings Panel:
 - a. **Reject** submission point Ian McAlley [368.7].
 - b. **Accept** submission points Anna Noakes [524.43], Blue Wallace Surveyors Ltd [662.44] and Withers Family Trust [598.10].
 - c. **Accept** submission point Heritage New Zealand [559.45] and KiwiRail Holdings Limited (KiwiRail) [986.21].
 - d. **Reject** submission points Counties Manukau Police [297.14], Balle Bros Group Limited [466.35] and Ian McAlley [368.8].
 - e. **Reject** submission point Sharp Planning Solutions Ltd [695.22].
 - f. **Reject** submission points The Surveying Company [746.107], Chanel Hargrave and Travis Miller [751.43], Sharp Planning Solutions Ltd [695.20] and Ian McAlley [368.9].
 - g. **Reject** submission point Sharp Planning Solutions Ltd [695.21].
 - h. **Accept** submission point New Zealand Transport Agency [742.19].
 - i. **Accept** submission point Waikato District Council [697.103].
 - j. **Reject** submission points First Gas Limited [945.7] and [945.8], Horticulture New Zealand [419.4] and [419.3] and Balle Bros Group Limited [466.5].
 - k. **Accept** submission point Waikato District Council [697.106].
 - l. **Reject** submission point Ian McAlley [368.21], Chanel Hargrave and Travis Miller [751.8].
 - m. **Reject** submission points McCracken Surveys Limited [943.46], Sharp Planning Solutions Ltd [695.84], Housing New Zealand Corporation [749.83], Chanel Hargrave and Travis Miller [751.5] and [751.7], CKL [471.38] and The Surveying Company [746.31].

- n. **Accept** submission points KiwiRail Holdings Limited (KiwiRail) [986.96] and Waikato District Council [697.105].
- o. **Accept** submission point KiwiRail Holdings Limited (KiwiRail) [986.106].
- p. **Reject** submission points Sharp Planning Solutions Ltd [695.86] and The Surveying Company [746.33].
- q. **Reject** submission points Balle Bros group Limited [466.6] and Ian McAlley [368.23].
- r. **Accept** submission point 2SEN Limited and Tuakau Estates Limited [299.18].
- s. **Reject** submission point Balle Bros Group Limited [466.65].
- t. **Reject** submission points Ian McAlley [368.22], The Surveying Company [746.34], and Classic Builders Waikato Limited [123.4].
- u. **Reject** submission points Brendon John & Denise Louise Strong [871.3], Janet Elaine McRobbie [684.4] and Grieg Developments No 2 Limited [689.4].
- v. **Accept** submission points Sharp Planning Solutions Ltd [695.85] and Blue Wallace Surveyors Ltd [662.5].
- w. **Accept** submission point The Surveying Company [746.32].
- x. **Accept** submission point Chanel Hargrave and Travis Miller [751.6].
- y. **Reject** submission point Waikato Regional Council [81.3].

11.5 Recommended amendments

206. The following amendments are recommended:

4.2.15 Policy - Earthworks

- (a) Manage the effects of earthworks to ensure that:
 - (i) Erosion and sediment loss is avoided or mitigated;
 - (ii) Changes to natural water flows and established drainage paths are mitigated;
 - (vi) Adjoining properties and public services are protected; ; **and**
 - (vii) The importation of cleanfill is avoided in the Residential Zone; **and**
 - (iii) **Adverse effects on historic heritage.**
- (b) Earthworks are designed and undertaken in a manner that ensures the stability and safety of surrounding land, buildings, **infrastructure** and structures.
- (c) Manage the amount of land being disturbed at any one time to avoid, remedy or mitigate adverse construction noise, vibration, dust, lighting and traffic effects.
- (d) Subdivision and development occurs in a manner that maintains fundamental shape, contour and landscape characteristics.
- (e) Manage the geotechnical risks to ensure the ground remains sound, safe and stable for the intended land use.

16.2.4 Earthworks

- (1) Rule 16.2.4.1 – General, provides the permitted rules for earthworks activities for the Residential Zone. **This rule does not apply in those areas specified in Rule 16.2.4.2, 16.2.4.3 and 16.2.4.4.**
- (2) There are specific standards for earthworks within rules:
 - (a) Rule 16.2.4.2 – Maaori Sites and Maaori Areas of Significance;
 - (b) Rule 16.2.4.3 – Significant Natural Areas;
 - (c) Rule 16.2.4.4 – Landscape and Natural Character Areas.

16.2.4.1 Earthworks - General

PI	<p>(a) Earthworks (excluding the importation the use of fill cleanfill material or controlled fill material) within a site must meet all of the following conditions:</p> <ul style="list-style-type: none"> (i) Be located more than 1.5 m horizontally from any <u>infrastructure including a</u> waterway, open drain or overland flow path; (ii) Not exceed a volume of 250m³ <u>and an area of not more than 1,000m² over any consecutive 12 month period;</u> (iii) Not exceed an area of 1000m² over any consecutive 12 month period; (iv) The total depth of any excavation or filling does not exceed 1.5m above or below ground level; (v) The slope of the resulting cut, filled areas or fill batter face in stable ground, does not exceed a maximum of 1:2 (1 vertical to 2 horizontal); (vi) Earthworks are set back <u>at least</u> 1.5m from all boundaries; (vii) Areas exposed by earthworks are <u>stabilised to avoid runoff within 1 month and re-vegetated to achieve 80% ground cover within 6 months of the commencement- cessation</u> of the earthworks; (viii) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; (ix) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.
P2	<p>Earthworks for the purpose of creating a building platform for residential purposes within a site, <u>using including the use of</u> imported fill cleanfill material must meet the following condition:</p> <ul style="list-style-type: none"> (a) Be carried out in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development.
P3	<p>(a) Earthworks for purposes other than creating a building platform for residential purposes within a site, using imported fill cleanfill material must meet all of the following conditions:</p> <ul style="list-style-type: none"> (i) Not exceed a total volume of 20m³; (ii) Not exceed a depth of 1m; (iii) The slope of the resulting filled area in stable ground must not exceed a maximum slope of 1:2 (1 vertical to 2 horizontal); (iv) Fill material is setback <u>at least</u> 1.5m from all boundaries; (v) Areas exposed by filling are revegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks; (vi) Sediment resulting from the filling is retained on the site through implementation and maintenance of erosion and sediment controls; (vii) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.
RD1	<p>(a) Earthworks that do not comply with <u>any one or more of the conditions of</u> Rule 16.2.4.1 PI, P2 or P3.</p> <p>(b) The Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Amenity values and landscape effects; (ii) Volume, extent and depth of earthworks; (iii) Nature of fill material; (iv) Contamination of fill material; (v) Location of the earthworks in relation to waterways, significant indigenous vegetation and habitat; (vi) Compaction of the fill material; (vii) Volume and depth of fill material; (viii) Protection of the Hauraki Gulf Catchment Area; (ix) Geotechnical stability; (x) Flood risk, including natural water flows and established drainage paths; and (xi) Land instability, erosion and sedimentation.

NCI	Earthworks including involving the importation of cleanfill controlled fill material to a site.
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11.6 Section 32AA evaluation

207. With respect to the recommended amendments to Policy 4.2.15 and Rules 16.2.4 and 16.2.4.1, the amendments are to provide clarification to assist with the understanding and readability of the rules. Accordingly, no s32AA evaluation has been required to be undertaken.

12 Topic 9: Housing Options Objective and Policies

12.1 Introduction

208. Objective 4.2.16 and policies 4.2.17, 4.2.18 and 4.2.19 seek to enable a range of housing options in the Residential Zone. In particular multi-unit development, dwellings, minor dwelling and retirement villages where they are connected to public reticulation. The objective and policies are achieved by the provision for a range of housing options in Chapter 16 such as:
- Retirement village (Rule 16.1.2 P3)
 - Home stay (Rule 16.1.2 P9)
 - Multi-unit development (Rule 16.1.3 RD1)
 - Dwelling (Rule 16.13.1); and
 - Minor dwelling (Rule 16.3.2).
209. For clarity this topic addresses submission points made on the following:
- 4.2.16 Objective – Housing options;
 - 4.2.17 Policy – Housing Types;
 - 4.2.18 Policy – Multi-unit development; and
 - 4.2.19 Policy – Retirement villages.

12.1.2 Submission

210. The following submissions were made:

Submission point	Submitter	Summary of submission
368.10	Ian McAlley	Retain Objective 4.2.16 Housing Options and AND Retain Policy 4.2.17 Housing Types AND Retain Policy 4.2.18 Multi-Unit Development AND Amend rules to ensure the directions in the objectives and policies and the associated rules align.

Submission point	Submitter	Summary of submission
942.21	Tainui	Amend Objective 4.2.16 Housing options to ensure the character of Raglan is not compromised.
923.48	Waikato District Health Board	Retain Objective 4.2.16- Housing Options as notified.
FS1387.1500	Mercury NZ Limited	Oppose
751.44	Chanel Hargrave and Travis Miller	Retain Objective 4.2.16 Housing options, except for the amendments below. AND Add to Objective 4.2.16 Housing Objectives the following: <u>Multi-unit development including low rise apartments is promoted within walking distance to existing Town Centres, public amenities and public transport. Smaller lots size and multi-unit development promoted within new greenfield sites where the land is within walking distance to amenities and reserves.</u>
FS1387.1091	Mercury NZ Limited	Oppose
FS1377.271	Havelock Village Limited	Support.
746.108	The Surveying Company	Retain Objective 4.2.16 Housing options, except for the amendments sought below AND Add to Objective 4.2.16- Housing options as follows: <u>Multi-unit development including low rise apartments is promoted within walking distance to existing Town Centres, public amenities and public transport. Smaller lots size and multi-unit development promoted within new greenfield sites where the land is within walking distance to amenities and reserves.</u>
FS1377.255	Havelock Village Limited	Support.
FS1387.972	Mercury NZ Limited	Oppose
FS1287.40	Blue Wallace Surveyors Ltd	Support.
662.45	Blue Wallace Surveyors Ltd	Retain Objective 4.2.16 Housing options, except for the amendments sought below AND Amend Objective 4.2.16(a) Housing options as follows: (a) A wide range of housing options occurs in the Residential Zones of Huntly, Ngaruawahia, Pokeno, Raglan, Te Kauwhata, <u>Taupiri</u> and Tuakau...
FS1387.119	Mercury NZ Limited	Oppose

Submission point	Submitter	Summary of submission
81.126	Waikato Regional Council	Retain Objective 4.2.16 Housing options.
FS1223.20	Mercury NZ Limited	Support
535.20	Hamilton City Council	Retain Objective 4.2.16 Housing options.
FS1388.694	Mercury NZ Limited	Oppose
606.10	Future Proof Implementation Committee	Retain Objective 4.2.16 Housing options.
742.20	New Zealand Transport Agency	Retain Objective 4.2.16(b) Housing options as notified, except for the amendments sought below. AND Add a High Density Residential Zone to the Proposed District Plan with supporting objectives, policies and rules. AND Amend planning maps to show the location of a High Density Residential Zone. AND Request any consequential changes necessary to give effect to the relief sought in the submission.
FS1387.850	Mercury NZ Limited	Oppose
FS1313.24	Perry Group Limited	Support.
FS1287.37	Blue Wallace Surveyors Ltd	Support
FS1269.59	Housing New Zealand Corporation	Support.
535.21	Hamilton City Council	Amend Policy 4.2.17 Housing types, by introducing a suite of policies including those on other housing types and high design quality. AND Amend the wider zone provisions as a consequential amendment. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
FS1388.695	Mercury NZ Limited	Oppose
FS1377.129	Havelock Village Limited	Support.
FS1269.143	Housing New Zealand Corporation	Support

Submission point	Submitter	Summary of submission
746.91	The Surveying Company	Retain Objective 4.2.17 Housing types.
FS1387.962	Mercury NZ Limited	Oppose
FS1377.250	Havelock Village Limited	Support.
923.49	Waikato District Health Board	Retain Policy 4.2.17- Housing types as notified.
FS1387.1501	Mercury NZ Limited	Oppose
81.127	Waikato Regional Council	Retain Policy 4.2.17 Housing types.
FS1223.21	Mercury NZ Limited	Support
FS1223.164	Mercury NZ Limited	Support
751.45	Chanel Hargrave and Travis Miller	Retain Policy 4.2.17 Housing types.
FS1387.1092	Mercury NZ Limited	Oppose
297.19	Counties Manukau Police	Add to Policy 4.2.18(b) Multi-unit development a new line as follows: <u>Conform to the national guidelines for CPTED.</u>
FS1269.16	Housing New Zealand Corporation	Oppose.
FS1386.312	Mercury NZ Limited	Oppose
464.5	Perry Group Limited	<p>Amend Policy 4.2.18 Multi-unit development, as follows:</p> <p>(a) Ensure <u>Enable</u> multi-unit residential <u>subdivision and mixed use</u> development is <u>to be</u> designed in a way that:</p> <ul style="list-style-type: none"> (i) provides a wide range of housing types; (ii) addresses and integrates with adjacent residential development, town centres and public open space <u>while recognising the importance of multi-unit developments role in addressing housing supply;</u> ... (iii) Maintains the amenity values of neighbouring sites. <p>(b) Encourage developments that promote the outcomes of the Waikato District Council's multi-unit development urban design guidelines (Appendix 3.4), in particular section 3 ...</p> <ul style="list-style-type: none"> (b)(iv) Ensuring design is contextually appropriate and promotes local characteristics to contribute to community identity; (v) Designs that respond to and promote the public interface by the provision of: A. Streets, <u>communities</u> and public places; <p>AND</p> <p>Any consequential amendments or further relief to address the concerns raised in the submission.</p>

Submission point	Submitter	Summary of submission
FS1388.378	Mercury NZ Limited	Oppose
FS1087.8	Ports of Auckland Limited	Oppose
695.23	Sharp Planning Solutions Ltd	Amend Policy 4.2.18(a)(i) Multi-unit development to include reference to the document (Appendix 3.4 of the Proposed District Plan) at the start of this policy, rather than part way through or at the end of this section.
749.3	Housing New Zealand Corporation	<p>Amend Policy 4.2.18(b) Multi unit development as follows: Encourage the design of multi-unit residential developments to that promote the outcomes of the Waikato District Council's multi-unit development urban design guidelines (Appendix 3.4), in particular section 3 (site and context analysis), section 4 (movement, access and parking), section 5 (neighbourhood character), section 6 (street and public realm interface), and section 8 (communal open spaces and landscape treatment), in particular by:</p> <ul style="list-style-type: none"> i. Responding to the immediate urban and built form; ii. Designing and locating <u>Locate</u> development to support connection to the surrounding context and local amenities; iii. Promoteing the safe movement of pedestrians and vehicles on-site; iv. Ensuring design is <u>Be</u> contextually appropriate and promotes promoting of local characteristics to that contribute to community identity; v. Designs that r<u>Respond</u> to and promote the public interface by the provision of: <ul style="list-style-type: none"> A. Streets and public places; B. Pedestrian safety and amenity; C. Side setbacks; and D. Variation in roof form. vi. Ensuring <u>Provide</u> a communal outdoor living court is provided where private individual outdoor living courts are limited. <p>AND</p> <p>Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.</p>
FS1387.990	Mercury NZ Limited	Oppose
746.92	The Surveying Company	Delete Policy 4.2.18 (b) (v) (D) - Multi-unit development.
FS1387.963	Mercury NZ Limited	Oppose
751.46	Chanel Hargrave and	Delete Policy 4.2.18(b)(v) (D) Multi-unit development

Submission point	Submitter	Summary of submission
	Travis Miller	
FS1387.1093	Mercury NZ Limited	Oppose
923.50	Waikato District Health Board	Retain Policy 4.2.18- Multi-unit development as notified.
FS1387.1502	Mercury NZ Limited	Oppose
742.21	New Zealand Transport Agency	<p>Retain Policy 4.2.18 Multi-unit development, except for the amendments sought below</p> <p>AND</p> <p>Amend Policy 4.2.18 Multi-unit development as follows:</p> <p>(a) <i>Ensure multi-unit residential subdivision and development is designed <u>and located</u> in a way that:</i></p> <ul style="list-style-type: none"> (i) Addresses and integrates <i>Integrates with adjacent residential development, town centres and public open space;</i> (ii) (iv) Supports an integrated <i>Integrates with the transport network, including <u>access to</u> walking and cycling connections to <u>and the</u> public open space network; and</i> <p>(b)</p> <ul style="list-style-type: none"> (ii) <i>Promoting the safe movement of pedestrians and vehicles on site, <u>and between the site and the wider transport network</u>;</i> <p>AND</p> <p>Request any consequential changes necessary to give effect to the relief sought in the submission.</p>
FS1387.851	Mercury NZ Limited	Oppose
81.128	Waikato Regional Council	Retain Policy 4.2.18 Multi-unit development.
FS1223.22	Mercury NZ Limited	Support
FS1223.165	Mercury NZ Limited	Support
297.20	Counties Manukau Police	Add to Policy 4.2.19(a) Retirement villages a new line as follows: <u>Conforming to the national guidelines for CPTED.</u>
251.2	Aparangi Retirement Village Trust	Amend the Proposed District Plan to provide smaller section sizes for retirement villages.
FS1004.3	Tamahere Eventide Home Trust - Tamahere Eventide Retirement Village	Support
FS1005.7	Tamahere Eventide Home Trust - Atawhai Assisi Retirement Village	Support

Submission point	Submitter	Summary of submission
FSI202.8	New Zealand Transport Agency	Oppose
FSI386.253	Mercury NZ Limited	Oppose
FSI386.255	Mercury NZ Limited	Oppose

211. Twenty-seven original submissions were received in relation to the housing options objective and policies. In summary, submissions related to:
- Retention of Objective 4.2.16;
 - Amend Objective 4.2.16 to reference multi-unit development in proximity to town centres;
 - Include reference to Taupiri;
 - Include a high-density Residential Zone;
 - Amend Policy 4.2.17 to incorporate a suite of policies referring to high-density;
 - Retain Policy 4.2.17 as notified;
 - Inclusion of CPTED;
 - Delete and/or amend Policy 4.2.18 Multi-unit development to refer to subdivision and mixed use;
 - Incorporate and remove reference to Appendix 3.4; and
 - Amendments to facilitate smaller section sizes for retirement villages.

12.1.3 Analysis

212. Ian McAlley [368.10] requests the retention of Objective 4.2.16 and Policies 4.2.17 and 4.2.18, with amendments to the rules to align them with the outcomes of the objective and policies. Consideration of whether the rules align with the objectives and policies is contained in the analysis in Topic 10 – Housing Options Rules.
213. Tainui [942.21] seeks an amendment to Objective 4.2.16 to ensure that the character of Raglan is not compromised. Raglan character is addressed in a number of areas within the PWDP. The character in Raglan is addressed specifically or generally by Objective 4.1.7 (Character of towns), Policy 4.1.9 (Maintain landscape characteristics), and Policy 4.1.18 (Raglan). I therefore do not agree with the relief sought, as it is sufficient and adequately addressed by the objective and policies stated above. In addition, Hearing 16 is focused solely on the submissions relating to Raglan (in particular its character) and this matter will be addressed in detail at that hearing.
214. Waikato District Health Board [923.48], Waikato Regional Council [81.126], Hamilton City Council [535.20] and Future Proof Implementation Committee [606.10] seek to retain Objective 4.2.16 as notified.
215. Chanel Hargrave and Travis Miller [751.44] and The Surveying Company [746.108] support Objective 4.2.16 with amendments. The amendments seek to recognise how higher density would be achieved by referencing multi-unit development and smaller lot sizes. I do not agree with the relief sought. The objective is the aim or outcome, and the policies \set out how the objective is to be achieved. For example, Policies 4.1.5(a), 4.2.17, 4.2.18, and 4.2.19 identify measures to achieve Objective 4.2.16. Furthermore, Policy 4.7.4 lot sizes addresses lot sizes in the urban zones, which include the Residential Zone. The single Residential Zone is located in the main towns and enables multi-unit development anywhere within that zone as a restricted discretionary activity.

216. Blue Wallace Surveyors Ltd [662.45] supports Objective 4.2.16 but seeks that it be amended to include Taupiri. I note that although a new area of land is zoned for Residential development, it is unknown how Taupiri will develop in the future with regard to the completion of the Waikato Expressway and work currently being undertaken on the Hamilton to Auckland corridor. This situation is recognised in Policy 4.1.14. Accordingly, the inclusion of Taupiri is not supported.
217. New Zealand Transport Agency [742.20] supports Objective 4.2.16(b) as notified with amendments, specifically a high-density residential zone to be added to the PWDP with supporting objectives and policies. The reasons provided by the submitter are that a higher-density residential zone would provide a clearer and more robust (regulatory) signal to applicants of Council's expectations for the density of development in locations close to the Business Town Centre Zone and transport networks. This approach would also provide stronger support for Policy 4.2.18(a)(iv).
218. Although less specific, Hamilton City Council [535.21] similarly seeks to amend Policy 4.2.17 by introducing a suite of policies for other housing types and high design quality. The reasons provided by the submitter are that clarity is needed on where growth will be accommodated, duplex or multi-unit development may not necessarily maintain the status quo. The submitter considers that additional policies should focus on positive changes in terms of affordability and choice of housing.
219. The approach adopted in the PWDP was not to zone specific areas for higher-density residential development, but rather was to provide for multi-unit development as a restricted discretionary activity throughout the zone and to set out a policy framework (namely Objectives 4.1.2, 4.2.16, Policy 4.1.3, 4.1.5, 4.2.17, Policy 4.2.18, 4.2.19) that supported development of higher density in areas where the policy criteria were met (such as connected to public services, well-served by transport and in close proximity to town centres). This topic is further addressed in Topic 36 Medium Residential Housing. Affordable Housing is also discussed in Topic 35. The submitters have not provided information or analysis to support this change. In light of the reasons given above, I do not agree with the relief sought. I recommend that the panel reject both submission points.
220. The Surveying Company [746.91] seeks to retain (Objective - sic) Policy 4.2.17 Housing Types, as does Waikato District Health Board [923.49], Waikato Regional Council [81.127] and Chanel Hargrave and Travis Miller [751.45] and I agree with its retention as the policy clearly sets out the type of residential development and the infrastructure required to support it.
221. Counties Manukau Police [297.19] and [297.20] seek to include reference to CPTED national guidelines within policy 4.2.18(b) and policy 4.2.19(a). In my opinion, CPTED (Crime Prevention Through Environmental Design) is addressed in Policy 4.7.3(a)(viii) and Policy 4.7.2(a)(v), and does not require specific addition into Policy 4.2.18(b) or Policy 4.2.19(a).
222. Perry Group Limited [464.5] seeks to amend Policy 4.2.18 by including reference to mixed use, and recognising the importance of multi-unit developments in addressing housing supply. The submitter has provided very broad reasons for the amendments sought (particularly what would be a substantial change to the policy approach of supporting 'mixed use' in the Residential Zone). The submission does not provide any real justification, analysis or information to support the relief sought. For the reasons outlined above, I do not agree with the relief sought.
223. Sharp Planning Solutions Ltd [695.23] seeks to amend Policy 4.2.18(a)(i) to include reference to Appendix 3.4 at the start of the policy rather than in part (b) of the policy. I do not agree with reordering the policy as it does not alter the outcomes sought. Part (a) of the policy sets out the 'where and how' of multi-unit development, while Part (b) relates to how the

multi-unit development should be designed and achieved. I do not agree with the relief sought.

224. Housing New Zealand Corporation [749.3] seeks amendments to Policy 4.2.18(b) by deleting the reference to the multi-unit guidelines from the policy (Appendix 3.4). No information, justification or analysis has been provided for the amendments sought. In my opinion, as directing resource consent applications to the relevant specific provisions of the Appendix is helpful and it provides the link to the specific matters listed in (i) to (vi) that follow. The submitter also suggests the deletion of (i) and consequential rewording of other provisions. I do not agree with the deletion of matter (i), as “*responding to the immediate urban and built form*” is a matter to consider to assist with the integration of multi-units into existing residential environments. The other changes are not required as the deletion of Appendix 3.4 is not agreed with.
225. The Surveying Company [746.92] and Chanel Hargrave and Travis Miller [751.46] both seek to delete Policy 4.2.18(b)(v)(D). The reasons provided by the submitters are that roof variations are a good principle in design and should be a directive within the design guidelines rather than a policy. As noted in paragraph 224, it is useful to have the specific matters from the guideline highlighted in the policy.
226. Waikato District Health Board [923.50] and Waikato Regional Council [81.128] seek to retain Policy 4.2.18. For the reasons set out in paragraphs 223 and 224, I concur with the submitters.
227. New Zealand Transport Agency [742.21] seeks to retain Policy 4.2.18, with amendments, to clarify how subdivision and development would support an integrated transport network. Policy 4.2.18(b)(iii) refers to safe movement of pedestrians and vehicles on site, but is silent about movement between the site and wider network. Policies 4.1.5 and 4.1.8 encourage higher density residential development near to and in support of the public transport systems. I agree that it is useful to include the word ‘location’ in Policy 4.2.18(a) as suggested, as it provides more clarity on how the policy is achieved. I do not agree with the other amendments, as this matter is dealt with adequately by Policies 4.1.5 and 4.1.8. The suggested amendment is located below:

4.2.18 Policy – Multi-unit development

- (a) Ensure multi-unit residential subdivision and development is designed and located in a way that:...

228. Aparangi Retirement Village Trust [251.2] seeks to amend the PWDP to provide for smaller section sizes for retirement villages. Policy 4.2.19(iv) indicates that higher densities can be required for retirement villages. Policy 4.1.5(a) also supports higher densities for retirement villages. Rule 16.1.2 P3 provides for retirement villages as a permitted activity without any minimum site area for each residential unit. Subdivision of a retirement village for management purposes is provided under Rule 16.4.1 RD1. It is noted that condition (i) requires a net site area of 450m² and it is recognised that this will not be suitable for retirement village purposes. It is proposed that a new RD2 rule be introduced to make it clear that subdivision that does not meet this standard remains a restricted discretionary activity (rather than reverting to discretionary activity status). On that basis, I do not consider that any amendments are necessary to facilitate higher densities for retirement villages.

12.1.4 Recommendations

229. I recommend, for the reasons given above, that the Hearings Panel:
- a. **Accept in part** submission points Ian McAlley [368.10], Waikato District Health Board [923.48], Chanel Hargrave and Travis Miller [751.44], The Surveying Company [746.108],

Waikato District Health Board [923.50] and New Zealand Transport Agency [742.20] and [742.21].

- b. **Reject** submission points Tainui [942.21], Counties Manukau Police [297.19] and [297.20], Perry Group Limited [464.5], Sharp Planning Solutions Ltd [695.23], Housing New Zealand Corporation [749.3], The Surveying Company [746.92], Chanel Hargrave and Travis Miller [751.46], Aparangi Retirement Village Trust [251.2], Hamilton City Council [535.21] and Blue Wallace Surveyors [662.45].
- c. **Accept** submission points Waikato Regional Council [81.126], Future Proof Implementation Committee [606.10], Hamilton City Council [535.20], The Surveying Company [746.91], Waikato District Health Board [923.49], Waikato Regional Council [81.127] and [81.128] and Chanel Hargrave and Travis Miller [751.45].

12.1.5 Recommended amendments

230. The following amendments are recommended:

4.2.18 Policy – Multi-unit development

(a) Ensure multi-unit residential subdivision and development is designed **and located** in a way that:...

12.1.6 Section 32AA evaluation

231. With respect to the recommended amendment to Policy 4.2.18, the amendment provides the link to the 'location' matters particularly those in (iv) therefor providing clarification to assist with the intent and purpose of the policy. Accordingly, no s32AA evaluation has been required to be undertaken.

13 Topic: 10: Housing Options Rules

13.1 Introduction

232. A number of rules within the PWDP provide options with regard to the types of housing that can be constructed. These include dwellings (including the number), minor dwellings and multi-unit development. Rules relating to retirement villages are discussed in Topic 22 Land Use – Activities. The following provisions are addressed in the following order in this topic:
- a. Rule 16.3.1 Dwelling (including number of dwellings);
 - b. Rule 16.3.2 Minor Dwelling
 - c. Rule 16.1.3 Restricted Discretionary Activities (RDI to multi-unit developments);
 - d. Rule 16.4.4 (Subdivision multi-unit); and
 - e. Appendix 3.4 (Multi-unit development).

13.2 Submissions

233. The following submissions were made and have been grouped in the same order as the topics above.

Rule 16.3.1 Dwelling (including number of dwellings)

Submission point	Submitter	Summary of submission

Submission point	Submitter	Summary of submission
326.6	Raglan Chamber of Commerce	Amend Rule 16.3 Land use, so that the number of dwellings and the definition of a minor dwelling allow for more than one primary dwelling and one minor dwelling per site. The submission sets out some examples of possible amendments to rules, e.g.: Rule 16.3.1 P1 <u>Two dwellings within a site where the combined floor areas do not exceed x percentage of the section.</u> New Rule 16.3.1.P2 <u>Three dwellings within a site, if at least two of the dwellings are small houses each with a gross floor area of less than 45m².</u>
FS1386.383	Mercury NZ Limited	Oppose
FS1269.105	Housing New Zealand Corporation	Support
746.35	The Surveying Company	Add a new permitted activity (P2) to Rule 16.3.1- Dwelling for a multi-unit development of up to three dwellings as follows: <u>P2 Multi-unit development of up to three dwellings added as a Permitted Activity</u> AND Add permitted activity conditions to the new Rule 16.3.1 P2 similar to Rule 16.1.3 RD1 (including proposed amendments) AND Amend Rule 16.3.1- Dwelling to state that Rule 16.3.1 does not apply to multi-unit development.
FS1387.921	Mercury NZ Limited	Oppose
FS1377.246	Havelock Village Limited	Oppose.
751.9	Chanel Hargrave and Travis Miller	Add a new permitted activity to Rule 16.3.1 Dwelling as follows: <u>P2 Multi-unit development of up to three dwellings added as a Permitted Activity.</u> AND Add similar standards as Rule 16.1.3 RD1 [including proposed amendments] as permitted activity standards. AND Amend Rule 16.3.1 Dwelling to state that the rule does not apply to multi-unit developments.
FS1387.1071	Mercury NZ Limited	Oppose
FS1379.300	Hamilton City Council	Oppose

Submission point	Submitter	Summary of submission
689.3	Greig Developments No 2 Limited	Add a new activity to Rule 16.1.2 Permitted Activities as follows: <u>P13 Multi-unit development of up to three dwellings is a Permitted Activity</u> AND Add similar standards to Rule 16.1.3 RDI (including proposed amendments) as permitted activity standards to new Rule 16.1.2 P13 AND Delete Rule 16.1.3(1)(RDI(c) Restricted Discretionary, which requires the minimum net site area per residential unit to be 300m ² .
FS1129.21	Auckland Council	Support.
FS1387.283	Mercury NZ Limited	Oppose
746.28	The Surveying Company	Add a new activity to Rule 16.1.2- Permitted Activities to include multi-unit development of up to three dwellings as follows: <u>P13 Multi-unit development of up to three dwellings is a Permitted Activity</u> AND Add similar activity specific standards to the new rule as Rule 16.1.3 RDI (including the amendments sought)
FS1387.919	Mercury NZ Limited	Oppose
FS1202.75	New Zealand Transport Agency	Support
445.9	BTW Company	Amend Rule 16.1.3 Restricted Discretionary Activities, by deleting RDI (a multi-unit development) and consequently creating a new controlled activity rule for multi-unit development.
FS1388.296	Mercury NZ Limited	Oppose
FS1388.338	Mercury NZ Limited	Oppose
689.5	Greig Developments No 2 Limited	Add a new provision P2 to Rule 16.3.1 Dwelling that permits a multi-unit development of up to three dwellings, with similar standards to Rule 16.1.3 RDI (including proposed amendments) applied as permitted activity standards AND Amend Rule 16.3.1 Dwelling to ensure that this rule does not apply to multi-unit developments.
FS1387.284	Mercury NZ Limited	Oppose

Submission point	Submitter	Summary of submission
310.9	Whaingaroa Raglan Affordable Housing Project	Add new rule to Rule, 16.3.1 P2 Dwelling as follows: <u>(a) Three dwellings within a site, if at least two of the dwellings are small houses each with a gross floor area of less than 45m².</u>
FS1386.366	Mercury NZ Limited	Oppose
FS1308.13	The Surveying Company	Support
FS1276.19	Whaingaroa Environmental Defence Inc. Society	Support
697.128	Waikato District Council	Amend 16.3.1 PI Dwelling to read as follows: <u>One dwelling within site a record of title.</u>
FS1387.447	Mercury NZ Limited	Oppose
471.31	CKL	Amend Rule 16.3.1 D1 - Dwelling to be a restricted discretionary activity as follows: DRDI A dwelling that does not comply with Rule 16.3.1 PI. AND Any consequential amendments necessary.
FS1388.455	Mercury NZ Limited	Oppose
FS1261.12	Annie Chen	Support.
FS1261.9	Annie Chen	Support.
FS1377.115	Havelock Village Limited	Support.
FS1297.18	CSL Trust & Top End Properties Limited	Support.
FS1297.15	CSL Trust & Top End Properties Limited	Support.
310.14	Whaingaroa Raglan Affordable Housing Project	Amend Rule 16.3.1 Dwelling, to allow more than one primary dwelling and one minor dwelling per site.
FS1276.23	Whaingaroa Environmental Defence Inc. Society	Support
FS1269.40	Housing New Zealand Corporation	Support
FS1308.14	The Surveying Company	Support
FS1386.369	Mercury NZ Limited	Oppose
310.8	Whaingaroa Raglan Affordable Housing	Amend Rule 16.3.1 PI- Dwelling as follows: One dwelling within a site <u>Two dwellings within a site, where</u>

Submission point	Submitter	Summary of submission
	Project	<u>the combined floor areas do not exceed 'X' percentage of the section.</u>
FS1386.365	Mercury NZ Limited	Oppose
FS1276.18	Whaingaroa Environmental Defence Inc. Society	Support
749.87	Housing New Zealand Corporation	<p>Amend Rule 16.3.1 PI Dwelling as follows: <i>PI</i>. One dwelling within a site. <u>Up to three dwellings per site.</u> AND Amend Rule 16.3.1 DI Dwelling to change the activity status to a Restricted Discretionary Activity and add matters of discretion as follows: DI RD1 A dwelling that does not comply with Rule 15.3.1 PI <u>(a) Four or more dwellings per site;</u> <u>(b) Council's discretion shall be restricted to any of the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>Intensity of the development;</u> (ii) <u>Height of the building;</u> (iii) <u>Design and location of buildings;</u> (iv) <u>Extent of shading on adjacent sites;</u> (v) <u>Provision of infrastructure to individual units, and</u> (vi) <u>Privacy on adjoining sites.</u> <p>AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.</p>
FS1387.1024	Mercury NZ Limited	Oppose
FS1377.259	Havelock Village Limited	Support.
FS1308.123	The Surveying Company	Support

Rule 16.3.2 Minor Dwelling

Submission point	Submitter	Summary of submission
276.3	Ted and Kathryn Letford	<p>Retain the ability in Chapter 16 Residential Zone to undertake multi-unit development AND Amend Chapter 16 Residential Zone to reduce the size</p>

Submission point	Submitter	Summary of submission
		of the net site area per residential unit for multi-unit development from 300m ² net site area to 150m ² average per apartment and 200m ² net site area per half duplex to be similar to Hamilton City Council.
FS1386.282	Mercury NZ Limited	Oppose
FS1017.4	Gulab Bilimoria	Support
943.47	McCracken Surveys Limited	Amend Rule 16.3.2 (a) (i) Minor dwelling, as follows: (i) The net site area is 900 600m ² or more;
FS1387.1588	Mercury NZ Limited	Oppose
FS1308.178	The Surveying Company	Support
123.7	Classic Builders Waikato Limited	Amend Rule 16.3.2 (a)(i) Minor dwelling to reduce the minimum net site area 900m ² to enable Minor dwellings on smaller lots.
FS1092.8	Garth & Sandra Ellmers	Support
FS1386.106	Mercury NZ Limited	Oppose
FS1092.12	Garth & Sandra Ellmers	Not stated
471.50	CKL - Andrew Wood	Amend Rule 16.3.2 D1 Minor dwelling to be restricted discretionary activity as follows: D+RDI A minor dwelling that does not comply with Rule 16.3.2 P1. AND Any consequential amendments necessary.
FS1308.68	The Surveying Company	Support
FS1269.127	Housing New Zealand Corporation	Support.
749.88	Housing New Zealand Corporation	Amend Rule 16.3.2 Minor dwelling as follows: P1 (a) One minor dwelling contained within a site must comply with all of the following conditions: (i) The net site area is 900m² or more There must be no more than one minor dwelling per site; (ii) The site does not contain a Multi-unit development. (iii) The gross floor area shall not exceed 70m ² excluding decks and garaging. D1 A minor dwelling that does not comply with Rule 16.3.2 P1(a)(iii) NCI More than one minor dwelling per site or does not comply with Rule 16.3.2 P1(a)(ii). AND

Submission point	Submitter	Summary of submission
		Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
FS1387.1025	Mercury NZ Limited	Oppose
697.129	Waikato District Council	Amend Rule 16.3.2 PI Minor dwelling to read as follows: (a) <i>One minor dwelling contained within a site a record of title must comply with all of the following conditions:</i>
FS1387.448	Mercury NZ Limited	Oppose
746.36	The Surveying Company	Amend Rule 16.3.2 PI(a)(i)- Minor dwelling as follows: <i>The net site area is 900m² <u>600m²</u> or more.</i>
FS1387.922	Mercury NZ Limited	Oppose
695.89	Sharp Planning Solutions Ltd	Amend Rule 16.3.2 PI(a)(i) Minor dwelling to apply a 600m ² threshold instead of the current 900m ² requirement.
FS1387.327	Mercury NZ Limited	Oppose
FS1308.106	The Surveying Company	Support
471.39	CKL	Amend Rule 16.3.2 PI(a)(i) Minor dwelling, by reducing the net site area requirement from 900m ² to 600m ² . AND Any consequential amendments necessary.
FS1388.460	Mercury NZ Limited	Oppose
FS1308.66	The Surveying Company	Support
838.1	Madsen Lawrie Consultants	Amend Rule 16.3.2(a)(i) Minor dwelling to reduce the net site area required for a minor dwelling to 600m ² .
FS1308.157	The Surveying Company	Support
FS1387.1365	Mercury NZ Limited	Oppose
698.2	Simon Dromgool on behalf of Christine Dromgool, John and Caroline Vincent, Mark Dromgool	Delete Rule 16.3.2 PI (a)(iii) Minor Dwelling, to remove the 70m ² limitation.
FS1387.780	Mercury NZ Limited	Oppose
751.10	Chanel Hargrave and Travis Miller	Retain Rule 16.3.2 Minor Dwelling, except for the amendments sought below. AND Amend Rule 16.3.2 PI(a)(i) Minor dwelling as follows: (i) <i>The net site area is 900 <u>500</u>m² or more;</i>
FS1387.1072	Mercury NZ Limited	Oppose

Submission point	Submitter	Summary of submission
FS1281.45	Pokeno Village Holdings Limited	Support.

**Rule 16.1.3 Restricted Discretionary Activities
(RDI Multi-Unit Developments)**

Submission point	Submitter	Summary of submission								
471.37	CKL	Amend Rule 16.1.3 RDI (c) Restricted Discretionary Activities, so that the minimum net site area for multi-unit developments is reduced to 150m ² or 200m ² per residential unit based on average site area (rather than 300m ² per residential unit based on net site area). AND Any consequential amendments necessary.								
FS1388.459	Mercury NZ Limited	Oppose								
FS1269.125	Housing New Zealand Corporation	Support.								
FS1129.20	Auckland Council	Support								
697.96	Waikato District Council	Add a new condition to Rule 16.1.3 RDI Restricted Discretionary as follows: <u>A detailed site plan depicting the proposed record of title boundaries for each residential unit and any common areas (including access and services must be provided, ensuring that a freehold (fee simple or unit title subdivision complied with rule 16.4.4 (Subdivision – Multi-unit development));</u> AND Add a new rule to Rule 16.1.3 as follows: <u>(d) where units or apartments are being proposed, the following minimum unit areas apply:</u> <table border="1"> <thead> <tr> <th>Unit of Multi-Unit</th> <th>Minimum Unit Area</th> </tr> </thead> <tbody> <tr> <td>Studio Unit or 1 bedroom unit</td> <td>60m²</td> </tr> <tr> <td>2 bedroom unit</td> <td>80m²</td> </tr> <tr> <td>3 or more bedroom unit</td> <td>100m²</td> </tr> </tbody> </table>	Unit of Multi-Unit	Minimum Unit Area	Studio Unit or 1 bedroom unit	60m ²	2 bedroom unit	80m ²	3 or more bedroom unit	100m ²
Unit of Multi-Unit	Minimum Unit Area									
Studio Unit or 1 bedroom unit	60m ²									
2 bedroom unit	80m ²									
3 or more bedroom unit	100m ²									
FS1377.204	Havelock Village Limited	Oppose.								
FS1291.3	Havelock Village Limited	Oppose.								
FS1387.439	Mercury NZ Limited	Oppose								
942.77	Tainui	Add a new matter of discretion to Rule 16.1.3 RDI Restricted Discretionary Activities as follows: <u>(k) Enhancement of the character of the town.</u>								

Submission point	Submitter	Summary of submission
945.6	First Gas Limited	Add a new matter of discretion to Rule 16.1.3 RDI(b) Restricted Discretionary Activities as follows: <i><u>(k) The safe, effective and efficient operation, maintenance and upgrade of the gas network.</u></i> AND Any consequential amendments and other relief to give effect to the matters raised in the submission.
578.28	Ports of Auckland Limited	Add matters of discretion to Rule 16.1.3 RDI to give consideration of reverse sensitivity effects as follows: <i>(a) Density of the development;</i> <i>(j) Provision of infrastructure to individual units,</i> <i><u>(k) Avoidance of reverse sensitivity effects on industrial activities;</u></i> <i><u>(l) Protection of noise sensitive activities from the effects of noise generated by industrial activities.</u></i> AND Amend the Proposed District Plan to make alternative or consequential amendments as necessary to address the matters raised in the submission.
FS1388.848	Mercury NZ Limited	Oppose
FS1269.49	Housing New Zealand Corporation	Oppose.
81.149	Waikato Regional Council	Add to Rule 16.1.3 RD I A Multi-Unit development a new condition as follows: <i><u>The development is either serviced by or within 400m walking distance of public transport.</u></i>
FS1223.159	Mercury NZ Limited	Oppose
FS1308.144	The Surveying Company	Oppose
FS1202.76	New Zealand Transport Agency	Support
FS1187.1	Greig Developments No 2 Limited	Support.
742.123	New Zealand Transport Agency	Add to Rule 16.1.3 RDI A multi-unit development that meets all of the following conditions new matters of discretion as follows. <i><u>(k) On-site parking and manoeuvring;</u></i> <i><u>(l) Safety and efficiency of the land transport network.</u></i> <i><u>(m) Provision for multi-modal transport.</u></i> AND Request any consequential changes necessary to give

Submission point	Submitter	Summary of submission
		effect to the relief sought in the submission.
FS1387.883	Mercury NZ Limited	Oppose
697.95	Waikato District Council	Amend Rule 16.1.3 Restricted Discretionary Activities table heading into read as follows: The Council's discretion shall be limited to the following matters: <u>Matters of Discretion</u>
FS1387.438	Mercury NZ Limited	Oppose
697.328	Waikato District Council	Amend Rule 16.1.3 Restricted Discretionary Activities, to clarify the number of units that can be built based on the 300m2 net site area per residential unit.
FS1387.529	Mercury NZ Limited	Oppose
464.15	Perry Group Limited	Amend Rule 16.1.3 RDI (b) Restricted Discretionary Activities, to correct the cross-referencing as follows: (ii) +6.3.8-16.3.6 (iii) +6.3.9 <u>16.3.7</u> (iv) +6.3.10 <u>16.3.8</u>
FS1388.387	Mercury NZ Limited	Oppose
FS1316.40	Alstra (2012) Limited	Support
943.44	McCracken Surveys Limited	Amend Rule 16.1.3 RDI (c) - Multi-Unit development, to apply the 'Average Net Site Area' rather than the minimum net site area.
FS1387.1586	Mercury NZ Limited	Oppose
746.29	The Surveying Company	Amend Rule 16.1.3 RDI (c) Restricted Discretionary Activities for Multi-unit development as follows: The minimum net site area per residential unit is 300m2 <u>250m2</u> : AND Amend Rule 16.1.3 RDI condition (e) Restricted Discretionary Activities (Multi-unit development) as follows: Total Building coverage of the site does not exceed 50% <u>60%</u>
FS1387.920	Oppose	Oppose
FS1017.7	Gulab Bilimoria	Support
FS1017.2	Gulab Bilimoria	Support
244.4	Garth and Sandra Ellmers	Amend Rule 16.1.3 RDI (c) Restricted Discretionary Activities, to decrease the minimum site area required for duplexes to 200m2.
FS1017.9	Gulab Bilimoria	Support
FS1017.6	Gulab Bilimoria	Support
FS1187.5	Greig Developments No 2 Limited	Support

Submission point	Submitter	Summary of submission
FSI 129.23	Auckland Council	Support
FSI 386.240	Mercury NZ Limited	Oppose
244.5	Garth and Sandra Ellmers	Amend Rule 16.1.3 RDI (e) Restricted Discretionary Activities, to increase the maximum site coverage to 60%.
FSI 386.241	Mercury NZ Limited	Oppose
FSI 187.6	Greig Developments No 2 Limited	Support.
244.7	Garth and Sandra Ellmers	Amend Rule 16.1.3 RDI (h) Restricted Discretionary Activities, to reduce the minimum living court area for 2 bedroom units to 25m ² .
FSI 386.243	Mercury NZ Limited	Oppose
244.6	Garth and Sandra Ellmers	Amend Rule 16.1.3 RDI (h) Restricted Discretionary Activities, to reduce the minimum living court area for studios and 1 bedroom units to 20m.
FSI 386.242	Mercury NZ Limited	Oppose
749.80	Housing New Zealand Corporation	<p>Amend Rule 16.1.3 RDI Restricted Discretionary Activities as follows:</p> <p><i>Activity - A Multi-Unit development that meets all of the following conditions:</i></p> <ol style="list-style-type: none"> a. <i>The Land Use – Effects rules in Rule 16.2;</i> b. <i>The Land Use – Building rules in Rule 16.3, except the following rules do not apply:</i> <ol style="list-style-type: none"> i. <i>Rule 16.3.1, Dwelling;</i> ii. <i>Rule 16.3.8 Building coverage;</i> iii. <i>Rule 16.3.9 Living court;</i> iv. <i>Rule 16.3.10 Service court;</i> v. <i>Rule 16.3.3 Height; and</i> vi. <i>Rule 16.3.5 Daylight admission.</i> c. <i>The minimum net site area per residential unit is 300m²;</i> d. <i>The Multi-Unit development is connected to public wastewater and water reticulation;</i> e. <i>Total building coverage of the site does not exceed 50%;</i> f. <i>Each residential unit is designed and constructed to achieve the internal design sound level specified in Appendix 1 (Acoustic Insulation) – Table 14;</i> g. <i>Service court areas are provided to meet the following minimum requirements for each residential unit:</i> <ol style="list-style-type: none"> i. <i>At least 2.25m² with a minimum dimension of 1.5 metres of outdoor or indoor space at ground floor</i>

Submission point	Submitter	Summary of submission
		<p>level for the dedicated storage of waste and recycling bins;</p> <p>ii. At least 3m² with a minimum dimension of 1.5 metres of outdoor space at ground floor level for washing lines; and</p> <p>iii. The required spaces in (g)(i) or (g)(ii) for each residential unit shall be provided individually, or as a dedicated communal service court.</p> <p>(h) Living court <u>Outdoor Living Space</u> areas are provided to meet the following minimum requirements for each residential unit:</p> <p>Duplex dwelling - Area Minimum dimension</p> <p>i. Studio unit or 1 bedroom 30m² <u>16m²</u> 4m</p> <p>ii. 2 or more bedrooms 40m² <u>30m²</u> 4m</p> <p>Apartment Building Ground Level Residential Unit – Area Minimum dimension</p> <p>i. Building Studio unit or bedroom 1 20m² 16m² 4m</p> <p>ii. 2 or more bedrooms 30m² 4m</p> <p>Apartment Building Upper Level Residential Unit - Area Minimum dimension</p> <p>i. Building Studio unit or 1 bedroom 10m² 2m 1.5m</p> <p>ii. 2 or more bedrooms 15m² 2m 1.5m</p> <p>(i) <u>The maximum height of any building must not exceed 11m in height.</u></p> <p>(j) <u>Buildings must not project beyond a 45 degree recession plan measured from a point 3m vertically above ground level along side and rear boundaries.</u></p> <p>i. <u>Where the boundary forms part of a legal right of way, entrance strip or access site, the standard applies from the farthest boundary of that legal right of way, entrance strip or access site.</u></p> <p>ii. <u>This standard does not apply to existing or proposed internal boundaries within a site.</u></p> <p>(k) <u>Add Alternative Height in relation to Boundary controls as prescribed in the Auckland Unitary Plan, Rule H6.6.7</u> <u>Alternative height in relation to boundary.</u> Council's discretion shall be restricted to <u>any</u> of the following matters:</p> <p>a. Density Intensity <u>Intensity</u> of the development; The manner in which the provisions of the Multi Unit Design contained in Appendix 3.4 have been incorporated;</p> <p>b. Contribution of the development to and engagement</p>

Submission point	Submitter	Summary of submission
		<p>with adjacent streets and public open space;</p> <p>c. The visual quality and interest created through design such as the separation of buildings, variety in built form and architectural detailing, glazing, materials and colour;</p> <p>d. The incorporation of energy efficiency measures such as passive solar principles; Amenity values for occupants and neighbours in respect of outlook, privacy, noise, light spill, access to sunlight, living court orientation, site design and layout;</p> <p>e. Staging needed to ensure that development is carried out in a coordinated and timely manner;</p> <p>f. Avoidance or mitigation of natural hazards Geotechnical suitability for building;</p> <p>g. Provision of infrastructure to individual units,</p> <p>AND</p> <p>Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.</p>
FS1387.1021	Mercury NZ Limited	Oppose
FS1308.120	The Surveying Company	Support
746.30	The Surveying Company	<p>Amend Rule 16.1.3 RDI Restricted Discretionary Activities to provide for low rise apartments close to town centres as follows</p> <p><u>Where multi-unit apartments are proposed apply conditions in 17.1.3 RDI</u></p>
244.8	Garth and Sandra Ellmers	Amend Rule 16.1.3 RDI Restricted Discretionary Activities, to reduce first level and second level apartment minimum living court areas to 6m ² .
FS1386.244	Mercury NZ Limited	Oppose
464.19	Perry Group Limited	<p>Amend Rule 16.1.3 RDI Restricted Discretionary Activities, to specify that any application for a resource consent for a Multi-Unit development made under this rule shall not be notified or served on affected persons.</p> <p>AND</p> <p>Any consequential amendments or further relief to address the concerns raised in the submission.</p>
FS1388.391	Mercury NZ Limited	Oppose
FS1087.4	Ports of Auckland Limited	Oppose
695.83	Sharp Planning	Amend Rule 16.1.3 RDI (h) Restricted Discretionary

Submission point	Submitter	Summary of submission
	Solutions Ltd	Activities so that an additional 10m ² per bedroom be required for outdoor living space for 3 bedrooms or more, and that the 4m dimension be reduced to 3m.
FS1387.326	Mercury NZ Limited	Oppose
372.16	Auckland Council	<p>Amend Rule 16.1.3 Restricted Discretionary activities, as it relates to Pokeno and Tuakau as follows:</p> <p>A Multi-Unit development that meets all of the following conditions:</p> <p>(a) The Land Use – Effects rules in Rule 16.2;</p> <p>(b) The Land Use – Building rules in Rule 16.3, except the following rules do not apply:</p> <ul style="list-style-type: none"> (iv) Rule 16.3.1, Dwelling; (v) Rule 16.3.8 Building coverage; (vi) Rule 16.3.9 Living court; (vii) Rule 16.3.10 Service court; (c) The minimum net site area per residential unit is 300m²; <p>(d) The Multi-Unit development is connected to public wastewater and water reticulation.....</p> <p>OR</p> <p>Add an alternative residential zone for Pokeno and Tuakau which provides for terraced housing.</p>
FS1187.8	Greig Developments No 2 Limited	Support
FS1202.77	New Zealand Transport Agency	Support
FS1269.113	Housing New Zealand Corporation	Support
FS1136.2	Shaun McGuire	Support
FS1388.4	Mercury NZ Limited	Oppose
FS1308.23	The Surveying Company	Support
FS1377.74	Havelock Village Limited	Support.
123.3	Classic Builders Waikato Limited	<p>Delete Rule 16.1.3 RDI (c) Restricted Discretionary Activities, which requires a minimum net site area of 300m² for multi-unit development</p> <p>OR</p> <p>Amend Rule 16.1.3 RDI (c) Restricted Discretionary Activities to reduce the minimum net site area to less than 300m² for each unit for multi-unit development.</p>
FS1386.104	Mercury NZ Limited	Oppose

Submission point	Submitter	Summary of submission
<i>FS1308.1</i>	<i>The Surveying Company</i>	<i>Support</i>
<i>FS1187.4</i>	<i>Greig Developments No 2 Limited</i>	<i>Support</i>
<i>FS1129.22</i>	<i>Auckland Council</i>	<i>Support</i>
464.8	Perry Group Limited	<p>Delete the minimum lot size from Rule 16.1.3 RDI (c) Restricted Discretionary Activities</p> <p>AND</p> <p>Add a matter of discretion to Rule 16.1.3 RDI Restricted Discretionary Activities, to address lot size</p> <p>AND</p> <p>Delete the minimum living court areas and dimensions from Rule 16.1.3 RDI (h) Restricted Discretionary Activities.</p> <p>AND</p> <p>Add a matter of discretion to Rule 16.1.3 RDI Restricted Discretionary Activities, to address living court areas and dimensions.</p> <p>AND</p> <p>Amend Rule 16.1.4 D3 Discretionary Activities as follows: <i>Any Multi-unit development that does not comply with Rule 16.1.3 RDI <u>except for Rules 16.1.3 RDI (c) and (h).</u></i></p> <p>AND</p> <p>Any consequential amendments or further relief to address the concerns raised in the submission.</p>
<i>FS1388.381</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
<i>FS1308.53</i>	<i>The Surveying Company</i>	<i>Support</i>
751.4	Chanel Hargrave and Travis Miller	<p>Retain Rule 16.1.3 RD I Restricted Discretionary Activities except for the amendments sought below.</p> <p>AND</p> <p>Amend Rule 16.1.3RDI Restricted Discretionary Activities as follows: <i>A Multi-Unit development that meets all of the following conditions:</i></p> <ol style="list-style-type: none"> a. <i>The minimum net site area per residential unit is 300250m²; ...</i> b. <i>Total building coverage of the site does not exceed 5060%; ...</i> c. <i>Where multi-unit apartments are proposed apply conditions in 17.1.3 RDI.</i>
<i>FS1017.1</i>	<i>Gulab Bilimoria</i>	<i>Support</i>

Submission point	Submitter	Summary of submission
FS1017.8	Gulab Bilimoria	Support
FS1387.1068	Mercury NZ Limited	Oppose
923.145	Waikato District Health Board	Retain Rule 16.1.3 RDI- A Multi-Unit Development as notified.
FS1387.1542	Mercury NZ Limited	Oppose
368.20	Ian McAlley	Retain Rule 16.1.3 Restricted Discretionary Activities, as notified AND Add rules for multi-unit development to enable it in all residential areas of the District where connection is available, or will be available to reticulated services.
FS1061.8	Campbell Tyson	Support
662.4	Blue Wallace Surveyors Ltd	Retain Rule 16.1.3 Restricted Discretionary Activities, except for the amendments sought below AND Amend Rule 16.1.3 RDI(c) Restricted Discretionary Activities as follows: (c) <i>The minimum net site area per residential unit is 300200m².</i>
FS1387.97	Mercury NZ Limited	Oppose
FS1129.24	Auckland Council	Support

Rule 16.4.4 (Subdivision Multi-Unit)

Submission point	Submitter	Summary of submission
943.6	McCracken Surveys Limited	Delete Rule 16.4.4 (a)(iv)(Table) – Subdivision – Multi-unit Development. AND Add the table from Rule 16.4.4 (a)(iv) - Subdivision Multi-unit Development to Rule 16.1.3 RDI – Multi-unit Development.
FS1387.1564	Mercury NZ Limited	Oppose
326.7	Raglan Chamber of Commerce	Add a matter of discretion to Rule 16.4.4 RDI(b)- Multi-unit development as follows: <i>(xi) Positive effects for affordable housing.</i>
FS1386.384	Mercury NZ Limited	Oppose
FS1269.106	Housing New Zealand Corporation	Support
578.83	Ports of Auckland	Add a matter of discretion to Rule 16.4.4RDI(b)

Submission point	Submitter	Summary of submission
	Limited	Subdivision - Multi-unit development, to give consideration to reverse sensitivity effects as follows: <i>Council's discretion shall be restricted to the following matters: (i) Subdivision layout including common boundary and party walls for the Multi-unit development; ... (xi) Avoidance of reverse sensitivity effects on industrial activities.</i> AND Amend the Proposed District Plan to make alternative or consequential amendments as necessary to address the matters raised in the submission.
FS1388.870	Mercury NZ Limited	Oppose
FS1269.54	Housing New Zealand Corporation	Oppose
244.10	Garth and Sandra Ellmers	Amend 16.4 4(a)(iv)Subdivision - Multi-unit development, to decrease all proposed minimum unit areas for multi-unit developments as follows: 1. Studio and 1 Bedroom units decrease from 60m ² to 50m ² 2. 2 Bedroom units decrease from 80m ² to 70m ² 3. 3 Bedroom units decrease from 100m ² to 80m ²
FS1386.245	Mercury NZ Limited	Oppose
310.2	Whaingaroa Raglan Affordable Housing Project	Amend Residential Zone Subdivision Rule 16.4.4 RDI (b), by including the following: <i>(xi) Positive effects for affordable housing.</i>
FS1269.33	Housing New Zealand Corporation	Support
FS1276.7	Whaingaroa Environmental Defence Inc. Society	Support.
FS1386.361	Mercury NZ Limited	Oppose
464.21	Perry Group Limited	Amend Rule 16.4.4 RDI (b) (vii) Multi-unit development, by removing reference to the use of design guidelines as a criteria AND Add a matter of discretion to Rule 16.1.3 RDI Restricted Discretionary Activities, as follows: <i>A design report shall be submitted by a suitably qualified and experienced professional which assesses the Multi Unit Development in accordance with the NZ Urban Design Protocol.</i>

Submission point	Submitter	Summary of submission
		<p>AND</p> <p>Any consequential amendments or further relief to address the concerns raised in the submission.</p>
FS1388.392	Mercury NZ Limited	Oppose
749.119	Housing New Zealand Corporation	<p>Amend Rule 16.4.4 Subdivision - Multi-unit development as follows: RD+ CI</p> <p>(a) Multi-Unit development must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) (i) An application for land use consent under Rule 16.1.3 (Multi-Unit Development) must accompany the subdivision or have been granted land use consent by Council; (ii) <u>Any subdivision relating to an approved land use consent must comply with that resource consent;</u> (iii) (iii) The minimum existing lot size where a new freehold (fee simple) lot is being created must be 300m² net site area (iv) The minimum existing lot size where a new freehold (fee simple) lot is being created must be 300m² net site area. (v) Where a residential unit is being created in accordance with the Unit Title Act 2010 it must meet the following minimum residential unit size: Studio unit or 1 bedroom unit 60m² <u>30m²</u> <u>2 bedroom or more residential unit</u> 2 bedroom unit 80m² <u>45m²</u> 3 or more bedroom units 100m² <p>(b) Council's control discretion shall be <u>reserved</u> restricted to <u>any of the following matters:</u> ...</p> <ul style="list-style-type: none"> (i) Provision of common areas for shared spaces, access and services; ... (ii) <u>Compliance with the approved land use consent.</u> (iii) Amenity values and streetscape; (iv) Consistency with the matters contained, and outcomes sought, in Appendix 3.4 (Multi Unit Development Guideline) (v) Consistency with any relevant structure plan or master plan, including the provision of neighbourhood parks, reserves and neighbourhood centres; (vi) Vehicle, pedestrian and cycle networks; (vii) Safety, function and efficiency of road network and any internal roads or accessways.

Submission point	Submitter	Summary of submission
		<i>(viii) DI Subdivision that does not comply with Rule 16.4.4 CI RDI.</i> AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
<i>FS1387.1041</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
244.18	Garth and Sandra Ellmers	Amend Rule 16.4.4(a)(iii) Subdivision - Multi-unit development, to decrease minimum lot size per unit for multi-unit developments from 300m ² net site area to 200m ²
<i>FS1386.248</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
<i>FS1276.271</i>	<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>Oppose.</i>
697.151	Waikato District Council	Amend Rule 16.4.4. RDI (a)(iii) Subdivision - Multi-unit development, as follows: <i>The minimum existing <u>exclusive area for each residential unit lot-size</u> where a new freehold (fee simple) lot is being created must be 300m² net site area.</i>
<i>FS1387.455</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
<i>FS1377.210</i>	<i>Havelock Village Limited</i>	<i>Oppose.</i>
<i>FS1291.9</i>	<i>Havelock Village Limited</i>	<i>Oppose.</i>
368.31	Ian McAlley	Amend the reference in Rule 16.4.4(b)(viii) Multi Unit development, to structure and master planning to clarify that it only refers to structure or master plans that are contained within the notified version of the Proposed Plan.
<i>FS1386.567</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
464.18	Perry Group Limited	Delete Rule 16.4.4 RDI (a) (iii) Subdivision - Multi-unit development. AND Any consequential amendments or further relief to address the concerns raised in the submission.
<i>FS1388.390</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
326.4	Raglan Chamber of Commerce	Delete Rule 16.4.4 RDI (a)(iv) Multi-unit development OR Amend Rule 16.4.4 RDI (a)(iv) Multi-unit development by decreasing the Multi-unit development minimum unit areas, for example Studio unit 30m ² , One bedroom unit

Submission point	Submitter	Summary of submission
		40m ² , Two bedroom 50m ² and Three bedroom 70m ² .
FS1269.103	Housing New Zealand Corporation	Support
FS1269.104	Housing New Zealand Corporation	Support.
FS1386.381	Mercury NZ Limited	Oppose
689.36	Greig Developments No 2 Limited	<p>Delete Rule 16.4.4 RDI (a)(iii) Multi-unit development AND</p> <p>Add the following to Rule 16.4.4 RDI (a) Multi-unit development:</p> <p><u>Prior to subdivision occurring around existing buildings and development, all development must meet one of the following:</u></p> <ul style="list-style-type: none"> (a) <u>have existing use rights;</u> (b) <u>comply with the relevant zone rules; or</u> (c) <u>be in accordance with an approved land use resource consent.</u>
FS1387.297	Mercury NZ Limited	Oppose
310.1	Whaingaroa Raglan Affordable Housing Project	<p>Delete the minimum unit areas from Rule 16.4.4 RDI (a) (iv) Multi-unit development.</p> <p>OR</p> <p>Amend Rule 16.4.4 RDI (a) (iv) Multi-unit development by replacing the minimum unit areas with lower values for example Studio unit 30m², One bedroom unit 40m², Two Bedroom 50m², Three bedroom 70m².</p>
FS1386.360	Mercury NZ Limited	Oppose
FS1276.6	Whaingaroa Environmental Defence Inc. Society	Support.
FS1269.32	Housing New Zealand Corporation	Support.
471.45	CKL	No specific decision sought, but the submission considers minimum unit size standards (as contained in Rule 16.4.4 Subdivision-Multi unit development) should be a land use requirement. Subdivision around existing or lawfully established units should be enabled.
FS1308.67	The Surveying Company	Support
FS1388.463	Mercury NZ Limited	Oppose
368.30	Ian McAlley	Retain Rule 16.4.4 A Multi-Unit development, except for the amendments sought below

Submission point	Submitter	Summary of submission
		AND Amend rules for multi-unit development to enable them in all residential areas of the District where connection is available, or will be available to reticulated services.
662.10	Blue Wallace Surveyors Ltd	Retain Rule 16.4.4 RDI Subdivision - Multi-unit development, except for the amendments sought below AND Amend Rule 16.4.4 RDI(a)(iii) Subdivision - Multi-unit development to reduce the minimum net site area required to 200m ² for each unit.
<i>FS1387.101</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
378.30	Fire and Emergency New Zealand	Retain Rule 16.4.4 Subdivision - Multi-unit development, to the extent that subdivision is a restricted discretionary activity and requires connections to water reticulation AND Amend Rule 16.4.4(b)(x) Subdivision - Multi-unit development, as follows: <i>(x) Provision of infrastructure to individual units; <u>including water supply for firefighting purposes.</u></i> AND Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.
<i>FS1035.136</i>	<i>Pareoranga Te Kata</i>	<i>Support.</i>

Appendix 3.4 (Multi-unit development).

Submission point	Submitter	Summary of submission
751.57	Chanel Hargrave and Travis Miller	Amend Appendix 3.4 Multi-unit Development to recognise alternative options may be more suitable.
<i>FS1387.1098</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
297.54	Counties Manukau Police	Amend Appendix 3.4 Multi-unit Development to prominently include the national guidelines for CPTED to provide further useful information, and not just listed as a reference.
<i>FS1386.321</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
<i>FS1269.24</i>	<i>Housing New Zealand Corporation</i>	<i>Oppose.</i>
746.136	The Surveying	Amend Appendix 3.4-Multi-unit Development to

Submission point	Submitter	Summary of submission
	Company	recognise alternative good design outcomes created by variations in setbacks and boundary treatment.
FS1387.983	Mercury NZ Limited	Oppose
300.5	The Te Whaanga 2B3B2 & 2B1 Ahu Whenua Trust	No specific decision sought, but submission opposes Section 3.4 Multi-unit Development in Appendix 3.1 Residential Subdivision Guidelines. In particular the submission considers the natural character and essence of Raglan CBD will be significantly changed should 2-storey apartments or dwellings be erected along Wainui Road-Fire station area
FS1386.336	Mercury NZ Limited	Oppose
FS1276.224	Whaingaroa Environmental Defence Inc. Society	Support.

234. Sixty-five primary submission points were received in relation to the housing option rules (excluding retirement villages). The following matters were raised:
- Provide for more than one primary dwelling and one minor dwelling on a site;
 - Multi-unit developments should be a permitted activity up to three units;
 - Alterations in activity status to be less restrictive;
 - Reduce the net site area for minor dwellings from 900m² to 600m²;
 - Additional matters of discretion relating to affordable housing, reverse sensitivity, urban design protocol, infrastructure;
 - Decrease minimum unit areas and minimum lot sizes per unit;
 - Multi-unit development to be a permitted activity or controlled activity;
 - Reduce the minimum living court areas;
 - Amendments to Appendix 3.4 (Multi-unit development) to promote CPTED, recognise good alternative design outcomes.

13.3 Analysis

235. Due to the interconnectedness of the submissions received and the matters raised in regard to the housing option rules, I have combined some of the discussion where it is appropriate to do so. I have followed the same topic order as the submissions are grouped.

13.3.1 Rule 16.3.1 Dwelling

236. Raglan Chamber of Commerce [326.6] seeks to amend Rule 16.3.1 P1 and add a new Rule P2 Land Use – Building and definition of a minor dwelling, to allow for more than one primary dwelling and one minor dwelling on the site. Examples of amendments are set out in the submission. The rules in relation to dwellings and minor dwellings have been designed to encourage combined land use to provide for other family members or as a rental source of income, without the need for subdivision. There is a definition of minor dwelling (*Means a second dwelling independent of the principal dwelling(s) on the same site*). More than one principal dwelling on a site would be a discretionary activity. In my opinion, the rules and the definitions are not confusing and no change is required. I disagree with the relief sought.
237. The Surveying Company [746.35], Greig Developments No 2 Limited [689.5], Housing New Zealand Corporation [749.87] and Chanel Hargrave and Travis Miller [751.9] seek to add a

- new permitted activity to Rule 16.3.1 to provide for multi-unit development of up to three dwellings and include permitted activity standards similar to Rule 16.1.3 RDI. They also seek to amend Rule 16.3.1 to specify that it does not apply to multi-unit development.
238. Greig Developments No 2 Limited [689.3], The Surveying Company [746.28] and BTW Company [445.9] seek to amend Rule 16.1.2 (permitted activities) or to delete Rule 16.1.3 RDI to make multi-unit developments a permitted or controlled activity. Amendments sought have been set out in the submission.
 239. During the development of the PWDP, research was undertaken on nearby districts to ascertain how their multi-unit development rules worked in practice. Feedback was obtained and incorporated in the notified version of the PWDP.
 240. The restricted discretionary resource consent ultimately provides the ability to refuse unsatisfactory developments and, if they were to be approved, have influence and control over design outcomes (such as ensuring that development has good design outcomes whilst minimising adverse residential amenity effects). Council acknowledged that establishing multi-unit development should generally be enabled, which is reflected by the enabling policies and a restricted discretionary activity status.
 241. Some of the matters raised by submitters are that permitted standards can control amenity effects. I disagree with this to an extent. The outcomes and requirements of Appendix 3.4 can be used effectively to create good design outcomes, not just through the application of bulk and location standards. Implementation of Appendix 3.4 cannot be achieved through permitted activity standards due to the level of subjectivity required. The Appendix is drafted as principals rather than absolute requirements.
 242. In regard to amending Rule 16.3.1 Dwelling to state that it does not apply to multi-unit development, no such statement is required as multi-unit development is a restricted discretionary activity, which by application means the conditions do not apply. I therefore disagree with the relief sought by submission points [689.3], [746.28] and [445.9].
 243. Whaingaroa Raglan Affordable Housing Project [310.9], [310.14] and [310.8] seeks to amend Rule 16.3.1 P2 to allow two to three dwellings within a site as a permitted activity. They also suggest a combined maximum floor area. For the reasons set out previously, I recommend that the panel reject the relief sought with respect to two dwellings, but recommend provision for infill development of one additional dwelling as a restricted discretionary activity (refer to discussion below).
 244. Waikato District Council [697.128] and [697.129] seek to amend Rules 16.3.1 PI and 16.3.2 PI to remove the word “site” and refer to “a record of title”. The reason provided was that they have been included for correction (noting that the s42A report for definitions recommends changes to both ‘site’ and ‘record of title’). I do note that generally new cross lease sites should not be encouraged but development within existing cross lease sites should be managed. Unit titles are specifically addressed within the definition of ‘site’. Further explanation, reasons or analysis has not been provided, therefore I disagree with the relief sought.
 245. CKL [471.31] and Housing New Zealand Corporation [749.87] seek amendments to Rule 16.3.1 DI to reduce the activity status to a restricted discretionary activity. Similarly CKL [471.50] seeks to amend Rule 16.3.2 DI from a discretionary activity to a restricted discretionary activity. The intent behind the activity status differentiation between restricted discretionary activity for a multi-unit and discretionary for just an infill of a second dwelling as a discretionary activity, was to provide an incentive for the multi-unit development. In my opinion, rather than use the activity status differentiation, it is better to ensure that the multi-unit development has as much incentive as possible. Accordingly, I agree with the relief sought and recommend the change in activity status as follows:

16.3.1 Dwelling

PI	One dwelling within a site.
PI RDI	<p>A dwelling that does not comply with Rule 16.3.1 PI.</p> <p>(a) <u>Up to two dwellings within a site.</u></p> <p>(b) <u>Council's discretion shall be limited to the following matters:</u></p> <p>(i) <u>Intensity of development;</u></p> <p>(ii) <u>Design and location of buildings;</u></p> <p>(iii) <u>Provision of residential amenity values for residents within the site</u></p> <p>(iv) <u>Adverse effects on amenity values (such as shading, privacy) for residents of adjoining sites;</u></p> <p>(v) <u>Provision of infrastructure.</u></p>

13.3.2 Rule 16.3.2 Minor Dwelling

246. McCracken Surveys Limited [943.47], The Surveying Company [746.36], Classic Builders Waikato Limited [123.7], Sharp Planning Solutions Ltd [695.89], CKL [471.39], Madsen Lawrie Consultants [838.1] and Chanel Hargaves and Travis Miller [751.10] seek to amend Rule 16.3.2 (a)(i) Minor dwelling to reduce the net site area from 900m² to 600m². Housing New Zealand Corporation [749.88] seeks to remove the minimum net site area requirement from Rule 16.3.2.
247. During the development of the PWDP the minimum site area was investigated to ascertain a suitable size. A conclusion was drawn that there was no perfect size and the minimum net site area varies across districts. The figure of 900m² would allow increased housing options and efficient use of the residential land resource whilst not undermining the overall density (ie one house per 450m²). I note that the provisions do provide an additional housing option (amongst others) that is enabling residential development and intensification thereby giving effect to Objective 4.2.16 Housing options and Policy 4.2.17 Housing types.
248. None of the submitters sought a change to the activity status to restricted discretionary where the permitted conditions could not be complied with. In my opinion, that would be the preferable option, but I do not consider there is scope to make that amendment. I recommend that the panel refuse the relief sought.
249. Simon Dromgool on behalf of Christine Dromgool, John and Caroline Vincent, Mark Dromgool [698.2] seek to delete Rule 16.3.2 PI (a)(iii) which requires the gross floor area of a minor dwelling to not exceed 70m². The removal of the maximum gross floor area would defeat the purpose of the minor dwelling rule. The purpose of this rule is to provide additional accommodation or another housing option of a lesser scale. Council undertook analysis of different sizes of minor unit provisions in district plans and concluded that in the same manner as lot size, there is no perfect size. However, the analysis did conclude that 70m² was a reasonable size having regard to the design of minor units that are available from housing developers. I therefore disagree with the relief sought.

13.3.3 Rule 16.1.3 Restricted Discretionary Activities (Multi-unit development)

250. I acknowledge the matters raised by submitters that the Multi-unit rules (16.1.3 and 16.4.4):
- (a) may be overly restrictive;
 - (b) may not result in efficient use of land; and
 - (c) are not easy to interpret and apply.
251. Unfortunately, nearly all the submissions address this matter by suggesting 'tinkering' with the conditions, which in my opinion does not address the fundamental difficulty of the rule.

252. The submission from BTW [445.9] seek that the conditions of Rule 16.1.3 RDI be deleted and a new controlled activity be created. In my opinion, the conditions of RDI are exhaustive and minor non-compliance with a condition changes the activity status to discretionary. They also duplicate the matters of discretion. In particular, the application of the contents of Appendix 3.4 – Multi-unit Design address most of the matters. Having to comply with all the conditions of the rule to retain the restricted discretionary activity status has the opposite effect of encouraging innovative and clever ways in which to provide for multi-unit development, while still achieving residential amenity values. This is the opposite outcome of the relevant objectives and policies. Accordingly, I concur with the relief that the conditions be deleted, other than the condition requiring connection to water supply and wastewater which I consider to be a fundamental prerequisite for multi-unit development.
253. I note that as a consequence of recommending an alternative rule framework for up to two dwellings as a restricted discretionary activity under Rule 16.3.1, then as a consequential change it is necessary to clarify that three or more dwellings constitutes a “multi-unit development” in Rule 16.1.3 RDI.
254. The submission suggests that a new controlled activity be created. However, I do not support this activity status for the following reasons:
- There is no ability to decline a controlled activity (other than with respect to hazards) and with there being no restriction on the number of units or the manner of the development in a multi-unit development, there is potential for adverse effects:
 - A resource consent must be granted to a controlled activity application and can be subject to conditions. If an application is received for say 6 units and it is considered that only 4 units can be accommodated on the site, there is debate as to whether a condition granting consent to 4 units is granting consent or is effectively declining the application;
 - To overcome the difficulties of the controlled activity status for situations such as the multi-unit development, it can lead to creating a hierarchy of activity status with a new controlled activity with limits (such as up to 3 units) and then a restricted discretionary beyond that.
255. In my opinion, in order to provide maximum flexibility for multi-unit development, it is preferable for the restricted discretionary activity status to be used. Accordingly, I recommend the following:

16.1.3 Restricted Discretionary Activities

- The activities listed below are restricted discretionary activities.
- Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table.

Activity		Council's discretion shall be restricted to the following matters: Matters of Discretion:
RDI	A Multi-Unit development <u>of three or more units</u> that meets all of the following conditions: (a) The Land Use Effects rules in Rule 16.2; (b) The Land Use Building rules in Rule 16.3, except the following rules do not apply: (i) Rule 16.3.1, Dwelling; (ii) Rule 16.3.8 16.3.6 Building coverage;	<ol style="list-style-type: none"> Density of the development; The manner in which the provisions of the Multi-Unit Design contained in Appendix 3.4 have been incorporated; Contribution of the

<p>(iii) Rule 16.3.9-16.3.7 Living court; (iv) Rule 16.3.10-16.3.8 Service court; (c) The minimum net site area per residential unit is 300m²; (d) The Multi-Unit development is connected to public wastewater and water reticulation; (e) Total building coverage of the site does not exceed 50%; (f) Each residential unit is designed and constructed to achieve the internal design sound level specified in Appendix I (Acoustic Insulation) Table I4; (g) Service court areas are provided to meet the following minimum requirements for each residential unit: (i) At least 2.25m² with a minimum dimension of 1.5 metres of outdoor or indoor space at ground floor level for the dedicated storage of waste and recycling bins; (ii) At least 3m² with a minimum dimension of 1.5 metres of outdoor space at ground floor level for washing lines; and (iii) The required spaces in (g)(i) or (g)(ii) for each residential unit shall be provided individually, or as a dedicated communal service court. i. Living court areas are provided to meet the following minimum requirements for each residential unit:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Duplex dwelling</th> <th>Area</th> <th>Minimum dimension</th> </tr> </thead> <tbody> <tr> <td>Studio unit or 1 bedroom</td> <td>30 m²</td> <td>4m</td> </tr> <tr> <td>2 or more bedrooms</td> <td>40 m²</td> <td>4m</td> </tr> </tbody> </table> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Apartment Building Ground Level Residential Unit</th> <th>Area</th> <th>Minimum Dimension</th> </tr> </thead> <tbody> <tr> <td>Studio unit or 1 bedroom</td> <td>20 m²</td> <td>4m</td> </tr> <tr> <td>2 or more bedrooms</td> <td>30 m²</td> <td>4m</td> </tr> </tbody> </table> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Apartment Building Upper Levels Residential Unit</th> <th>Area</th> <th>Minimum Dimension</th> </tr> </thead> <tbody> <tr> <td>Studio unit or 1 bedroom</td> <td>10m²</td> <td>2m</td> </tr> <tr> <td>2 or more bedrooms</td> <td>15m²</td> <td>2m</td> </tr> </tbody> </table>	Duplex dwelling	Area	Minimum dimension	Studio unit or 1 bedroom	30 m ²	4m	2 or more bedrooms	40 m ²	4m	Apartment Building Ground Level Residential Unit	Area	Minimum Dimension	Studio unit or 1 bedroom	20 m ²	4m	2 or more bedrooms	30 m ²	4m	Apartment Building Upper Levels Residential Unit	Area	Minimum Dimension	Studio unit or 1 bedroom	10m ²	2m	2 or more bedrooms	15m ²	2m	<p>development to and engagement with adjacent streets and public open space;</p> <p>(d) The visual quality and interest created through design such as the separation of buildings, variety in built form and architectural detailing, glazing, materials and colour;</p> <p>(e) The incorporation of energy efficiency measures such as passive solar principles;</p> <p>(f) Amenity values for occupants and neighbours in respect of outlook, privacy, noise, light spill, access to sunlight, living court orientation, site design and layout, <u>including proposed unit boundaries which identify space around each unit and any common areas;</u></p> <p>(g) Staging needed to ensure that development is carried out in a coordinated and timely manner;</p> <p>(h) Avoidance or mitigation of natural hazards;</p> <p>(i) Geotechnical suitability for building;</p> <p>(j) Provision of infrastructure to individual units,</p> <p>(k) <u>Provision of trunk infrastructure;</u></p> <p>(l) <u>On-site parking and manoeuvring;</u></p> <p>(m) <u>Safety and efficiency of the transport network.</u></p>
Duplex dwelling	Area	Minimum dimension																										
Studio unit or 1 bedroom	30 m ²	4m																										
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Studio unit or 1 bedroom	10m ²	2m																										
2 or more bedrooms	15m ²	2m																										

256. While I do not resile from my opinion, I have considered the other submissions below in the event the Hearing Panel does not agree with the proposed approach.
257. Greig Developments No 2 Limited [689.3], CKL [471.37], McCracken Surveys Limited [943.44], The Surveying Company [746.29], Garth and Sandra Elmers [244.4], [244.5], [244.6] and [244.7], Classic Builders Waikato Limited [123.3], Blue Wallace Surveyors Ltd [662.4], Chanel Hargrave and Travis Miller [751.4], Perry Group Limited [464.8] and Auckland Council [372.16] seek to delete or amend Rule 16.1.3(1)RDI(c) - the requirement of the minimum net site area of 300m². CKL seeks to reduce the minimum net site area to 150m² or 200m². Other amendments sought are to increase building coverage from 50% to 60% and reduce minimum living court areas. The reason provided is that a 300m² minimum net site area does not encourage intensification of infill sites. Chanel Hargrave and Travis Miller [751.3] and Greig Developments No 2 Limited [689.3] seek to make multi-unit development of up to three dwellings a permitted activity. Their reasons being that it will enable infill development avoiding unnecessary resource consent costs.
258. The minimum net site area of 300m² was chosen by Waikato District Council as this was the density included as part of the plan change to provide for medium density housing in Pokeno and therefor appropriate for the Waikato situation and to assist with the provision of good urban amenity. I note that the complete removal of a minimum site area could provide greater design flexibility and could contribute to better housing outcomes by developers. This would also provide for greater intensification within the Residential Zone throughout the district.
259. The Residential Zone is the primary zone where residential growth will be accommodated, with public infrastructure such as water and wastewater available (or intended to be available). In my opinion, Rules 16.1.3 RDI and 16.4.4 Subdivision – Multi-unit development do not adequately give effect to Objectives 4.1.1 (Strategic), 4.1.2 (Urban Growth and Development) and 4.2.16 (Housing options), Policies 4.1.5 (Density), 4.2.17 (Housing types) and 4.2.18 (Multi-unit development).
260. Accordingly, I recommend that the panel reject the relief sought for the above reason.
261. The Surveying Company [746.30] seeks to amend Rule 16.1.3 RDI to provide for low rise apartments close to town centres. The relief sought is to apply the proposed conditions in Rule 17.1.3 RD I. The Business Zone (Chapter 17) provides for a maximum height of 11m. If this height is applied across the Residential Zone it will substantially change the character across the district, given that the maximum height for the Residential Zone was notified as 7.5m. I do acknowledge that it is typical to have higher-density residential development in close proximity to town centres. Little information or insufficient analysis has been provided by the submitter to support this change, to enable a consideration under Section 32 of the RMA. For the reasons stated above, I recommend that the relief sought be rejected.
262. Waikato District Health Board [923.145] seeks to retain Rule 16.1.3 RD I as notified. I recommend that the panel accept the relief sought subject to minor changes recommended.
263. Ian McAlley [368.20] seeks to retain Rule 16.1.3 as notified and add multi-unit development rules to all residential zones (Village and Country Living Zones) in the district. The Residential Zone has access and connection to public reticulated systems and there is an expectation that servicing is available (or can be made available) to all sites zoned as Residential. As a result of the available reticulation, the Residential Zone is able to support higher-density developments. The Village and Country Living Zones do not have access to public reticulation. As a result of the lack of public reticulation access for the Village and Country Living Zones, multi-unit development is not appropriate. In addition, multi-unit development in these zones would significantly alter the character and indeed undermine the integrity of the zone framework. For the reasons stated above, I recommend that the panel reject the relief sought.

264. Waikato District Council [697.96] seeks to add a new condition to Rule 16.1.3 RDI to provide a detailed site plan demonstrating the proposed record of title boundaries for each residential unit and common areas. In addition, it seeks to add a new rule to Rule 16.1.3 to include the minimum unit sizes to match those in the subdivision rule (16.4.4 RDI (a)(iv)). I am concerned that adding an additional standard to this rule will make any minor non-compliances revert to a full discretionary activity resource consent status. Also, the matter is generally covered in Matter of discretion (f). Accordingly, I recommend that this matter of discretion be added to as follows:

(f) Amenity values for occupants and neighbours in respect of outlook, privacy, noise, lightspill, access to sunlight, living court orientation, site design and layout, including proposed unit boundaries which identify space around each unit and any common areas.

265. For the reasons set out above I accept in part the relief sought.

266. Tainui [942.77] seek to add a new matter of discretion to Rule 16.1.3 RDI to enhance the character of the town. I do not agree with the relief sought. The rule as notified refers to Appendix 3.4, which directs good design outcomes. I therefore recommend that the panel reject the relief sought.

267. Ports of Auckland Limited [578.28] seeks to add a matter of discretion to Rule 16.1.3 RDI to consider reverse sensitivity effects in relation to the Horotiu Industrial Park. The submitter seeks to amend this rule if it is retained to ensure that the Horotiu Industrial Park is not adversely affected by reverse sensitivity effects. It is noted that the Residential Zone at Horotiu is separated from the Industrial Park by the North Island Main Trunk Railway and what used to be State Highway No 1. Accordingly, I cannot see how reverse sensitivity would arise. I therefore recommend that the panel reject the relief sought.

268. First Gas Limited [945.6] also seek to add a matter of discretion to Rule 16.1.3 RDI (b) to provide for maintenance and upgrade of their assets. This is an appropriate matter to consider and I have added this as matter of discretion to the amended rule above. I therefore recommend that the panel accept the relief sought.

269. Waikato District Council [81.149] seeks to add a new condition to Rule 16.1.3 RDI relating to public transport being within 400m walking distance. I do not agree with the relief sought. Another condition within this rule does not assist in enabling higher density development. Whilst I acknowledge that multi-unit development should ideally be located within proximity to town centres and public transport, the existing public transport infrastructure across Waikato District is currently limited and a 400m walking distance is not necessarily reflective of high-quality, frequent, public transport.

270. New Zealand Transport Agency [742.123] seek to amend Rule 16.1.3 RDI by adding conditions and new matters of discretion. The matters raised are relevant to multi-unit development other than provision of multi-modal transport which I consider is outside the implementation of an individual development. I have included wording in the matters of discretion to the amended rule above. I therefore recommend that the panel accept the relief sought.

271. Waikato District Council [697.95] seeks to amend the heading of the table in Rule 16.1.3 to align with the other zoned chapters. I agree that the wording should be consistent across all zones and recommend that the panel accept the relief sought. My recommended amendment is located below:

Activity	Council's discretion shall be restricted to the following matters:
-----------------	---

Matters of Discretion

272. Waikato District Council [697.328] seeks to amend Rule 16.1.3 to clarify the number of units that can be built based on the 300m² net site area per residential unit. In my opinion, the size of the site will determine the number of units that can be developed and the matters of discretion will enable a reduction in the number if the adverse effects cannot be avoided, remedied or mitigated. I disagree with the relief sought.
273. Perry Group Limited [464.15] seeks to amend Rule 16.1.3 RDI (b) to correct the cross-referencing with other rules in this chapter. I agree with the relief sought and suggest the below amendments:

Activity		Council's discretion shall be restricted to the following matters:
RDI	<p>A Multi-Unit development that meets all of the following conditions:</p> <p>(h) The Land Use – Effects rules in Rule 16.2;</p> <p>(i) The Land Use – Building rules in Rule 16.3, except the following rules do not apply:</p> <p>(v) Rule 16.3.1, Dwelling;</p> <p>(vi) Rule 16.3.8 <u>16.3.6</u> Building coverage;</p> <p>(vii) Rule 16.3.9 <u>16.3.7</u> Living court;</p> <p>(viii) Rule 16.3.10 <u>16.3.8</u> Service court;</p> <p>...</p>	<p>(n) Density of the development;</p> <p>(o) The manner in which the provisions of the Multi-Unit Design contained in Appendix 3.4 have been incorporated;</p> <p>(p) Contribution of the development to and engagement with adjacent streets and public open space;</p> <p>...</p>

274. Housing New Zealand Corporation [749.80] also seeks a variety of amendments to Rule 16.1.3 RDI, noting in particular amendments to a maximum height of 11m, less restrictive daylight recession plane, and reduced living court dimensions. Garth and Sandra Ellmers [244.8] also seek to reduce first and second level apartment minimum living courts to 6m². Sharp Planning Solutions Ltd [695.83] seeks to alter the outdoor living space requirements. The potential effects on residential amenity and townscape have not been addressed in the submissions to support the requested relief. Therefore, I recommend that the proposed relief sought be rejected.
275. Perry Group Limited [464.19] seeks to remove public and limited notification requirements to Rule 16.1.3 RD 1. In principal I do not agree with the relief sought. Multi-unit developments have the potential to create adverse effects on third parties and the wider environment that at times are unable to be adequately mitigated. Accordingly I recommend that the panel reject the proposed relief.

13.3.4 Rule 16.4.4 Subdivision – Multi-unit development

276. Raglan Chamber of Commerce [326.7] and Whaingaroa Raglan Affordable Housing Project [310.2] seeks to amend the matter of discretion for Rule 16.4.4. RDI(b) to include positive effects for affordable housing. As discussed elsewhere in this s42A report, the PWDP cannot address affordable housing other than through ensuring there is sufficient developable land for residential purposes. I do not agree with the amendment sought. Affordable housing is addressed in Topic 35.
277. Ports of Auckland Limited [578.83] seeks a matter of discretion added to Rule 16.4.4 RDI (b) referring to reverse sensitivity at the industrial zone boundaries. Reverse sensitivity is

adequately addressed through matter of discretion (vi) *Amenity values and streetscape* and an additional matter is not required. I therefore recommend that the submission be rejected.

278. Garth and Sandra Elmers [244.10] seek to amend Rule 16.4(a)(iv) to decrease the minimum unit areas for multi-unit development by 10m² for studio, 1 bed and 2 bed units and by 20m² for three bed units. Reasons provided are that the PWDP does not recognise that dwellings worldwide are downsizing, high numbers of people are locked out of home ownership, options need to be provided in the district for smaller housing, and often units only have one permanent occupant. No research, analysis or information was provided to support the amended minimum unit sizes. The section 32A report confirms the household types within Waikato District in 2016 s as follows:
- a. 20% single person;
 - b. 30% couple;
 - c. 32% two-parent family;
 - d. 12% one-parent family;
 - e. 3% multi-family.
279. As indicated above, the occupation typology varies within the district, so it is important that a range of housing options and sizes is provided that there is adequate residential amenity and living conditions. Smaller sizes of units can be accommodated through the resource consent process, particularly where the subdivision is giving effect to a land use consent that already incorporates the smaller units. I therefore recommend that the submission be rejected..
280. Perry Group Limited [464.21] seeks to amend Rule 16.4.4 RDI (b)(vii) by removing reference to the use of design guidelines as a criteria. I disagree with the relief sought. The purpose of the reference to the design guides in the matter of discretion is so that the design of the subdivision is underpinned by the outcomes sought by the design guidelines. If the reference was removed it would not facilitate good design within the district. I therefore recommend rejecting this submission point.
281. Housing New Zealand [749.119] seeks to amend Rule 16.4.4 from a restricted discretionary activity to a controlled activity. As discussed above, during the development of the PWDP research was undertaken on the multi-unit development rules and how they work in practice within the nearby districts. Their activity status was also assessed in terms of permitted, controlled or restricted discretionary, and how this may work in practice. For the reasons stated above, I do not consider the controlled activity status appropriate for multi-unit development. I therefore recommend that the submission be rejected.
282. Garth and Sandra Ellmers [244.18], Blue Wallace Surveyors Ltd [662.10], and Perry Group Limited [464.18] seek to retain, amend or delete Rule 16.4.4(a)(iii). Ted and Kathryn Letford [276.3] seek to retain Chapter 16 and amend it to reduce the minimum net site areas for multi-units. Amendments seek to decrease the minimum lot size per unit for multi-unit developments from 300m² net site area to 200m². The reasons provided are:
- a. Raglan is a popular holiday destination with a shortage of accommodation;
 - b. garages are often converted into sleep outs;
 - c. the rule is confusing and poorly-drafted;
 - d. subdivision should be guided by the land use consent process;
 - e. there should be no minimum lot size for multi-unit development;
 - f. the PWDP must allow continued growth; and
 - g. 300m² is too limiting and will increase development costs, particularly in the township.
283. Waikato District Council [697.151] seeks to amend Rule 16.4.4.RDI (a)(iii) to refer to “exclusive area for each residential unit” and remove reference to the lot size. The reason provided is that the intent of condition 16.4.4 RDI (a)(iii) was to set a density (number of

units) that could be subdivided that matched the land use condition in Rule 16.1.3 RDI (c). Rule 16.1.3 RDI (c) states “The minimum net site area per residential unit is 300m2.” I concur that the current wording is nonsensical as it is referring to a lot that has not been created. Accordingly I recommend that the submission be accepted and the change is shown in the rule below.

- 284. Ian McAlley [368.31] seeks to amend Rule 16.4.4(b)(viii) to refer to notified structure or master plans. Rule 16.4.4(b)(viii) is a matter of discretion which refers to development being consistent with structure or master plans. I disagree with the relief sought, as the matter of discretion should refer to any relevant master or structure plan. Given the life cycle of the district plan, there will be many future master or structure plans incorporated in the District Plan.
- 285. Raglan Chamber of Commerce [326.4] and Greig Developments No 2 Limited [689.36] both seek to delete Rule 16.4.4 RD I (a)(iv) Multi-unit, or amend it by reducing the minimum unit areas or provide for subdivision around the existing buildings. I will address the multi-unit development rules in my rebuttal evidence. I do not agree with the relief sought for the reasons set out in the paragraphs above.
- 286. Whaingaroa Raglan Affordable Housing Project [310.1] and McCracken Surveys Limited [943.6] seek to delete the minimum unit area requirements in Rule 16.4.4 RDI (a)(iv). CKL [471.45] does not seek a specific decision, but queries the relevance of the minimum unit areas within the subdivision rule, and feels that it would be more practical to sit in the equivalent land use rule (Rule 16.1.3 RDI). For the reasons set out above , I do not agree with the relief.
- 287. Ian McAlley [368.30] seeks to retain and amend Rule 16.4.4 to provide for multi-unit developments in other residential areas of the district when connection to infrastructure becomes available. I do not agree with the relief sought. A large proportion of rural residential areas located within Waikato District are not serviced by public infrastructure (e.g. wastewater/water supply). In my opinion, this is a key constraint for growth. As a result, the PWDP only provides for multi-unit development within the Residential Zone, where there is an expectation that suitable infrastructure will be available. The Residential Zone (throughout the district) is adequately serviced by public infrastructure to a standard suitable to accommodate density intensification.
- 288. Fire and Emergency New Zealand [378.30] seeks to retain Rule 16.4.4(b)(x) to the extent that it is a restricted discretionary activity, and seeks an amendment to a matter of discretion to refer to water supply for firefighting services. I assume that the submission is meant to refer to matter of discretion (b)(iii). I agree with the relief sought. It is an important aspect of our community that adequate water supply points are provided for firefighting purposes. I suggest the below amendment:

16.4.4 Subdivision - Multi-unit development

RDI	<p>(a) Multi-Unit development must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) An application for land use consent under Rule 16.1.3 (Multi-Unit Development) must accompany the subdivision or have been granted land use consent by Council; (ii) The Multi-Unit development is able to be connected to public wastewater and water reticulation; (iii) The minimum existing lot size where a new freehold (fee simple) lot is exclusive area for each residential unit being created must be 300m² net site area. (iv) Where a residential unit is being created in accordance with the Unit Titles Act 2010 it must meet the following minimum residential unit size: <table border="1" style="margin-left: 40px; width: 80%; border-collapse: collapse;"> <tr> <td style="padding: 2px 10px;">Unit of Multi-Unit</td> <td style="padding: 2px 10px;">Minimum Unit Area</td> </tr> </table>	Unit of Multi-Unit	Minimum Unit Area
Unit of Multi-Unit	Minimum Unit Area		

	Studio unit or 1 bedroom unit	60m ²
	2 bedroom unit	80m ²
	3 or more bedroom unit	100m ²

(b) Council's discretion shall be restricted to the following matters:

- (i) Subdivision layout including common boundary and party walls for the Multi-unit development;
- (ii) Provision of common areas for shared spaces, access and services;
- (iii) Provision of infrastructure (including for firefighting purposes) to individual residential units;
- (iv) Avoidance or mitigation of natural hazards;
- (v) Geotechnical suitability of site for buildings;
- (vi) Amenity values and streetscape;
- (vii) Consistency with the matters contained, and outcomes sought, in Appendix 3.4 (Multi-Unit Development Guideline)
- (viii) Consistency with any relevant structure plan or master plan, including the provision of neighbourhood parks, reserves and neighbourhood centres;
- (ix) Vehicle, pedestrian and cycle networks;
- (x) Safety, function and efficiency of road network and any internal roads or accessways.

13.3.5 Appendix 3.4 Design Guidelines – Multi-Unit Development

289. Chanel Hargrave and Travis Miller [751.57] and The Surveying Company [746.136] seek to amend Appendix 3.4 Multi-unit Development to recognise alternative options to ultimately create visual variation. I do not agree with the relief sought. Rules 16.1.3 and 16.4.4 seek to achieve or be consistent with the outcomes sought by Appendix 3.4. They are not strict requirements with limited flexibility. The matters of discretion were carefully worded to provide a degree of flexibility and at the same time direct the resource consents planner and applicants to consider these matters set out in Appendix 3.4.
290. Counties Manukau Police [297.54] seek to incorporate more specific CPTED (Crime Prevention Through Environmental Design) provisions and national guidelines into Appendix 3.4 rather than them being a reference document, on the basis that direct application within Appendix 3.4 will provide further useful information. In my opinion, CPTED is addressed in Policy 4.7.3(a)(viii) and Policy 4.7.2(a)(v). The design guidelines were developed to have regard to the principles of CPTED - in particular, section 4.3 – Guidelines for connectivity and movement, which seeks to connect the surrounding neighbourhood and provide a safe interface between pedestrians, cyclists and vehicles. The guidelines require pedestrian access ways to be designed in a way that is consistent with CPTED principles, facilitating passive surveillance and adequate lighting, through low fences and clear sight lines. Often a compromise needs to occur between the principles of CPTED and the aesthetics of a design. I therefore recommend that the panel reject the relief sought.
291. The Te Whaanga 2B3B2 & 2B1 Ahu Whenua Trust [300.5] does not seek a specific decision, however the submission opposes Section 3.4 Multi-unit development in Appendix 3.1. This submission is not clear, as Appendix 3.1 is the Residential Subdivision Guidelines, and does not refer to multi-unit developments in section 3.4, nor is there a section 3.4. I have assumed that the submitter is referring to Appendix 3.4 Multi-unit development. The submitter opposes the design guides due to the potential changes to the natural character of the Raglan Central Business District, should two storey apartments be allowed. I note that Topic 9: Business and Business Town Centre Zones will address Town Centres and the

Central Business District. The PWDP provides for two storey dwellings and multi-unit development within the Residential Zone with a maximum height of 7.5m. I do not agree that this will alter the character of the Residential Zone. Furthermore, the Operative District Plan (Waikato Section) currently provides for a maximum height of 7.5m in the Living Zone.

13.4 Recommendations

RULE 16.3.1 DWELLING (INCLUDING NUMBER OF DWELLINGS)

292. I recommend, for the reasons given above, that the Hearings Panel:

a. **Accept** submission points from:

- i. Raglan Chamber Commerce [326.6]
- ii. Waikato District Council [697.128],
- iii. Whaingaroa Raglan Affordable Housing Project [310.14], [310.8],

b. **Reject** submission points from:

- i. The Surveying Company [746.28], [746.35],
- ii. Chanel Hargrave and Travis Miller [751.9]
- iii. Greig Developments No 2 Limited [689.3] and [689.5]
- iv. Whaingaroa Raglan Affordable Housing Project [310.9]
- v. CKL [471.31],
- vi. Housing New Zealand Corporation [749.87]
- vii. BTW Company [445.9],
- viii. Chanel Hargrave and Travis Miller [751.3]

RULE 16.3.1 MINOR DWELLING

293. I recommend, for the reasons given above, that the Hearings Panel:

a. **Accept** submission points from:

- i. CKL [471.50],
- ii. Waikato District Council [697.129],

b. **Reject** submission points from:

- i. McCracken Surveys Limited [943.47]
- ii. Ted and Kathryn Letford [276.3]
- iii. Classic Builders Waikato Limited [123.3]
- iv. Housing New Zealand Corporation [749.88]
- v. The Surveying Company [746.36],
- vi. Sharp Planning Solutions [695.89]
- vii. CKL [471.39]
- viii. Madsen Lawrie Consultants [838.1].
- ix. Simon Dromgool on behalf of Christine Dromgool, John and Caroline Vincent, Mark Dromgool [698.2],
- x. Chanel Hargrave and Travis Miller [751.10].

RULE 16.1.3 RESTRICTED DISCRETIONARY ACTIVITIES (RDI MULTI-UNIT DEVELOPMENTS)

294. I recommend, for the reasons given above, that the Hearings Panel:

a. **Accept** submission points from:

- i. First Gas Limited [945.6],
- ii. New Zealand Transport Agency [742.123],
- iii. Waikato District Council [697.95]

b. **Reject** submission points from:

- i. CKL [471.37],
- ii. Waikato District Council [697.96] and [697.328]
- iii. Tainui [942.77],
- iv. Ports of Auckland Limited [578.28]
- v. Waikato Regional Council [81.149],
- vi. Perry Group Limited [464.15], [464.19] and [464.8]
- vii. McCracken Surveys Limited [943.44]
- viii. The Surveying Company [746.29] and [746.30],
- ix. Garth and Sandra Elmers [244.4], [244.5], [244.6], [244.7] and [244.8],
- x. Housing New Zealand Corporation [749.80],
- xi. Sharp Planning Solutions [695.83]
- xii. Auckland Council [372.16],
- xiii. Classic Builders Waikato Limited [123.7],
- xiv. Chanel Hargrave and Travis Miller [751.4],
- xv. Waikato District Health Board [923.145]
- xvi. Ian McAlley [368.20],
- xvii. Blue Wallace Surveys Ltd [662.4] [662.10].

RULE 16.4.4 SUBDIVISION MULTI-UNIT

295. I recommend, for the reasons given above, that the Hearings Panel:

a. **Accept** submission points from:

- i. Fire and Emergency New Zealand [378.30],

b. **Reject** submission points from:

- i. McCracken Surveys Limited [943.6],
- ii. Raglan Chamber Commerce [326.7],
- iii. Ports of Auckland Limited [578.83],
- iv. Garth and Sandra Elmers [244.10] and [244.18]
- v. Whaingaroa Raglan Affordable Housing Project [310.1] and [310.2],
- vi. Perry Group Limited [464.21] and [464.18]
- vii. Housing New Zealand Corporation [749.119]
- viii. Waikato District Council [697.151],
- ix. Ian McAlley [368.30] and [368.31],
- x. Raglan Chamber Commerce [326.4],

- xi. Greig Developments No 2 Limited [689.36],
- xii. CKL [471.45]

APPENDIX 3.4 MULTI-UNIT

296. I recommend, for the reasons given above, that the Hearings Panel:

- a. **Reject** submission points from:
 - i. Chanel Hargrave and Travis Miller [751.57],
 - ii. Counties Manukau Police [297.54],
 - iii. The Surveying Company [746.136]
 - iv. Te Whaanga 2B3B2 & 2B1 Ahu Whenua Trust [300.5].

13.5 Recommended amendments

297. The following amendments are recommended should the Panel accept the recommendation in Paragraph 254 of this s42A report:

16.1.3 Restricted Discretionary Activities

- (3) The activities listed below are restricted discretionary activities.
- (4) Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table.

	Activity	Council's discretion shall be restricted to the following matters: Matters of Discretion:
RDI	<p>A Multi-Unit development <u>of three or more units</u> that meets all of the following conditions:</p> <p>(a) The Land Use Effects rules in Rule 16.2;</p> <p>(b) The Land Use Building rules in Rule 16.3, except the following rules do not apply:</p> <p>(ix) Rule 16.3.1, Dwelling;</p> <p>(x) Rule 16.3.8-16.3.6 Building coverage;</p> <p>(xi) Rule 16.3.9-16.3.7 Living court;</p> <p>(xii) Rule 16.3.10-16.3.8 Service court;</p> <p>(c) The minimum net site area per residential unit is 300m²;</p> <p>(d) The Multi-Unit development is connected to public wastewater and water reticulation;</p> <p>(e) Total building coverage of the site does not exceed 50%;</p> <p>(f) Each residential unit is designed and constructed to achieve the internal design sound level specified in Appendix I (Acoustic Insulation) Table 14;</p> <p>(g) Service court areas are provided to meet the following minimum requirements for each residential unit:</p> <p>(iv) At least 2.25m² with a minimum dimension of 1.5 metres of outdoor or indoor space at ground floor level for the dedicated storage of waste and recycling bins;</p> <p>(v) At least 3m² with a minimum dimension of 1.5 metres of outdoor space at ground floor level for washing lines; and</p> <p>(vi) The required spaces in (g)(i) or (g)(ii) for each</p>	<p>(a) Density of the development;</p> <p>(b) The manner in which the provisions of the Multi-Unit Design contained in Appendix 3.4 have been incorporated;</p> <p>(c) Contribution of the development to and engagement with adjacent streets and public open space;</p> <p>(d) The visual quality and interest created through design such as the separation of buildings, variety in built form and architectural detailing, glazing, materials and colour;</p> <p>(e) The incorporation of energy efficiency measures such as passive solar principles;</p> <p>(f) Amenity values for</p>

	<p>residential unit shall be provided individually, or as a dedicated communal service court.</p> <p>Living court areas are provided to meet the following minimum requirements for each residential unit:</p> <table border="1" style="margin: 10px auto;"> <thead> <tr> <th>Duplex dwelling</th> <th>Area</th> <th>Minimum dimension</th> </tr> </thead> <tbody> <tr> <td>Studio unit or 1 bedroom</td> <td>30 m²</td> <td>4m</td> </tr> <tr> <td>2 or more bedrooms</td> <td>40 m²</td> <td>4m</td> </tr> </tbody> </table> <table border="1" style="margin: 10px auto;"> <thead> <tr> <th>Apartment Building Ground Level Residential Unit</th> <th>Area</th> <th>Minimum Dimension</th> </tr> </thead> <tbody> <tr> <td>Studio unit or 1 bedroom</td> <td>20 m²</td> <td>4m</td> </tr> <tr> <td>2 or more bedrooms</td> <td>30 m²</td> <td>4m</td> </tr> </tbody> </table> <table border="1" style="margin: 10px auto;"> <thead> <tr> <th>Apartment Building Upper Levels Residential Unit</th> <th>Area</th> <th>Minimum Dimension</th> </tr> </thead> <tbody> <tr> <td>Studio unit or 1 bedroom</td> <td>10 m²</td> <td>2m</td> </tr> <tr> <td>2 or more bedrooms</td> <td>15 m²</td> <td>2m</td> </tr> </tbody> </table>	Duplex dwelling	Area	Minimum dimension	Studio unit or 1 bedroom	30 m ²	4m	2 or more bedrooms	40 m ²	4m	Apartment Building Ground Level Residential Unit	Area	Minimum Dimension	Studio unit or 1 bedroom	20 m ²	4m	2 or more bedrooms	30 m ²	4m	Apartment Building Upper Levels Residential Unit	Area	Minimum Dimension	Studio unit or 1 bedroom	10 m ²	2m	2 or more bedrooms	15 m ²	2m	<p>occupants and neighbours in respect of outlook, privacy, noise, light spill, access to sunlight, living court orientation, site design and layout, <u>including proposed unit boundaries which identify space around each unit and any common areas;</u></p> <p>(g) Staging needed to ensure that development is carried out in a coordinated and timely manner;</p> <p>(h) Avoidance or mitigation of natural hazards;</p> <p>(i) Geotechnical suitability for building;</p> <p>(j) Provision of infrastructure to individual units,</p> <p>(k) <u>Provision of trunk infrastructure;</u></p> <p>(l) <u>On-site parking and manoeuvring;</u></p> <p>(m) <u>Safety and efficiency of the transport network.</u></p>
Duplex dwelling	Area	Minimum dimension																											
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Studio unit or 1 bedroom	10 m ²	2m																											
2 or more bedrooms	15 m ²	2m																											

16.3.1 Dwelling

PI	One dwelling within a site.
DI RDI	<p>A dwelling that does not comply with Rule 16.3.1 PI.</p> <p>(a) <u>Up to two dwellings within a site.</u></p> <p>(b) <u>Council's discretion shall be limited to the following matters:</u></p> <p>(i) <u>Intensity of development;</u></p> <p>(ii) <u>Design and location of buildings;</u></p> <p>(iii) <u>Provision of residential amenity values for residents within the site</u></p> <p>(iv) <u>Adverse effects on amenity values (such as shading, privacy) for residents of adjoining sites;</u></p> <p>(v) <u>Provision of infrastructure.</u></p>

298. The following amendments are recommended should the Panel **NOT** accept the recommendation in Paragraph 254 of this s42A report:

16.1.3 Restricted Discretionary Activities

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

(2) Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table.

Activity		Council's discretion shall be restricted to the following matters of Discretion:															
RDI	<p>A Multi-Unit development that meets all of the following conditions:</p> <ul style="list-style-type: none"> (a) The Land Use – Effects rules in Rule 16.2; (b) The Land Use – Building rules in Rule 16.3, except the following rules do not apply: <ul style="list-style-type: none"> (i) Rule 16.3.1, Dwelling; (ii) Rule 16.3.8 16.3.6 Building coverage; (iii) Rule 16.3.9 16.3.7 Living court; (iv) Rule 16.3.10 16.3.8 Service court; (c) The minimum net site area per residential unit is 300m²; (d) The Multi-Unit development is connected to public wastewater and water reticulation; (e) Total building coverage of the site does not exceed 50%; (f) Each residential unit is designed and constructed to achieve the internal design sound level specified in Appendix I (Acoustic Insulation) – Table I4; (g) Service court areas are provided to meet the following minimum requirements for each residential unit: <ul style="list-style-type: none"> (vii) At least 2.25m² with a minimum dimension of 1.5 metres of outdoor or indoor space at ground floor level for the dedicated storage of waste and recycling bins; (viii) At least 3m² with a minimum dimension of 1.5 metres of outdoor space at ground floor level for washing lines; and (ix) The required spaces in (g)(i) or (g)(ii) for each residential unit shall be provided individually, or as a dedicated communal service court. i. Living court areas are provided to meet the following minimum requirements for each residential unit: <table border="1" data-bbox="459 1514 1023 1800" style="margin-left: 20px;"> <thead> <tr> <th>Duplex dwelling</th> <th>Area</th> <th>Minimum dimension</th> </tr> </thead> <tbody> <tr> <td>Studio unit or 1 bedroom</td> <td>30 m²</td> <td>4m</td> </tr> <tr> <td>2 or more bedrooms</td> <td>40 m²</td> <td>4m</td> </tr> </tbody> </table> <table border="1" data-bbox="459 1845 1027 2007" style="margin-left: 20px;"> <thead> <tr> <th>Apartment Building Ground Level Residential Unit</th> <th>Area</th> <th>Minimum Dimension</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> 	Duplex dwelling	Area	Minimum dimension	Studio unit or 1 bedroom	30 m ²	4m	2 or more bedrooms	40 m ²	4m	Apartment Building Ground Level Residential Unit	Area	Minimum Dimension				<ul style="list-style-type: none"> (a) Density of the development; (b) The manner in which the provisions of the Multi-Unit Design contained in Appendix 3.4 have been incorporated, including providing for unit sizes to match the number of bedrooms and space around each unit and common areas; (c) Contribution of the development to and engagement with adjacent streets and public open space; (d) The visual quality and interest created through design such as the separation of buildings, variety in built form and architectural detailing, glazing, materials and colour; (e) The incorporation of energy efficiency measures such as passive solar principles; (f) Amenity values for occupants and neighbours in respect of outlook, privacy, noise, light spill, access to sunlight, living court orientation, site design and layout, including proposed unit boundaries which identify space around each unit and any common areas.; (g) Staging needed to ensure that development is carried out in a coordinated and timely manner; (h) Avoidance or
Duplex dwelling	Area	Minimum dimension															
Studio unit or 1 bedroom	30 m ²	4m															
2 or more bedrooms	40 m ²	4m															
Apartment Building Ground Level Residential Unit	Area	Minimum Dimension															

	Studio unit or 1 bedroom	20 m ²	4m	mitigation of natural hazards; (i) Geotechnical suitability for building; (j) Provision of infrastructure to individual units, (k) <u>Provision of trunk infrastructure;</u> (l) <u>On-site parking and manoeuvring;</u> (m) <u>Safety and efficiency of the transport network.</u>
	2 or more bedrooms	30 m ²	4m	
Apartment Building Upper Levels Residential Unit			Minimum Dimension	
Studio unit or 1 bedroom	10m ²	2m		
2 or more bedrooms	15m ²	2m		

299. The following amendments are recommended with respect to Rule 16.4.4:

16.4.4 Subdivision - Multi-unit development

RDI	(a) Multi-Unit development must comply with all of the following conditions: <ul style="list-style-type: none"> (i) An application for land use consent under Rule 16.1.3 (Multi-Unit Development) must accompany the subdivision or have been granted land use consent by Council; (ii) The Multi-Unit development is able to be connected to public wastewater and water reticulation; (iii) The minimum existing lot size where a new freehold (fee simple) lot is <u>exclusive area for each residential unit</u> being created must be 300m² net site area. (iv) Where a residential unit is being created in accordance with the Unit Titles Act 2010 it must meet the following minimum residential unit size: <table border="1" data-bbox="424 1240 1058 1491"> <thead> <tr> <th>Unit of Multi-Unit</th> <th>Minimum Unit Area</th> </tr> </thead> <tbody> <tr> <td>Studio unit or 1 bedroom unit</td> <td>60m²</td> </tr> <tr> <td>2 bedroom unit</td> <td>80m²</td> </tr> <tr> <td>3 or more bedroom unit</td> <td>100m²</td> </tr> </tbody> </table> 	Unit of Multi-Unit	Minimum Unit Area	Studio unit or 1 bedroom unit	60m ²	2 bedroom unit	80m ²	3 or more bedroom unit	100m ²
	Unit of Multi-Unit	Minimum Unit Area							
Studio unit or 1 bedroom unit	60m ²								
2 bedroom unit	80m ²								
3 or more bedroom unit	100m ²								
(b) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) Subdivision layout including common boundary and party walls for the Multi-unit development; (ii) Provision of common areas for shared spaces, access and services; (iii) Provision of infrastructure to individual residential units (<u>including for firefighting purposes</u>); (iv) Avoidance or mitigation of natural hazards; (v) Geotechnical suitability of site for buildings; (vi) Amenity values and streetscape; (vii) Consistency with the matters contained, and outcomes sought, in Appendix 3.4 (Multi-Unit Development Guideline) (viii) Consistency with any relevant structure plan or master plan, including the provision of neighbourhood parks, reserves and neighbourhood centres; (ix) Vehicle, pedestrian and cycle networks; 									

	(x) Safety, function and efficiency of road network and any internal roads or accessways.
RDI	Subdivision that does not comply with Rule 16.4.4 RDI.

13.6 Section 32AA evaluation

Rule 16.1.3 – Deletion of conditions

300. With respect to the deletion of most of the conditions from RDI, a section 32AA evaluation has effectively been undertaken within the analysis section of this s42A report, noting that the objectives and policies for the Residential Zone as notified support this amendment, particularly Policy 4.2.18 – Multi-unit development.

Effectiveness and efficiency

301. The restricted discretionary activity status for the consideration of multi-unit developments against the relevant matters of discretion is considered to be efficient and effective. The change in activity status will not lead to any additional assessment to that which can be undertaken through a restricted discretionary activity.

Cost and benefits

302. The costs associated with a restricted discretionary application will be less as the matters to be considered are specified.

Risk of acting or not acting

303. There is no additional risk of not acting. There is sufficient information on the cost to the environment, benefit to people and communities to justify activity status.

Decision about most appropriate option

304. The amendment still gives effect to the relevant objective and policies in Chapter 4.2. In my opinion the recommended amendment is more effective in achieving the purpose of the RMA than the notified version of the PWDP.

Rule 16.1.3 – Alternative and Rule 16.4.4

305. With respect to the recommended amendments to Rules 16.1.3 and 16.4.4, they are to provide clarification on the application, correcting cross-referencing errors or to align with the other zone chapters. Accordingly, no s32AA evaluation has been required to be undertaken.

14 Topic 11: Residential Purpose

14.1 Introduction

306. Policy 4.2.21 seeks to generally restrict the establishment of commercial or industrial activities within the residential zone. The policy provides for these activities if they are required from a strategic point of view and the effects generated by them are assessed as being acceptable. This policy is achieved by:
- a. Rule 16.1.2 P4 which enables home occupations as a permitted activity,
 - b. Rule 16.1.2 P11 which allows neighbourhood centres that have been identified in a structure plan or masterplan as a permitted activity

- c. Rule 16.1.2 P12 commercial activities within the Bankart Street and Wainui Road Business Overlay Area.
- d. Rule 16.1.5 NCI which would classify all other commercial and industrial activities as a non-complying activity

14.2 Submissions

307. The following submissions were made:

Submission point	Submitter	Summary of submission
378.67	Fire and Emergency New Zealand	Retain Policy 4.2.21 Maintain residential purpose, to the extent that the provision anticipates non-residential activities in the Residential Zone. AND Amend Policy 4.2.21 - Maintain residential purpose as follows: <i>Restrict the establishment of <u>non-residential</u> commercial or industrial activities, unless the activity has a strategic or operational need to locate within a residential zone, and the effects of such activities on the character an amenity of residential zones are insignificant.</i> AND Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.
FS1388.53	Mercury NZ Limited	Oppose
FS1035.174	Pareoranga Te Kata	Support.

14.3 Analysis

308. Fire and Emergency New Zealand [378.67] seek to retain Policy 4.2.21 and amend it to refer to 'non-residential' activities rather than 'commercial' or 'industrial' activities. I disagree with the relief sought. Non-residential activities cover a wide range of activities, some of which may be suitable to be located within the residential zone, such as home occupations or other activities which may be less disruptive and whose effects are easily mitigated (such as childcare centres). Furthermore, Policy 4.2.23 addresses non-residential activities. Policy 4.2.21 was specifically drafted to apply to 'commercial' or 'industrial'. I note that the s42A report for definitions has addressed 'commercial activity', 'commercial services', 'retail activity' and 'Industrial activity'. The general conclusion is to adopt the definitions in the National Planning Standards.

14.4 Recommendation

309. I recommend, for the reasons given above, that the Hearings Panel:

- a. **Reject** submission point Fire and Emergency New Zealand [378.67].

14.5 Recommended amendments

310. No amendments are recommended.

14.6 Section 32AA evaluation

311. There are no recommended amendments. Accordingly, no s32AA evaluation has been required to be undertaken.

15 Topic 12: Bankart Street and Wainui

15.1 Introduction

312. This topic addresses Policy 4.2.22 – Bankart Street and Wainui, which provides for an existing and future mix of residential and commercial activities in the area identified in Raglan on the planning maps. This area was established under Plan Change 14 in response to a lack of business zoned land in the Raglan Town Centre and is required to be retained to recognize the different activities that exist. This policy is delivered primarily by permitted activity Rule 16.1.2 P12 which provides for commercial activities within the Bankart Street and Wainui Road Business Overlay Area. Land use effects Rule 16.2.2 sets out servicing and hours of operation specific to Bankart Street and Wainui Road Business Overlay Area.

15.2 Submissions

313. The following submissions were made:

Submission point	Submitter	Summary of submission
435.23	Jade Hyslop	Delete Policy 4.2.22-Bankart Street and Wainui Street. AND Add provision to Chapter 4: Urban Environment for Wi Neera Street.
FS1276.167	Whaingaroa Environmental Defence Inc. Society	Support
780.25	Whaingaroa Environmental Incorporated Defence Society	Delete Policy 4.2.22 Bankart Street and Wainui AND Add provision for Wi Neera Street.
FS1142.11	Greig Metcalfe	Oppose.
825.25	John Lawson	Delete Policy 4.2.22 Bankart Street and Wainui Street AND Add provision for Wi Neera Street
FS1276.200	Whaingaroa Environmental Defence Inc. Society	Support.
FS1142.9	Greig Metcalfe	Oppose

15.3 Analysis

314. The submissions from Jade Hyslop [435.23], Whaingaroa Environmental Incorporated Defence Society [780.25], John Lawson [825.25] all seek to delete Policy 4.2.22 and add provisions to Chapter 4: Urban Environment for Wi Neera Street. The reasons provided are that housing is needed in Raglan, not more commercial properties. I disagree with the relief sought, as Policy 4.2.22 is specifically required to provide for the continued ongoing operation of the existing commercial properties located in the Bankart Street and Wainui area.

15.4 Recommendations

315. I recommend, for the reasons given above, that the Hearings Panel:

- a. **Reject** submission points from Jade Hyslop [435.23], Whaingaroa Environmental Incorporated Defence Society [780.25] and John Lawson [825.25].

15.5 Recommended amendments

316. No amendments are recommended.

15.6 Section 32AA evaluation

317. No amendments are recommended, accordingly, no s32AA evaluation has been required to be undertaken.

16 Topic 13: Non-Residential activities

16.1 Introduction

318. Policy 4.2.23 Non-residential activities seeks to maintain the residential zone for the purpose of residential activities. The policy sets out how this is achieved whilst enabling non-residential activities already operating in the residential zone to continue to operate.

319. This policy is achieved by:

- a. Rule 16.1.2 P4 which enables home occupations as a permitted activity,
- b. Rule 16.1.2 P11 which allows neighbourhood centres that have been identified in a structure plan or masterplan as a permitted activity
- c. Rule 16.1.2 P12 commercial activities within the Bankart Street and Wainui Road Business Overlay Area.
- d. Rule 16.1.5 NCI which would classify all other commercial and industrial activities as a non-complying activity

16.2 Submissions

320. The following submissions were made:

Submission point	Submitter	Summary of submission
697.542	Waikato District Council	Amend Policy 4.2.23 (b) Non-residential activities as follows: <i>Enabling Enable existing...</i>
FS1387.598	Mercury NZ Limited	<i>Oppose</i>
742.22	New Zealand	Retain Policy 4.2.23 Non-residential activities, except for the

Submission point	Submitter	Summary of submission
	Transport Agency	amendments sought below AND Amend Policy 4.2.23 (a) (iv) Non-residential activities by replacing 'strategic roads' with the appropriate terminology consistent with the road categories described in Table 14.12.5.5. AND Request any consequential changes necessary to give effect to the relief sought in the submission
FS1387.852	Mercury NZ Limited	Oppose
378.68	Fire and Emergency New Zealand	Retain Policy 4.2.23 Non-residential activities, to the extent that the provision anticipates non-residential activities in the Residential Zone AND Amend Policy 4.2.23(iii) Non-residential activities as follows: <i>(iii) Enabling <u>non-residential</u> activities that provide for the health, safety and well-being of the community and that service or support an identified local need</i> AND <i>Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.</i>
FS1388.54	Mercury NZ Limited	Oppose
FS1035.175	Pareoranga Te Kata	Support
695.24	Sharp Planning Solutions Ltd	Retain Policy 4.2.23(a)(i) Non-residential activities. AND Delete Policy 4.2.23(a)(iv) Non-residential activities. OR Add to Policy 4.2.23(a)(iv) Non-residential activities a list of the types of non-residential activities that can occur in residential areas, with restrictions on dominance.

321. In summary, five submissions were received which sought relief on the following:
- Minor correction to change the wording 'enable' to 'enabling';
 - Replace the reference to 'strategic roads' to align with road hierarchy;
 - Adding reference to 'non-residential activities' for clarity; and
 - Delete Policy 4.2.23(a)(iv) or be more specific about the types of activities that can occur in the Residential Zone.

16.3 Analysis

322. Waikato District Council [697.542] seeks to amend the Policy 4.2.23 (b) to 'enable' rather than 'enabling'. I agree with the relief sought. The policy is not grammatically correct. I suggest the amendment below:

4.2.23 Policy – Non-residential activities

- (a) Maintain the Residential Zone for residential activities by:
...
- (b) ~~Enabling~~ **Enable** existing non-residential activities to continue and support their redevelopment and expansion provided they do not have a significant adverse effect on the character and amenity of the Residential Zone.

323. New Zealand Transport Agency [742.22] supports Policy 4.2.23(a)(i) but seeks the deletion of Policy 4.2.23(a)(iv) or amend it to remove 'strategic roads' and replace it with the correct reference from Table 14.12.5.5. The purpose of Policy 4.2.23(a)(iv) is to prevent non-residential activities from establishing where there would be a significant impact as a result of traffic and foot generation, i.e. create the highest level of disturbance to a residential area. 'Strategic roads' in this context is referring to state highways, regional arterial road and arterial roads. I agree with the relief sought, as it is unclear as to what 'strategic road' would mean, and it is useful to align this with Table 14.12.5.5 of the PWDP. For ease and clarity of the policy application, I suggest stating the category of roads as follows:

4.2.23 Policy – Non-residential activities

- (a) Maintain the Residential Zone for residential activities by:
 - (iv) Avoiding the establishment of new non-residential activities on rear sites, or sites located on cul-de-sacs, or that have access to ~~strategic roads~~ **national routes, regional arterial roads and arterial roads**; and ...

324. Fire and Emergency New Zealand [378.68] seeks to retain Policy 4.2.23 and amend Policy 4.2.23(iii) by including the term 'non-residential' activities and 'safety'. I agree with the suggested amendment to include 'non-residential' for the reasons set out in their submission. In my opinion the inclusion of the word 'safety' aligns with the wording in s5(2) of the RMA. I suggest the below amendments:

4.2.23 Policy – Non-residential activities

- (a) Maintain the Residential Zone for residential activities by:
 - (i) Ensuring the number of non-residential activities are not dominant within a residential block;
 - (ii) Ensuring non-residential activities are in keeping with the scale and intensity of development anticipated by the Residential Zone and contribute to the amenity of the neighbourhood;
 - (iii) Enabling **non-residential** activities that provide for the health, **safety** and well-being of the community and that service or support an identified local need; ...

325. Sharp Planning Solutions Ltd [695.24] seeks to retain Policy 4.2.23(a)(i), delete Policy 4.2.23(a)(iv) or add to the policy to identify the list of non-residential activities that can occur in the Residential Zone. I do not agree with the relief sought, in so far as deleting part of (a)(iv) or adding a list of activities that would be acceptable. The purpose of the Policy (a)(iv) is to restrict non-residential activities that will have an impact on the adjoining road network or where access and parking is limited, i.e. where activities are likely to create the highest level of disturbance to a residential suburb by foot or car traffic. Identifying appropriate non-residential activities could result in some being missed.

16.4 Recommendations

326. I recommend, for the reasons given above, that the Hearings Panel:

- a. **Accept** submission points Waikato District Council [697.542], New Zealand Transport Agency [742.22] and Fire and Emergency New Zealand [378.68]; and
- b. **Reject** submission point Sharp Planning Solutions [695.24].

16.5 Recommended amendments

327. The following amendments are recommended:

4.2.23 Policy – Non-residential activities

- (a) Maintain the Residential Zone for residential activities by:
 - (i) Ensuring the number of non-residential activities are not dominant within a residential block;
 - (ii) Ensuring non-residential activities are in keeping with the scale and intensity of development anticipated by the Residential Zone and contribute to the amenity of the neighbourhood;
 - (iii) Enabling **non-residential** activities that provide for the health and well-being of the community and that service or support an identified local need;
 - (iv) Avoiding the establishment of new non-residential activities on rear sites, or sites located on cul-de-sacs, or that have access to **strategic roads national routes, regional arterial roads and arterial roads**; and
 - (v) Ensuring that the design and scope of non-residential activities and associated buildings:
 - A. Maintain residential character including the scale and design of buildings and their location on the site, and on-site parking and vehicle manoeuvring areas; and
 - B. Mitigate adverse effects related to traffic generation, access, noise, vibration, outdoor storage of materials and light spill, to the extent that they minimise adverse effects on residential character and amenity and the surrounding transport network.
- (b) **Enabling Enable** existing non-residential activities to continue and support their redevelopment and expansion provided they do not have a significant adverse effect on the character and amenity of the Residential Zone.

16.6 Section 32AA evaluation

328. With respect to the recommended amendments to Policy 4.2.23, they provide clarification on the application of the policy. The intent or outcomes sought by the policy have therefore not altered. Accordingly, no s32AA evaluation has been required to be undertaken.

17 Topic 14: Neighbourhood centres in structure plans

17.1 Introduction

329. Policy 4.2.26 Neighbourhood centres in structure plan areas provides for new neighbourhood centres in structure plan areas or master plan areas. This policy assures alignment with existing overarching documents or future ones and is an efficient way of enabling development of a neighbourhood centre without needing a plan change to change the zone. The policy also sets out the purpose of the neighbourhood centres. Rule 16.1.2

P11 allows neighbourhood centres that have been identified in a structure plan or masterplan as a permitted activity.

17.2 Submissions

330. The following submissions were made:

Submission point	Submitter	Summary of submission
695.25	Sharp Planning Solutions Ltd	Amend Policy 4.2.26(a)(ii) Neighbourhood centres in structure plan areas to replace "provide" with "plan" and define the walkable catchment in relationship to the catchment.
923.51	Waikato District Health Board	Retain Policy 4.2.26- Neighbourhood centres in structure plans as notified.
FS1387.1503	Mercury NZ Limited	Oppose

17.3 Analysis

331. Sharp Planning Solutions Ltd [695.25] seeks to amend Policy 4.2.26(a)(ii) to replace 'provide' with 'plan' and define the walkable catchment. I disagree with the relief sought that the rule is specifically providing for neighbourhood centres contained within strategic documents. The reference to walkable catchment is specifically left open-ended to provide flexibility in the application of the policy.
332. Waikato District Health Board [923.51] seeks to retain Policy 4.2.26 as notified and in light of the comments in paragraph 315, I recommend that the submission be accepted.

17.4 Recommendations

333. I recommend, for the reasons given above, that the Hearings Panel:
- Reject** submission point Sharp Planning Solutions Ltd [695.25]
 - Accept** submission point Waikato District Health Board [923.51].

17.5 Recommended amendments

334. No amendments are recommended.

17.6 Section 32AA evaluation

335. No amendments have been undertaken. Accordingly, no s32AA evaluation has been required to be undertaken.

18 Topic 15: Noise

18.1 Introduction

336. This topic addresses noise in relation to the Residential Zone. Objective 4.4.1 and Policy 4.4.2, along with associated rules in Section 16.2.1 and 16.3.10, seek to manage the adverse effects of noise on activities within the Residential Zone. I note that Objective 4.4.1 applies

to more than just noise as it seeks to protect communities from the adverse effects of land use and development.

18.2 Objective 4.4.1 – Adverse effects of land use and development and Policy 4.4.2 - Noise

18.2.1 Submissions

Submission point	Submitter	Summary of submission
299.3	2SEN Limited and Tuakau Estates Limited	Retain Section 4.4 Noise, lighting, outdoor storage, signs and odour as notified except where specific modification is sought elsewhere in the submission.
367.2	Mercer Residents and Ratepayers Committee	Retain Section 4.4 Residential and Village Zones - Noise, lighting, outdoor storage, signs and odour.
FS1386.545	Mercury NZ Limited	Oppose
182.7	Kirriemuir Trustee Limited	Retain the Objectives and Policies in Section 4.4 Residential and Village Zones - Noise, lighting, outdoor storage, signs and odour, as notified.
749.5	Housing New Zealand Corporation	Retain the Objectives and Policies in Section 4.4 Residential and Village Zones - Noise, lighting, outdoor storage, signs and odour, as notified.
923.57	Waikato District Health Board	Amend Objective 4.4.1 (a)- Adverse effects of land use and development as follows: <i>The health, <u>safety</u> and wellbeing of people communities and the environment are protected from the adverse effects of land use and development.</i>
FS1114.33	Fire and Emergency New Zealand	Support
297.22	Counties Manukau Police	Amend Objective 4.4.1 (a) Adverse effects of land use and development as follows: <i>The health, and well-being <u>and safety</u> of people, communities and the environment are protected from the adverse effects of land use and development.</i>
FS1269.17	Housing New Zealand Corporation	Oppose
FS1114.3	Fire and Emergency New Zealand	Support
378.73	Fire and Emergency New Zealand	Retain Objective 4.4.1 Adverse effects of land use and development, to the extent that recognition is given to the health and well-being of communities and are protected from the adverse effects of land use and development AND Amend Objective 4.4.1 (a) Adverse effects of land use and development as follows:

Submission point	Submitter	Summary of submission
		4.4.1 (a) The health, <u>safety</u> and well-being of people, communities and the environment are protected from the adverse effects of land use and development. AND Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.
FS1035.180	Pareoranga Te Kata	Support.
299.6	2SEN Limited and Tuakau Estates Limited	Retain Policy 4.4.2 Noise as notified.
742.23	New Zealand Transport Agency	Retain Policy 4.4.2 Noise as notified.
182.10	Kirriemuir Trustee Limited	Retain Policy 4.4.2 Noise, as notified.

18.2.2 Analysis

337. The submissions from Waikato District Health Board [923.57], Counties Manukau Police [297.22] and Fire and Emergency New Zealand [378.73] seek the addition of the word 'safety' into Objective 4.4.1. The word 'safety' is included in s5 of the RMA and is particularly relevant to support Policy 4.4.3 – Artificial outdoor lighting, where I note that submissions seek the addition of the principle of CPTED (Crime Prevention Through Environmental Design) to be added to this policy. In my opinion the inclusion of the word 'safety' is aligned with s5(2) of the RMA and should be included.
338. All of the other submissions support the objective and policy without change.

18.2.3 Recommendations

339. It is recommended that the submissions from 2SEN Limited and Tuakau Estates Limited [299.3 and 299.6], Mercer Residents and Ratepayers Committee [367.2], Kirriemuir Trustee Limited [182.7 and 182.10], Housing New Zealand Corporation [749.5], Waikato District Health Board [923.57], Fire and Emergency New Zealand [278.73], Counties Manukau Police [297.22], and New Zealand Transport Agency [742.23] be **accepted**.
340. It is recommended Objective 4.4.1 be amended as follows:
- 4.4.1 Objective – Adverse effects of land use and development
The health, safety and well-being of people, communities and the environment are protected from the adverse effects of land use and development.

18.2.4 Section 32AA evaluation

341. Given that Section 5(2) of the RMA refers to enabling people and communities to provide for their social, economic, and cultural well-being and for their health and safety, the amendments to Objective 4.4.1 to recognise safety are considered to be the most appropriate way to achieve the purpose of the RMA, and indeed align with the wording of Section 5.

18.3 Chapter 16: Residential Zone – Section 16.2.1- Noise

18.3.1 Submissions

Submission point	Submitter	Summary of submission
781.11	Ministry of Education	<p>Add new noise standards for education facilities to Rule 16.2.1 Noise as follows:</p> <p><u>16.2.1.2 Noise - Education facilities The operation of any education facilities shall comply with the following noise limits at the boundary of any site within the residential zone, at a point 20m from the façade of any dwelling, or the site boundary, whichever is closest to the dwelling:</u></p> <p><u>- Mon-Sun, 7.00am-10.00pm (0700-2200) 55dBA (Leq)</u> <u>-Mon-Sun, 10.00pm-7.00am (2200-0700) 45 dBA (Leq) - LMAX= 75dBA</u></p> <p><u>These noise levels shall not apply to noise from outdoor school activities occurring between 0800 and 1800 hours Monday to Saturday. Noise levels shall be measured and assessed in accordance with NZS 6801:2008 "Measurement of Environmental Sound" and NZS 6802:2008 "Environmental Noise".</u></p>
697.101	Waikato District Council	<p>Amend Rule 16.2.1.2 P1 (a) Permitted Activities Noise-Construction to read as follows:</p> <p><u>Construction noise must meet not exceed the limits in NZS 6803:1999 (Acoustics – Construction Noise); and</u></p>
697.100	Waikato District Council	<p>Delete Rule 16.2.1.1 P3 Permitted Activities Noise-General</p> <p>AND</p> <p>Amend Rule 16.2.1.1 P2 Permitted Activities Noise-General to read as follows: (a) Noise measured within any other site in the Residential Zone must not exceed:</p> <p>(i) 50dB (LAeq), 7am to 7pm, every day;</p> <p>(ii) 45dB (LAeq), 7pm to 10pm, every day; and</p> <p>(iii) 40dB (LAeq) and 65dB (LAmx), 10pm to 7am the following day.</p> <p><u>(b) Noise levels shall be measured in accordance with the requirements of NZS 6801:2008 "Acoustics Measurement of Environmental Sound"; and</u></p> <p><u>(c) Noise levels shall be assessed in accordance with the requirements of NZS 6802:2008 "Acoustic Environmental noise".</u></p> <p>Amend Rule 16.2.1.1 P3 D1 to read as follows:</p> <p><u>Rule 16.2.1.1 P1 or P2 or P3.</u></p>
923.147	Waikato District Health Board	<p>Amend Rule 16.2.1.1 P2, P3 and D1 as follows:</p> <p><u>P2 Sound measured in accordance with NZS 6801:2008 and</u></p>

		<p><u>assessed in accordance with NZS 6802:2008 must not exceed:</u></p> <p>(a) Noise measured the following noise limits at any point within any other site in the Residential Zone must not exceed:</p> <p>(i) 50dB LAeq(15min) dB (LAeq), 7am to 7pm every day;</p> <p>(ii) 45dB LAeq(15min) dB (LAeq), 7pm to 10pm, every day; and</p> <p>(iii) 40dB LAeq(15min) dB (LAeq) and 65dB (LAm_{ax}), 10pm to 7am the following day;</p> <p>(iv) 65dB LAF_{max}, 10pm to 7am the following day;</p> <p>(b) The permitted activity noise limits for the zone of any other site where sound is received.</p> <p>P3 (a) Noise levels shall be measured in accordance with the requirements of NZS 6801: 2008 “Acoustics Measurement of Environmental Sound”; and</p> <p>(b) Noise levels shall be assessed in accordance with the requirements of NZS 6802:2008 “Acoustic Environmental noise.”</p> <p>D1</p> <p>(a) Sound that is outside the scope of NZS 6802: 2008 or a permitted activity standard; and</p> <p>(b) Sound Noise that does not comply with Rule 16.2.1.1 P1 or P2 or P3.</p>
378.23	Fire and Emergency New Zealand	Retain Rule 16.2.1.1 Noise - General.
FS1316.41	Alstra (2012) Limited	Support
FS1035.129	Pareoranga Te Kata	Support
693.8	Alstra (2012) Limited	<p>Retain Rule 16.2.1.1 Noise- General, except for the amendments sought below;</p> <p>AND</p> <p>Amend Rule 16.2.1.1 PI Noise – General as follows (or words to similar effect):</p> <p><i>Farming noise (including intensive farming), and noise generated by emergency generators and emergency sirens.</i></p> <p>AND</p> <p>Any consequential amendments or alternative relief to address the matters raised in the submission.</p>
FS1317.2	Quinn Haven Investments Limited and M & S Draper	Oppose
419.2	Lucy Deverall	Retain Rule 16.2.1.1 PI Noise - General, as notified.
FS1171.6	Phoebe Watson for Barker & Associates on behalf of T&G Global	Support.

FS1316.42	Alstra (2012) Limited	Support
FS1342.100	Federated Farmers	Support
697.99	Waikato District Council	Delete Rule 16.2.1 (1) Noise.
FS1387.442	Mercury NZ Limited	Oppose

18.3.2 Analysis

Rule clarification and support

342. The submissions from Waikato District Council [697.101, 697.100 and 697.99] and Waikato District Health Board [923.147] are rule clarification and updating of reference changes, which are supported as they do not change the intent of the rule.
343. The submissions from Fire and Emergency [378.23] and Lucy Deverall [419.2] seek retention of the noise rules, which is supported subject to the clarification amendments.

Intensive farming

344. The submission from Alstra (2012) Limited [693.8] seeks the addition of the words '*including intensive farming*' to permitted activity 16.2.1.1 PI. The purpose of PI is to recognise that there are some existing farming activities within the Residential zone that need to be provided for, other than relying on existing use rights. This rule complements Rural Zone Rule 22.2.1.1 PI, which also excludes farming noise. Intensive farming activities require resource consent in both the Residential and Rural zones, and the matter of adverse noise effects will be one of the matters that will be considered as part of that process. It is noted that the nature of the potential noise effects from an intensive farming activity are different to those associated with general farming activities. Accordingly, exempting intensive farming from the noise provisions in the Residential Zone is not supported.

Education facility

345. The submission from Ministry of Education [781.11] seeks the inclusion of a noise standard to apply to 'Education Facilities'. I note that submission point [781.10] from the Ministry of Education seeks that education facilities be provided for in the Residential zone as a restricted discretionary activity, and that this submission has been recommended to be accepted. However, I do not consider that the noise standard is required, because as a restricted discretionary activity, one of the matters of discretion is '*The extent to which the activity may adversely impact on the noise environment.*' The only purpose for including the noise standard would be to change the activity status where the standard could not be met from restricted discretionary to discretionary. This is unnecessary and I therefore recommend rejecting the submission point.

18.3.3 Recommendations

346. It is recommended that the submissions from Waikato District Council [697.101, 697.100 and 697.99], Waikato District Health Board [923.147], Fire and Emergency [378.23] and Lucy Deverall [419.2] be **accepted**.
347. It is recommended that the submissions from Alstra (2012) Limited [693.8] and Ministry of Education [781.11] be **rejected**.
348. The following amendments are recommended to Chapter 16: Residential Zone as shown in Appendix 3 - Chapter 16: Residential Zone:

16.2.1.1 Noise – General

P1	Farming noise, and noise generated by emergency generators and emergency sirens.
P2	<p>(a) Noise measured within any other site in the Residential Zone must not exceed:</p> <p>(i) 50dB $L_{Aeq(15min)}$ (L_{Aeq}), 7am to 7pm, every day;</p> <p>(ii) 45dB $L_{Aeq(15min)}$ (L_{Aeq}), 7pm to 10pm, every day; and</p> <p>(iii) 40dB $L_{Aeq(15min)}$ (L_{Aeq}) 10pm to 7am the following day; and</p> <p>(iv) 65dB L_{Amax} (L_{Amax}), 10pm to 7am the following day.</p> <p>(b) Noise levels shall be measured in accordance with the requirements of NZS 6801:2008 "Acoustics - Measurement of Environmental Sound"; and</p> <p>(c) Noise levels shall be assessed in accordance with the requirements of NZS 6802:2008 "Acoustic- Environmental noise".</p>
P3	<p>(a) Noise levels shall be measured in accordance with the requirements of NZS 6801:2008 "Acoustics - Measurement of Environmental Sound"; and</p> <p>(b) Noise levels shall be assessed in accordance with the requirements of NZS 6802:2008 "Acoustic- Environmental noise".</p>
DI	Noise that does not comply with Rule 16.2.1.1 P2 or P3 .

16.2.1.2 Noise – Construction

P1	<p>(a) Construction noise must meet <u>not exceed</u> the limits in NZS 6803:1999 (Acoustics – Construction Noise); and</p> <p>(b) Construction noise must be measured and assessed in accordance with the requirements of NZS6803:1999 'Acoustics – Construction Noise'.</p>
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18.3.4 Section 32AA evaluation

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

18.3 Chapter 16: Residential Zone – Section 16.3.10 – Building – Horotiu Acoustic Area

18.4.1 Submissions

Submission point	Submitter	Summary of submission
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578.29	Ports of Auckland Limited	<p>Add a permitted activity rule to Rule 16.3.10 to manage reverse sensitivity effects associated with noise, as follows: <i>P2 Activities sensitive to noise must be subject to a restrictive no-complaint covenant in favour of Ports of Auckland Limited. For the purposes of this rule a 'restrictive non-complaint covenant' is defined as a restrictive covenant registered on the Title to the property or a binding agreement to covenant, in favour of the Horotiu Industrial Park, by the landowner (and binding any successors in title) not to complain as to effects generated by the lawful operation of industrial activities from the Park. The restrictive no-complaint covenant is limited to the effects that could be lawfully generated by industrial activities at the time the agreement to covenant is entered into. This does not require the covenantor to forego any right to lodge submissions in respect of resource consent applications or plan changes in relation to industrial activities (although an industrial restrictive non-complaint covenant may do so).</i></p> <p>AND</p> <p>Amend Rule 16.3.10 RD1 Building-Horotiu Acoustic Area, as follows: (a) Construction, addition to or alteration of a building that does not comply with Rule 16.3.10 P1</p> <p>AND</p> <p>Amend the Proposed District Plan to make alternative or consequential amendments as necessary to address the matters raised in the submission.</p>
FS1313.17	Perry Group Limited	Oppose
FS1269.50	Housing New Zealand Corporation	Oppose.
130.4	Kathleen Reid	Amend Rule 16.3.10 P1 Building - Horotiu Acoustic Area to make it clear that existing buildings do not have to comply with the insulation requirements.
FS1039.5	Colette Brown	Support

18.4.2 Analysis

350. The submission from Ports of Auckland Limited [578.29] seeks to introduce a standard that in my opinion is not required if compliance with the permitted activity rule is achieved in the Industrial Zone. The matters set out in the submission could form the basis for conditions on a resource consent application where compliance with the permitted activity standard could not be met.
351. The submission from Kathleen Reid [130.4] seeks clarification that the rule does not apply to existing buildings. As the rule only applies to ‘*Construction, addition to or alteration of a building...*’ it is clear that the rule does not apply to existing buildings or parts of existing buildings that are not subject to the addition or alteration. In addition, existing use rights under Section 10 of the RMA mean that this rule does not apply retrospectively.

18.4.3 Recommendations

352. It is recommended that the submissions from Ports of Auckland Limited [578.29] and Kathleen Reid [130.4] be **rejected**.

18.4.4 Section 32AA evaluation

353. As there are no changes to Chapter 16, no s32AA evaluation has been required to be undertaken.

19 Topic 16: Lighting

19.1 Introduction

354. Policy 4.4.3 provides for artificial outdoor lighting to enable certain activities to occur, manage glare of lighting and ensure that light spill does not compromise the safety of the road network. Rule 16.2.3 as notified achieves Policy 4.4.3. For clarity, this topic addresses the submission points on the following provisions:

- a. Policy 4.4.3 – Artificial outdoor lighting; and
- b. Rule 16.2.3 – Glare and artificial light spill.

19.2 Submissions

355. The following submissions were received:

Submission point	Submitter	Summary of submission
297.23	Counties Manukau Police	Retain Policy 4.4.3 Artificial outdoor lighting, except for the amendments sought below. AND Add to Policy 4.4.3 Artificial outdoor lighting a new line as follows: <i>(d) Conform to the national guidelines for CPTED.</i>
FS1269.18	Housing New Zealand Corporation	Oppose.
742.24	New Zealand Transport Agency	Retain Policy 4.4.3 Artificial outdoor lighting as notified.
697.102	Waikato District Council	Amend Rule 16.2.3 PI Permitted Activities Glare and artificial light spill to read as follows: <i>Illumination from Gglare and artificial light spill must not exceed 10 lux measured horizontally and vertically within any other site.</i>
FS1387.443	Mercury NZ Limited	Oppose
742.125	New Zealand Transport Agency	Retain Rule 16.2.3 PI Glare and artificial lighting as notified. AND Retain Rule 16.2.3 RDI Glare and artificial lighting as notified.

356. In summary, submissions received related to:
- CPTED;
 - Retaining Policy 4.4.3;
 - Amending Rule 16.2.3 PI to refer to illumination rather than glare; and
 - Retaining Rules 16.2.3 PI and 16.2.3 RDI as notified.

19.3 Analysis

357. Counties Manukau Police [297.23] seek to amend Policy 4.4.3 to incorporate CPTED. In my opinion, CPTED (Crime Prevention Through Environmental Design) is addressed in Policy 4.7.3(a)(viii) and Policy 4.7.2(a)(v) and does not require specific addition into Policy 4.4.3. I recommend that the panel reject the relief sought.
358. New Zealand Transport Agency [742.24] and [742.125] seeks to retain Policy 4.4.3, Rule 16.2.3 PI and 16.2.3 RDI as notified. No change to the policy was requested.
359. Waikato District Council [697.102] seeks to amend Rule 16.2.3 PI so it aligns with the same rule in other zones. I agree with the amendments sought, for consistency with the other rules across the zones and provide clarity in their application. I recommend the below amendments:

16.2.3 Glare and artificial light spill

PI	Illumination from G glare and artificial light spill must not exceed 10 lux measured horizontally and vertically within any other site.
RDI	<p>(a) Illumination that does not comply with Rule 16.2.3 PI.</p> <p>(b) The Council's discretion shall be restricted to the following matters:</p> <ol style="list-style-type: none"> Effects on amenity values; Light spill levels on other sites; Road safety; Duration and frequency; Location and orientation of the light source; and Mitigation measures.

19.4 Recommendations

360. I recommend, for the reasons given above, that the Hearings Panel:
- Reject** submission point Counties Manukau Police [297.23]
 - Accept** submission point Waikato District Council [697.102]
 - Accept in part** submission points New Zealand Transport Agency [742.24] and [742.125].

19.5 Recommended amendments

361. The following amendments are recommended:

16.2.3 Glare and artificial light spill

PI	Illumination from G glare and artificial light spill must not exceed 10 lux measured horizontally and vertically within any other site.
RDI	<p>(c) Illumination that does not comply with Rule 16.2.3 PI.</p> <p>(d) The Council's discretion shall be restricted to the following matters:</p> <ol style="list-style-type: none"> Effects on amenity values; Light spill levels on other sites;

	<ul style="list-style-type: none"> (ix) Road safety; (x) Duration and frequency; (xi) Location and orientation of the light source; and (xii) Mitigation measures.
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19.6 Section 32AA evaluation

362. With respect to the recommended amendment to Rule 16.2.3 PI, it provides clarification on the application of the rule and ensures consistent wording across the zone. The intent or outcome sought by the rule has not altered. Accordingly, no s32AA evaluation has been required to be undertaken.

20 Topic 17: Outdoor storage and odour

20.1 Introduction

363. Policy 4.4.5 seeks to ensure that odour effects do not detract from residential amenity on other sites, and to maintain sufficient setback distances between sensitive land uses and lawfully-established activities.

20.2 Submissions

364. The following submissions were received:

Submission point	Submitter	Summary of submission
299.7	2SEN Limited and Tuakau Estates Limited	Retain Policy 4.4.5 Objectionable odour as notified.
182.11	Kirriemuir Trustee Limited	Retain Policy 4.4.5 Objectionable odour, as notified.

20.3 Analysis

365. 2SEN Limited and Tuakau Estates Limited [299.7] and Kirriemuir Trustee Limited [182.11] both seek to retain Policy 4.4.5 as notified. Further analysis is therefore not required.

20.4 Recommendations

366. I recommend, for the reasons given above, that the Hearings Panel:
- a. **Accept** submission points 2SEN Limited and Tuakau Estates Limited [299.7] and Kirriemuir Trustee Limited [182.11].

20.5 Recommended amendments

367. No amendments are recommended.

20.6 Section 32AA evaluation

368. As no changes are recommended, no s32AA evaluation has been undertaken.

21 Topic 18: Signage

21.1 Introduction

369. Policy 4.4.6 Signage seeks to provide for the establishment of signs where they are in relation to an activity on-site, recognises the need for public information signage and recognises that signs need to be managed in terms of effects on character. Rules 16.2.7.1 and 16.2.7.2 enable signage where it is appropriate in the Residential Zone whilst managing adverse effects in relation to traffic safety and amenity. For clarity, this topic addresses submission points on:
- Policy 4.4.7 Managing the adverse effects of signs;
 - Rule 16.2.7.1 Signs – general provides permitted standards for any signs, including real estate signs, across the entire residential Zone; and
 - Rule 16.2.7.2 Signs – effects on traffic. This rule applies specifically to signs that are directed at road users.

21.2 Submissions

370. The following submissions were received:

Submission point	Submitter	Summary of submission
695.32	Sharp Planning Solutions Ltd	Amend Policy 4.4.6 Signage to include restrictions on the number of signs on a premises.
695.33	Sharp Planning Solutions Ltd	Amend Policy 4.4.7 Managing the adverse effects of signs to include restrictions on the number of signs on a premises.
297.26	Counties Manukau Police	Retain Policy 4.4.7 Managing the adverse effects of signs as notified.
FS1134.20	Counties Power Limited	Oppose.
742.25	New Zealand Transport Agency	Retain Policy 4.4.7 Managing the adverse effects of signs, except for the amendments sought below AND Amend Policy 4.4.7 Managing the adverse effects of signs as follows: <i>(a) The location, colour, content, and appearance of signs directed at <u>or visible to road users</u> traffic is controlled to ensure signs they do not distract, confuse or obstruct motorist, pedestrians and other road users <u>adversely affect safety of road users</u>...</i> <i>(b) Discourage <u>Signs</u> that generate adverse effects from illumination, light spill, flashing, <u>moving</u>, or reflection <u>are avoided</u>.</i> AND Request any consequential changes necessary to give effect to the relief sought in the submission.
559.80	Heritage New Zealand Lower Northern Office	Amend Rule 16.2.7.1 P2 Signs - general to exclude any type of signage on Heritage Items and Maaori Sites of Significance. AND

Submission point	Submitter	Summary of submission
		<p>Amend Rule 16.2.7.1 RDI to include signage on Heritage items and Maaori Sites of Significance.</p> <p>AND</p> <p>Add an advice note under this new rule to advise of the other heritage building related rules within the Chapter.</p> <p>AND</p> <p>Provide for any consequential amendments as required.</p>
749.85	Housing New Zealand Corporation	<p>Amend Rule 16.2.7.1 P2(a) Signs – general as follows:</p> <p>(a) <i>The sign does not exceed 1.0m² 0.25m²;</i></p> <p>(b) <i>The sign height does not exceed 2m in height; ...</i></p> <p>AND</p> <p>Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.</p>
602.28	Greig Metcalfe	<p>Amend Rule 16.2.7.1 P3(a) Sign - general as follows: (a) <i>Any real estate 'for sale' sign relating to the site on which it is located must comply with all of the following conditions:</i></p> <ul style="list-style-type: none"> i. <i>There is no more than 1 sign per agency measuring 600mm x 900mm per road frontage of the site to which the sign relates;</i> ii. <i>There is no more than 1 sign measuring 1800mm x 1200mm per site to which the sign relates;</i> iii. <i>There is no more than 1 real estate header sign measuring 1800mm x 1200mm on one other site;</i> iv. <i>The sign is not illuminated;</i> v. <i>The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials;</i> vi. <i>The sign does not project into or over road reserve.</i> vii. <i>Any real estate sign shall be removed from display within 60 days of sale/lease or upon settlement, whichever is the earliest.</i> <p>AND</p> <p>Any consequential amendments and/or additional relief required to address the matters raised in the submission.</p>
831.51	Raglan Naturally	<p>Amend Rule 16.2.7.1 Signs – general, to enable information on history and places to be shared in both English and Te Reo Maori.</p>
697.120	Waikato District Council	<p>Delete Rule 16.2.7.1 P2 (a) (viii) Signs-general.</p>
697.121	Waikato District Council	<p>Delete Rule 16.2.7.1 P3(a)(iv).</p>
742.126	New Zealand	<p>Retain P1 in Rule 16.2.7.1 as notified;</p>

Submission point	Submitter	Summary of submission
	Transport Agency	AND Retain P2 in Rule 16.2.7.1 as notified; AND Retain P3 in Rule 16.2.7.1 as notified; AND Retain RDI in Rule 16.2.7.1 as notified.
749.86	Housing New Zealand Corporation	Amend Rule 16.2.7.2 D1 Signs – Effects on traffic to change the activity status to Restricted Discretionary and add matters of discretion as follows: RDI <i>Any sign that does not comply with Rule 16.2.7.2 P1</i> <u>(a) Council's discretion shall be restricted to any of the following matters:</u> (i) <u>Amenity values;</u> (ii) <u>Character of the locality;</u> (iii) <u>Effects on traffic safety;</u> (iv) <u>Glare and artificial light spill;</u> (v) <u>Content, colour and location of the sign;</u> (vi) <u>Effects on a notable tree;</u> (vii) <u>Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign;</u> (viii) <u>Effects on cultural values of any Maaori Site of Significance; and</u> (ix) <u>Effects on notable architectural features of a building.</u> AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
986.116	KiwiRail Holdings Limited (KiwiRail)	Amend Rule 16.2.7.2 P1 Signs – Effects on traffic as follows (or similar amendments to achieve the requested relief): (a) <i>Any sign directed at road-land transport users must:</i> (i) <i>Not obstruct sight lines of drivers turning into or out of a site entrance and intersections <u>or at a level crossing</u>;</i> AND Any consequential amendments to link and/or accommodate the requested changes.
697.122	Waikato District Council	Delete Rule 16.2.7.2 P1(a)(iv)Signs-Effects.
742.128	New Zealand Transport Agency	Retain Rule 16.2.7.2 D1 Effects on traffic as notified.
742.127	New Zealand Transport Agency	Retain Rule 16.2.7.2 P1 Effects on traffic, except for the amendments sought below AND

Submission point	Submitter	Summary of submission
		Amend Rule 16.2.7.2 P1(v) Effects on traffic as follows: <i>Contain no more than 40 characters and no more than 6 <u>words, symbols or graphics.</u></i> AND Request any consequential changes necessary to give effect to the relief sought in the submission.

371. In summary, seventeen submissions have been received in regard to this topic and seek to:
- Retain Policy 4.4.7 as notified or amend Policies 4.4.6 and 4.4.7 to include restriction on the number of signs on the premises and to better address effects on road users and transport/sightlines;
 - Amend Rules 16.2.7.1 P 2 and 16.2.7.2 P1 to exclude signs on heritage items and Maaori Sites of Significance, reduce activity status to restricted discretionary activity, clarify interaction with other heritage rules and confirm the number of words or graphics;
 - Increase dimensions of permitted signage;
 - Enable information on history and places to be shared in both English and Te Reo Maaori;
 - Delete Rules 16.2.7.1 P2 (a)(viii), 16.2.7.1 P3 (a)(iv), 16.2.7.2 (a)(iv);
 - Retain Rules 16.2.7.1 P1, P2, and P3, Rule 16.2.7.2 D1 as notified; and
 - Alter activity status of Rule 16.2.7.2 D1 from discretionary to restricted discretionary.

21.3 Analysis

21.3.1 Policies 4.4.6 – Signage and 4.4.7 – Managing the adverse effects of signs

372. Sharp Planning Solutions [695.32] and [695.33] seeks to amend Policies 4.4.6 and 4.4.7 to include restrictions on the number of signs on a site. Rule 16.2.7.1 P2(a)(i) achieves these policies by restricting the numbers of signs on a site. In my opinion, the above rule adequately covers this. It is recommended that the Hearings Panel reject the relief sought.
373. Counties Manukau Police [297.26] seek to retain Policy 4.4.7 as notified. I recommend that the panel accept in part the relief sought, subject to the amendments below in response to other submissions.
374. New Zealand Transport Agency [742.25] seeks to amend Policy 4.4.7(a) to provide more reference to ‘road users’ rather than ‘traffic’ which I concur is grammatically correct. I agree with the relief sought with some slight variation in wording for Policy 4.4.7(a). I do not agree with the inclusion of the word ‘avoided’ to Policy 4.4.7(b), as that policy level directive is not and cannot be supported by a non-complying or prohibited activity status. I do acknowledge that ‘moving’ should be included in part (b). I suggest the following amendments:

4.4.7 Policy – Managing the adverse effects of signs

- The location, colour, content, and appearance of signs directed at or visible to road users ~~traffic~~ is controlled to ensure signs do not ~~distract, confuse or obstruct motorists, pedestrians and other road users~~ adversely affect the safety of road users;

- (b) Discourage signs that generate adverse effects from illumination, light spill, flashing, moving or reflection.

21.3.2 Rule 16.2.7.1 Signs – general and Rule 16.2.7.2 Signs – Effects on traffic

375. Heritage New Zealand [559.80] seeks to amend Rule 16.2.7.1 P2 to exclude any type of sign on heritage items and Maaori Sites of Significance. Rules 16.2.7.1 P2 (x) and (xi) specifically exclude signage on heritage items and Maaori Sites of Significance. Rule 16.2.7.1 RD1 (b)(vii), (viii) and (ix) are matters of discretion which address heritage and cultural values in addition to architectural features. I acknowledge that Rule 16.2.7.1 P1 provides for any type of information sign to be erected by a government agency, and usually signage is covered by a bylaw. In my opinion, Rule 17.2.7.1 P1 correctly allows signs for identification and interpretation purposes. Approval from Heritage New Zealand would be required if the signage in any way was not permitted under the provisions of the Heritage New Zealand Pouhere Taonga Act 2014. Requiring resource consent from Waikato District Council would be a duplication of legislation that the rules were developed to avoid. The inclusion of an advice note to refer to the other heritage building- related rules would unnecessarily complicate the rule. I therefore recommend that the panel reject the relief sought.
376. Raglan Naturally [831.51] also seeks to amend Rule 16.2.7.1 to enable information on history and places to be shared in English and Te Reo Maaori. There is no restriction in the notified rule which would inhibit this. Therefore, I recommend the submission be rejected.
377. Waikato District Council [697.120], [697.121] and [697.122] seeks to delete Rules 16.2.7.1 P2(a)(viii), 16.2.7.1P3(a)(iv) and 16.2.7.2 P1 (a)(iv). The reason provided is that this is not a condition, as the residential zone rules do not apply to the road. I agree with the relief sought for the reason stated in regard to submission points [697.120] and [697.121]. Chapter 14 applies to the road corridor. With regard to submission point [697.128] to delete (iv) (be able to be viewed by drivers for at least 130m), it is also subjective and difficult to determine compliance with, and as such I support the deletion of (iv). I therefore suggest the following amendments:

16.2.7.1 Signs – general

PI	A public information sign erected by a government agency.
P2	<p>(a) A sign must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) It is the only sign on the site; (ii) The sign is wholly contained within the site; (iii) The sign does not exceed 0.25m²; (iv) The sign height does not exceed 2m; (v) The sign is not illuminated; (vi) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; (vii) The sign is set back at least 50m from the designated boundary of a state highway and the Waikato Expressway; (viii) The sign does not project over road reserve; <u>(viii)</u> (ix) The sign is not attached to a tree identified in Schedule 30.2 Notable Trees, except for the purpose of identification and interpretation; <u>(ix)</u> (x) The sign is not attached to a heritage item listed in Schedule 30.1 (Heritage Items), except for the purpose of identification and interpretation; <u>(x)</u> (xi) The sign is not attached to a Maaori Site of Significance listed in Schedule 30.3 (Maaori Sites of Significance), except for the purpose of identification and interpretation; <u>(xi)</u> (xii) (The sign relates to: <ul style="list-style-type: none"> A. goods or services available on the site; or B. a property name sign.
P3	<p>(a) A real estate 'for sale' sign relating to the site on which it is located must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) There is no more than 1 sign per agency; (ii) The sign is not illuminated; (iii) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; (iv) The sign does not project into or over road reserve.

16.2.7.2 Signs – Effects on traffic

PI	<p>(a) Any sign directed at road users must:</p> <ul style="list-style-type: none"> (i) Not imitate the content, colour or appearance of any traffic control sign; (ii) Be located at least 60m from controlled intersections, pedestrian crossings and any other sign; (iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections; (iv) Be able to be viewed by drivers for at least 130m; <u>(iv)</u> (v) Contain no more than 40 characters and no more than 6 symbols; <u>(v)</u> (vi) (Have lettering that is at least 150mm high; <u>(vi)</u> (vii) Be at least 130m from a site entrance, where the sign directs traffic to the entrance.
D1	Any sign that does not comply with Rule 16.2.7.2 PI.

378. Housing New Zealand Corporation [749.85] seeks to increase the dimensions in Rule 16.2.7.1 P2, as well as minor rewording. I do not agree with the relief sought with regard to increasing the dimension from 0.25m² to 1m². I acknowledge the submitter's point with regard to the inclusion of 'height' at the end of Rule 16.2.7.1P2(a)(iv). It is unclear whether the rule is restricting the height of the actual signage or the height of it above the ground and have provided alternative wording for clarification.

379. Housing New Zealand Corporation [749.86] also seeks to alter the activity status of Rule 16.2.7.2 DI to restricted discretionary, with suggested matters of discretion. No reasons, research or information are provided by the submitter, although I note that suggested rewording has been provided. I note that for zones where signs are an accepted and integral part of their character (such as the Business Zone), the restricted discretionary activity status has been provided for non-compliance with the permitted activity standards. I understand the Council's intent for using the discretionary activity status in the Residential zone was to indicate a higher activity status test. In my opinion, that position is not legally correct as the objectives and policies apply equally to a discretionary and a restricted discretionary activity, and the difference in activity status is not supported by the objective and policy framework. In addition, I note that the matters of discretion are able to be readily set out and are not extensive. Accordingly, I recommend that the submission be accepted.

380. I suggest the below amendment:

16.2.7.1 Signs – general

PI	A public information sign erected by a government agency.
P2	(b) A sign must comply with all of the following conditions: (i) It is the only sign on the site; (ii) The sign is wholly contained within the site; (iii) The sign does not exceed 0.25m ² ; (iv) The sign height does not exceed 2m <u>in height above the ground</u> ;

16.2.7.2 Signs – Effects on traffic

PI	(a) Any sign directed at road users must: (i) Not imitate the content, colour or appearance of any traffic control sign; (ii) Be located at least 60m from controlled intersections, pedestrian crossings and any other sign; (iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections; (iv) Be able to be viewed by drivers for at least 130m; (v) Contain no more than 40 characters and no more than 6 symbols; (vi) Have lettering that is at least 150mm high; (vii) Be at least 130m from a site entrance, where the sign directs traffic to the entrance.
DI RDI	(a) Any sign that does not comply with Rule 16.2.7.2 PI. (b) <u>Council's discretion shall be restricted to the following matters:</u> (i) <u>Amenity;</u> (ii) <u>Character of the locality;</u> (iii) <u>Effects on traffic safety;</u> (iv) <u>Clare and artificial light spill;</u> (v) <u>Content, colour and location of the sign;</u> (vi) <u>Effects on a notable tree;</u> (vii) <u>Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign;</u> (viii) <u>Effects on cultural values of any Maaori Site of Significance; and</u> (ix) <u>Effects on notable architectural features of a building.</u>

381. Greig Metcalfe [602.28] seeks a range of amendments to Rule 16.2.7.1 P3 in relation to the dimensions of real estate signs, duration for display of a sign and removal of 'for sale' and

includes a duration in which the sign must be removed. I note that the author of the Village Zone s42A report addresses a similar submission in paragraphs 372 to 376. Council made a deliberate decision to enable signs for real estate purposes to be undertaken without restrictions. Council considered that such signs are an integral and accepted part of the urban environment and are not contrary to residential character and amenity. It is noted that agencies have a number of different sign sizes to meet clients' needs and are only temporary. I concur with Council's approach and on that basis do not consider that it is necessary to introduce the detailed standards as proposed by the submitter. I therefore disagree with the relief sought for the reasons stated above.

382. New Zealand Transport Agency [742.126] and [742.128] seeks to retain Rules 16.2.7.2.1 PI, P2, P3, RDI and 16.2.7.2 DI as notified. I agree with the relief sought in relation to submission points [742.126] and [742.128], with the exception of the minor amendments recommended below. The submitter under submission point [742.127] also seeks to amend Rule 16.2.7.2 PI (v) to insert the terms 'words' and 'graphics'. The limit of no more than 40 characters will have the effect of limiting the number of words and hence I do not consider that the term 'word' needs to be included. The addition of the term 'graphics' is helpful as the existing term 'symbol' in the rule could be interpreted restrictively to exclude this accepted part of a sign.
383. KiwiRail Holdings Limited (KiwiRail) [986.116] seeks to amend Rule 16.2.7.2 PI to refer to all land transport users and to level crossings as well as intersections. I concur that the provision should be widened to apply to all land transport (as that will incorporate modes of transport such as off road cycle lanes) and signs should not be a distraction at all intersections. I recommend that the Panel accept the relief and suggest the below amendments:

16.2.7.2 Signs – Effects on traffic

PI	(c) Any sign directed at road land transport users must: <ul style="list-style-type: none"> (i) Not imitate the content, colour or appearance of any traffic control sign; (ii) Be located at least 60m from controlled intersections or a level crossing, pedestrian crossings and any other sign; (iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections or at a level crossing; (iv) Be able to be viewed by drivers for at least 130m; (v) Contain no more than 40 characters and no more than 6 symbols or graphics; (vi) Have lettering that is at least 150mm high; (vii) Be at least 130m from a site entrance, where the sign directs traffic to the entrance.
DI	Any sign that does not comply with Rule 16.2.7.2 PI.

21.4 Recommendations

384. I recommend, for the reasons given above, that the Hearings Panel:
- a. **Reject** submission points Sharp Planning Solutions Ltd [695.32] and [695.33], Heritage New Zealand [559.80], Raglan Naturally [831.51], Housing New Zealand Corporation [749.86] and Greig Metcalfe [602.28].
 - b. **Accept** submission points Counties Manukau Police [297.26], Waikato District Council [697.120], [697.121], [697.122], and New Zealand Transport Agency [742.128] and [742.127].

- c. **Accept** in part submission points New Zealand Transport Agency [742.25] and [742.126], Housing New Zealand Corporation [749.85] and KiwiRail Holdings Limited (KiwiRail) [986.116].

21.5 Recommended amendments

385. The following amendments are recommended:

4.4.7 Policy – Managing the adverse effects of signs

- (c) The location, colour, content, and appearance of signs directed at or visible to road users ~~traffic~~ is controlled to ensure signs do not ~~distract, confuse or obstruct motorists, pedestrians and other road users~~ adversely affect the safety of road users;
- (d) Discourage signs that generate adverse effects from illumination, light spill, flashing, moving or reflection.

16.2.7.1 Signs – general

P1	A public information sign erected by a government agency.
P2	<p>(a) A sign must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) It is the only sign on the site; (ii) The sign is wholly contained within the site; (iii) The sign does not exceed 0.25m²; (iv) The sign height does not exceed 2m <u>in height above ground</u>; (v) The sign is not illuminated; (vi) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; (vii) The sign is set back at least 50m from the designated boundary of a state highway and the Waikato Expressway; (viii) The sign does not project over road reserve; <u>(viii) (ix)</u> The sign is not attached to a tree identified in Schedule 30.2 Notable Trees, except for the purpose of identification and interpretation; <u>(ix) (x)</u> The sign is not attached to a heritage item listed in Schedule 30.1 (Heritage Items), except for the purpose of identification and interpretation; <u>(x) (xi)</u> The sign is not attached to a Maaori Site of Significance listed in Schedule 30.3 (Maaori Sites of Significance), except for the purpose of identification and interpretation; <u>(xi) (xii)</u> The sign relates to: <ul style="list-style-type: none"> C. goods or services available on the site; or D. a property name sign.
P3	<p>(a) A real estate 'for sale' sign relating to the site on which it is located must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) There is no more than 1 sign per agency; (ii) The sign is not illuminated; (iii) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; (iv) The sign does not project into or over road reserve.
RDI	<p>(a) A sign that does not comply with Rule 16.2.7.1 P2 or P3.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Amenity values; (ii) Character of the locality; (iii) Effects on traffic safety; (iv) Glare and artificial light spill; (v) Content, colour and location of the sign; (vi) Effects on a notable tree; (vii) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign; (viii) Effects on cultural values of any Maaori Site of Significance; and (ix) Effects on notable architectural features of a building.

16.2.7.2 Signs – Effects on traffic

PI	(a) Any sign directed at road <u>land transport</u> users must: <ul style="list-style-type: none"> (i) Not imitate the content, colour or appearance of any traffic control sign; (ii) Be located at least 60m from controlled intersections, <u>or a level crossing</u> pedestrian crossings and any other sign; (iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections <u>or at a level crossing</u>; (iv) Be able to be viewed by drivers for at least 130m; (iv) (v) Contain no more than 40 characters and no more than 6 symbols <u>or graphics</u>; (v) (vi) Have lettering that is at least 150mm high; (vi) (vii) (Be at least 130m from a site entrance, where the sign directs traffic to the entrance.
DI	Any sign that does not comply with Rule 16.2.7.2 PI.

21.6 Section 32AA evaluation

386. With respect to the amendments relating to the deletion of signs projecting over the road reserve, these are to provide for clarification, understanding and interpretation of the rules. Accordingly, no s32AA evaluation is required to be undertaken.

22 Topic 19: Land Use – Activities

22.1 Introduction

387. This topic addresses the various types of land use activities within the Residential Zone (excluding Multi-unit developments, which are addressed in Topics 12 and 13). The land use activities have generally been grouped into activity status - prohibited, permitted, restricted discretionary, discretionary and non-complying activities. For clarity, the following rules are addressed in this topic:

- Chapter 16: Residential Zone (heading);
- Rule 16.1 Land Use – Activities;
- Rule 16.1.1 Prohibited Activities;
- Rule 16.1.2 Permitted Activities;
- Rule 16.1.3 Restricted Discretionary Activities;
- Rule 16.1.4 Discretionary Activities; and
- Rule 16.1.5 Non-complying Activities.

22.2 Submissions

388. The following submissions were received:

Submission point	Submitter	Summary of submission
697.84	Waikato District Council	Amend Chapter 16: Residential Zone heading as follows: <i>Chapter 16: Residential Zone – Rules</i>
<i>FS1387.428</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
697.85	Waikato District Council	Amend Chapter 16: Residential Zone Rule 16(2) as follows: <i>The rules that apply to subdivision in the Residential Zone are contained in Rule 16.4 and the relevant rules in: 14</i>

		<u>Infrastructure and Energy; and 15 Natural Hazards and Climate Change (Placeholder).</u>
FS1387.429	Mercury NZ Limited	Oppose
697.86	Waikato District Council	Amend Chapter 16: Residential Zone Rule 16(5) as follows: The Residential Zone contains a Specific Area that is Lakeside Te Kauwhata Precinct to the rest of the Residential Zone.
FS1371.15	Lakeside Development Limited	Support.
FS1387.430	Mercury NZ Limited	Oppose
471.56	CKL	Delete Rule 16.1.4 D1 and D2 Discretionary activities AND Add these rules to Rule 16.1.3 Restricted Discretionary activities. AND Any consequential amendments necessary.
FS1388.467	Mercury NZ Limited	Oppose
FS1308.69	The Surveying Company	Support
FS1269.133	Housing New Zealand Corporation	Support
FS1017.3	Gulab Bilimoria	Support
299.17	2SEN Limited and Tuakau Estates Limited	Retain Section 16.1 Activities, except where modifications are sought elsewhere in the submission.
FS1386.334	Mercury NZ Limited	Oppose
720.1	Spencer and Isabelle Wheeler	Amend Rule 16.1.1 P1 to change the Prohibited activity status for any building, structure, objects or vegetation to Non-complying activity status.
FS1387.794	Mercury NZ Limited	Oppose
578.27	Ports of Auckland Limited	Amend Rule 16.1.2 P3 to remove retirement villages as a permitted activity within the Residential Zone. AND Amend Rule 16.1.3 Restricted Discretionary Activities, to include rules relating to new or altered retirement villages as follows: <u>RD2 A new retirement village or alterations to an existing retirement village that meets all of the following conditions:</u> <u>(a) The Land Use – Effects rules in Rule 16.2, except that the following rules do not apply. (i) Rule 16.2.7 (Signs);</u> <u>(b) The Land Use – Buildings rules in Rule 16.3, except the</u>

		<p><u>following rules do not apply:</u></p> <p><u>(i) Rule 16.3.1 (Dwelling);</u></p> <p><u>(ii) Rule 16.3.3 (Building Height);</u></p> <p><u>(iii) Rule 16.3.7 (Living Court) (iv) Rule 16.3.8 (Service Court)</u></p> <p><u>(c) The site or combination of sites where the retirement village is proposed to be located has a minimum net site area of 3ha;</u></p> <p><u>(d) The site is either serviced by or within 400m walking distance of public transport;</u></p> <p><u>(e) The site is connected to public water and wastewater infrastructure;</u></p> <p><u>(f) Minimum living court or balcony area and dimensions:</u></p> <p><u>(i) Apartment – 10m² area with minimum dimensions horizontal and vertical of 2.5m;</u></p> <p><u>(ii) Studio unit or 1-bedroom unit – 12.5m² area with minimum dimension horizontal and vertical of 2.5m; or</u></p> <p><u>(iii) 2 or more bedroomed unit – 15m² area with minimum dimension horizontal and vertical of 2.5m;</u></p> <p><u>(g) Minimum service court is either:</u></p> <p><u>(i) Apartment – Communal outdoor space (i.e. no individual service courts required); or</u></p> <p><u>(ii) All other units – 10m² for each unit;</u></p> <p><u>(h) Building height does not exceed 8m, except for 15% of the total building coverage, where buildings may be up to 10m high.</u></p> <p><u>Council’s discretion shall be restricted to the following matters:</u></p> <p><u>(a) Density of the development;</u></p> <p><u>(b) Adequacy of the information provided to address matters specified, and outcomes sought, within Sections 3, 4, 5 and 6 of Appendix XX (Multi-unit Design Guideline)</u></p> <p><u>(c) Avoidance or mitigation of natural hazards</u></p> <p><u>(d) Geotechnical suitability for building</u></p> <p><u>(e) Amenity values and streetscapes</u></p> <p><u>(f) Avoidance of reverse sensitivity effects on industrial activities</u></p> <p><u>(g) Protection of noise sensitive activities from the effects of noise generated by industrial activities.</u></p> <p>AND</p> <p>Amend the Proposed District Plan to make alternative or consequential amendments as necessary to address the matters raised in the submission.</p>
FS1388.847	Mercury NZ Limited	Oppose
FS1187.7	Greig Developments No 2 Limited	Oppose
781.10	Ministry of Education	Add a new activity for Education Facilities in Rule 16.1.3 Restricted Discretionary Activities as follows: Activity <u>RD2</u>

		<p><u>Education Facilities Council's discretion shall be restricted to the following matters:</u></p> <p>(a) <u>The extent to which the location, bulk, scale and built form of building(s) impacts on natural, ecological, landscape and/or historic heritage values.</u></p> <p>(b) <u>The extent to which the activity may adversely impact on the transport network.</u></p> <p>(c) <u>Ability to soften the visual impact of buildings from adjoining residential properties.</u></p> <p>(d) <u>The extent to which the activity may adversely impact on the streetscape.</u></p> <p>(e) <u>The extent to which the activity may adversely impact on the noise environment.</u></p>
FS1387.1216	Mercury NZ Limited	Oppose
943.45	McCracken Surveys Limited	<p>Amend Rule 16.1.4 Discretionary Activities to reflect where a permitted or restricted discretionary performance standard is failed it should remain restricted discretionary to the failed performance standard.</p> <p>AND</p> <p>No specific relief sought, but submission considers the approach of the Proposed District Plan cascading to a discretionary activity upon non-compliance with a permitted standard has negative and unnecessary implication for increased application cost.</p>
FS1017.10	Gulab Bilimoria	Support
FS1308.177	The Surveying Company	Support
FS1017.15	Gulab Bilimoria	Support
FS1387.1587	Mercury NZ Limited	Oppose
697.97	Waikato District Council	Amend Rule 16.1.4 D1 Discretionary Activities to read as follows: <u>Any permitted activity that does not comply with one or more of the (a) 'Activity-Specific Conditions' in Rule 16.1.2.</u>
FS1387.440	Mercury NZ Limited	Oppose
697.98	Waikato District Council	Delete Rule 16.1.4 D2 Discretionary Activities.
FS1387.441	Mercury NZ Limited	Oppose
749.81	Housing New Zealand Corporation	<p>Delete Rule 16.1.4 D2;</p> <p>AND</p> <p>Add a new activity to Rule 16.1.3 RD and matters of discretion as follows: <u>RD2. Any permitted activity that does not comply with the Land Use - Effects Rule 16.2 or Land Use - Building Rule 16.3 unless the activity status is specified as controlled, restricted discretionary or non-complying.</u></p> <p><u>Matters of discretion:</u></p>

		<p><u>(a) Intensity of the development;</u></p> <p><u>(b) Contribution of the development to and engagement with adjacent streets and public open space;</u></p> <p><u>(c) The incorporation of passive solar principles;</u></p> <p><u>(d) Amenity values for occupants and neighbours in respect of outlook, privacy, noise, light spill, access to sunlight, living court orientation, site design and layout;</u></p> <p><u>(e) Avoidance or mitigation of natural hazards;</u></p> <p><u>(f) Geotechnical suitability for building; and</u></p> <p><u>(g) Provision of infrastructure.</u></p> <p>AND</p> <p>Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.</p>
FS1387.1022	Mercury NZ Limited	Oppose
FS1308.121	The Surveying Company	Support
742.124	New Zealand Transport Agency	Retain Rule 16.1.4 DI Discretionary Activities, as notified.
FS1387.884	Mercury NZ Limited	Oppose
749.82	Housing New Zealand Corporation	<p>Delete Rule 16.1.5 NCI Non-complying Activities.</p> <p>AND</p> <p>Add a new activity to Rule 16.1.4 Discretionary Activities as follows: <u>D3 Any activity that is not listed as Prohibited, Permitted, Restricted Discretionary or Discretionary.</u></p> <p>AND</p> <p>Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.</p>
FS1387.1023	Mercury NZ Limited	Oppose
588.56	Woolworths NZ Ltd	Retain Rule 16.1.5 Non-complying Activities, in so far as supermarkets are more appropriately accommodated in zones that provide principally for commercial activities.
FS1388.991	Mercury NZ Limited	Oppose
831.31	Raglan Naturally	Amend P9 in Rule 16.1.2 Permitted Activities, to require registration of homestay or visitor accommodation.
FS1276.252	Whaingaroa Environmental Defence Inc. Society	Support.
378.21	Fire and Emergency New Zealand	<p>Add a new activity to Rule 16.1.2 Permitted Activities as a permitted activity: <u>x. Emergency services training and management activities.</u></p> <p>AND</p>

		Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.
FS1388.27	Mercury NZ Limited	Oppose
FS1035.127	Pareoranga Te Kata	Support.
749.79	Housing New Zealand Corporation	Add a new activity to Rule 16.1.2 Permitted Activities by adding and activity and activity-specific condition as follows: <u>P13. Boarding House Activity Specific condition: (a) No more than 10 people per site inclusive of staff and residents.</u> AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
FS1387.1020	Mercury NZ Limited	Oppose
732.6	Terra Firma Mining Ltd	Add a new activity to Rule 16.1.2 Permitted Activities for a commercial activity to the list of permitted activities as follows, provided that it is within the area at Puketirini which is requested to be rezoned Business or, alternatively, where a business overlay could apply: Activity: ... <u>P* Commercial activity</u> Activity-specific conditions: <u>(a) Must be within the Puketirini Business Overlay</u>
FS1387.814	Mercury NZ Limited	Oppose
445.8	BTW Company	Add a new activity to Rule 16.1.2 Permitted Activities to facilitate ease of residential building in new structure planned areas as follows: <u>P2 Residential or multi-unit development, in accordance with an approved structure plan created after 18 July 2018.</u>
FS1388.295	Mercury NZ Limited	Oppose
732.4	Terra Firming Mining Ltd	Add a new activity to Rule 16.1.2 Permitted Activities, for a community activity at Puketirini, to the list of permitted activities in the Residential Zone as follows: Activity: <u>P* Community activity (Puketirini)</u> Activity-specific conditions: <u>(a) Must be within development at Puketirini</u>
FS1387.812	Mercury NZ Limited	Oppose
943.35	McCracken Surveys Limited	Add an explicit exception to Rule 16.1.2 P3(a) - A new retirement village or alterations to an existing retirement village, (a), to add an explicit exception to allow smaller development without a minimum area to support development in Raglan.
FS1387.1582	Mercury NZ Limited	Oppose
FS1276.30	Whaingaroa Environmental	Oppose.

	<i>Defence Inc. Society</i>	
<i>FS1325.1</i>	<i>Avondale Trust</i>	<i>Support.</i>
<i>FS1218.2</i>	<i>Stewart Webster</i>	<i>Support</i>
368.19	Ian McAlley	Add Show homes as a permitted activity in the Residential Zone AND Add a carpark requirement for show homes over and above that which applies to a standard residential dwelling such that two additional car park spaces be provided AND Add controls on signage for show homes in keeping with Rule 16.2.7.1 Signs permitted activity for real estate signs.
<i>FS1386.563</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
697.94	Waikato District Council	Add to Rule 16.1.2 Permitted Activity a new rule as follows: <u><i>P13 Childcare Facility For up to 4 children that are not permanent residents at the home.</i></u>
<i>FS1387.437</i>	<i>Mercury NZ Limited</i>	<i>Neutral/Amend</i>
435.13	Jade Hyslop	Amend Home stay provisions in Rule 16.1.2 Permitted Activities, to provide for registration of Homestay or Visitor accommodation.
697.87	Waikato District Council	Amend Rule 16.1.2 (1) Permitted Activities as follows: (a) <i>Activity-specific conditions;</i> (b) <i>Land Use – Effects rules in Rule 16.2 (unless the activity rule and/or activity-specific conditions identify a condition(s) that does not apply);</i> (c) <i>Land Use – Building rules in Rule 16.3 (unless the activity rule and/or activity-specific conditions identify a condition(s) that does not apply).</i>
<i>FS1387.431</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
244.3	Garth and Sandra Ellmers	Amend Rule 16.1.2 (f) Permitted Activities to increase the maximum building height to allow for three level retirement developments.
<i>FS1386.239</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
732.5	Terra Firma Mining Ltd	Amend Rule 16.1.2 P10 Agricultural, Horticultural and Viticultural Activities, to allow these activities to occur on the land requested to be rezoned to Residential prior to commencing housing development, by adding text as follows: <i>Activity: ... P10 Agricultural, horticultural and viticultural activities</i> Activity-specific conditions: ... (a) <u><i>Must be within the Residential West Te Kauwhata Area Residential Puketirini Area prior commencement of development or within the commencement of development.</i></u>

FSI387.813	Mercury NZ Limited	Oppose
466.4	Balle Bros Group Limited	Amend Rule 16.1.2 P10 Permitted Activities to encompass all existing commercial vegetable production activities on land that has been rezoned residential/urban.
FSI388.400	Mercury NZ Limited	Oppose
471.35	CKL	Amend Rule 16.1.2 P3 (a) Permitted Activities, to enable retirement villages on a site that has a net area less than 3ha or require resource consent at this scale. AND Any consequential amendments necessary.
FSI017.14	Gulab Bilimoria	Support
FSI017.5	Gulab Bilimoria	Support
FSI187.2	Greig Developments No 2 Limited	Support
FSI388.457	Mercury NZ Limited	Oppose
244.2	Garth and Sandra Ellmers	Amend Rule 16.1.2 P3 (a) Permitted Activities, to reduce the minimum area required for a retirement village in Raglan from 3ha to 1ha.
FSI386.238	Mercury NZ Limited	Oppose
FSI276.31	Whaingaroa Environmental Defence Inc. Society	Oppose
697.90	Waikato District Council	Amend Rule 16.1.2 P3 (e)(i) Permitted Activities A new retirement village or alterations to an existing retirement village as follows: <i>Minimum service court is either:</i> vii. <i>Apartment – Communal outdoor space (ie no individual service courts required of at least 5m2 with a minimum dimension of 1.5 metres for each apartment.</i>
697.91	Waikato District Council	Amend Rule 16.1.2 P3 (e)(ii) Permitted Activity A new retirement village or alterations to an existing retirement village as follows: (i) <i>All other units – 10m2 with a minimum dimension of 1.5 metres for each unit.</i>
FSI387.434	Mercury NZ Limited	Oppose
942.75	Tainui	Amend Rule 16.1.2 P3(b) Permitted Activities to clarify if a village cannot be built if there is not public transport available.
471.36	CKL	Amend Rule 16.1.2 P4 (e) Permitted Activities, as follows: (e) <i>Machinery may <u>only</u> be operated between 7.30am and 9pm on any day.</i> AND

		Any consequential amendments necessary.
FS1388.458	Mercury NZ Limited	Oppose
FS1187.3	Greig Developments No 2 Limited	Support
697.92	Waikato District Council	Amend Rule 16.1.2 P4 (f) Permitted Activities Home occupation to read as follows: <u>(f) For up to 4 people.</u>
FS1387.435	Mercury NZ Limited	Oppose
367.20	Mercer Residents and Ratepayers Committee	Amend Rule 16.1.2 P4 Permitted Activities, by increasing the number of non-permanent residents working for home occupations to 2x the number of bedrooms.
457.1	Anna Cunningham	Amend Rule 16.1.2 P4(b) Home occupation, by reinstating the condition in Rule 21.11 in the Operative Waikato District Plan that requires the storage of materials or machinery associated with the non-residential activity to not be visible from a public road or neighbouring residential property.
FS1388.350	Mercury NZ Limited	Oppose
946.9	Dee Bond	Amend Rule 16.1.2 P4(c) Home occupation, to be limited to 2 persons multiplied by the number of bedrooms.
FS1387.1596	Mercury NZ Limited	Oppose
367.21	Mercer Residents and Ratepayers Committee	Amend Rule 16.1.2 P5 Permitted Activities, by increasing operating hours or allowing exemptions for temporary activities.
FS1386.552	Mercury NZ Limited	Oppose
496.5	The Department of Corrections	Amend Rule 16.1.2 P7 Permitted Activities, to provide an exclusion for a community corrections activity as follows: <i>P7 Community activity – Activity Specific Conditions: <u>Excluding a community correction activity.</u> Nil</i> AND Any other consequential amendments required to give effect to this relief.
FS1269.136	Housing New Zealand Corporation	Support
FS1388.492	Mercury NZ Limited	Oppose
780.22	Whaingaroa Environmental Defence Incorporated Society	Amend Rule 16.1.2 P9 Permitted Activities to provide for the registration of Homestay or Visitor accommodation.
FS1093.7	Garth & Sandra Ellmers	Support

FS1387.1198	Mercury NZ Limited	Oppose
825.22	John Lawson	Amend Rule 16.1.2 P9 Permitted Activities to provide for the registration of Homestay or Visitor accommodation.
FS1387.1321	Mercury NZ Limited	Oppose
367.22	Mercer Residents and Ratepayers Committee	Amend Rule 16.1.2 P9 Permitted Activities, by increasing the homestay guests to 2x the number of bedrooms as long as there is sufficient and toilets.
FS1386.553	Mercury NZ Limited	Oppose
259.1	Pokeno Playcentre	Amend Rule 16.1.2 Permitted Activities by adding child care facility as a permitted activity
FS1386.259	Mercury NZ Limited	Oppose
607.1	Stephanie Hooper	Amend Rule 16.1.2 Permitted Activities by adding childcare facility as a permitted activity.
FS1387.1	Mercury NZ Limited	Oppose
617.1	Pokeno Playcentre	Amend Rule 16.1.2 Permitted Activities, by adding childcare facility as a permitted activity.
FS1387.11	Mercury NZ Limited	Oppose
596.1	Pokeno Playcentre	Amend Rule 16.1.2 Permitted Activities, to add a Childcare Facility as a Permitted Activity
FS1388.1003	Mercury NZ Limited	Oppose
942.76	Tainui	Clarify Rule 16.1.2 P9 Permitted Activities by identifying how many homes are occupied by residents and how many are reserved for homestay accommodation. AND No specific decision sought, but the submitter supports priority being given to building homes in Residential Zones for residents with respect to Rule 16.1.2 P9 Permitted Activities.
689.2	Greig Developments No 2 Limited	Delete 16.1.2 P3 (a) and (b) Permitted Activities, relating to a new retirement village or alterations to an existing one.
FS1387.282	Mercury NZ Limited	Oppose
742.120	New Zealand Transport Agency	Delete conditions (g) and (i) in Rule 16.1.2 P3 A new retirement village or alterations to an existing retirement village. AND Request any consequential changes necessary to give effect to the relief sought in the submission.
697.93	Waikato District Council	Delete Rule 16.1.2 P9 Activity Specific Condition (b) Permitted Activity Home stay activity specific condition (b).

FS1387.436	Mercury NZ Limited	Oppose
946.11	Dee Bond	No specific decision sought, but submission considers Rule 16.1.2 P9 Homestay limits to 4 temporary residents should be driven by the size of the property for carparking and number of bedrooms.
FS1387.1597	Mercury NZ Limited	Oppose
946.10	Dee Bond	No specific decision sought, but submission states that Rule 16.1.2 P5 hours of Temporary Events, precludes multi-day wedding functions that are normal in some cultures, after 8:30pm at night.
419.1	Horticulture New Zealand	Retain Rule 16.1.2 P10 Agricultural, horticultural and viticultural activities, except for the amendments sought below AND Add the following activity specific condition to Rule 16.1.2 P10 Agricultural, horticultural and viticultural activities: <i>(a) Must be within the Residential West Te Kauwhata Area;</i> <i>or</i> <i>(b) Must be in the area around Tuakau being north of the Waikato River, west of State Highway One and east of the Tutaenui Stream.</i> AND Any consequential or additional amendments as a result of changes sought in the submission.
FS1171.5	Phoebe Watson for Barker & Associates on behalf of T&G Global	Support.
553.38	Malibu Hamilton	Retain Rule 16.1.2 P2, P4, and P6 Permitted Activities.
FS1388.793	Mercury NZ Limited	Oppose
923.144	Waikato District Health Board	Retain Rule 16.1.2 P3- A new retirement village or alterations to an existing retirement village as notified.
FS1387.1541	Mercury NZ Limited	Oppose
829.7	Whenua Holdings Waikato Limited	Retain Rule 16.1.2 P3 A new retirement village or alterations to an existing retirement village, as notified; AND Amend the Proposed District Plan to make any consequential amendments to address the matters raised in the submission.
FS1387.1338	Mercury NZ Limited	Oppose
244.1	Garth and Sandra Ellmers	Retain Rule 16.1.2 P3 Permitted Activities A new retirement village or alterations to an existing retirement

		village.
FS1386.237	Mercury NZ Limited	Oppose
81.148	Waikato Regional Council	Retain Rule 16.1.2 P3 Permitted Activities.
FS1386.65	Mercury NZ Limited	Oppose
742.121	New Zealand Transport Agency	Retain Rule 16.1.2 P4 Home occupation, except for the amendments sought below AND Add to Rule 16.1.2 P4 Home occupation a new condition as follows: <i>(f) There are no heavy vehicle movements associated with the activity.</i> AND Add a new Restricted Discretionary rule for home occupations not complying with 16.1.2 P4(f), with discretion restricted to the effects of heavy vehicle traffic on the safety and efficiency of the transport network. AND Request any consequential changes necessary to give effect to the relief sought in the submission.
FS1387.881	Mercury NZ Limited	Oppose
742.122	New Zealand Transport Agency	Retain Rule 16.1.2 P5 Temporary event as notified.
FS1387.882	Mercury NZ Limited	Oppose
788.3	Susan Hall	Retain Rule 16.1.2 P9 (a) Permitted Activities as notified, except for the amendments sought below. AND Amend Rule 16.1.2 P9 Permitted Activities for homestays, to be more regulated in Raglan, all homestays and holiday house accommodation to be registered with Council, and to prohibit new owners of existing houses or newly built houses from offering homestay accommodation or holiday rentals, unless they live onsite at the time of guests staying.
FS1276.248	Whaingaroa Environmental Defence Inc. Society	Support
829.1	Whenua Holdings Waikato Limited	Retain Rules 16.1.2 PI Residential activity, as notified. AND Amend the Proposed District Plan to make any consequential amendments to address the matters raised in the submission.
FS1387.1332	Mercury NZ Limited	Oppose

943.34	McCracken Surveys Limited	Retain A new retirement village as a permitted activity in Rule 16.1.2 P3 Permitted Activities.
FS1387.1581	Mercury NZ Limited	Oppose
FS1325.3	Avondale Trust	Support.
378.22	Fire and Emergency New Zealand	Add a new activity to Rule 16.1.3 as a Restricted Discretionary Activity: <i>(i) Emergency service facilities.</i> AND Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.
FS1388.28	Mercury NZ Limited	Oppose
FS1035.128	Pareoranga Te Kata	Support.
945.5	First Gas Limited	Add new activities to Rule 16.1.3: RDI Restricted Discretionary Activities as follows: <u>Establishment of a residential activity or use within 20m of a gas transmission pipeline. Establishment of a residential activity or use within 60m of the gas network (other than a gas transmission pipeline). Establishment of a sensitive land use (excluding residential activities) within 60m of the gas network.</u> AND Any consequential amendments and other relief to give effect to the matters raised in the submission.

389. In summary, sixty six original submission points were received, which generally sought the following:

- a. Lower density requirements for Retirement Villages, including the alteration of the activity status from a Permitted Activity or more or less permitted activity conditions;
- b. Alterations to various activity statuses from discretionary to restricted discretionary or including from prohibited to non-complying activity;
- c. Retention of rules as notified;
- d. Homestays and boarding houses to require registration;
- e. Providing for show homes as permitted activities;
- f. More or less restrictive conditions for childcare facilities;
- g. Inclusion of Puketerini Area in various rules;
- h. More controls around home occupations; and
- i. Exclude community correction facilities from permitted activity conditions.

22.1.3 Analysis

22.2.1 Chapter 16: Residential Zone introduction rules (1), (2), (3), (4) and (5)

390. Waikato District Council seeks to amend the title of Chapter 14: Residential Zone to include the word 'Rules' [697.84]. Although Section C of the PWDP states 'Section C Rules', it would be helpful to have the heading repeated.

391. Waikato District Council also seeks to amend Rule 16(2) to include reference to Chapters 14 Infrastructure and 15 Natural Hazards and Climate Change [697.85]. It is noted that Rule 16(3) refers to the two other chapter and it could be interpreted that by excluding this

statement from Rule 16(2), uncertainty as to the application of the rules could result. I note that this clarification will be overtaken in due course by the restructuring of the PWDP to be in accordance with the National Planning Standards, particularly the creation of a separate subdivision chapter. A minor amendment is also sought to Rule 16(5) by amending 'Resident Zone' to 'Residential Zone' [697.86]. I agree with the relief sought, as this is clearly a typo. Suggested amendment below:

Chapter 16: Residential Zone Rules

...

- (2) The rules that apply to subdivision in the Residential Zone are contained in Rule 16.4 and the relevant rules in 14 Infrastructure and Energy, and 15 Natural Hazards and Climate Change (Placeholder).

...

- (5) The Residential Zone contains a Specific Area that is Lakeside Te Kauwhata Precinct. Rule 16.5 manages all land use, building and subdivision in this location. Rule 16.5.1 sets out how to apply rules to Lakeside Te Kauwhata Precinct that are either different from, or are in addition to, other rules that apply to the rest of the Residential Zone....

22.2.2 Rule 16.1 Land Use Activities

392. 2SEN Limited and Tuakau Estates Limited [299.17] seeks to retain section 16.1 activities, except where modifications are sought elsewhere in the submission. I agree in part with the relief sought, with the exception of the minor modifications recommended within this topic as a result of other submissions.

22.2.3 Rule 16.1.1 Prohibited Activities

393. Spencer and Isabelle Wheeler [720.1] seek to amend Rule 16.1.1 Prohibited activities PRI to a Non-complying Activity status. The reasons provided are that a number of local groups support the removal of the navigational beacon such as Raglan Coast Guard, Raglan Fishing Club and Waikato Regional Harbour Master. Lifting the beacon would free up private property development rights and a non-complying activity still allows enough discretion for processing planners to refuse an application if required. No analysis or additional information has been provided regarding amending the beacon height. I understand that this has been an ongoing issue between some parts of the community and Council. However, lifting the beacon could have catastrophic effects (such as loss of life) on the community if it is not carefully considered and re-surveyed. In light of the above, I consider that I do not have the correct information to analyse the alterations proposed, and am not in a position to review the activity status from prohibited to non-complying, therefore I recommend that the panel reject the relief sought.

Rule 16.1.2 Permitted Activities

394. Waikato District Council [697.87] seeks to make minor amendments to Rule 16.1.2(1) to reorder the rule into a more logical order so it aligns with the order of the PWDP. Specifically to relocate Rule 16.1.2(1)(c) 'Activity specific conditions' as the new (a). I agree with the relief sought, as it provides clarity to the reader and places provisions in the logical order that the provisions appear in in the PWDP. I suggested the below amendments:

16.1.2 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 16.2 (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 16.3 (unless the activity rule and/or activity-specific conditions identify a condition(s) that does not apply);
- ~~(b) – Activity-specific conditions.~~

395. Whenua Holdings Waikato Limited [829.1] seeks to retain Rule 16.1.2 P1 as notified, subject to any consequential amendments that may arise from other points in its submission. I agree with the relief sought.

22.2.4 Retirement Villages (Rule 16.1.2 P3)

396. Ports of Auckland Limited [578.27] seeks to amend Rule 16.1.2 P3 by removing retirement villages as a permitted activity within the Residential Zone and include it as a restricted discretionary activity. The reasons provided for the amendments sought are concern about intensification which may impact the operation of the Horotiu Industrial Park, unintended traffic generation and amenity effects.

397. In relation to the potential for reverse sensitivity effects in relation to the Horotiu Industrial Park, I note that the Residential Zone is separated from the Industrial and Heavy Industrial Zones at Horotiu by either the North Island Main Trunk Railway or Great South Road. In my opinion, the provisions of the industrial zones where they adjoin a residential zone (such as replication of the Residential Zone daylight standard) address residential amenity regardless of whether it is single residential dwelling, multi-unit residential complex or a retirement village. Given the purpose of the Residential Zone is to provide housing capacity and to accommodate an aging population (thereby giving effect to the National Policy Statement on Urban Development Capacity), in my opinion retirement villages should be enabled as much as possible. It is recognised that there are potential effects arising from retirement villages (such as traffic effects). However, given the imperative to provide for residential capacity, in my opinion, those effects will need to be managed. It is also noted that with the minimum 3ha activity condition, any retirement village will be developed by major players in this sector (such as Rymans) and they will look to choose sites that are attractive to potential residents (as well as investors and shareholders). For these reasons, I do not agree with the change in activity status sought.

398. McCracken Surveys Limited [943.35], CKL [471.35], Grieg Developments No 2 Limited [689.2] and Garth and Sandra Ellmers [244.2] seek to either remove the 3 ha minimum site area permitted activity condition for Rule 16.1.2 P3(a) or reduce the site area requirement to 1ha. The removal of condition (b) requiring the site to be within 400m walking distance of public transport is also sought.

399. The reasons provided are that the 3ha minimum net site area is not appropriate for Raglan, there is no apparent reason to apply this in Raglan and the shortage of land may necessitate two storey developments.

400. The submitters have not provided any information or analysis to support these amendments. The reason for the 3ha minimum was to ensure that the retirement village was developed and operated as an integrated complex, providing the full range of retirement village facilities (including recreation, hospital). Other than the submission from Aparangi Retirement Village Trust seeking smaller section sizes, there are no submissions from the retirement industry opposing this standard. I note that non-compliance with the standard would default to a discretionary activity. In my opinion, there is no basis to delete or alter the standard.

401. Garth and Sandra Ellmers [244.3] seek to amend Rule 16.1.2(f) to increase the maximum building height allowed for retirement villages to allow for three-level retirement villages. The main reason provided is that 8m does not allow for three storey buildings, and the elderly feel more secure in a unit or apartment. I note that Rule 16.1.2(f) provides for

buildings up to 10m height for 15% of the total building coverage, thereby enabling 3 storey buildings. In my opinion, this provision (along with the discretionary activity consent process for buildings higher than 10m) provides the flexibility within a retirement village for buildings that need to be higher (such as apartments). For these reasons I do not consider a change to the height provisions is required.

402. Waikato District Council [697.90] and [697.91] seeks to amend Rule 16.1.2 P3 (e)(i) and (e)(ii) permitted activity minimum service court requirements. A minimum communal outdoor space for apartments is sought to be included in part (e)(i) at a rate of 5m² for each unit. For individual units, a minimum dimension of 1.5 metres is sought to be added to Rule (e)(ii). I concur that a minimum dimension is needed for the service court. With respect to the communal outdoor space for apartments, I agree that a minimum dimension needs to be included. Should the individual retirement complex seek to provide outdoor space within the overall outdoor area of the complex or alternatively provide the space internally, then that is a matter that can be considered through the resource consent process. Accordingly, I concur with the amendments sought.
403. Tainui [942.75] seeks amendments to Rule 16.1.2 P3(b) for retirement villages, in particular to clarify that they cannot be built if there is no availability of public transport. It is noted that if this condition cannot be met, then a resource consent would be required as a discretionary activity. In my view, clarification is not required or necessary. Council would assess each application on a case-by-case basis and determine the level of effects, and whether the application is supported by the objective and policy framework. It is recognised that for many towns in Waikato District the provision of public transport is difficult due to the lack of residential density. Accordingly, the intent of the condition is to give effect to policies (such as 4.1.5(a)) that encourage higher density residential development in locations where they can be serviced and/or will provide an economy of scale to support the development of public transport. Not meeting the condition provides the opportunity to consider how a retirement village could support public transport. I therefore recommend that the panel reject the relief sought.
404. New Zealand Transport Agency [742.120] seeks to remove conditions (g) and (i) in Rule 16.1.2 P3, which relates to the exemption of a retirement village activity to comply with Rule 16.2.7 Signs and Rule 14.12.1 P4(1)(a) Traffic generation respectively. The reason provided by the submitter is that signage and traffic generation matters should not be excluded from the conditions that apply to this activity. With respect to signs, the potential for a large retirement village to include signs that could have an adverse traffic effect is considered to be minimal. With respect to vehicle movements, the nature of large retirement villages is there is one main vehicle entrance which is located and designed to ensure the safety of residents and other road users. For the reasons stated above I recommend that the panel reject the relief sought.
405. Waikato District Health Board [923.144], Whenua Holdings Waikato Limited [829.7], Garth and Sandra Ellmers [244.1], Waikato Regional Council [81.148] and McCracken Surveys [943.34] seek to retain Rule 16.1.3 P3 as notified or to retain this rule in general. As I do not recommend any changes to the rule, I agree with the relief sought.

22.2.5 Home occupations (Rule 16.1.2 P4)

406. CKL [471.36] seek to amend Rule 16.1.2 P4(e) (home occupation) in relation to the hours where machinery may be operated by inserting the word 'only'. In my view, this addition provides clarity on the application of the condition. I therefore agree with the relief sought and suggest the below amendment:

P4	Home occupation	(a) It is wholly contained within a building; (b) The storage of materials or machinery associated with the home occupation are wholly contained within a building;
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		<p>(c) No more than 2 people who are not permanent residents of the site are employed at any one time;</p> <p>(d) Unloading and loading of vehicles or the receiving of customers or deliveries only occur between 7:30am and 7:00pm on any day;</p> <p>(e) Machinery may only be operated between 7:30am and 9pm on any day.</p>
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407. Waikato District Council [697.92] seeks to amend the home occupation rule 16.1.2 P4 (f) to clarify the maximum number of people. The submitter indicates that this is for clarity. I do not agree that it provides clarity. Rule P4 (c) specifies ‘*no more than 2 people who are permanent residents of the site are employed at any one time*’. This provides for two additional employees. Including another condition around the maximum number of people on the site restricts how many people may, in effect, live at the property, i.e if there is a family of five living at the site, they would require a resource consent if two of the five were operating the home occupation. The inclusion of (f) in my view is unnecessarily restrictive and negates the purpose of the home occupation rule. I therefore disagree with the relief sought for the above reasons.
408. Mercer Residents and Ratepayers Committee [367.20], [367.22] and Dee Bond [946.9] seek to amend Rule 16.1.2 P4 Home occupation to increase the number of non-permanent staff from two as required by condition (c), to a ratio related to the number of bedrooms. Reasons for the amendment are that it unnecessarily restricts home businesses as there are likely more than 4 full-time staff operating from the site. I acknowledge that this may place a restriction on the scale of the home occupation or the business operating from the home, but that is the purpose of the rule. In addition, the number of bedrooms does not relate to the scale of the home occupation. I therefore recommend that the panel reject the relief sought.
409. Anna Cunningham [457.1] seeks to amend Rule 16.1.2 P4(b) (home occupation) which relates to the storage of materials or machinery, to align with the operative rule 21.11. I concur that the purpose of the rule is to screen the materials and machinery from public view. The control of noise associated with the operation of machinery from a home occupation is managed through the noise standards. For the reasons stated above I recommend that the panel accept the relief sought, as follows:

P4	Home occupation	<p>(a) It is wholly contained within a building;</p> <p>(b) The storage of materials or machinery associated with the home occupation are either wholly contained within a building or are screened so as not to be visible from a public road or neighbouring residential property;</p> <p>(c) No more than 2 people who are not permanent residents of the site are employed at any one time;</p> <p>(d) Unloading and loading of vehicles or the receiving of customers or deliveries only occur between 7:30am and 7:00pm on any day;</p> <p>(e) Machinery may be operated between 7:30am and 9pm on any day.</p>
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410. New Zealand Transport Agency [742.121] supports Rule 16.1.2 P4 (home occupation) but seeks to amend it to include a new condition preventing heavy vehicle movements associated with the activity. Activities in the Residential Zone are subject to the Infrastructure and

Energy Chapter 14. Specifically, Rule 14.12.1 P4 Traffic generation manages traffic generation, and in particular (1)(a) heavy vehicle movements. Heavy vehicle movements are often part of residential environments such as furniture movers and courier trucks. I therefore recommend that the panel refuse the relief sought.

22.2.6 Temporary Events (Rule 16.1.2 P5)

411. Mercer Residents and Ratepayers Committee [367.21] seeks to amend Rule 16.1.2 P5 temporary event by increasing the operating hours or allowing exemptions for temporary activities. Dee Bond [946.10] does not seek a specific decision but queries the applicability of the hours of operation, to allow for multi-day wedding functions. Rule (a) provides for 3 events per consecutive 12 month period. Temporary events that exceed the conditions need to be considered through the resource consent process to assess their suitability in the residential environment. I therefore recommend that the panel reject the relief sought.
412. New Zealand Transport Agency [742.122] seeks to retain Rule 16.1.2 P5 Temporary event as notified. I agree with the relief sought.

22.2.7 Community activity (Rule 16.1.2 P7)

413. The Department of Corrections [496.5] seeks to amend Rule 16.1.2 P7 (Community activity) to specifically exclude community correction activity. The reason provided by the submissions is this is not an activity that is suitable for the Residential Zone as a permitted activity and should be subject to a resource consent and assessment of effects. The submitter has included a submission seeking that such activities be permitted in the Business Town Centre Zone as that is considered the appropriate location. As the Department administers community correction activities (including their location), I do not consider that a specific exclusion needs to be provided for in the PWDP.

22.2.8 Homestay (Rule 16.1.2 P9)

414. Raglan Naturally [831.31], Jade Hyslop [435.13], John Lawson [825.22], Susan Hall [788.3], Whaingaroa Environmental Defence Incorporated Society [780.22] and Tainui [942.76] seek to amend Rule 16.1.2 P9 Homestay to require registration of homestays or visitor accommodation. Susan Hall [788.3] also seeks to retain the rule as notified, except where amendments are proposed. The reasons provided by the submitters are primarily that visitor accommodation and homestays do not contribute to the upkeep or new infrastructure required to support this type of activity. Visitor accommodation also removes accommodation for residents. I do note that some councils now increase an individual's property rates equivalent to a business if they are operating as an Air BnB or similar. Rates are collected by the council, therefore they are in the end contributing to the upkeep of infrastructure. In my opinion, this is a nationwide issue which central government must address (i.e the general upgrade of public facilities as a result of tourism). To enable council to record this information the most logical method would be through resource consents, which in turn may stifle the tourist industry. The difficulty with managing homestay through the district plan is that on an effects basis, the activity is purely residential. A homestay or visitor accommodation would in effect be no different to renting out a house to multiple people or a large family. In addition, it is unreasonable to control or enforce the primary use of a residential property when the difference in resource management effects between the use as a rental property versus a homestay or Air BnB are negligible. For the reasons stated above I do not agree with the relief sought.
415. Waikato District Council [697.93] seeks to amend Rule 16.1.2 P9 to remove condition (b) which relates to the number of staff employed at the site. The reason provided in the submission is that this condition is not relevant to the activity. I agree that staff employment for homestay accommodation would self-regulate and it is unusual that staff would be employed to support a homestay activity within a residential home. It would more than likely to just be the owner(s) of the property employed or working on the site. Dee Bond [946.11]

does not seek a specific decision but suggests that the number of residents should be driven by the number of bedrooms and size of the property. I acknowledge this point and agree that the number of guests staying would be self-regulating. I further consider that there would be no difference between renting the property out to several individuals in terms of the effects generated. For the reasons states above, I agree with the relief sought and suggest the below amendments:

16.1.2 Permitted Activities

P9	Home stay	(a) No more than 4 temporary residents; (b) No more than two people who are not permanent residents of the site are employed at any one time.
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22.2.9 Agriculture, horticulture and viticulture (Rule 16.1.2 P10)

416. Balle Bros Group Limited [466.4] and Horticulture New Zealand [419.1] seek to amend Rule 16.1.2 P10 permitted activities for agriculture, horticulture and viticulture to provide for existing commercial vegetable production activities on land that has been rezoned residential/urban e.g. some specific areas in Tuakau. The submitter does not identify specific sites where this is an issue or this has occurred. Existing commercial activities of this nature are provided for under existing use rights provisions of s10 of the RMA. I therefore disagree with the relief sought.

22.2.10 Other permitted activities

417. Fire and Emergency New Zealand [378.21] seek to provide for emergency services training and management activities as a permitted activity by amending Rule 16.1.2. I note that the PWDP does not explicitly provide for emergency services or associated training. However, in my opinion they are provided within the existing definition of 'Community activity' and the recommended definition of 'Community facility' (refer to paragraph 924 of Hearing Report 5: Definitions) as follows (highlighted):

***Community facility** means land and buildings used by members of the community for recreational, sporting, cultural, **safety, health, welfare**, or worship purposes. It includes provision for any ancillary activity that assists with the operation of the community facility.*

418. In my opinion, no amendment is required.

419. Fire and Emergency New Zealand [378.22] seeks to add a new restricted discretionary activity - emergency service facilities. The reason is that no provision is made for emergency service facilities and this activity would default to a non-complying activity. For the reasons given above, I recommend that the panel reject the relief sought.

420. Housing New Zealand [749.79] seek to add a new permitted activity to Rule 16.1.2 by adding an activity-specific condition relating to a boarding house. The condition proposed is '(a) no more than 10 people per site inclusive of staff and residents'. The reason provided for the amendment is that this activity is generally not provided for in the Residential Zone. I note that the notified definition of the PWDP for 'residential activity' and the recommended definition (refer to paragraph 375 of Hearing Report 5: Definitions) 'means the use of land and building(s) for people's living accommodation' would apply to boarding houses. For the reasons stated above, I recommend that the panel reject the relief sought.

421. Terra Firma Mining Ltd [732.6] and [732.4] seeks to add a new activity to Rule 16.1.2 to provide for commercial and community activities within Puketirini, which has been requested to be rezoned Business, or where an overlay could be applied. The reason provided in the submission is that it will allow commercial and community activities to establish within the requested Puketirini residential development. I note that these submission points are part of a comprehensive submission relating to the zoning of the Puketirini Block and the

substantive part of the submission will be considered in Hearing 25: Zone Extents. It is recommended that these submissions be rejected, pending the Hearing Panel decision on the substantive submission points.

422. BTW Company [445.8] seeks to add a new permitted activity to facilitate the construction of new residential or multi-unit development within structure plan areas. In my opinion the inclusion of a new structure plan into the plan by means of plan change provides the opportunity to include any rules to enable subsequent development. For this reason, I recommend that the panel reject the relief sought.
423. Ian McAlley [368.19] seeks to include show homes (including associated signage) as a permitted activity. The reasons provided are that show homes are on-sold as residential properties, however are generally used as an office during the sale of lots. They typically have additional signage and parking areas. I do not agree that show homes should be a permitted activity. They are no different from an office establishing in the residential zone, which should be managed on a by a case-by-case basis, as they have the ability to be disruptive from a traffic and hours of operation perspective. Furthermore, the objective and policy framework has been set up to manage commercial activities within the Residential Zone, for example through Objective 4.2.20 and Policy 4.2.23. For the reasons given above I recommend that the panel reject the relief sought.
424. Waikato District Council [697.94], Pokeno Playcentre [259.1], [617.1], [596.1] and Stephanie Hooper [607.1] seek to add a new permitted activity to allow for childcare facilities of up to 4 children who are not permanent residents at the home. I acknowledge that childcare facilities should be provided for up to a certain extent as key social infrastructure. Where childcare activities establish as the primary use on a site, they have the potential to be very disruptive to residential amenity from a traffic and noise perspective, depending on the scale and number and age of children. However, by allowing up to four children as a permitted activity, this provides for a small-scale activity appropriate to the Residential Zone, with little more effect than a large family. In my view, small-scale childcare facilities are more than likely to be undertaken as a type of home occupation (as defined by the plan). An exception would be that if children were playing outside it technically would not meet condition P4(a). I also note the notified definition for childcare facility and support that it is adequately defined in the PWDP to avoid confusion with other types of commercial or education activities. In my view, four children is an appropriate number, as it provides for a small-scale activity that is akin to what could occur in the residential zone as of right (such as children play dates where parents visit friends with their children) or the number of children that may occur in a family unit. Furthermore, Objective 4.2.20 and Policies 4.2.21 and 4.2.23 support this type of activity if resource consent for larger-scale childcare facilities are required, providing adverse effects were appropriately managed. I therefore recommend that the panel accept the relief sought, with slight amendments in relation to 'home', as the interpretation of this is ambiguous. I have suggested amendments below:

16.1.2 Permitted Activities

P13	Childcare facility	(a) For up to 4 children that are not permanent residents of the household unit.
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Rule 16.1.3 Restricted Discretionary Activity

425. Ministry of Education [781.10] seeks to add a new activity to Rule 16.1.3 - education facilities. The reason for this is that education facilities are not specifically listed as an activity within the Residential Zone, therefore default to a non-complying activity status.
426. I acknowledge that education facilities are essential social infrastructure for the wider community and are commonly found within proximity to or within the residential zone, and a non-complying activity status is a high threshold for a resource consent application to

meet. I acknowledge that educational facilities (both schools and other types of education facilities) should be provided for within the Residential Zone. I also note that they have the potential to create adverse effects from an amenity and traffic perspective.

427. The s42A report for the Village Zone also addresses a similar issue, in that education facilities are not provided for within the Village Zone this is addressed in section 4.3.3 and paragraph 231 within the s42A report and Section 7 of the Council rebuttal evidence. I agree with the conclusion reached by the author of the rebuttal evidence for the Village Zone. The objective and policy framework in the PWDP (Objective 4.2.2 Maintain residential purpose, Policy 4.2.21 Maintain residential purpose, and Policy 4.2.23 non-residential activities) provides for non-residential activities. For the reasons stated above, I accept the relief sought and suggest the amendments below:

16.1.3 Restricted Discretionary Activities

- (1) The activities listed below are restricted discretionary activities
- (2) Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table:

RD2 Education facilities.

Council's discretion shall be restricted to the following matters:

- a. The extent to which it is necessary to locate the activity in the Residential Zone.
- b. Reverse sensitivity effects of adjacent activities.
- c. The extent to which the activity may adversely impact on the transport network.
- d. The extent to which the activity may adversely impact on the streetscape and the amenity of the neighbourhood, with particular regard to the bulk of the buildings.
- e. The extent to which the activity may adversely impact on the noise environment.

428. First Gas Limited [945.5] seeks to add three new restricted discretionary activities:
- a. Establishment of a residential activity or use within 20m of a gas transmission pipeline,
 - b. Establishment of a residential activity or use within 60m of the gas network (other than a gas transmission pipeline),
 - c. Establishment of a sensitive land use within 60m of the gas network.
429. The submitter seeks the above amendments to protect the gas network, primarily between sensitive land uses and the delivery points. They suggest that this be achieved through minimum setback requirements. I acknowledge the reasons provided by the submitter, primarily for safety. The gas line is shown on the PWDP planning maps. The submitter has not provided matters of discretion, nor have they provided research, analysis or information to support the proposed setback distances. I note that a 60m setback either side of the gas network would total 120 metres, which within the Residential Zone could equate up to 10 residential sections (assuming each section is 12 metres wide). It is also unclear what matters of discretion would be related to although it is assumed to be safety. Accordingly, I recommend that the submission be rejected.
430. Malibu Hamilton [553.38] seeks to retain Rule 16.1.2 P2, P4 and P6 as permitted activities. I agree with the relief sought, subject to the amendments arising from other submissions.

22.2.11 Rule 16.1.4 Discretionary Activities

431. Housing New Zealand Corporation [749.81], CKL [471.56] and McCracken [943.45] seeks to delete Rule 16.1.4 D2. They also seek to include a new restricted discretionary activity status with matters of discretion to address permitted activities which do not meet Rules

16.2 (Effects) and 16.3 (Building). The PWDP (subject to recommended changes) addresses the non-compliance of the effects and buildings rules within each individual activity rule in those sections with a mixture of default to restricted discretionary, discretionary and non-complying. The approach taken to assigning restricted discretionary activity status is where the effects of the activity are understood, and the matters to be considered can be succinctly identified and do not lead to an exhaustive list. Taking the Residential Zone of the PWDP as notified (noting that through the hearing process the activity status for some rules is recommended to be changed) the following is noted:

- (a) there are 15 land use effects rules in Section 16.2, with 5 of those defaulting to discretionary activity status; and
- (b) there are 21 land use building rules in Section 16.3, 12 of those defaulting to discretionary activity status.

432. In my opinion, rather than taking a 'blanket' approach to this matter, submissions in relation to each activity should be used to determine the relevant default status and if it is restricted discretionary to determine the matters of discretion. For the reasons stated above, I recommend that the panel reject the relief sought.

433. Waikato District Council [697.97] seeks to amend Rule 16.1.4 D1 to refer to 'with one or more of the' Activity-Specific Conditions'. The reasons provided are for consistency with other chapters and also clarity. Waikato District Council [697.98] also seeks to delete Rule 16.1.4 D2 for clarity purposes, as Rules 16.2 Land Use – Effects and 16.3 Land Use – Building address the non-compliance of a particular permitted activity within each rule. Therefore Rule 16.1.4 D2 is redundant. I agree with the relief sought in so far as it provides clarity to the application of the rules. New Zealand Transport Agency [742.124] seeks to retain Rule 16.1.4 D1 as notified. I recommend that the panel accept in part the relief sought, and recommend the amendments below:

D1	Any permitted activity that does not comply with <u>one or more of the</u> a 'Activity-Specific Conditions' in Rule 16.1.2.
D2	Any permitted activity that does not comply with the Land Use – Effects Rule 16.2 or Land Use – Building Rule 16.3 unless the activity status is specified as controlled, restricted discretionary or non-complying.
D3 D2	Any Multi-unit development that does not comply with Rule 16.1.3 RD1.

Rule 16.1.5 Non-complying Activities

434. Housing New Zealand Corporation [749.82] seeks to delete Rule 16.1.5 NCI Non-complying Activities and add a new activity to Rule 16.1.4, to remove any non-complying activities from the Residential Zone. No reasons, justification or analysis has been provided for the proposed amendment. I do not agree with the relief sought. In my opinion, a default category of a non-complying activity is appropriate in this situation as the Residential Zone chapter has been drafted to provide for and enable activities which should be located within this zone and restrict activities which are generally problematic or cause the most disturbance, or should be subject to more rigorous assessment. Furthermore, the objective and policy framework has specifically been set up to facilitate this approach.

435. Woolworths NZ Ltd [588.56] seek to retain Rule 16.1.5 Non-complying activities in so far as supermarkets are more appropriately accommodated in zones that provide for commercial activities. I agree with the relief sought.

22.1.4 Recommendations

436. I recommend, for the reasons given above, that the Hearings Panel:

(a) **Reject** the following submission points;

- i. Waikato District Council [697.92] and
- ii. CKL [471.56] and [471.35],
- iii. Spencer and Isabelle Wheeler [720.1],
- iv. Ports of Auckland Limited [578.27],
- v. McCracken Surveys Limited [943.45] and [943.35],
- vi. New Zealand Transport Agency [742.124],
- vii. Housing New Zealand Corporation [749.82] and [749.97],
- viii. Raglan Naturally [831.31],
- ix. Fire and Emergency New Zealand [378.21] and [378.22],
- x. Terra Frima Mining Ltd [732.6], [732.5] and [732.4],
- xi. BTW Company [445.8],
- xii. Ian McAlley [368.19],
- xiii. Jade Hyslop [435.13],
- xiv. Garth and Sandra Ellmers [244.3] and [244.2],
- xv. Balle Bros Group Limited [466.4],
- xvi. Tainui [942.75],
- xvii. Mercer Residents and Ratepayers Committee [367.20], [367.22] and [367.21],
- xviii. The Department of Corrections [496.5],
- xix. Dee Bond [946.9],
- xx. Whaingaroa Environmental Defence Incorporated Society [780.22],
- xxi. John Lawson [825.22],
- xxii. Tainui [942.76],
- xxiii. Greig Developments No 2 Limited [689.2],
- xxiv. New Zealand Transport Agency [742.120] and [742.121],
- xxv. Dee Bond [946.10],
- xxvi. Horticulture New Zealand [419.1],
- xxvii. Susan Hall [788.3],
- xxviii. Tainui [942.75] and First Gas Limited [945.5].

(b) **Accept** the following submission points:

- i. Waikato District Council [697.84], [697.85], [697.86], [697.87], [697.90], [697.91], [697.94], [697.97], [697.93] and [697.98],
- ii. Woolworths NZ Ltd [588.56],
- iii. CKL [471.36],
- iv. Pokeno Playcentre [259.1], [596.1] and [617.1],
- v. Stephanie Hooper [607.1],
- vi. Anna Cunningham [457.1],
- vii. Malibu Hamilton [553.38],
- viii. Waikato District Health Board [923.144],
- ix. Whenua Holdings Waikato Limited [829.7] and [829.1],
- x. Housing New Zealand [749.79],
- xi. Garth and Sandra Ellmers [244.1],
- xii. Waikato Regional Council [81.148],
- xiii. New Zealand Transport Agency [742.122],

- xiv. McCracken Surveys Limited [943.34] and
- xv. Dee Bond [946.11].

- (c) **Accept** in part submission point 2SEN Limited Tuakau [299.17], Housing New Zealand Corporation [749.81], New Zealand Transport Agency [742.124] and Ministry of Education [781.10].

22.1.5 Recommended amendments

437. The following amendments are recommended:

Chapter 16: Residential Zone **Rules**

- (2) The rules that apply to subdivision in the Residential Zone are contained in Rule 16.4 and the relevant rules in 14 Infrastructure and Energy, and 15 Natural Hazards and Climate Change (Placeholder).
- (3) The Residential Zone contains a Specific Area that is Lakeside Te Kauwhata Precinct. Rule 16.5 manages all land use, building and subdivision in this location. Rule 16.5.1 sets out how to apply rules to Lakeside Te Kauwhata Precinct that are either different from, or are in addition to, other rules that apply to the rest of the Residential Zone...

16.1.2 Permitted Activities

- (1) The following activities are permitted activities if they meet all the following:
- (a) Activity specific conditions:
 - (b) Land Use – Effects rules in Rule 16.2 (unless the activity rule and/or activity-specific conditions identify a condition(s) that does not apply);
 - (c) Land Use – Building rules in Rule 16.3 (unless the activity rule and/or activity-specific conditions identify a condition(s) that does not apply);
 - ~~(d) Activity-specific conditions.~~

...

Activity		Activity-specific conditions
P1	Residential activity, unless specified below.	Nil
P2	A Marae Complex or Papakainga Housing Development on Maaori Freehold Land or on Maaori Customary Land.	<ul style="list-style-type: none"> (a) The total building coverage does not exceed 50%; (b) Where the land is vested in trustees whose authority is defined in a Trust Order and/or a Maaori Incorporation, the following is provided to Council with the associated building consent application: <ul style="list-style-type: none"> (i) A Concept Management Plan approved by the Māori Land Court and (ii) A Licence to Occupy; (c) Where a Trust Order or Maaori Incorporation does not exist, one of the following instruments is provided to Council at the time of lodgement of the application for building consent: <ul style="list-style-type: none"> (i) A Concept Management Plan approved by the Māori Land Court; (ii) A lease, or an Occupation Order of the Māori Land Court; (d) The following Land Use – Effects rules in Rule 16.3 do not apply:

		<ul style="list-style-type: none"> (i) Rule 16.3.1 (Dwelling); (ii) Rule 16.3.2 (Minor dwellings); (iii) Rule 16.3.6 (Building Coverage).
P3	A new retirement village or alterations to an existing retirement village:	<ul style="list-style-type: none"> (a) The site or combination of sites where the retirement village is proposed to be located has a minimum net site area of 3ha; (b) The site is either serviced by or within 400m walking distance of public transport; (c) The site is connected to public water and wastewater infrastructure; (d) Minimum living court or balcony area and dimensions: <ul style="list-style-type: none"> (i) Apartment – 10m² area with minimum dimension horizontal and vertical of 2.5m; (ii) Studio unit or 1 bedroom unit – 12.5m² area with minimum dimension horizontal and vertical of 2.5m; or (iii) 2 or more bedroomed unit – 15m² area with minimum dimension horizontal and vertical of 2.5m; (e) Minimum service court is either: <ul style="list-style-type: none"> (i) Apartment – Communal outdoor space (ie no individual service courts required); or (ii) All other units – 10m² for each unit; (f) Building height does not exceed 8m, except for 15% of the total building coverage, where buildings may be up to 10m high; (g) The following Land Use – Effects rule in Rule 16.2 does not apply: <ul style="list-style-type: none"> (i) Rule 16.2.7 (Signs); (h) The following Land Use – Building rules in Rule 16.3 do not apply: <ul style="list-style-type: none"> (i) Rule 16.3.1 (Dwelling); (ii) Rule 16.3.3 (Building Height); (iii) Rule 16.3.7 (Living Court); (iv) Rule 16.3.8 (Service Court); (i) The following Infrastructure and Energy rule in Chapter 14 does not apply: <ul style="list-style-type: none"> (i) Rule 14.12.1 P4(1)(a) (Traffic generation).
P4	Home occupation	<ul style="list-style-type: none"> (a) It is wholly contained within a building; (b) The storage of materials or machinery associated with the home occupation are <u>either wholly contained within a building or are screened so as not to be visible from a public road or neighbouring residential property</u>; (c) No more than 2 people who are not permanent residents of the site are employed at any one time; (d) Unloading and loading of vehicles or the

		receiving of customers or deliveries only occur between 7:30am and 7:00pm on any day; (e) Machinery may only be operated between 7:30am and 9pm on any day.
P5	Temporary event	(a) The event occurs no more than 3 times per consecutive 12 month period; (b) The duration of each temporary event is less than 72 hours; (c) It may operate between 7.30am and 8:30pm Monday to Sunday; (d) Temporary structures are: (i) erected no more than 2 days before the temporary event occurs; (ii) removed no more than 3 days after the end of the event; (e) The site is returned to its previous condition no more than 3 days after the end of the temporary event; (f) There is no direct site access from a national route or regional arterial road.
P6	Cultural event on Maori Freehold Land containing a Marae Complex	Nil
P7	Community activity	Nil
P8	Neighbourhood park	Nil
P9	Home stay	(a) No more than 4 temporary residents; (b) No more than two people who are not permanent residents of the site are employed at any one time.
P10	Agricultural, horticultural and viticultural activities	(a) Must be within the Residential West Te Kauwhata Area.
P11	Neighbourhood centre	(a) Must be within an area identified in a Council approved Structure Plan or Master Plan.
P12	Commercial activity	(b) Must be within the Bankart Street and Wainui Road Business Overlay Area.
P13	Childcare facility	(a) For up to 4 children that are not permanent residents of the household unit.

16.1.3 Restricted Discretionary Activities

- (1) The activities listed below are restricted discretionary activities
- (2) Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table:

Activity

RD2 Education facilities

Council's discretion shall be restricted to the following matters:

- a. The extent to which it is necessary to locate the activity in the Residential Zone.
- b. Reverse sensitivity effects of adjacent activities.
- c. The extent to which the activity may adversely impact on the transport network.
- d. The extent to which the activity may adversely impact on the streetscape and the amenity of the neighbourhood, with particular regard to the bulk of the buildings.

e. The extent to which the activity may adversely impact on the noise environment.

16.1.4 Discretionary Activities

(1) The activities listed below are discretionary activities.

D1	Any permitted activity that does not comply with <u>one or more of the a</u> 'Activity-Specific Conditions' in Rule 16.1.2.
D2	Any permitted activity that does not comply with the Land Use—Effects Rule 16.2 or Land Use—Building Rule 16.3 unless the activity status is specified as controlled, restricted discretionary or non-complying.
D3 <u>D2</u>	Any Multi-unit development that does not comply with Rule 16.1.3 RDI.

22.1.6 Section 32AA evaluation

438. The following points evaluate the recommended changes under s32AA of the RMA. With respect to the amendments relating to the insertions and deletion of D2, these are to provide clarification, understanding and interpretation of the rules or they are already covered by other rules in Chapter 16. Accordingly, no s32AA evaluation is required to be undertaken.
439. With respect to the creation of an education facility as a restricted discretionary activity and the additional permitted activity to clarify childcare facilities is provided for up to a certain scale (i.e four children), a section 32AA evaluation has effectively been undertaken within the analysis section of this s42A report, noting that the objectives and policies for the Residential Zone as notified support this amendment, particularly Policy 4.2.23.

Effectiveness and efficiency

440. Based on my experience processing resource consents across different plans, in my view provisions should be made for small-scale childcare facilities as a permitted activity. The scale should be small enough so as not to cause noticeable disturbance to a neighbourhood (similar to the operation of a home occupation). Childcare facilities are essential social infrastructure which are typically found in the residential zone and largely service a limited catchment area. By providing small-scale childcare facilities as a permitted activity, this rule still gives effect to Objective 4.2.20, and Policies 4.2.21 and 4.2.23.

Cost and benefits

441. With respect to the addition of Rule P13, it provides for childcare facilities up to a maximum of four children on site (that are not permanent residents of a household unit), and in my opinion, potentially reduces high numbers of unnecessary resource consents for small-scale childcare facilities. The benefit of this is that the amendment provides for small-scale key social infrastructure. The scale proposed is consistent with a group of adults and children getting together within a residential home. It further provides for economic benefits in terms of stay-at-home parents generating a small income, while providing a valuable service to the surrounding community. It is highly likely that informal childcare facilities are currently operating within the community. The proposed amendments would formalise the acceptability of this activity within the Residential Zone. Resource consents would still be required where childcare facilities exceed the permitted child numbers and adverse effects such as amenity, noise and traffic etc. could be assessed on a case-by-case basis.

Risk of acting or not acting

442. There is no additional risk of not acting. There is sufficient information on the cost to the environment, benefit to people and communities to justify the inclusion of small-scale childcare facilities as a permitted activity with Rule 16.1.2.

Decision about most appropriate option

443. The amendment still gives effect to the relevant objective and policies in Chapter 4.2. In my opinion the recommended amendment is more effective in achieving the purpose of the RMA than the notified version of the PWDP.

23 Topic 20: Definitions

23.1 Introduction

444. The PWDP definitions are located in Chapter 13 and set out how certain terms used in the PWDP are to be interpreted and applied. Definitions that spanned the Plan were the subject of Hearing 5: Definitions. However where definitions were specific to a particular zone or environment, they have been addressed in their relevant hearing. Thus, definitions that are specific to the Residential Zone are addressed here.

23.2 Submissions

445. The following submissions were received on definitions specific to the Residential Zone:

Submission point	Submitter	Summary of submission
697.380	Waikato District Council	Amend the definition of "Duplex" as follows: <i>Means two attached residential units, including includes two units connected by an accessory building, such as a garage or a carport. This does not apply to minor dwellings.</i>
749.44	Housing New Zealand Corporation	Amend the definition of "Duplex" in Chapter 13 Definitions as follows: <i>Means two attached residential units, including two units connected by a common wall and/or an accessory building, such as a garage or a carport.</i> AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
695.82	Sharp Planning Solutions Ltd	Amend the definition of "Visually permeable" in Chapter 13 Definitions as follows: <i>Means materials on a fence or wall that have continuous vertical or horizontal gaps of at least 50mm width that result in at least 50% visual permeability that include continuous vertical or horizontal gaps of at least 50mm width.</i>
749.65	Housing New Zealand Corporation	Retain the definition of "Visually permeable" in Chapter 13 as notified.

751.3	Chanel Hargrave and Travis Miller	Add a new permitted activity to Rule 16.1.2 Permitted Activities as follows: <u>PI.3 Multi-unit development of up to three dwellings is a Permitted Activity.</u> With similar standards as Rule 16.1.3 RDI (including proposed amendments as permitted applied as permitted activity standards).
FS1017.19	Gulab Bilimoria	Support
FS1387.1067	Mercury NZ Limited	Oppose
326.6	Raglan Chamber of Commerce	Amend Rule 16.3 Land use, so that the number of dwellings and the definition of a minor dwelling allow for more than one primary dwelling and one minor dwelling per site. The submission sets out some examples of possible amendments to rules, e.g.: Rule 16.3.1 P1 <u>Two dwellings within a site where the combined floor areas do not exceed x percentage of the section.</u> New Rule 16.3.1.P2 <u>Three dwellings within a site, if at least two of the dwellings are small houses each with a gross floor area of less than 45m².</u>

23.3 Analysis

446. Waikato District Council [697.380] and Housing New Zealand Corporation [749.44] both seek to amend the definition of 'Duplex' to exclude 'minor dwelling'. Raglan Chamber of Commerce [326.6] seeks to amend the definition of minor dwelling to allow for more than one dwelling on a site. I have reviewed the s42A report on Hearing 5: Definitions, and conclude that there is nothing in this report that needs to be considered with respect to these definitions. I concur with the submissions seeking to clarify the definition of 'duplex'. The submission from Raglan Chamber of Commerce is recommended to be rejected as the provision of 2 or more dwellings on a site is provided for through the resource consent process.
447. Sharp Planning Solutions Ltd [695.82] seeks to amend the definition of 'visually permeable' in relation to fences or walls. I disagree with the relief sought. The submitter states that the definition cannot be applied as it reads, and it suggests that only gaps have the visual permeability. In my view, the definition is clear and it achieves what it needs to, i.e. it outlines what it must have and how. Housing New Zealand Corporation [749.65] seeks to retain this definition as notified. I agree with the relief sought.

23.4 Recommendations

448. I recommend, for the reasons given above, that the Hearings Panel:
- Reject** submission points Raglan Chamber of Commerce [326.6], and Sharp Planning Solutions Ltd [695.82].
 - Accept** submission points Waikato District Council [697.380], Housing New Zealand Corporation [749.44] and Housing New Zealand Corporation [749.65].

23.5 Recommended amendments

449. The following amendments are recommended:

Means two attached residential units, including includes two units connected by a common wall and/or an accessory building, such as a garage or a carport. This does not apply to minor dwellings.

23.6 Section 32AA evaluation

450. The amendment is a clarification that does not change the definition or its application within the rules. Accordingly, no section 32AA analysis is required.

24 Topic 21: Land Use Effects

24.1 Introduction

451. Section 16.2 of the Residential Zone manages the land use and the associated effects such as noise, servicing hours, glare and lighting.

24.2 Submissions

452. The following submission was received:

Submission point	Submitter	Summary of submission
299.20	2SEN Limited and Tuakau Estates Limited	Retain Section 16.2 Effects, as notified, except where modifications are sought elsewhere in the submission.

24.1.3 Analysis

453. 2SEN Limited and Tuakau Estates Limited [299.20] seeks to retain section 16.2 Land use – effects as notified. I partially agree with the relief sought, except where amendments have been proposed elsewhere in this report in response to other submissions.

24.3 Recommendations

454. I recommend, for the reasons given above, that the Hearings Panel:

- a. **Accept in part** submission point 2SEN Limited and Tuakau Estates Limited [299.20].

24.4 Recommended amendments

455. No amendments have been recommended for this topic.

24.5 Section 32AA evaluation

456. As no changes are recommended accordingly, no s32AA evaluation has been undertaken.

25 Topic 22: Servicing hours

25.1 Introduction

457. Rule 16.2.2 Servicing and hours of operation – Bankart Street and Wainui Road Business Overlay Area manages potential disruption from businesses operating in a mixed residential and commercial area, specifically in regard to servicing and general hours of operation. Refer to Section 15 – Topic 12: Bankart Street and Wainui for background to this area.

25.2 Submissions

458. The following submissions were received:

Submission point	Submitter	Summary of submission
732.7	Terra Firma Mining Ltd	Amend Rule 16.2.2 Servicing and Hours of Operation - Bankart Street and Wainui Road Business Overlay Area, by adding text as follows to ensure that the stated hours of operation apply to the Puketirini Business Overlay Area: <i>Rule 16.2.2 Servicing and Hours of Operation - Bankart Street and Wainui Road Business Overlay Area</i> <i>PI The loading and unloading of vehicles and the receiving of customers and deliveries associated with a commercial activity within the Bankart Street and Wainui Road Business Overlay Area and the Puketirini Business Overlay Area may occur between 7.30am and 6.30pm.</i>
946.5	Dee Bond	Amend Rule 16.2.2 Servicing and hours of operation - Bankart Street and Wainui Road Business Overlay Area, to include "Raglan".
367.23	Mercer Residents and Ratepayers Committee	Amend Rule 16.2.2 Servicing and hours of operation - Bankart Street and Wainui Road Business Overlay Area, to provide clarification that it relates to Raglan.

25.3 Analysis

459. Terra Firma Mining Ltd [732.7] seeks to amend Rule 16.2.2 to include the Puketirini Business Overlay Area, whilst Dee Bond [946.5] and Mercer Residents and Ratepayers Committee [367.23] seek to include reference to 'Raglan'. I do not agree that the rule requires amendment to refer to Raglan specifically, as there is an overlay which clearly identifies the location of the Bankart Street and Wainui Road Business Overlay Area. The inclusion of the Puketirini Business Overlay is a matter that is more appropriately addressed in Hearing 25 – Zone Extents and accordingly is recommended to be rejected, noting that the Hearing Panel will need to reconsider this and other submission points once they have determined the primary zoning.

25.4 Recommendations

460. I recommend, for the reasons given above, that the Hearings Panel:

- a. **Reject** submission points Terra Firma Mining Ltd [732.7], Dee Bond [946.5] and Mercer Residents and Ratepayers Committee [367.23].

25.5 Recommended Amendments

461. No amendments are recommended.

25.6 Section 32AA evaluation

462. As no changes are recommended, no s32AA analysis is required.

26 Topic 23: Land Use – Building

26.1 Introduction

463. Rules within section 16.3 of the PWDP are development control rules which define the anticipated building envelope for buildings within the Residential Zone (such as height, setback). The majority of these buildings will be dwellings or minor dwellings.

26.2 Submissions

464. The following submissions were made:

Submission point	Submitter	Summary of submission
780.45	Whaingaroa Environmental Defence Society	Add a rule to Section 16.3 Land Use - Building to the effect that: (a) Construction of a building or other structure within sight of SH23 at Raglan is a permitted activity if it will be screened from SH23 by planting with indigenous species that will achieve an average height of 3m after 5 years, mature to over 9m in the residential zone and 12m in the Business Zone and be of sufficient density to visually screen the activity from SH23. (b) Any activity that does not comply with a condition for a permitted activity is a discretionary activity.
FS1387.1207	Mercury NZ Limited	Oppose
FS1093.2	Garth & Sandra Ellmers	Oppose
FS1269.73	Housing New Zealand Corporation	Oppose
825.45	John Lawson	Add a rule to Section 16.3 Land Use - Building to the effect that: (a) Construction of a building or other structure within sight of SH23 at Raglan is a permitted activity if it will be screened from SH23 by planting with indigenous species that will achieve an average height of 3m after 5 years, mature to over 9m in the residential zone and 12m in the Business Zone and be of sufficient density to visually screen the activity from SH23. (b) Any activity that does not comply with a condition for a permitted activity is a discretionary activity.
FS1387.1329	Mercury NZ Limited	Oppose
FS1325.7	Avondale Trust	Oppose.

465. Two submissions have been received in relation to Rule 16.3, seeking to add a new rule to require visual screening for buildings visible from State Highway 23 in Raglan.

26.3 Analysis

466. Whaingaroa Environmental Defence Society [780.45] and John Lawson [825.45] seek to add a new rule to require buildings built within view of State highway 23, to be visually screened with indigenous vegetation. The reason for the submission is to mitigate the built dominance along the main approach to Raglan, as a result of increased urban development. I note that SH23 finishes within the urban area of Raglan at Manukau Road, which means that essentially the whole of Raglan town will be visible from somewhere along SH23. There is no analysis of which views are to be considered, or how the visual effect is to be remedied or mitigated. Therefore, I recommend that the relief sought be rejected.

26.4 Recommendations

467. I recommend, for the reasons given above, that the Hearings Panel:

- a. **Reject** submission point Whaingaroa Environmental [780.45]
- b. **Reject** submission point John Lawson [825.45].

26.5 Recommended Amendments

468. There are no recommended amendments in this section.

26.6 Section 32AA evaluation

469. No recommended amendments were made. Accordingly, no s32AA evaluation has been required to be undertaken.

27 Topic 24: Height

27.1 Introduction

470. Rule 16.3.3 Height applies to buildings within the Residential Zone and specifies further restrictions within a battlefield view shaft or airport obstacle limitation surface. The purpose of the height provisions is for building heights to be complementary to the low rise character of the Residential Zone.

27.2 Submissions

471. The following submissions were made:

Submission point	Submitter	Summary of submission
697.130	Waikato District Council	Amend 16.3.3(2) Height as follows: <i>Rule 16.3.3.1 Height – Building general provides permitted height limits across the entire Residential Zone. This rule does not apply in those areas specified in Rules 16.3.3.2 or 16.3.3.3</i>
243.4	Shaun McGuire	Amend Rule 16.3.3.1 Height - Building general to increase the maximum height of any building from 7.5m to 8.0m.
FS1377.46	Havelock Village Limited	Support.

Submission point	Submitter	Summary of submission
FS1261.10	Annie Chen	Support.
FS1297.16	CSL Trust & Top End Properties Limited	Support.
464.20	Perry Group Limited	Add to Rule 16.3.3.1 PI Height – Building general an exception for multi-unit development as follows: <u>The exception shall be multi-unit development where the height of any building must not exceed 10m.</u> AND Any consequential amendments or further relief to address the concerns raised in the submission.
471.51	CKL	Amend Rule 16.3.3.1 DI Height - Building general to be a restricted discretionary activity as follows: DI <u>Any building that does not comply with Rule 16.3.3.1 PI.</u> AND Any consequential amendments necessary.
FS1269.128	Housing New Zealand Corporation	Support.
749.89	Housing New Zealand Corporation	Amend Rule 16.3.3.1 Height - Building general as follows: <u>PI The maximum height of any building must not exceed 7.5m</u> 8m. RDI <u>(a) Any building that does not comply with Rule 16.3.3.1 PI.</u> <u>(b) Council's discretion shall be restricted to any of the following matters:</u> <ul style="list-style-type: none"> (i) <u>Design and location of the building;</u> (ii) <u>Extent of shading on adjacent sites;</u> (iii) <u>Privacy on adjoining sites.</u> AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
FS1261.13	Annie Chen	Support.
FS1297.19	CSL Trust & Top End Properties Limited	Support.
FS1377.260	Havelock Village Limited	Support.
378.25	Fire and Emergency New Zealand	Amend Rule 16.3.3.1 Height - Building general, as follows: <u>This standard does not apply to emergency service facilities and hose drying towers up to 15m associated with emergency service facilities.</u> AND

Submission point	Submitter	Summary of submission
		Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.
<i>FS1035.131</i>	<i>Pareoranga Te Kata</i>	<i>Support.</i>
943.48	McCracken Surveys Limited	Amend Rule 16.3.3.1 PI - Building general, so that 'Height' is taken at the building edge from the highest foundation height, projected out and over any slope.
<i>FS1276.163</i>	<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>Oppose.</i>
751.11	Chanel Hargrave and Travis Miller	Amend Rule 16.3.3.1 PI Height - Building general as follows: <i>The maximum height of any building must not exceed 7.511m.</i> AND Amend Rule 16.3.5 PI Daylight Admission as a consequential amendment.
695.90	Sharp Planning Solutions Ltd	Amend Rule 16.3.3.1 PI Height - Building general so the rule applies to that part of the building structure opposite the immediate ground level only. AND Amend Rule 16.3.5 Daylight admission as a consequential amendment.
386.16	Pokeno Village Holdings Limited	Amend Rule 16.3.3.1 PI Height - Building general, as follows: <i>PI The maximum height of any building must not exceed 7.5m-8m.</i> AND Any consequential amendments to Rule 16.3.5 Daylight Admission such as taking the recession plane angle measurement from an elevation of 3m (rather than the proposed 2.5m) above ground level.
<i>FS1261.11</i>	<i>Annie Chen</i>	<i>Support.</i>
<i>FS1297.17</i>	<i>CSL Trust & Top End Properties Limited</i>	<i>Support.</i>
<i>FS1377.82</i>	<i>Havelock Village Limited</i>	<i>Support.</i>
244.9	Garth and Sandra Ellmers	Amend Rule 16.3.3.1 PI Height - Building general, to increase the maximum building height from 7.5m to 8.5m.
746.37	The Surveying Company	Amend Rule 16.3.3.1 PI-Building Height -General as follows: <i>The maximum height of any building must not</i>

Submission point	Submitter	Summary of submission
		<i>exceed 7.5m 11m.</i> AND Amend Rule 16.3.5- Daylight admission as a consequential amendment.
386.17	Pokeno Village Holdings Limited	Amend the Proposed Waikato District Plan so that any non-compliance with the permitted building height is assessed as a restricted discretionary activity.
FS1269.120	Housing New Zealand Corporation	Support
FS1388.86	Mercury NZ Limited	Oppose

472. Sixteen submissions have been received in relation to Rule 16.3.3. The submissions seek to amend the rule are generally concerned with:

- a. Increase in maximum height limited;
- b. Clarification of rule applicability;
- c. A less restrictive activity status for non-compliance with the height limit.

27.3 Analysis

27.3.1 Rule 16.3.3 Height

473. Waikato District Council [697.130] seeks amendments to clarify the application of Rule 16.3.3.1, with the specific exclusion of areas in a battlefield view shaft, or within an airport obstacle limitation surface. In practice, the most site-specific provisions take precedence, therefore an amendment to Rule 16.3.3.1 is not strictly required. However, for clarity, I recommend that the panel accept the relief sought, and suggest the amendment below:

16.3.3 Height

- (2) Rule 16.3.3.1 Height – Building general provides permitted height limits across the entire Residential Zone except in those areas specified in Rules 16.3.3.2 and 16.3.3.3.

27.3.2 Rule 16.3.3.1 Height – Building general

474. Seven submissions were received regarding the maximum height of any building under Rule 16.3.3.1.

475. Shaun McGuire [243.4], Pokeno Village Holdings Limited [386.16], and Housing New Zealand Corporation [749.89] seek to increase the maximum height of any building from 7.5m to 8m, while, Garth and Sandra Ellmers [244.9] seek 8.5m, and Chanel Hargrave and Travis Miller [751.11] and The Surveying Company [746.37] seek 11m. The reasons given for the proposed increase in maximum height are that:

- a. there is no apparent reason for a reduction in 0.5m of height from the existing maximum height limit,
- b. the height limit does not allow for a range or diversity in building types and styles, and
- c. may add extra cost to existing buildings designed to the current height provisions.

476. Having reviewed the proposed height limits within the PWDP and compared them to the maximum height provisions of the surrounding districts, I agree that an 8m height limit is appropriate. This aligns with the maximum height limit in the Lakeside Te Kauwhata Precinct and existing Franklin Section of the Operative District Plan. I do not believe that a height limit increase to 11m is acceptable. This height limit would be greater than the 10m specified for the Business Zone which is inappropriate.
477. I note the 7.5m height limit has been applied to areas with recognised significant amenity landscapes across the PWDP. As the Residential Zone is a general zone, a departure from the 7.5m identified for significant amenity landscapes is considered appropriate. Therefore, I agree with the relief sought to increase the maximum height to 8m, and recommend the following amendments:

16.3.3.1 Height – Building general

PI	The maximum height of any building must not exceed 7.5 8m.
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478. Pokeno Village Holdings Limited [386.16] also seek to make consequential amendments to Rule 16.3.5 Daylight Admission as a result of a maximum height change. This has been addressed in Topic 8 – Daylight and Outlook of this s42A report.
479. Perry Group Limited [464.20] seeks to amend Rule 16.3.3.1 to include an increased maximum height limit for multi-unit developments - up to 10m - on the basis that a maximum building height of 7.5m is insufficient to effectively and efficiently provide for multi-unit development. While I understand the submitter's intention to maximise site development by seeking to increase the maximum height for multi-unit developments, in my opinion height is often one of many triggers for resource consent. Often over-height is an indication of overdevelopment of a site. In addition, no information or analysis has been provided to support this view. Furthermore, Rule 16.1.3 RDI (Multi-Unit development), Rule 16.3.2 (Minor dwelling) and Rule 16.4.4 Subdivision - Multi-unit development) have been specifically included to provide for various housing typologies and higher density developments. Therefore, I do not agree with the relief sought and consider that multi-unit developments are appropriately assessed through a consent application.
480. Fire and Emergency New Zealand [378.25] seek to amend Rule 16.3.3.1 to exclude emergency service facilities and hose drying towers from the maximum height requirements and enable hose drying towers up to 15m. The reasons provided for this are that, while fire stations are single-storied buildings of approximately 8m to 9m in height, some fire stations also require a hose drying tower between 12m to 15m in height. The submissions considers that inclusion of an exemption would better provide for the health and safety of the community by enabling the efficient function of Fire and Emergency New Zealand. Where such a facility is provided, it should enable the establishment of a hose drying tower. Therefore, I recommend that the panel accept the relief sought and that the following be included to Rule 16.3.3.1 PI:

(b) The maximum height of a hose drying tower on a Fire and Emergency fire station site must not exceed 15m.

27.3.3 Rule 16.3.3.1 Height – Building general – application of height

481. Two submissions were received regarding the location where height is measured from.
482. McCracken Surveys Limited [943.48] and Sharp Planning Solutions Ltd [695.90] seek clarification of where the height limit is measured. McCracken Surveys Limited [943.48] propose that the height is measured from the highest foundation height of the building edge. The reason for this is so that minor infringements due to topography can be avoided. Sharp Planning Solutions Ltd [695.90] proposed that the maximum height limit only apply to the

building structure immediately opposite the ground level, on the basis that steeply-sloped sites are penalised.

483. The definitions in the National Planning Standards have provided definitions of ‘height’ ‘height in relation to boundary’ and ‘ground level’. Taking those into account, I consider that the rule should be amended to state that height is measured in relation to ground level. Noting as a consequence that the National Planning Standard of ‘Ground level’ will need to be included into Chapter 13. It is recommended that the submissions be accepted and Rule 16.3.3 be amended by incorporating the words ‘above ground level’ in the rules within 16.3.3, as set out in Section 27.5 of this report.

27.3.4 Rule 16.3.3.1 Height – Building general – activity status

484. CKL [471.51], Housing New Zealand Corporation [749.89], and Pokeno Village Holdings Limited [386.17] seek to amend the activity status of Rule 16.3.3.IDI for any buildings that do not comply with the maximum height limit, to be a Restricted Discretionary Activity instead of a Discretionary Activity.
485. CKL [471.53] states that activities failing a permitted activity standard should be a restricted discretionary activity, not a discretionary activity. While Pokeno Village Holdings Limited [386.17] comments that the environmental effects of any such non-compliance are easily identifiable.
486. Housing New Zealand Corporation [749.89] have proposed matters of discretion to support their submission. These include design and location of the building, extent of shading on adjacent sites, and privacy on adjoining sites. I concur that the restricted discretionary activity status is appropriate as the matters of discretion are able to be determined and the objectives and policy framework is considered robust enough to enable the inclusion of submissions on any consent granted and potentially to decline a resource consent where the adverse effects cannot be remedied or mitigated. For the reasons stated above I recommend that the panel accept the relief sought and amend Rule 16.3.3.1 as follows:

16.3.3.1 Height - Building general

PI	The maximum height of any building must not exceed 7.58m <u>above ground level</u> .
D+ RDI	(a) Any building that does not comply with Rule 16.3.3.1 PI. (b) <u>Council's discretion is restricted to the following matters:</u> (i) <u>Extent of overshadowing and shading of adjoining sites, particularly internal and external living spaces;</u> (ii) <u>Loss of privacy through overlooking adjoining sites;</u> (iii) <u>Whether development on the adjoining sites (such as separation by land used for vehicle access, the provision of screening) reduces the need to protect the adjoining site from overlooking;</u> (iv) <u>Design (such as high windows) and location of the building.</u>

27.4 Recommendations

487. I recommend, for the reasons given above, that the Hearings Panel:
- Accept** submission point Waikato District Council [697.130]
 - Accept** submission point Shaun McGuire [243.4]
 - Reject** submission point Perry Group Limited [464.20]
 - Accept** submission point CKL [471.51]
 - Accept** submission point Housing New Zealand Corporation [749.89]
 - Accept** submission point Fire and Emergency New Zealand [378.25]

- g. **Accept** submission point McCracken Surveys Limited [943.48]
- h. **Reject** submission point Chanel Hargrave and Travis Miller [751.11]
- i. **Accept** submission point Sharp Planning Solutions Ltd [695.90]
- j. **Accept** submission point Pokeno Village Holdings Limited [386.16]
- k. **Reject** submission point Garth and Sandra Ellmers [244.9]
- l. **Reject** submission point The Surveying Company [746.37]
- m. **Accept** submission point Pokeno Village Holdings Limited [386.17].

27.5 Recommended Amendments

488. The recommended amendments are shown in Appendix 2, Rules 16.3.3.1, 16.3.3(2) and 16.3.3.3, as set out below:

16.3.3 Height

- (2) Rule 16.3.3.1 Height – Building general provides permitted height limits across the entire Residential Zone except in those areas specified in Rules 16.3.3.2 and 16.3.3.3.

16.3.3.1 Height - Building general

PI	(a) The maximum height of any building must not exceed <u>7.58m above ground level.</u> (b) <u>The maximum height of a hose drying tower on a Fire and Emergency fire station site must not exceed 15m.</u>
DI RDI	(a) Any building that does not comply with Rule 16.3.3.1 PI. (b) <u>Council's discretion is restricted to the following matters:</u> (i) <u>Extent of overshadowing and shading of adjoining sites, particularly internal and external living spaces;</u> (ii) <u>Loss of privacy through overlooking adjoining sites;</u> (iii) <u>Whether development on the adjoining sites (such as separation by land used for vehicle access, the provision of screening) reduces the need to protect the adjoining site from overlooking;</u> (iv) <u>Design (such as high windows) and location of the building.</u>

16.3.3.2 Height – Building and vegetation in a battlefield view shaft area

PI	The maximum height of a building, structure or vegetation within a battlefield view shaft as shown on the planning maps, must not exceed 5m <u>above ground level.</u>
DI	A building in the battlefield view shaft that does not comply with Rule 16.3.3.2 PI.

27.6 Section 32AA evaluations

489. The following points evaluate the recommended change under Section 32AA of the RMA.
490. With respect to the recommended amendments to Rules 16.3.3(2) and 16.3.3.3 Height, the amendments are to provide clarification to assist with the understanding and readability of the rules. Accordingly, no s32AA evaluation has been required to be undertaken.

Effectiveness and efficiency

491. Based on my experience of processing resource consents across different plans, it is my view that a maximum height limit of 8m affords adequate variety in building type and would continue to minimise visual dominance. Accordingly, the recommended amendment will give better effect to Objective 4.2.3 and Policy 4.2.6.
492. The restricted discretionary activity status ensures that consideration of any no-compliance with the height condition addresses the specific matters.

Cost and benefits

493. With respect to the amendment to Rule PI from 7.5m to 8m, this maintains consistency across the region. As indicated, the 8m maximum height limit is applied to existing residential areas in Waikato, and therefore the potential increase in shading levels is no more than currently exists in some residential areas. The rule provides control over the visual aesthetics of a building and controls its dominance over a site when viewed from adjacent sites. An increased maximum height will be more enabling for urban development and potentially increase the amount of development. It will also reduce the likelihood that a building will be subject to a resource consent.
494. The restricted discretionary activity status ensures that as the consideration of any non-compliance addresses specific matters, the costs of a resource consent application will be reduced.

Risk of acting or not acting

495. There are no additional risks of not acting. There is sufficient information on the cost to the environment, benefit to people and communities to justify the amendment to the rule.

Decision about most appropriate option

496. The amendment still gives effect to the relevant objective and policies of Chapter 4.2. In my opinion, the recommended amendment is more effective in achieving the purpose of the RMA than the notified version.

28 Topic 25: Fences or Walls

28.1 Introduction

497. Rule 16.3.4 applies to fences or walls constructed along road boundaries and reserve zone boundaries. These focus on achieving an acceptable level of visual permeability and maintaining the surrounding character.

28.2 Submissions

498. The following submissions were made:

Submission point	Submitter	Summary of submission
695.169	Sharp Planning Solutions Ltd	Amend Rule 16.3.4 Fences or walls - Road boundaries and Reserve Zone boundaries for fences to be at least 50% permeable for that part of the fence over 1.2m height facing a reserve, with permeability to be spaced evenly along the fence.
695.168	Sharp Planning Solutions Ltd	Amend Rule 16.3.4 Fences or walls - Road boundaries and Reserve Zone boundaries so that no fences or walls occur ahead of the front building line or within the 3m front yard setback to a road.
749.90	Housing New Zealand Corporation	Amend Rule 16.3.4 PI Fences or walls - Road boundaries and Reserve Zone boundaries as follows: <i>16.3.4 Fences or walls - Road boundaries and Reserve Zone</i>

		<p>boundaries</p> <p>PI</p> <p>(a) Fences and walls between the applicable building setbacks under Rule 16.3.9 on a site and any road and reserve zone boundaries must comply with all of the following conditions:</p> <p>(i) Be no higher than <u>1.5m</u> 1.2m if solid;</p> <p>(ii) Be no higher than 1.8m if: A. visually permeable for the full 1.8m height of the fence or wall; or B. solid up to <u>1.5m</u> 1.2m and visually permeable between <u>1.5m</u> 1.2m and 1.8m.</p> <p>AND</p> <p>Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.</p>
368.24	Ian McAlley	<p>Amend Rule 16.3.4.P2 Fences or Walls - Road boundaries and reserve Zone boundaries, to read as follows: <u>Any Fences or walls between the erected within the applicable building setbacks under Rule 16.3.9 on a site and along on the northern common boundary of the Residential Zone between Wayside Road and Travers Road, Te Kauwhata, adjacent to the and Country Living Zones between Wayside Road and Travers Road, Te Kauwhata must be of a rural-type post and wire or post and rail construction.</u></p>

499. Four submissions have been received in relation to Rule 16.3.4. The submissions seek to amend the rule and are generally concerned with:

- a. Extent of visual permeability;
- b. Clarification of rule applicability.

28.3 Analysis

500. Sharp Planning Solutions Ltd [695.169] seeks to amend Rule 16.3.4(a) to require at least 50% visual permeability for parts of a fence greater than 1.2m in height, facing a reserve, rather than the whole portion of the fence being visually permeable. This suggestion also removes the permeability requirement on road boundaries, as the submitter believes that this will limit distractions for road users. In retaining the permeability requirement on reserves, security through passive observation may be achieved. In my experience, the 1.2m maximum fence or wall height and 50% visual permeability requirements along road boundaries and reserves, as notified in the PWDP, are aligned with other district plan provisions across New Zealand as they contribute to visual surveillance and hence safety for persons on streets and reserves. To have 50% of a fence not able to be seen through would defeat this outcome. Therefore, I do not agree with the relief sought.

501. Sharp Planning Solution Ltd [695.168] seek to amend Rule 16.3.4(a) to require all fences or walls to be constructed behind the front yard setback, or front building line, on the basis that this will result in better urban design outcomes. However, this would have the effect of making the front 3m yard being sterilise and not useable. Accordingly, I recommend that the panel reject the relief sought.

502. Housing New Zealand Corporation [749.90] seeks to amend Rule 16.3.4(a) by removing the reference to the Reserve Zone, and increase the height threshold from 1.2m to 1.5m. No reasons have been provided for this submission, and it is noted that the submitter generally opposes this rule. From my experience, it is important to provide a degree of passive surveillance along reserves and implement CPTED principles, and the 1.5m height would not achieve that outcome. I do not agree with the relief sought.
503. Ian McAlley [368.24] seeks to amend Rule 16.3.4 P2 to clarify the applicability of the rule. I agree that there may be confusion when interpreting the rule, and suggest the below amendment:

16.3.4 Subdivision – Fences or walls – Road boundaries and reserve Zone boundaries

P2	Any F fences or walls between-erected within the applicable building setbacks under Rule 16.3.9 on a-site-and-along-the northern common boundaries of the Residential Zone and between Wayside Road and Travers Road, Te Kauwhata, adjacent to the Country Living Zone, between Wayside Road and Travers Road, Te Kauwhata, must be of a rural-type post and wire or post and rail construction.
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28.4 Recommendations

504. I recommend, for the reasons given above, that the Hearings Panel:
- a. **Reject** submission point Sharp Planning Solutions Ltd [695.169]
 - b. **Reject** submission point Sharp Planning Solutions Ltd [695.168]
 - c. **Reject** submission point Housing New Zealand Corporation [749.90]
 - d. **Accept** submission point Ian McAlley [368.24].

28.5 Recommended Amendments

505. The recommended amendment shown in Appendix 2, and Rule 16.3.4 P2, are set out below:

16.3.4 Subdivision – Fences or walls – Road boundaries and reserve Zone boundaries

P2	Any F fences or walls between-erected within the applicable building setbacks under Rule 16.3.9 on a-site-and-along-the northern common boundaries of the Residential Zone and between Wayside Road and Travers Road, Te Kauwhata, adjacent to the Country Living Zone, between Wayside Road and Travers Road, Te Kauwhata, must be of a rural-type post and wire or post and rail construction
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28.6 Section 32AA evaluation

506. The recommended amendment to Rule 16.3.4 P2 is to provide clarification and consistency. Accordingly, no s32AA evaluation has been required to be undertaken.

29 Topic 26: Living Court (Rule 16.3.7)

29.1 Introduction

507. This topic addresses the submissions on living courts. Living courts are defined outdoor spaces linked directly to a living room or space of an individual household unit. Maintaining

appropriate living court provisions is important to provide for the residential onsite amenity. Rule 16.3.7 contains the standards for living courts for principal dwellings and minor dwellings.

29.2 Submissions

508. The following submissions were made:

Submission point	Submitter	Summary of submission
326.8	Raglan Chamber of Commerce	Amend Rule 16.3.7 P1 (iii) Living Court, by changing "80m ² " to "40m ² ".
FS1269.107	Housing New Zealand Corporation	Support
746.40	The Surveying Company	<p>Amend Rule 16.3.7 P1 Living Court, as follows: (a) A living court must be provided for each dwelling that meets all of the following conditions:</p> <ul style="list-style-type: none"> (i) It is for the exclusive use of the occupants of the dwelling; (ii) It is readily accessible from a living area of the dwelling; (iii) When located on the ground floor it has a minimum area of 80m² <u>40m²</u> and a minimum dimension of 4m <u>3m</u> in any direction. (iv) When located on a balcony of an above ground apartment, it must have a minimum area of 15m² <u>10m²</u> and a minimum dimension of 4m <u>2m</u> in any direction. <p>AND</p> <p>Amend Rule 16.3.7 P2 Living Court, as follows:</p> <p>(a) A living court must be provided for each minor dwelling that meets all of the following conditions:</p> <ul style="list-style-type: none"> (i) It is for the exclusive use of the occupants of the minor dwelling; (ii) It is readily accessible from a living area of the minor dwelling; (iii) When located on the ground floor it has a minimum area of 40m² <u>10m²</u> and a minimum dimension of 4m <u>2m</u> in any direction; (iv) When located on a balcony of an above ground apartment, it must have a minimum area of 15m² <u>8m²</u> and a minimum dimension of 2m <u>1.6m</u> in any direction.
FS1297.26	CSL Trust & Top End Properties Limited	Support.
FS1261.20	Annie Chen	Support
471.54	CKL	Amend Rule 16.3.7 D1 Living court to be a restricted discretionary activity as follows: D+RD1 A living court that

		<p>does not comply with Rule 16.3.7 P1 or P2.</p> <p>AND</p> <p>Any consequential amendments necessary.</p>
FS1308.183	The Surveying Company	Oppose
FS1269.131	Housing New Zealand Corporation	Support
751.14	Chanel Hargrave and Travis Miller	<p>Amend Rule 16.3.7 Living Court as follows: P1 (a) A living court must be provided for each dwelling that meets all of the following conditions:</p> <ul style="list-style-type: none"> (i) When located on the ground floor it has a minimum area of 80<u>40</u>m² and a minimum dimension of <u>4</u>3m in any direction. (ii) When located on a balcony of an above ground apartment, it must have a minimum area of 15<u>10</u> m² and a minimum dimension of 2m in any direction. <p>P2 (a) A living court must be provided for each minor dwelling that meets all of the following conditions:</p> <ul style="list-style-type: none"> (i) When located on the ground floor it has a minimum area of 40<u>10</u>m² and a minimum dimension of <u>4</u>2m in any direction. (ii) When located on a balcony of an above ground apartment, it must have a minimum area of 15<u>8</u>m² and a minimum dimension of 2<u>1.6</u>m in any direction.
FS1377.269	Havelock Village Limited	Support.
FS1261.21	Annie Chen	Support.
FS1297.27	CSL Trust & Top End Properties Limited	Support.
749.111	Housing New Zealand Corporation	<p>Amend Rule 16.3.7 Living Court as follows:</p> <p>P1 (a) A living court must be provided for each dwelling that meets all of the following conditions: ...</p> <ul style="list-style-type: none"> (i) When located on the ground floor, it has a minimum areas of 80m² <u>30m²</u> and a minimum dimension of 4m in any direction; and (iv) (ii) When located on a balcony of an above ground apartment, it must have a minimum area of <u>5m²</u> for studio and one-bedroom dwellings, or <u>8m²</u> for two or more bedroom dwellings <u>+5m²</u> and a minimum dimension of 1.5m 2m in any direction. <p>P2 (a) A living court must be provided for each minor dwelling that meets all of the following conditions:</p> <ul style="list-style-type: none"> (i) When located on the ground floor it has a minimum area of <u>5m²</u> for studio and one-bedroom dwellings, or <u>8m²</u> for two or more bedroom dwellings <u>40m²</u>

		<p>and a minimum dimension of <u>1.5m 4m in any direction</u>;</p> <p>(ii) When located on a balcony of an above ground apartment, it must have a minimum area of 5m² for studio and one-bedroom dwellings, or 8m² for two or more bedroom dwellings 15m² and a minimum dimension of 1.5m 2m in any direction.</p> <p>DI RD1 A living court that does not comply with Rule 16.3.7 P1 or P2.</p> <p><u>Council's discretion shall be restricted to any of the following matters:</u></p> <p>(i) <u>Design and location of the building;</u> (ii) <u>Provision for outdoor living space including access to sunlight and open space and the usability and accessibility of the outdoor living space proposed;</u> (iii) <u>Privacy on adjoining sites; and</u> (iv) <u>The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space.</u></p> <p>AND</p> <p>Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.</p>
695.171	Sharp Planning Solutions Ltd	Amend Rule 16.3.7 Living Court so that an additional 10m ² per bedroom be required for outdoor living space for 3 bedrooms or more, and that the 4m dimension be reduced to 3m.
244.16	Garth and Sandra Ellmers	Amend Rule 16.3.7 P1 (a) Living court, to decrease the minimum area for a dwelling to 60m ² and a minimum dimension of 3m in any direction, and when located on a balcony of an above ground apartment, decrease the minimum area to 6m ² and a minimum dimension of 1.5 in any direction.
689.8	Greig Developments No 2 Limited	<p>Amend Rule 16.3.7 P1 (a) Living court, as follows:</p> <p>(a) A living court must be provided for each dwelling that meets all of the following conditions: ...</p> <p>(i) When located on the ground floor, it has a minimum area of 8040m² and a minimum dimension of 3m4m in any direction; and</p> <p>(ii) When located on a balcony of an above ground apartment, it must have a minimum area of 105m² and a minimum dimension of 2m in any direction.</p> <p>AND</p> <p>Amend Rule 16.3.7 P2 (a) Living court as follows:</p>

		<p>A living court must be provided for each minor dwelling that meets all of the following conditions:</p> <ul style="list-style-type: none"> (i) When located on the ground floor it has a minimum area of 1040 <u>60</u>m² and a minimum dimension of <u>2.4</u>m in any direction; (ii) When located on a balcony of an above ground apartment, it must have a minimum area of 8.15 <u>1.62</u>m² and a minimum dimension of <u>1.62</u>m in any direction.
943.1	McCracken Surveys Limited	<p>Amend Rule 16.3.7 P1 (a)(iii) Living Court, as follows: (iii) When located on the ground floor, it has a minimum area of 80 <u>60</u>m² and a minimum dimension of 4m in any direction; and AND Add a rule to Rule 16.3.7 Living Court, so that the living court is not facing south, similar to Hamilton City Council residential.</p>
FS1387.1560	Mercury NZ Limited	Oppose
310.13	Whaingaroa Raglan Affordable Housing Project	Amend Rule 16.3.7 P1 (iii) Living court by changing the 80m ² requirement to <u>40m²</u> .
FS1276.22	Whaingaroa Environmental Defence Inc. Society	Support
FS1269.39	Housing New Zealand Corporation	Support
471.40	CKL	<p>Amend Rule 16.3.7 P1 Living court, to reduce the minimum living court area from 80m² to 60m² per single standalone dwelling, with the potential to require larger dwellings to have an additional 20m². AND Any consequential amendments necessary.</p>

509. Eleven submissions have been received in relation to Rule 16.3.7. The submissions seek to amend the standards for living courts, and were generally concerned with the specified dimension of the living court required under the PWDP.

29.3 Analysis

510. Ten submissions have been received to reduce the required minimum living court space as notified in the PWDP. The proposed reductions range from 30m² to 60m², with 40m² being the most common.

511. Raglan Chamber of Commerce [326.8], The Surveying Company [746.40], Chanel Hargrave and Travis Miller [751.14], Grieg Developments No 2 Limited [689.8], and Whaingaroa Raglan Affordable Housing Project [310.13] seek to amend Rule 16.3.7(a)(iii) by reducing the living court requirement from 80m² to 40m². Other associated amendments include reducing

the minimum dimension from 4m to 3m, and for above-ground level living courts to be reduced from 15m² to 10m², with a minimum dimension of 2m rather than 4m.

512. The reasons provided by the submissions for this are:
- a. that a reduced living court will enable more dwellings to be situated on a single site;
 - b. the required 80m² is a large portion of the minimum 450m² lot size;
 - c. increasing density while meeting other development controls of the PWDP may result in smaller dwellings or multi-unit dwellings;
 - d. reducing the living court requirement enables affordable development design; and
 - e. outdoor living is provided for with the requirement of a service court; and a reduction in living court areas will be more aligned with the development and direction of other councils such as Auckland and Wellington to enable increased density.
513. Having reviewed the provisions for residential development within the Residential Zone, I note that a reduction in living court requirements will not enable additional dwellings on site, as a minimum 900m² lot size is required to establish a minor dwelling. Furthermore, there are separate development control provisions for multi-unit developments within the Residential Zone, and this development includes duplexes. These provisions align with the required living court for above ground level development.
514. As described above, the purpose of a living court differs from that of a service court. A service court is intended to provide for domestic requirements such as garbage storage and clothes lines, but excludes spaces required for living courts, parking, manoeuvring, or buildings. As such, I do not believe that land specified for service courts can adequately replace or provide the function of a living court.
515. I note the importance of providing affordable housing. However, there is a balance between providing affordable housing and housing that still maintains residential amenity. Housing affordability is a complex matter that includes influences outside the PWDP (such as living wage). In my opinion, the reduction in the size of an outdoor living court area will not on its own make housing affordable.
516. It is recognised that the development controls under various district plans provide for a variety of residential development types to facilitate an increased density. I note that the Christchurch District Plan has a minimum area of 90m² (Residential Suburban Zone) and the proposed New Plymouth District Plan has a minimum area of 50m² (General Residential Zone). However, what needs to be considered is what is applicable to the Waikato district situation. I recommend that the panel reject the relief sought.
517. Garth and Sandra Ellmers [244.16], McCracken Surveys Limited [943.1], and CKL [471.40] seek to reduce the minimum required living court from 80m² to 60m², on the basis that the existing Waikato section of the Operative District Plan requires a 60m² living court, and a reduced living court will allow for larger dwellings. There is no evidence that dwellings cannot be constructed to an adequate size. I note that one of the reasons housing continues to be unaffordable is due the size of dwellings being constructed and hence their cost. Taking a standard 450m² section (20m x 22.5m) and deleting the setback requirements provides a building platform of 306m². An 80m² outdoor living court reduces the buildable area to 226m² (approximately 2,500 ft²) and a 60m² court reduces the building area to 246m². I recommend that the panel reject the relief sought.
518. McCracken Surveys Limited [943.1] also seek to amend Rule 16.3.7 to include the requirement that the living court is not orientated to the south. A restriction on the orientation of the living court was deliberately not included as outdoor living areas are used for a range of activities including those where direct sunlight is not required. I note that neither the Operative Christchurch District Plan nor Proposed New Plymouth District Plan include such a requirement. I therefore recommend that the panel reject the relief sought.

519. CKL [471.54] states that activities failing a permitted activity standard should be a restricted discretionary activity, not a discretionary activity. Although the submitter did not provide any matters of discretion, I consider that they are able to be determined and provide the following amendment. I therefore recommend that the relief be accepted.

16.3.7 Living court

...

DI RDI	<p>(a) A living court that does not comply with Rule 16.3.7 P1 or P2.</p> <p>(b) <u>Council's discretion is restricted to the following matters:</u></p> <p>(i) <u>The extent to which the space is useable and contributes to the feeling of spaciousness;</u></p> <p>(ii) <u>Access to sunlight;</u></p> <p>(iii) <u>Privacy of adjoining residential sites;</u></p> <p>(iv) <u>Accessibility to and convenience of the space for occupiers;</u></p> <p>(v) <u>Whether the size and quality of communal outdoor living space in the development or other public open space compensates for any reduction in the private space</u></p>
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520. The Surveying Company [746.40], Chanel Hargrave and Travis Miller [751.14], Sharp Planning Solutions Ltd [695.171], and Greig Developments No 2 Limited [689.8] seek to amend Rule 16.3.7 P2 to reduce the required living court for minor dwellings on the ground level, from 40m² to 10m², and a reduced minimum dimension of 2m. Additionally, a reduced living court from 15m² to 8m², and minimum dimension of 1.6m, is proposed for minor dwellings above ground level. The reasons provided for this are similar to those listed with respect to main dwellings. I note that, while the proposed controls are similar to those in the Auckland Unitary Plan, the minimum dimension of 1.6m is less than that required in the Auckland Unitary Plan (1.8m). In my opinion, the size and dimension of the outdoor living space for minor units is appropriate for their likely reduced occupancy while still providing on-site residential amenity. I recommend that the panel reject the relief sought.
521. Housing New Zealand Corporation [749.111] generally opposes the proposed living court provisions and seeks to amend Rule 16.3.7 to be more in line with the requirements of the Auckland Unitary Plan. The submitter also seeks to amend the activity status so that any development that does not comply with the minimum living court requirements, will be a Restricted Discretionary Activity instead of a Discretionary Activity. No analysis has been provided for this, except that a minimum living court will enable better utilisation of the site for residential development. With reference to the paragraphs above, the PWDP includes provisions for increased density through minor dwellings and multi-unit developments. The development of these will be directed by the minimum lot size for minor dwellings (900m²) and separate development controls. Furthermore, the departure from these provisions is facilitated by an application for a restricted discretionary resource consent. In my opinion, the proposed reduction in the dimensions cannot be supported, but the restricted discretionary activity status is agreed with. I recommend accepting the submission with respect to the activity status.

29.4 Recommendations

522. I recommend, for the reasons given above, that the Hearings Panel:
- Reject** submission point Raglan Chamber of Commerce [326.8]
 - Reject** submission point The Surveying Company [746.40]
 - Accept** submission point CKL [471.54]
 - Reject** submission point Chanel Hargrave and Travis Miller [751.14]
 - Accept in part** submission point Housing New Zealand Corporation [749.111]

- f. **Reject** submission point Sharp Planning Solutions Ltd [695.171]
- g. **Reject** submission point Garth and Sandra Ellmers [244.16]
- h. **Reject** submission point Greig Developments No 2 Limited [689.8]
- i. **Reject** submission point McCracken Surveys Limited [943.1]
- j. **Reject** submission point Whaingaroa Raglan Affordable Housing Project [310.13]
- k. **Reject** submission point CKL [471.40].

29.5 Recommended Amendments

523. The recommended amendment are set out below:

...

<p>+</p> <p>RDI</p>	<p>(a) A living court that does not comply with Rule 16.3.7 P1 or P2.</p> <p>(b) <u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>The extent to which the space is useable and contributes to the feeling of spaciousness:</u> (ii) <u>Access to sunlight;</u> (iii) <u>Privacy of adjoining residential sites;</u> (iv) <u>Accessibility to and convenience of the space for occupiers;</u> (v) <u>Whether the size and quality of communal outdoor living space in the development or other public open space compensates for any reduction in the private space</u>
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29.6 Section 32AA evaluation

524. The following points evaluate the recommended change under Section 32AA of the RMA.

Effectiveness and efficiency

525. The restricted discretionary activity status ensures that consideration of any no-compliance with the height condition addresses the specific matters.

Cost and benefits

526. The restricted discretionary activity status ensures that as the consideration of any no-compliance addresses specific matters, the costs of a resource consent application will be reduced.

Risk of acting or not acting

527. There are no additional risks of not acting. There is sufficient information on the cost to the environment, benefit to people and communities to justify the amendment to the rule.

Decision about most appropriate option

528. The amendment still gives effect to the relevant objective and policies of Chapter 4.2. In my opinion, the recommended amendment is more effective in achieving the purpose of the RMA than the notified version.

30 Topic 27: Service Court

30.1 Introduction

529. This topic addresses the submissions on service courts. Service court areas are necessary to provide adequate space for storage sheds, bins, clothes lines etc. They are areas that are

separate from living courts, which should be free of buildings or structures. Rule 16.3.8 sets out the requirement for service courts. Service courts are defined in Chapter 13 as: ‘means an area of outdoor space for the exclusive use of the household unit for domestic requirements, such as garbage storage and clothes line, but excludes any space required for a living court, parking, manoeuvring, or buildings.’

30.2 Submissions

530. The following submissions were made:

Submission point	Submitter	Summary of submission
471.55	CKL	Amend Rule 16.3.8 DI Service court to be a restricted discretionary activity as follows: DI <u>DI</u> A service court that does not comply with Rule 16.3.8 PI. AND Any consequential amendments necessary.
FS1308.184	The Surveying Company	Oppose
FS1269.132	Housing New Zealand Corporation	Support.
746.41	The Surveying Company	Amend Rule 16.3.8 PI Service Court as follows: (a) A service court must be provided for each dwelling and minor dwelling, each with all the following dimensions: (i) minimum area of 15m² <u>5m²</u> ; and (ii) contains a circle of at least 3m <u>2m</u> diameter.
FS1377.247	Havelock Village Limited	Support.
FS1297.29	CSL Trust & Top End Properties Limited	Support.
FS1261.23	Annie Chen	Support.
689.9	Greig Developments No 2 Limited	Amend Rule 16.3.8 PI(a) Service court as follows: (a) A service court must be provided for each dwelling and minor dwelling each with all of the following dimensions (i) minimum area of 15m² <u>5m²</u> ; and (ii) contains a circle of at least 3m <u>2m</u> diameter.
FS1261.22	Annie Chen	Support.
FS1297.28	CSL Trust & Top End Properties Limited	Support.
FS1377.196	Havelock Village Limited	Support.
751.15	Chanel Hargrave and Travis Miller	Amend Rule 16.3.8 Service Court as follows: PI (a) A service court must be provided for each dwelling and minor dwelling, each with the following dimensions: (i) minimum area of 15m² <u>5m²</u> ; and (ii) contains a circle of at least 3m <u>2m</u> diameter.

FS1261.24	Annie Chen	Support.
FS1297.30	CSL Trust & Top End Properties Limited	Support.
FS1377.270	Havelock Village Limited	Support.
749.112	Housing New Zealand Corporation	<p>Amend Rule 16.3.8 Service Court to read:</p> <p><i>PI (a) A service court must be provided for each dwelling and minor dwelling, each with all of the following dimensions:</i></p> <p style="padding-left: 40px;"><i>(i) minimum area of 15m² 8m²; and</i></p> <p style="padding-left: 40px;"><i>(ii) contains a circle of at least 3m diameter.</i></p> <p><u>RDI/DI</u></p> <p><i>(a) A service court that does not comply with Rule 16.3.8 PI.</i></p> <p><i>(b) Council's discretion shall be restricted to any of the following matters:</i></p> <p style="padding-left: 40px;"><i>(i) Design and location of the building;</i></p> <p style="padding-left: 40px;"><i>(ii) Provision for service court space.</i></p> <p>AND</p> <p>Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.</p>
662.7	Blue Wallace Surveyors Ltd	<p>Retain Rule 16.3.8 PI(a)(i) Service Court, except for the amendments sought below</p> <p>AND</p> <p>Amend Rule 16.3.8 PI(b) Service Court to require a dimension of at least a 3m diagonal line that is no less than 1.5m in width rather than the 3m diameter requirement.</p>
123.9	Classic Builders Waikato Limited	<p>Retain Rule 16.3.8 Service court, except for the amendments sought below</p> <p>AND</p> <p>Amend Rule 16.3.8 Service court to allow for greater flexibility to how it can be achieved and delivered.</p>

531. Seven original submissions were received in relation to service courts, raising the following matters:
- a. Alter the activity status from discretionary to restricted discretionary for non-compliance with the service court standards; and
 - b. General reduction in minimum area and dimension requirements.

30.3 Analysis

532. CKL [471.55] seeks to amend Rule 16.3.8 to be a restricted discretionary activity rather than default to a discretionary activity.
533. The Surveying Company [746.41], Greig Developments No 2 Limited [689.9], Chanel Hargrave and Travis Miler [751.15] and seek to amend rule 16.3.8 PI (a) by reducing the minimum area from 15m² to 5m² and minimum dimension from 3m to 2m. Reasons provided

are that the service court requirements are excessive and will restrict the efficient development of land. Blue Wallace Surveyors Ltd [662.7] seeks to retain Rule 16.3.8 PI(a)(i) except for the amendments sought, which require a 3m diagonal line that is no less than 1.5m wide, rather than a 3m diameter requirement. The reasons provided are that the 3m minimum dimension is not conducive to locating service courts in discrete locations, as they typically are located to the side or rear of a property. I note that this rule has been carried over from the operative Waikato section of the District Plan (Rule 21.48).

534. Housing New Zealand Corporation [749.112] seeks to amend Rule 16.3.8 PI (a) to reduce the minimum area from 15m² to 8m². They also seek to amend the activity status from discretionary to restricted discretionary if compliance with the permitted activity standards are not able to be met. The reasons provided are that a reduced service court size will enable better utilisation of the site for residential development.
535. Classic Builders Waikato Limited [123.9] seek to retain Rule 16.3.8, except for amendments which create greater flexibility on how the service court can be achieved. The reasons provided are that it results in dwellings being designed around a 15m² space containing a 3m circle. They submit that 2m is an adequate width to accommodate wheelie bins and allows greater flexibility to provide service courts that are usable and functional, rather than wherever the site can best accommodate it.
536. I concur with the points raised by the submitters in regard to the change in activity status and alterations in dimensions to the service courts. It is noted that the manner in which service court requirements are delivered in modern dwellings has changed with some of the service court functions (such as the storage of recycling and waste bins) being provided within garages and clotheslines being attached to walls. I recommend that the two functions be separated, the dimensions be made specific to each function and the activity status be amended to restricted discretionary as shown below. Accordingly, I therefore recommend that the panel accept the relief sought for the above reasons.

16.3.8 Service court

PI	<p>(a) A service court must be provided for each dwelling and minor dwelling, <u>either as two separate areas or one combined area</u>, each with all the following dimensions:</p> <p>(i) minimum area of 15m²; and</p> <p>(ii) contains a circle of at least 3m diameter.</p> <p><u>(i) Storage of waste and recycling bins – minimum area of 3m² and minimum dimension of 1.5m;</u></p> <p><u>(ii) Washing line – minimum area of 5m² and minimum dimension of 2m.</u></p>
DI RDI	<p>(a) A service court that does not comply with Rule 16.3.8 PI.</p> <p><u>(b) Council's discretion shall be restricted to the following matters:</u></p> <p><u>(i) The convenience and accessibility of the spaces for building occupiers;</u></p> <p><u>(ii) The adequacy of the space to meet the expected requirements of building occupiers; and</u></p> <p><u>(iii) Adverse effects on the location of the space on visual amenity from the street or adjoining sites.</u></p>

30.4 Recommendations

537. I recommend, for the reasons given above, that the Hearings Panel:
538. **Accept** submission points CKL [471.55], The Surveying Company [746.41], Greig Developments No 2 Limited [689.9], Chanel Hargrave and Travis Miller [751.15], Housing New Zealand Corporation [749.112], Blue Wallace Surveyors Ltd [662.7] and Classic Builders Waikato Limited [123.9].

30.5 Recommended Amendments

539. The recommended amendment are set out below:

16.3.8 Service court

PI	<p>(a) A service court must be provided for each dwelling and minor dwelling, <u>either as two separate areas or one combined area</u>, each with all the following dimensions:</p> <p>(i) minimum area of 15m²; and</p> <p>(ii) contains a circle of at least 3m diameter.</p> <p><u>(i) Storage of waste and recycling bins – minimum area of 3m² and minimum dimension of 1.5m;</u></p> <p><u>(ii) Washing line – minimum area of 5m² and minimum dimension of 2m.</u></p>
DI RDI	<p>(a) A service court that does not comply with Rule 16.3.8 PI.</p> <p>(b) <u>Council's discretion shall be restricted to the following matters:</u></p> <p><u>(i) The convenience and accessibility of the spaces for building occupiers;</u></p> <p><u>(ii) The adequacy of the space to meet the expected requirements of building occupiers; and</u></p> <p><u>(iii) Adverse effects on the location of the space on visual amenity from the street or adjoining sites.</u></p>

30.6 Section 32AA evaluation

540. The following points evaluate the recommended change under Section 32AA of the RMA.

Effectiveness and efficiency

541. The reduced dimensions and the ability to provide two separate areas for the service court, recognises the manner in which such aspects are being provided for in modern dwellings. The restricted discretionary activity status ensures that consideration of any no-compliance with the height condition addresses the specific matters.

Cost and benefits

542. The reduced area provides more of the residential site for outdoor amenity or for building. The restricted discretionary activity status ensures that as the consideration of any no-compliance addresses specific matters, the costs of a resource consent application will be reduced.

Risk of acting or not acting

543. There are no additional risks of not acting. There is sufficient information on the cost to the environment, benefit to people and communities to justify the amendment to the rule.

Decision about most appropriate option

544. The amendment still gives effect to the relevant objective and policies of Chapter 4.2. In my opinion, the recommended amendment is more effective in achieving the purpose of the RMA than the notified version.

31 Topic 28: Building Setback - Environmental Protection Area (Rules 16.3.9.4 and 16.4.16)

31.1 Introduction

545. Rule 16.3.9.4 Building setback – Environmental Protection Area provides specific distances from specified environmental features. This area is specific to the development in the north of Te Kauwhata and is identified on the planning maps. There are two particular rules relevant to this area; being Rule 16.3.9.4 PI Building setback - Environmental Protection Area and Rule 16.4.16 Subdivision of land containing an Environmental Protection Area.

31.2 Submissions

546. The following submissions were made:

Submission point	Submitter	Summary of submission
433.23	Auckland Waikato Fish and Game Council	Amend Rule 16.3.9.4 PI Building setback - Environmental Protection Area, as follows: <i>A building <u>that is not a maimai</u> must be set back a minimum of 3m from an Environmental Protection Area.</i> AND/OR Any alternative relief to address the issues and concerns raised in the submission.
662.12	Blue Wallace Surveyors Ltd	Retain Rule 16.4.16 Subdivision of land containing an Environmental Protection Area, except for the amendments sought below AND Amend Rule 16.4.16 CI(a) Subdivision of land containing an Environmental Protection Area as follows: <i>(a) Subdivision of land containing an Environmental Protection Area must comply with all of the following <u>as conditions of consent</u>:</i>
943.3	McCracken Surveys Limited	Amend the Proposed Waikato District Plan to clarify what and where the Environmental Protection Areas are as referred to in Rule 16.3.9.4 - Building setback - Environment Protection Area.
FS1387.1561	Mercury NZ Limited	Oppose

547. Three submissions have been received in relation to Rules 16.3.9.4 and 16.4.16. The submissions are neutral or seek amendments. The submissions were generally concerned with the applicability of provisions.

31.3 Analysis

548. Auckland Waikato Fish and Game Council [433.23] seek to amend Rule 16.3.9.4 PI to provide for maimais. This topic has been addressed within the s42A reports for Topic 2 (All of Plan matters and Plan Structure) and Topic 6 (Village Zone). Maimais are controlled by the Building Act 2004 and by the Waikato Regional Plan (Rule 4.2.7.1 as a permitted activity). Where the Environmental Protection Area applies over the Residential Zone, the provision of maimai within the zone is contrary to the purpose of the zone and should not be explicitly provided for.

549. Blue Wallace Surveyors Ltd [662.12] seeks to amend Rule 16.4.16 to require planting and management plans as a condition of consent rather than an application requirement. The submitter comments that a planting and management plan may be prepared and submitted as a condition of consent and can be addressed once consent has been obtained. I agree with the submitter that the conditions are not ones that can be complied with as part of a resource consent application and should be deleted.

16.4.16 Subdivision of land containing an Environmental Protection Area

CI	<p>(a) Subdivision of land containing an Environmental Protection Area must comply with all of the following conditions:</p> <p>(i) Include a planting and management plan for the area, prepared by a suitably qualified person, containing exclusively native species suitable to the area and conditions;</p> <p>(ii) Planting must be undertaken prior to the issue of the s224(c) certificate.</p> <p>(b) Council's control is reserved over the following matters:</p> <p>(i) Measures proposed in the planting and management plan; and</p> <p>(ii) Vesting of reserve land in Council if appropriate.</p> <p>(iii) Effects on amenity and ecological values;</p>
RDI	<p>Subdivision that does not comply with a condition of Rule 16.4.16 CI:</p> <p>(a) Council's discretion shall be restricted to the following matters:</p> <p>(i) Matters that control is reserved over in Rule 16.4.16 CI(b);</p> <p>(ii) Effects on amenity values; and</p> <p>(iii) Effects on ecological values.</p>

550. McCracken Surveys Limited [943.3] seek to clarify what and where the Environmental Protection Areas area as it is not clear in the planning maps. This is a mapping matter and no specific relief has been sought. I concur that the pdf copies of the planning maps are not clear. However, the property search function does clearly set out the Environmental Protection Area. I have provide the screen shot for 126 Travers Road, Te Kauwhata below.

Selected Property:

- **126 Travers Road TE KAUWHATA** [Primary Property] ✕
 - 126 Travers Road TE KAUWHATA
 - District Wide
 - Residential
 - Residential - Environmental Protection Area
 - Residential - Environmental Protection Area
 - Residential - Residential West Te Kauwhata

Zoning Map for: 126 Travers Road



31.4 Recommendations

551. I recommend, for the reasons given above, that the Hearings Panel:

- a. **Reject** submission point Auckland Waikato Fish and Game Council [433.23]
- b. **Accept** submission point Blue Wallace Surveyors Ltd [662.12]
- c. **Reject** submission point McCracken Surveys Limited [943.3].

31.5 Recommended Amendments

552. The recommended amendments are set out below.

16.4.16 Subdivision of land containing an Environmental Protection Area

CI	<p>(a) Subdivision of land containing an Environmental Protection Area must comply with all of the following conditions:</p> <p>(i) Include a planting and management plan for the area, prepared by a suitably qualified person, containing exclusively native species suitable to the area and conditions;</p> <p>(ii) Planting must be undertaken prior to the issue of the s224(c) certificate.</p> <p>(b) Council's control is reserved over the following matters:</p> <p>(i) Measures proposed in the planting and management plan; and</p> <p>(ii) Vesting of reserve land in Council if appropriate.</p> <p>(iii) Effects on amenity and ecological values;</p>
RDI	<p>Subdivision that does not comply with a condition of Rule 16.4.16 CI.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <p>(iv) Matters that control is reserved over in Rule 16.4.16 CI(b);</p> <p>(v) Effects on amenity values; and</p> <p>(vi) Effects on ecological values.</p>

31.6 Section 32AA evaluation

553. As the recommended amendments remove conditions that are ultra vires as they cannot be complied with, no s32AA evaluation has been required to be undertaken.

32 Topic 29: Design Guidelines

32.1 Introduction

554. Appendix 3: Design Guidelines covers a range of key topics, detailing the development outcomes sought in various zones or specific areas and the design guidelines for achieving those outcomes. In particular, these relate to residential subdivision, town centres, multi-unit development, business zones and precincts. These are primarily intended to guide development and result in a better quality residential environment. These appendices are referenced in policies and matters of discretion.

32.2 Submissions

555. The following submissions were made:

Submission point	Submitter	Summary of submission
749.151	Housing New Zealand Corporation	Delete Appendix 3 Design Guidelines AND Delete all references to Appendix 3 in the Proposed

		District Plan as a consequential amendment. AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
FS1385.43	Mercury NZ Limited	Oppose
FS1377.267	Havelock Village Limited	Oppose.

32.1.3 Analysis

556. Housing New Zealand Corporation [749.151] seeks to delete Appendix 3, Design Guidelines and all references to Appendix 3 in the PWDP, on the basis that design guidelines should be treated as a matter of discretion, rather than policies and rules of a plan. In my opinion, Appendix 3 has only been used as a matter of discretion or to provide the link within the policy between the specific matters of the policy and where those matters are located within Appendix 3. Therefore, I do not agree with the relief sought.

32.1.4 Recommendations

557. I recommend, for the reasons given above, that the Hearings Panel:

- a. **Reject** submission point Housing New Zealand Corporation [749.151].

32.1.5 Recommended amendments

558. There are no recommended amendments in this section.

32.1.6 Section 32AA evaluation

559. No recommended amendments were made. Accordingly, no s32AA evaluation has been required to be undertaken.

33 Topic 30: Subdivision

33.1 Introduction

560. Policies and rules relating to subdivision aim to facilitate varying developments through a mix of density and usable lot types. Controls such as minimum lot sizes, restriction of the creation of new rear lots, and access to facilities seek to retain an appropriate level of amenity while providing for growth through increased density of residential development.

561. The rules specifically addressed in this topic are outlined below:

- a. Rule 16.4.1(a)(i) General – Minimum lot sizes.
- b. Rule 16.4.6 Subdivision – Amendments and updates to cross lease flats plans and conversion to freehold.
- c. Rule 16.4. 13 – Subdivision creating reserves.

33.2 Chapter 16: Residential Zone – General Support and Rule 16.4 Subdivision

33.2.1 Submissions

Submission point	Submitter	Summary of submission
697.329	Waikato District Council	Amend for consistency of reading, the following rule: Rule 16.4.6 Subdivision - Amendments and updates to cross lease flats plans and conversion to freehold.
<i>FS1387.530</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
181.1	Robert Smith	Retain Rule 16.4.1 Subdivision General
<i>FS1386.161</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
871.15	Brendon John & Denise Louise Strong	Retain Chapter 16 Residential zone, with the exception of Rule 16.2.4.1 Earthworks General; Rule 16.3.5 PI Daylight admission, Rule 16.3.6 PI Building Coverage; Rule 16.3.9.3 Building setback - waterbodies; Rule 16.4.13 (a) Subdivision creating reserves and Rule 16.4.14 Subdivision of esplanade reserves and esplanade strips (which are addressed in other submission points).
<i>FS1387.1422</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
689.1	Greig Developments No 2 Limited	Retain the general residential subdivision provisions in Chapter 16 Residential Zone, with the exception of submission points below.
<i>FS1387.281</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>

697.146	Waikato District Council	<p>Delete Rule 16.4 Subdivision (1)-(5) AND Add to replace as follows:</p> <ol style="list-style-type: none"> 1. <u>Rule 16.4.1 Subdivision – General provides for subdivision density and apply across within the Residential Zone subject to compliance with the following:</u> <ol style="list-style-type: none"> a) <u>Rule 16.4.7 Subdivision – Title boundaries – contaminated land, notable trees, intensive farming and aggregate extraction areas;</u> b) <u>Rule 16.4.8 Title boundaries – Significant Natural Areas;</u> c) <u>Rule 16.4.9 Title boundaries – Maaori sites and Maaori areas of Significance;</u> d) <u>Rule 16.4.10 Subdivision of land containing heritage items;</u> e) <u>Rule 16.4.11 Subdivision – Road Frontage;</u> f) <u>Rule 16.4.12 Subdivision – Building Platform;</u> g) <u>Rule 16.4.13 Subdivision creating reserves;</u> h) <u>Rule 16.4.14 Subdivision of esplanade reserves and esplanade strips;</u> i) <u>Rule 16.4.15 Subdivision of land containing mapped off-road walkways; and</u> j) <u>Rule 16.4.16 Subdivision of land containing an Environmental Protection Area.</u> 2. <u>Rule 16.4.1 Subdivision - General does not apply where the following specific areas and/or activities rules apply:</u> <ol style="list-style-type: none"> a) <u>Rule 16.4.2 Subdivision – Te Kauwhata Ecological Residential Area;</u> b) <u>Rule 16.4.3 Subdivision – Te Kauwhata West Residential Area;</u> c) <u>Rule 16.4.4 Subdivision – Multi-unit development;</u> d) <u>Rule 16.4.5 Subdivision – Boundary adjustments; and</u> e) <u>Rule 16.4.6 Subdivision – Amendments and updates to cross lease flats plans and conversion to freehold.</u> 3. <u>The following rules apply to specific areas and/or activities:</u> <ol style="list-style-type: none"> (a) <u>Rule 16.4.2 - Subdivision - Te Kauwhata Ecological Residential Area (refer to Rule (4));</u> (b) <u>Rule 16.4.3 - Subdivision - Te Kauwhata West Residential Area) (refer to Rule (4)); and</u> (c) <u>Rule 16.4.4 - (Subdivision – Multi-Unit development).</u> (d) <u>Rule 16.4.5 – subdivision boundary adjustments;</u> (e) <u>Rule 16.4.6 – subdivision amendments and updates to cross lease flats plan and conversion to freehold;</u> (f) <u>Rule 16.4.7 – subdivision title boundaries natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming and aggregate extraction areas;</u> (g) <u>Rule 16.4.8 – subdivision title boundaries Significant Natural Areas, heritage items, archaeological sites, sites of significance to Maaori;</u> (h) <u>Rule 16.4.9 – Title boundaries – Maaori site and Maaori areas of significance</u>
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FS1291.8	Havelock Village Limited	Support.
FS1387.450	Mercury NZ Limited	Oppose
FS1377.209	Havelock Village Limited	Support.
183.1	Tracey Smith	Retain Rule 16.4 Subdivision
FS1386.172	Mercury NZ Limited	Oppose
299.11	2SEN Limited and Tuakau Estates Limited	Retain Section 16.4 Subdivision as notified, except where modifications are sought elsewhere in the submission
FS1386.333	Mercury NZ Limited	Oppose
699.3	Eastside Heights Ltd	Retain the rules in Chapter 16 Residential Zone, in particular Rule 16.4 Subdivision and any subsequent amendments.
FS1387.784	Mercury NZ Limited	Oppose
751.18	Chanel Hargrave and Travis Miller	Retain Rule 16.4.1 Subdivision - General other than the specific points in other submission points.
FS1387.1074	Mercury NZ Limited	Oppose
FS1297.35	CSL Trust & Top End Properties Limited	Support
684.10	Janet Elaine McRobbie	Retain Rule 16.4.1 Subdivision - General, except for the points raised and amendments sought elsewhere in the submission.
FS1387.254	Mercury NZ Limited	Oppose
681.7	Lavalla Farms Limited	Retain Rule 16.4.1 Subdivision - General, with the exception of RDI(a)(iii), which is addressed elsewhere in the submission.
FS1387.245	Mercury NZ Limited	Oppose
681.3	Lavalla Farms Limited	Retain Rule 16.4.1 RDI(b)(ii) Subdivision - General, relating to variation in lot sizes.
FS1387.242	Mercury NZ Limited	Oppose
688.2	Gerardus & Yvonne Gemma Aarts	Retain Rule 16.4.1 Subdivision - General, with the exception of Rule 16.4.1 (a)(iii) (which is addressed elsewhere in the submission).
FS1387.277	Mercury NZ Limited	Oppose
746.44	The Surveying Company	Retain Rule 16.4.1- Subdivision-General as notified, except for amendments sought elsewhere in the submission.
FS1387.924	Mercury NZ Limited	Oppose

829.2	Whenua Holdings Waikato Limited	Retain the activities set out under Rule 16.4.1 Subdivision - General; AND Amend the Proposed District Plan to make any consequential amendments to address the matters raised in the submission.
<i>FS1387.1333</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
542.3	Mark Sillence	Amend 22: Residential Zone, so that the existing old quarter acre titles on the eastern side of Geraghtys Road, Tuakau that already contain a dwelling remain without change but possibly enable every 5th or 6th title in this location to contain no more than two dwellings.
<i>FS1388.749</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>

33.2.2 Analysis

562. The submission from Waikato District Council [697.146] seeks to more clearly set out the subdivision rules where they apply generally and for specific areas or activities. The clarification is helpful to guide users of the plan and is agreed with.
563. The submission from Waikato District Council [697.329], Robert Smith [181.1], Brendon John & Denise Louise Strong [871.15], Greig Development No 2 Limited [689.1], Tracey Smith [183.1], 2SEN Limited and Tuakau Estates Limited [299.11], Eastside Heights Ltd [699.3], Chanel Hargrave and Travis Miller [751.18], Janet Elaine McRobbie [684.10], Lavalla Farms Limited [681.7 and 681.3], Gerardus & Yvonee Gemma Aarts [688.2], Robert Smith [181.1], The Surveying Company [764.44] and Whenua Holdings Waikato Limited [829.2] generally support the subdivision provisions for the Residential Zone, and some of the submitters will have specific submission points that will be addressed elsewhere in this s42A report.
564. The submission from Mark Sillence [542.3] seeks that the land in the area to the east of Geraghtys Road, Tuakau, have specific subdivision rules that would preclude subdivision of sites that contain a dwelling and that only every fifth or sixth title could be subdivided to contain no more than two dwellings. Essentially this submission is seeking 'low density residential' provisions. There is no basis for differentiating this part of Tuakau from other parts where the land has been identified as being required to meet the housing capacity requirements. Accordingly, it is recommended that the submission be rejected.

33.2.3 Recommendations

565. It is recommended that the submissions from:
- a. Waikato District Council [697.146 and 697.329],
 - b. Brendon John & Denise Louise Strong [871.15],
 - c. Greig Development No 2 Limited [689.1],
 - d. Tracey Smith [183.1],
 - e. 2SEN Limited and Tuakau Estates Limited [299.11],
 - f. Eastside Heights Ltd [699.3],
 - g. Chanel Hargrave and Travis Miller [751.18],
 - h. Janet Elaine McRobbie [684.10],
 - i. Lavalla Farms Limited [681.7 and 681.3],
 - j. Gerardus & Yvonee Gemma Aarts [688.2],

- k. Robert Smith [181.1],
 - l. The Surveying Company [746.44] and
 - m. Whenua Holdings Waikato Limited [829.2]
- be **accepted**.

566. It is recommended that the submissions from Mark Silence [542.3] be **rejected**.

567. The following amendments are recommended to Chapter 16: Residential Zone as shown in Appendix 3 - Chapter 16: Residential Zone:

16.4 Subdivision

- (1) Rule 16.4.1 provides for subdivision ~~density and apply across~~ within the Residential Zone, subject to compliance with the following:
- (a) Rule 16.4.7 Subdivision – Tittle boundaries – contaminated land, notable trees, intensive farming and aggregate extraction areas;
 - (b) Rule 16.4.8 Title boundaries – Significant Natural Areas;
 - (c) Rule 16.4.9 Title boundaries – Maaori sites and Maaori areas of Significance;
 - (d) Rule 16.4.10 Subdivision of land containing heritage items;
 - (e) Rule 16.4.11 Subdivision – Road Frontage;
 - (f) Rule 16.4.12 Subdivision – Building Platform;
 - (g) Rule 16.4.3 Subdivision creating reserves;
 - (h) Rule 16.4.14 Subdivision of esplanade reserves and esplanade strips;
 - (i) Rule 16.4.15 Subdivision of land containing mapped off-road walkways; and
 - (j) Rule 16.4.16 Subdivision of land containing an Environmental Protection Area.
- (2) Rule 16.4.1 Subdivision – General does not apply where the following specific areas and/or activities rules apply:~~The following rules apply to specific areas and/or activities:~~
- (a) Rule 16.4.2 - Subdivision - Te Kauwhata Ecological Residential Area;
 - (b) Rule 16.4.3 - Subdivision - Te Kauwhata West Residential Area); and
 - (c) Rule 16.4.4 (Subdivision – Multi-Unit development);
 - (d) Rule 16.4.5 Subdivision – Boundary adjustments; and
 - (e) Rule 16.4.6 Subdivision – Amendments and updates to cross lease flats plans and conversion to freehold.

(3) The following rules apply to specific areas and/or activities:

- (a) Rule 16.4.2 Subdivision – Te Kauwhata Ecological Residential Area (refer to Rule 16.4(4));
- (b) Rule 16.4.3 Subdivision – Te Kauwhata West Residential Area (refer to Rule 16.4(4));
- (c) Rule 16.4.4 Subdivision – Multi-unit development;
- (d) Rule 16.4.5 Subdivision – Boundary adjustments;
- (e) Rule 16.4.6 Subdivision – Amendments and updates to cross lease flats plans and conversion to freehold;
- (f) Rule 16.4.7 Subdivision – Title boundaries natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming and aggregate extraction areas;

- (g) Rule 16.4.8 Title boundaries - Significant Natural Areas, heritage items, archaeological sites, sites of significance to Maaori;
- (h) Rule 16.4.9 Title boundaries – Maaori sites and Maaori areas of significance;
- (i) Rule 16.4.10 Subdivision of land containing heritage items;
- (j) Rule 16.4.13 – Subdivision reserves;
- (k) Rule 16.4.14 – Subdivision esplanade reserves and esplanade strips;
- (l) Rule 16.4.15 – Subdivision of land containing mapped off-road walkways; and
- (m) Rule 16.4.16 – Subdivision of land containing Environmental Protection Area

(4) Rule 16.4.4 Subdivision – Multi-unit development does not apply in the following areas:

- (a) Rule 16.4.2 – Subdivision – Te Kauwhata Ecological Area; and
- (b) Rule 16.4.3 – Subdivision – Te Kauwhata West Residential Area.

~~(d) Rules 16.4.1 to 16.4.4 are also subject to the following subdivision controls:~~

- ~~(i) Rule 16.4.5 – subdivision boundary adjustments;~~
 - ~~(ii) Rule 16.4.6 – subdivision amendments and updates to cross lease flats plan and conversion to freehold;~~
 - ~~(iii) Rule 16.4.7 – subdivision title boundaries natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming and aggregate extraction areas;~~
 - ~~(iv) Rule 16.4.8 – subdivision title boundaries Significant Natural Areas, heritage items, archaeological sites, sites of significance to Maaori;~~
 - ~~(v) Rule 16.4.9 – Title boundaries – Maaori site and Maaori areas of significance~~
 - ~~(vi) Rule 16.4.10 – subdivision of land containing heritage items;~~
 - ~~(vii) Rule 16.4.11 – subdivision road frontage;~~
 - ~~(viii) Rule 16.4.12 – subdivision building platform;~~
 - ~~(ix) Rule 16.4.13 – subdivision reserves; and~~
 - ~~(x) Rule 16.4.14 – subdivision esplanade reserves and esplanade strips.~~
- ~~(3) Rules 16.4.14 and 16.4.15 apply to specific features or areas:~~
- ~~(4) Rule 16.4.15 – subdivision of land containing mapped off-road walkways; and~~
- ~~(5) Rule 16.4.16 – subdivision of land containing Environmental Protection Area.~~

33.2.3 Section 32AA evaluation

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

33.3 Rule 16.4.1 Subdivision – General – New Provisions and Corrections

33.3.1 Submissions

Submission point	Submitter	Summary of submission
445.10	BTW Company	Add a new controlled activity to Rule 16.4 Subdivision, to facilitate ease of subdivision in new structure planned areas: <i>CI Subdivision in accordance with an approved structure plan created after 18 July 2018.</i>

FS1388.297	Mercury NZ Limited	Oppose
FS1308.52	The Surveying Company	Support
945.9	First Gas Limited	<p>Add the following subdivision rule to Rule 16.4 Subdivision:</p> <p><u>Subdivision - Site containing a gas transmission pipeline:</u></p> <p><u>a) The subdivision of land containing a gas transmission pipeline is a restricted discretionary activity.</u></p> <p><u>b) Council's discretion shall be restricted to the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>The extent to which the subdivision design avoids or mitigates conflict with the gas infrastructure and activities.</u> (ii) <u>The ability for maintenance and inspection of pipelines including ensuring access to the pipelines.</u> (iii) <u>Consent notices on titles to ensure on-going compliance with AS2885 Pipelines- Gas and Liquid Petroleum - Parts 1 to 3.</u> (iv) <u>The outcome of any consultation with First Gas Limited.</u> <p>AND</p> <p>Any consequential amendments and other relief to give effect to the matters raised in the submission.</p>

697.147	Waikato District Council	<p>Add to 16.4 Subdivision Rule 16.4 as follows: <u>(6) Rule 16.4.10A – subdivision of land within the National Grid Corridor</u></p> <p>AND</p> <p>Consequential renumbering <u>16.4.10A Subdivision of land within the National Grid Corridor RDI</u></p> <p><u>(a) The subdivision of land within the National Grid Corridor must comply with all of the following conditions:</u></p> <p><u>(i) All allotments intended to contain a sensitive land use must provide a building platform for the likely principal building(s) and any building(s) for a sensitive land use located outside of the National Grid Yard, other than where the allotments are for roads, access ways or infrastructure; and</u></p> <p><u>(ii) The layout of allotments and any enabling earthworks must ensure that physical access is maintained to any National Grid support structures located on the allotments, including any balance area.</u></p> <p><u>(b) Council’s discretion is restricted to the following matters:</u></p> <p><u>(i) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of the National Grid;</u></p> <p><u>(ii) The ability to provide a complying building platform outside of the National Grid Yard;</u></p> <p><u>(iii) The risk of electrical hazards affecting public or individual safety, and the risk of property damage;</u></p> <p><u>The nature and location of any vegetation to be planted in the vicinity of National Grid transmission lines. NCI Any subdivision of land within the National Grid Corridor that does not comply with one or more of the conditions of Rule 16.4.10A RDI.</u></p>
FS1350.123	Transpower New Zealand Limited	Oppose.
FS1387.451	Mercury NZ Limited	Oppose

419.7	Horticulture New Zealand	<p>Add a new clause (vi) to Rule 16.4.1RDI (a) Subdivision - General, as follows:</p> <p><i>(a) Subdivision must comply with all of the following conditions: ...</i></p> <p><u><i>(vi) Where the subdivision adjoins a Rural Zone, a buffer strip no less than 10m wide is to be provided along the boundary adjoining the Rural Zone.</i></u></p> <p>AND</p> <p>Add a new matter of discretion to Rule 16.4.1 RDI (b) as follows:</p> <p><i>(b) Council's discretion shall be restricted to the following matters:</i></p> <p><u><i>(xi) measures to minimise and avoid reverse sensitivity effects on high class soils and any adjoining Rural Zone.</i></u></p> <p>AND</p> <p>Any consequential or additional amendments as a result of changes sought in the submission.</p>
FS1171.10	Phoebe Watson for Barker & Associates on behalf of T&G Global	Support.
FS1297.33	CSL Trust & Top End Properties Limited	Oppose
FS1342.78	Federated Farmers	Support
FS1377.85	Havelock Village Limited	Oppose.
FS1388.176	Mercury NZ Limited	Oppose
81.151	Waikato Regional Council	Amend Rule 16.4.1 RDI Subdivision – General to allow for more intensive subdivision in Residential areas directly adjacent to the Business Town Centre zones at Huntly, Ngaruawahia, Pokeno, Raglan, Te Kauwhata and Tuakau.
FS1223.160	Mercury NZ Limited	Oppose.
FS1202.78	New Zealand Transport Agency	Support

923.146	Waikato District Health Board	Amend Rule 16.4.1 RDI- Subdivision- General to allow for more intensive subdivision in residential areas directly adjacent to the Business Town Centre zones at Huntly, Ngaruawahia, Pokeno, Raglan, Te Kauwhata and Tuakau. OR Amend the Proposed District Plan to apply a new alternative residential or mixed use zone or an overlay to the residential zone, or any other method, that includes objective(s) and policy(ies) that provide for a more intensive residential pattern around the Business Town Centre zones at Huntly, Ngaruawahia, Pokeno, Raglan, Te Kauwhata and Tuakau.
<i>FS1387.1543</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
<i>FS1276.168</i>	<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>Support.</i>
<i>FS1377.297</i>	<i>Havelock Village Limited</i>	<i>Support.</i>

749.118	Housing New Zealand Corporation	<p>Amend Rule 16.4.1 Subdivision - General as follows: <i>RD1 (a) Subdivision must comply with all of the following conditions:</i></p> <ul style="list-style-type: none"> (i) <i>Proposed <u>vacant</u> lots must have a minimum site area of <u>200m²</u> 450m², except where the proposed <u>vacant</u> lot is an access allotment or utility allotment or reserve to vest.</i> (ii) <i>Proposed <u>vacant</u> lots must be able to connect to public-reticulated water supply and wastewater;</i> (iii) <i>Where roads are to be vested in Council, they must <u>should generally</u> follow a grid layout; ...</i> (iv) <i>Council's discretion shall be restricted to <u>any</u> of the following matters: ...</i> (v) Consistency with the matters contained within Appendix 3.1 (Residential Subdivision Guidelines) <p>AND</p> <p>Add a new controlled activity to Rule 16.4.1 Subdivision as follows:</p> <p><u>CI</u></p> <p><u>(a) Any subdivision in accordance with an approved land use resource consent must comply with that resource consent.</u></p> <p><u>(b) Council's control shall be reserved to any of the following matters:</u></p> <ul style="list-style-type: none"> <u>(i) The effect of the design and layout of the proposed sites created;</u> <u>(ii) Compliance with the approved land use consent; and</u> <u>(iii) Provision of infrastructure.</u> <p>AND</p> <p>Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.</p>
FS1387.1040	Mercury NZ Limited	Oppose
FS1114.31	Fire and Emergency New Zealand	Support.
471.43	CKL	<p>Delete the term "lot" from Rule 16.4.1 RD1 Subdivision - General, and replace with "site".</p> <p>AND</p> <p>Any consequential amendments necessary to give effect to the relief sought and ensure consistency across the District Plan.</p>
FS1388.461	Mercury NZ Limited for Mercury E	Oppose

33.3.2 Analysis

Structure Plan

569. The submission from BTW Company [445.10] seeks that a new controlled activity for subdivision within a structure plan approved after July 2018, be included. Subdivision in accordance with a structure plan is provided as a restricted discretionary activity under Rule 16.4.1 RDI(a)(v) and matter of discretion under Rule 16.4.1 RDI(b)(ix). Should a new structure plan be introduced through a variation or plan change, then the relevant subdivision provisions (including the appropriate activity status) could be considered and introduced at that time.

Infrastructure

570. The submission from First Gas Limited [945.9] seeks the addition of a restricted discretionary activity where the site contains a gas transmission pipeline. Rather than a separate subdivision rule, I recommend that as subdivision already has restricted discretionary activity status, a new matter of discretion be added to address subdivision where lots contain a gas transmission line.
571. The submission from Waikato District Council [697.147] seeks to relocate the subdivision provisions relating to subdivision near the National Grid from Chapter 14 – Infrastructure to the zone chapter, to improve usability of the plan. I note that this matter has been considered by the Hearing Panel with respect to Hearing 6: Village Zone (refer to s42A report on Subdivision, paragraphs 273 – 275). I concur with that analysis noting that under the National Planning Standards it is mandatory for a district plan to contain a subdivision chapter (with all subdivision provisions within that chapter) and that pending the re-organisation of the PWDP into the National Planning Standards format, it is recommended that the rule be added to the Residential Zone.

Reverse Sensitivity

572. The submission from Horticulture New Zealand [419.7] seeks the inclusion of a 10 metre buffer strip from a boundary with the Rural Zone. The zoning of land as either Residential or Rural and the provisions within each zone takes into account the potential for reverse sensitivity effects from farming activities. It is appreciated that councils throughout the country receive complaints regarding standard farming activities (such as haymaking at night). However, a 10 metre setback is not going to avoid, remedy or mitigate those effects. Accordingly, in my opinion there is no need for an additional subdivision buffer strip.

Intensive Subdivision

573. The submissions from Waikato Regional Council [81.151] and Waikato District Health Board [923.146] seek more intensive subdivision in residential areas directly adjacent to the Town Centre zones in the main towns. Policy 4.1.5 (a) encourages higher density housing and retirement villages to be located near to and support commercial centres, and also community facilities, public transport and open space, and Objective 4.2.16 (b) also seeks that land near the Business Town Centre and close to transport networks is used for higher density residential living.
574. In my opinion, with those strong policy directions, and matters of discretion in Rule 16.4.1 (b)(i) and (ii), there is no need to provide a specific rule for subdivision in and around Town Centre zones, as this can be incorporated with any application under Rule 16.4.1 RDI.

Housing New Zealand Corporation

575. The submission from Housing New Zealand Corporation [749.118] has not been broken down into individual decisions sought, accordingly is addressed below.
576. The first part of the submission seeks a reduction in the minimum site area from 450m² to 200m². This matter is addressed later in this s42A report. The 450m² minimum area for proposed lots has been arrived at through a consideration of enabling the subdivision of

existing '¼ acre' lots into two, a general lot size suitable for the Residential zone, with smaller lot sizes enabled in accordance with the objective and policy direction summarised above, particularly for subdivision of multi-unit development. Accordingly, a reduction in the minimum site area is not supported.

577. The second part of the submission seeks that Rule 16.4.1 only apply to 'vacant' lots, subdivision should 'generally' follow a grid pattern, and provision be made for subdivision of approved land uses as a controlled activity.
578. In my opinion, only providing for subdivision of vacant lots would make the subdivision of lots with existing buildings and activities a discretionary activity, which is not logical.
579. As the provision of a grid layout is a standard to be met, it cannot have the words 'generally' included in the rule. That is a matter that can be considered through the resource consent process, and can be addressed through the assessment criteria 16.4.1 RDI (b)(i).
580. The subdivision of existing land uses approved through resource consent is problematic, as although the resource consent has been approved, it may not be implemented. If it is implemented, there is no guarantee as to how long the activity will be in place. In my opinion, it would be preferable for this matter to be considered through the discretionary subdivision resource consent process.

Lot and Site

581. The submission from CKL [471.43] seeks the deletion of the word 'lot' and replacement with 'site'. I note that the s42A report for Hearing 5: Definitions has addressed the definition of 'allotment', 'lot', 'record of title' and 'site'. The report recommends that the terms 'allotment' and 'lot' reference the National Planning Standards and a new definition of 'record of title' be include. In my opinion, the use of the terms 'lot' (that is the portion of land to be created) and 'site' (that is the area of land that the lot has been created from) have been used correctly in the rule and no change is required.

33.3.3 Recommendations

582. It is recommended that the submissions from Waikato District Council [697.147] and First Gas Limited [945.9] be **accepted**.
583. It is recommended that the submissions from BTW Company [445.10], Horticulture New Zealand [419.7], Waikato Regional Council [81.151], Waikato District Health Board [923.146], Housing New Zealand Corporation [749.118] and CKL [471.43] be **rejected**.
584. The following amendments are recommended to Chapter 16: Residential Zone as shown in Appendix 3 - Chapter 16: Residential Zone:

16.4.1 Subdivision - General

RDI	<p>(a) 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. <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout;
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	<ul style="list-style-type: none"> (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; (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; and (x) Provision of infrastructure. <u>(xi) Avoidance or mitigation of conflict with gas transmission infrastructure and the ability to inspect, maintain and upgrade the infrastructure</u>
DI	Subdivision that does not comply with a condition in Rule 16.4.1 RDI.

16.4.1A Subdivision of land within the National Grid Corridor

<u>RDI</u>	<p><u>(a) The subdivision of land within the National Grid Corridor must comply with all of the following conditions:</u></p> <ul style="list-style-type: none"> <u>(i) All allotments intended to contain a sensitive land use must provide a building platform for the likely principal building(s) and any building(s) for a sensitive land use located outside of the National Grid Yard, other than where the allotments are for roads, access ways or infrastructure; and</u> <u>(ii) The layout of allotments and any enabling earthworks must ensure that physical access is maintained to any National Grid support structures located on the allotments, including any balance area.</u> <p><u>(b) Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> <u>(i) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of the National Grid;</u> <u>(ii) The ability to provide a complying building platform outside of the National Grid Yard;</u> <u>(iii) The risk of electrical hazards affecting public or individual safety, and the risk of property damage;</u> <u>(iv) The nature and location of any vegetation to be planted in the vicinity of National Grid transmission lines.</u>
<u>NCI</u>	<u>Any subdivision of land within the National Grid Corridor that does not comply with one or more of the conditions of Rule 16.4.1 RDI.</u>

33.3.4 Section 32AA analysis

585. As the changes to Chapter 16 are to provide an additional matter of discretion and relocation of the rules, no s32AA evaluation has been required to be undertaken. It is noted that the additional matter of discretion with respect to gas pipelines gives effect to Objective 6.6 and Policy 6.1.7 that seek to protect infrastructure from reverse sensitivity effects from subdivision, use and development.

33.4 Rule 16.4.1 Subdivision – General – RDI (a) (i) – Minimum site area

33.4.1 Submissions

Submission point	Submitter	Summary of submission
625.1	Kainui Homes	Amend Rule 16.4.1 Subdivision - General, for greater intensification of existing residential properties by allowing subdivisions of properties to 420m ² as opposed to the 450m ² set in the District Plan.
FS1387.19	Mercury NZ Limited	Oppose
464.9	Perry Group Limited	Amend Rule 16.4.1 RDI (a) (i) Subdivision – General, to reduce the minimum lot size as follows: (a)(i) Proposed lots must have a minimum net site area of 450m² 400m ² , except where the proposed lot is an access allotment or utility allotment or reserve to vest; AND Any consequential amendments or further relief to address the concerns raised in the submission.
FS1388.382	Mercury NZ Limited	Oppose
489.10	Ann-Maree Gladding	Amend Rule 16.4.1 RDI (a)(i) Subdivision – General, as follows: (i) Proposed lots must have a minimum net site area of 450m² 400m ² , except where the proposed lot is an access allotment or utility allotment or reserve to vest;
FS1388.480	Mercury NZ Limited	Oppose
782.10	Jack Macdonald	Amend Rule 16.4.1 RDI (a)(i) Subdivision - General, as follows: RDI (a) Subdivision must comply with all of the following conditions: (i) Proposed lots must have a minimum net site area of 450m² 400m ² , except where the proposed lot is an access allotment or utility allotment or reserve to vest;
FS1387.1230	Mercury NZ Limited	Oppose
FS1093.3	Garth & Sandra Ellmers	Support.
922.10	John Rowe	Amend Rule 16.4.1 RDI (a)(i) Subdivision - General, as follows: RDI (a) Subdivision must comply with all of the following conditions: (i) Proposed lots must have a minimum net site area of 450m² 400m ² , except where the proposed lot is an access allotment or utility allotment or reserve to vest;
695.172	Sharp Planning Solutions Ltd	Amend Rule 16.4.1 RDI(a)(i) Subdivision - General so that flat sites have a minimum of 400m ² , instead of 450m ² .
FS1387.344	Mercury NZ Limited	Oppose
65.2	Brent Greig	Amend Rule 16.4.1 Subdivision- General to require a minimum net site area of 300m ² .
FS1386.51	Mercury NZ Limited	Oppose
FS1136.3	Shaun McGuire	Support.

838.2	Madsen Lawrie Consultants	Amend Rule 16.4.1(a)(i) Subdivision - General to reduce the net site area requirement from 450m ² to 300-350m ² for subdivisions in the Residential Zone.
FS1387.1366	Mercury NZ Limited	Oppose
213.1	Anita Torres	Amend Rule 16.4.1(a)(i) Subdivision - General, as follows: (i) Proposed lots must have a minimum net site area of 450 400m ² , except where the proposed lot is an access allotment or utility allotment or reserve to vest;
FS1386.226	Mercury NZ Limited	Oppose
123.6	Classic Builders Waikato Limited	Retain Rule 16.4.1 (a)(i) Subdivision – General, relating to minimum net site area.
FS1386.105	Mercury NZ Limited	Oppose
FS1092.15	Garth & Sandra Ellmers	Support
681.2	Lavalla Farms Limited	Retain Rule 16.4.1 RDI(a)(i) Subdivision - General, and the 450m ² minimum net site area for greenfield subdivision.
FS1387.241	Mercury NZ Limited	Oppose
289.2	Sarah Hewitt and Dean McGill	Retain the 450m ² minimum net site are for Residential Zone sites (Rule 16.4.1 RDI (a)(i) Subdivision- General).
FS1386.294	Mercury NZ Limited	Oppose
FS1369.8	Ngati Tamaoho Trust	Oppose
751.19	Chanel Hargrave and Travis Miller	Retain the 450m ² minimum net site area for greenfield subdivision in Rule 16.4.1 RDI (a)(i) Subdivision - General AND Add a provision for infill subdivision requiring a minimum net site area of 350m ² in Rule 16.4.1(a) Subdivision - General.
FS1387.1075	Mercury NZ Limited	Oppose
746.45	The Surveying Company	Retain the minimum net site area of 450m ² in Rule 16.4.1 RDI (a)(i) Subdivision - General, for greenfield subdivision. AND Add a new clause to Rule 16.4.1 RDI(a) Subdivision - General requiring a minimum net site area of 350m ² for infill development in accordance with the Operative District Plan: Franklin Section.
FS1387.925	Mercury NZ Limited	Oppose

2.1	Brett Wilkinson	Amend the minimum lot size for the Residential Zone from 450m ² to 400m ² and initially apply this minimum to sites that have a road frontage AND Amend the building platform/building area for the Residential Zone to 50% of the lot area (ie: 200m ²).
FS1386.1	Mercury NZ Limited	Oppose
FS1136.8	Shaun McGuire	Oppose

33.4.2 Analysis

586. The submissions from Classic Builders Waikato Limited [123.6], Lavalla Farms Limited [681.2] and Sarah Hewitt and Dean McGill [289.2] seek to retain the minimum lot sizes as notified. Classic Builders Waikato Limited considered the proposed 450m² lot size to be beneficial to provide some range and variation in lot sizes, and the policy framework to support smaller lot size variations as a discretionary activity.
587. The submissions from Chanel Hargrave and Travis Miller [751.19] and The Surveying Company [746.45] seek retention of the 450m² net site area for greenfield subdivision but a reduction to 350m² for infill subdivision.
588. Kainui Homes [625.1], Perry Group Limited [464.9], Ann-Maree Gladding [489.10], Jack Macdonald [782.10], John Rowe [922.10], Sharp Planning Solutions Ltd [695.172], Brent Greig [65.2], Madsen Lawrie Consultants [838.2], Brett Wilkinson [2.1] and Anita Torres [213.1] seek to reduce the minimum lot sizes from the required 450m². The proposed reduction ranges from 300m² to 420m², with 400m² being the most common. The main reason for the reduction in the lot size is to accommodate higher density throughout the Residential Zone.
589. As discussed in Section 33.3.2 of this s42A report, the minimum lot size has been derived from a balance of providing for infill subdivision, new greenfield subdivision and for higher density subdivision where directed by objectives and policies. The flexibility to provide for different-sized lots is provided through the discretionary activity status resource consent process. Accordingly, it is recommended that minimum net site area of 450m² be retained.

33.4.3 Recommendations

590. It is recommended that the submissions from Classic Builders Waikato Limited [123.6], Lavalla Farms Limited [681.2], and Sarah Hewitt and Dean McGill [289.2] be **accepted**.
591. It is recommended that the submissions from Chanel Hargrave and Travis Miller [751.19] and The Surveying Company [746.45] be **accepted in part**.
592. It is recommended that the submissions from Kainui Homes [625.1], Perry Group Limited [464.9], Ann-Maree Gladding [489.10], Jack Macdonald [782.10], John Rowe [922.10], Sharp Planning Solutions Ltd [695.172], Brent Greig [65.2], Madsen Lawrie Consultants [838.2], Anita Torres [213.1] and Brett Wilkinson [2.1] be **rejected**.

33.4.4 Section 32AA evaluation

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

33.5 Rule 16.4.1 Subdivision – General – RDI (a) (ii) – Connection to water and wastewater

33.5.1 Submissions

Submission point	Submitter	Summary of submission
457.2	Anna Cunningham	Amend Rule 16.4.1 Subdivision - General, by reinstating the condition in Rule 21.69.1 (b) of the Operative Waikato District Plan which enables alternative methods of water supply and stormwater, land drainage and wastewater disposal that comply with the engineering standards in Appendix B.
FS1388.351	Mercury NZ Limited	Oppose
FS1114.18	Fire and Emergency New Zealand	Support in part.
243.6	Shaun McGuire	Amend Rule 16.4.1 (a)(ii) Subdivision - General, to read as follows: <i>(ii) Proposed lots must be able to connect to public-reticulated water supply and wastewater, if they are available, otherwise an engineer designed waste water and stormwater disposal system acceptable to the Waikato District Council engineering department may be used.</i>
FS1386.235	Mercury NZ Limited for Mercury C	Oppose

33.5.2 Analysis

594. The submissions from Anna Cunningham [457.2] and Shaun McGuire [243.6] seek that alternative methods of providing infrastructure be included as a restricted discretionary activity condition. In my opinion, the provision of a safe and secure potable water supply and wastewater disposal system is critical to support residential areas, particularly those where significant community investment has been made to ensure that water supply is safe and wastewater is treated and disposed of in accordance with best practice environmental standards. Any alternative should be considered the exception, and accordingly the activity status should be retained at discretionary.

33.5.3 Recommendations

595. It is recommended that the submissions from Anna Cunningham [457.2] and Shaun McGuire [243.6] be **rejected**.

33.5.4 Section 32AA evaluation

596. As no change is recommended, no s32AA evaluation has been required to be undertaken.

33.6 Rule 16.4.1 Subdivision – General – RDI (a) (iii) – Grid layout

33.6.1 Submissions

Submission point	Submitter	Summary of submission
943.5	McCracken Surveys Limited	Amend Rule 16.4.1 RDI (a)(ii) – Subdivision – General, as follows; (iii)Where roads are to be vested in Council, they must <u>should</u> follow a grid layout; AND Any consequential amendments as required.
FS1387.1563	Mercury NZ Limited for Mercury D	Oppose
471.44	CKL	Amend Rule 16.4.1 RDI (a)(ii) Subdivision - General, as follows: (ii) Where roads are to be vested in Council, they must <u>should</u> follow a grid layout; AND Any consequential amendments to give effect to the relief sought.
FS1388.462	Mercury NZ Limited	Oppose
FS1287.18	Blue Wallace Surveyors Ltd	Support.
699.2	Eastside Heights Ltd	Amend Rule 16.4.1 RDI (a)(iii) Subdivision - General, to replace the word "must" with "should" which requires roads to be a grid layout; AND Any consequential changes.
FS1387.783	Mercury NZ Limited	Oppose
684.11	Janet Elaine McRobbie	Delete Rule 16.4.1 RDI (a)(iii) Subdivision - General, and make it a matter of discretion.
FS1387.255	Mercury NZ Limited	Oppose
688.3	Gerardus & Yvonne Gemma Aarts	Delete Rule 16.4.1 RDI (a)(iii) Subdivision - General, and make this a <i>matter</i> of discretion.
FS1387.278	Mercury NZ Limited	Oppose
689.12	Greig Developments No 2 Limited	Delete Rule 16.4.1 RDI (a)(iii) Subdivision - General
FS1387.286	Mercury NZ Limited	Oppose
853.4	Paul Manuell	Delete Rule 16.4.1 RDI (a)(iii) and make it a matter of discretion.
FS1387.1392	Mercury NZ Limited for Mercury D	Oppose
681.4	Lavalla Farms Limited	Delete Rule 16.4.1 RDI (a)(iii) Subdivision – General and make it a matter of discretion.
FS1387.243	Mercury NZ Limited	Oppose

746.46	The Surveying Company	Delete Rule 16.4.1 RDI(a)(iii)- Subdivision- General.
FS1377.249	Havelock Village Limited	Support.
FS1297.34	CSL Trust & Top End Properties Limited	Support
FS1387.926	Mercury NZ Limited	Oppose
662.9	Blue Wallace Surveyors Ltd	Retain Rule 16.4.1 RDI Subdivision - General, except for the amendments sought below AND Amend Rule 16.4.1 RDI Subdivision - General as follows: (a) Subdivision must comply with all of the following conditions: ... (iii) Where roads are to be vested in Council, <u>and where practicable, they must follow a grid layout;</u> ... (v) Where the subdivision is within a structure plan area, neighbourhood centres within the site are provided in <u>general</u> accordance with that structure plan document. (b) Council's discretion shall be restricted to the following matters: ... (ix) General consistency with any relevant structure plan or master plan including the provision of neighbourhood parks, reserved and neighbourhood centres;
FS1387.100	Mercury NZ Limited	Oppose
853.3	Paul Manuell	Retain Rule 16.4.1 Subdivision - General, except for Rule 16.4.1 RDI(a)(iii); AND Delete Rule 16.4.1 RDI(a)(iii) Subdivision - General; AND Add new matter of discretion to Rule 16.4.1 RDI(b) Subdivision - General, as follows: <u>Where roads are to be vested in Council, they must follow a grid layout.</u>
751.20	Chanel Hargrave and Travis Miller	Delete Rule 16.4.1 RDI (a)(iii) Subdivision-General.
FS1387.1076	Mercury NZ Limited	Oppose

33.6.2 Analysis

597. In my opinion, condition (a)(iii) contains a matter of discretion as to what exactly constitutes a grid layout and as such is ultra vires. Also, the matter of grid layout should be addressed by conditions of resource consent. In my opinion, the grid layout matter is already included within the matter of discretion (b)(i) Subdivision layout and (b)(vii) *Consistency with the matters contained within Appendix 3.1 (Residential Subdivision Guidelines)*. Accordingly, I recommend that the condition be deleted and the grid layout be included within the matter of discretion as follows:

16.4.1 Subdivision - General

RDI	<p>(a) 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. <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout, <u>including the grid layout of roads</u>; (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; (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; and (x) Provision of infrastructure.
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33.6.3 Recommendations

598. It is recommended that the submissions from Janet Elaine McRobbie [684.11], Geradus & Yvonne Gemma Aarts [688.3], Paul Manuell [853.3] and [853.4], Chanel Hargrave and Travis Miller [751.20] and Lavalla Farms Limited [681.4] be **accepted**.

599. It is recommended that the submissions from McCracken Surveys Limited [943.5], CKL [471.44], Eastside Heights Ltd [699.2], Greig Developments No 2 Limited [689.12], The Surveying Company [746.46] and Blue Wallace Surveyors Ltd [662.9] be **rejected**.

33.6.4 Section 32AA evaluation

600. As the changes are to provide an activity status that more correctly reflects the objective and policy direction in Chapter 4, no s32AA evaluation has been required to be undertaken.

33.7 Rule 16.4.1 Subdivision – General – RDI (a) (iv) – Rear Lots

33.7.1 Submissions

Submission point	Submitter	Summary of submission
276.4	Ted and Kathryn Letford	Amend Rule 16.4.1 RDI (a) (iv) Subdivision General to increase the number of lots to 20 or more for when this rule is triggered.
FS1386.283	Mercury NZ Limited	Oppose

489.11	Ann-Maree Gladding	Amend Rule 16.4.1 RDI (a)(iv) Subdivision – General, to have an area requirement of 1ha or similar before triggering a "rear lot" rule.
FS1388.481	Mercury NZ Limited	Oppose
922.11	John Rowe	Amend Rule 16.4.1 RDI (a)(iv) Subdivision - General, to include an area requirement before triggering a "rear lot" rule, e.g. 1 hectare.
FS1387.1474	Mercury NZ Limited	Oppose
782.11	Jack Macdonald	Amend Rule 16.4.1 RDI (a)(iv) Subdivision - General, to include an area requirement before triggering a "rear lot" rule, e.g. 1 hectare.
FS1387.1231	Mercury NZ Limited	Oppose
695.173	Sharp Planning Solutions Ltd	Amend Rule 16.4.1 RDI(a)(iv) Subdivision - General to state that rear lots are to be avoided except where there is no realistic alternative.
FS1387.345	Mercury NZ Limited	Oppose
368.27	Ian McAlley	Amend Rule 16.4.1(a)(4) Subdivision - General, to enable 25% of lots to be rear lots.
FS1386.564	Mercury NZ Limited	Oppose
FS1061.13	Campbell Tyson	Support.
838.3	Madsen Lawrie Consultants	Amend Rule 16.4.1(a)(iv) Subdivision - General to increase the allowable percentage of rear lots when creating 4 or more lots.
FS1387.1367	Mercury NZ Limited	Oppose
697.148	Waikato District Council	Amend Rule 16.4.1(a)(iv) Subdivision - General, as follows: (iv) <i>Where 4 or more proposed lots are proposed to be created, the number of rear <u>records of title</u> lots do not exceed...</i>
FS1387.452	Mercury NZ Limited	Oppose
243.7	Shaun McGuire	Delete Rule 16.4.1 (a)(iv) Subdivision - General.
FS1386.236	Mercury NZ Limited	Oppose
746.48	The Surveying Company	Delete Rule 16.4.1 RDI (a)(iv) Subdivision - General (rear lot subdivision control) and make this a matter of discretion; OR Amend Rule 16.4.1 RDI(a) (iv) Subdivision - General (rear lot subdivision control) to increase the percentage of rear lots to no more than 25%.
FS1387.928	Mercury NZ Limited	Oppose

684.12	Janet Elaine McRobbie	Delete Rule 16.4.1 RDI (a)(iv) Subdivision - General and make it a matter of discretion; OR Amend Rule 16.4.1 RDI (a)(iv) Subdivision - General, as follows: <i>(iv) Where 4 or more proposed lots are proposed to be created, the number of rear lots do not exceed 15% 25% of the total number of lots being created;</i>
FS1387.256	Mercury NZ Limited	Oppose
698.4	Simon Dromgool on behalf of Christine Dromgool, John and Caroline Vincent and Mark Dromgool	Delete Rule 16.4.1 RDI (a)(iv) Subdivision General, requiring the number of rear lots being no more than 15%.
FS1387.781	Mercury NZ Limited	Oppose
689.34	Greig Developments No 2 Limited	Delete Rule 16.4.1 RDI(a)(iv) Subdivision – General
FS1387.295	Mercury NZ Limited	Oppose
751.21	Chanel Hargrave and Travis Miller	Delete Rule 16.4.1(a)(iv) Subdivision - General AND Add the number of rear lots as a matter of discretion to Rule 16.4.1 (b) Subdivision-General OR Amend Rule 16.4.1(a)(v) Subdivision - General to increase the percentage of rear lots to no more than 25%. AND Amend Rule 16.4.3 RDI (a)(v) Subdivision Te Kauwhata West Residential Area to increase the percentage of rear lots to no more than 25%.
FS1387.1077	Mercury NZ Limited	Oppose

33.7.2 Analysis

601. All of the submissions (other than the submission from Waikato District Council [697.148]) seek a mixture of relaxation of the number of rear lots, introduction of a balance area or deletion of the requirement. The submission from Sharp Planning Solutions Ltd [695.173] seeks that rear lots be avoided. That is the intent of the rule, as a minimum of 8 lots would need to be created before one rear lot could be included, as set out in Appendix 3.1 – Residential Subdivision Guidelines.
602. In my opinion, the number of rear lots is already included within the matter of discretion (b)(i) Subdivision layout and (b)(vii) *Consistency with the matters contained within Appendix 3.1 (Residential Subdivision Guidelines)*. Accordingly, I recommend that the condition be deleted and the number of rear lots be included within the matter of discretion as follows:

16.4.1 Subdivision - General

RDI	<p>(a) 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. <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout, <u>including the grid layout of roads and the number of rear lots;</u> (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; (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; and (x) Provision of infrastructure.
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603. The submission from Waikato District Council [697.148] seeks to change the word 'lots' to 'records of title'. As I consider the condition should be deleted, it is recommended that the submission be rejected.

33.7.3 Recommendations

604. It is recommended that the submissions from The Surveying Company [746.48], Janet Elaine McRobbie [684.12] and Chanel Hargrave and Travis Miller [751.21] be **accepted**.

605. It is recommended that the submissions from Ted and Kathryn Letford [276.4], Ann-Maree Gladding [489.11], John Rowe [922.11], Jack Macdonald [782.11], Sharp Planning Solutions Ltd [695.173], Ian McAlley [386.27], Madsen Lowrie Consultants [838.3], Waikato District Council [697.148], Shaun McGuire [243.7], Simon Dromgool on behalf of Christine Dromgool, John and Caroline Vincent and Mark Dromgool [698.4] and Greig Developments No 2 Limited [689.34] be **rejected**.

33.7.4 Section 32AA evaluation

606. As the changes are to provide an activity status that more correctly reflects the objective and policy direction in Chapter 4, no s32AA evaluation has been required to be undertaken.

33.8 Rule 16.4.1 Subdivision – General – RDI (b) – Matters of Discretion

33.8.1 Submissions

Submission point	Submitter	Summary of submission
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326.10	Raglan Chamber of Commerce	Add a matter of discretion to Rule 16.4.1 RDI (b) Subdivision - general, as follows: <i>(xi) Positive effects for affordable housing.</i>
FS1269.109	Housing New Zealand Corporation	Support.
578.82	Ports of Auckland Limited	Add a matter of discretion to Rule 16.4.1 RDI (b) Subdivision - General, to give consideration to reverse sensitivity effects as follows: <i>Council's discretion shall be restricted to the following matters:</i> <i>(i) Subdivision layout;</i> <i>(ii) <u>Avoidance of reverse sensitivity effects on industrial activities.</u></i> AND Amend the Proposed District Plan to make alternative or consequential amendments as necessary to address the matters raised in the submission.
FS1388.869	Mercury NZ Limited	Oppose
FS1269.53	Housing New Zealand Corporation	Oppose.
986.88	KiwiRail Holdings Limited (KiwiRail)	Add a new matter of discretion to Rule 16.4.1 RDI General Subdivision as follows (or similar amendments to achieve the requested relief): <i><u>Reverse sensitivity effects, including on land transport networks</u></i> AND Any consequential amendments to link and/or accommodate the requested changes.
405.61	Counties Power Limited	Add matters of discretion to Rule 16.4.1 RDI (b) Subdivision - General as follows: <i><u>The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of existing infrastructure assets; The consideration of the nature and location of any vegetation to be planted in the vicinity of existing infrastructure assets.</u></i>
FS1211.49	First Gas Limited on behalf of First Gas	Support
310.11	Whaingaroa Raglan Affordable Housing Project	Amend Rule 16.4.1 RDI (b) Subdivision - General by including the following: <i>xi.) Positive effects for affordable housing.</i>
FS1386.367	Mercury NZ Limited	Oppose
FS1269.38	Housing New Zealand Corporation	Support.

FSI 276.25	Whaingaroa Environmental Defence Inc. Society	Support.
368.28	Ian McAlley	Amend Rule 16.4.1 (b) Subdivision - General, to ensure it only relates to structure plans or master plans notified within the Proposed Plan.
FSI 386.565	Mercury NZ Limited	Oppose
464.17	Perry Group Limited	<p>Amend Rule 16.4.1 RDI (b) Subdivision – General, by setting fewer matters of discretion as follows:</p> <p>(b) Council’s discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout; (ii) (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; (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; and (x) Provision of infrastructure. <p>AND</p> <p>Any consequential amendments or further relief to address the concerns raised in the submission.</p>
FSI 388.389	Mercury NZ Limited	Oppose
FSI 272.3	KiwiRail Holdings Ltd	Oppose
681.3	Lavalla Farms Limited	Retain Rule 16.4.1 RDI (b)(ii) Subdivision - General, relating to variation in lot sizes
FSI 387.242	Mercury NZ Limited	Oppose

378.27	Fire and Emergency New Zealand	Retain Rule 16.4.1 Subdivision general, to the extent that subdivision is a restricted discretionary activity and proposed lots must connect to a public-reticulated water supply AND Amend Rule 16.4.1 Subdivision - General, as follows: <i>(x) Provision of infrastructure, including water supply for firefighting purposes.</i> AND Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.
FS1388.31	Mercury NZ Limited	Oppose
FS1035.133	Pareoranga Te Kata	Support.

33.8.2 Analysis

Affordable housing

607. The submissions from Raglan Chamber of Commerce [326.10] and Whaingaroa Raglan Affordable Housing Project [310.11] seek that a matter of discretion be included with respect to affordable housing. In my opinion, the affordability of housing is an extremely complex matter that is not the role of a district plan to address, as many of the variables to make housing affordable (such as household income, cost of living) are outside the influence of the district plan. Accordingly, no change is recommended.

Reverse Sensitivity

608. The submissions from Ports of Auckland Limited [578.82] and KiwiRail Holdings Limited [986.88] seek that reverse sensitivity be included. However, the matter of reverse sensitivity is a matter that should have been addressed at the time of zoning land and the inclusion of provisions in the respective zones with respect to activities to address reverse sensitivity. In my opinion, this matter does not need to be included at subdivision.

Infrastructure

609. The submissions from Counties Power Limited [405.61] and Fire and Emergency New Zealand [378.27] seek amendments to matter of discretion (x) *Provision of infrastructure*. The matter of discretion is quite brief and in my opinion, it would be helpful if this were extended to cover new infrastructure and ongoing maintenance of new and existing infrastructure.

Structure Plans

610. The submission from Ian McAlley [368.28] seeks that the matter of discretion only apply to structure plans notified within the PWDP. I agree with that change, as a new structure plan may require different assessment, and this can be considered at the plan change time.

Deletions

611. The submission from Perry Group Limited [464.17] is concerned that some of the matters of discretion are not the most appropriate means of the Council exercising its functions. In my opinion, the matter sought to be deleted (amenity values, shape of lots and variation in lot sized) are all matters entirely within Council's functions and it is efficient and effective to

consider these matters at the time of subdivision to ensure that the residential lots created meet the likely needs of future generations. I do not consider the suggested deletions are necessary.

Support

612. The submission from Lavalla Farms Limited [681.3] supports the matters of discretion.

33.8.3 Recommendations

613. It is recommended that the submissions from Counties Power Limited [405.61], Fire and Emergency New Zealand [378.27] and Ian McAlley [368.28] be **accepted**.

614. It is recommended that the submissions from Raglan Chamber of Commerce [326.10], Whaingaroa Raglan Affordable Housing Project [310.11], Ports of Auckland Limited [578.82], KiwiRail Holdings Limited [986.88] and Perry Group Limited [464.17] be **rejected**.

615. The following amendments are recommended to Chapter 16: Residential Zone as shown in Appendix 3- Chapter 16: Residential Zone:

- (b) Council's discretion shall be restricted to the following matters:
- (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;
 - (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 included in the plan, including the provision of neighbourhood parks, reserves and neighbourhood centres; ~~and~~
 - (x) Provision ~~of~~ for new infrastructure and the operation, maintenance, upgrading and development of existing infrastructure including water for supply for firefighting purposes.
 - (xi) Avoidance or mitigation of conflict with gas transmission infrastructure and the ability to inspect, maintain and upgrade the infrastructure.

33.8.4 Section 32AA evaluation

616. As the changes to Chapter 16 are to provide elaboration on the matters of discretion that are included in Objective 6.1.1 *Development, operation and maintenance of infrastructure* and Policy 6.1.2 *Development, operation and maintenance*, no s32AA evaluation has been required to be undertaken.

33.9 Rule 16.4.5 Subdivision – Boundary adjustments

33.9.1 Submissions

Submission point	Submitter	Summary of submission
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943.7	McCracken Surveys Limited	Amend Rule 16.4.5 CI (b) Subdivision – Boundary adjustments, to correct the inconsistency in terminology between boundary adjustment and boundary relocation.
FS1387.1565	Mercury NZ Limited	Oppose
471.46	CKL	Amend Rule 16.4.5 CI Subdivision - Boundary adjustments to be a permitted activity rather than a controlled activity. AND Any consequential amendments necessary.
FS1388.464	Mercury NZ Limited	Oppose
697.152	Waikato District Council	Amend Rule 16.4.5 CI Subdivision – Boundary adjustments, as follows: <i>(b) Proposed lots must not generate any additional building infringements to those which legally existing prior to the boundary relocation adjustment.</i>
FS1387.456	Mercury NZ Limited	Oppose
695.176	Sharp Planning Solutions Ltd	Amend Rule 16.4.5 CI(b) Subdivision - Boundary adjustments to change the term "boundary relocation" to "boundary adjustment".
FS1387.348	Mercury NZ Limited	Oppose
749.120	Housing New Zealand Corporation	Amend Rule 16.4.5 DI Subdivision - Boundary adjustments as follows: DI-RDI <i>(a) Boundary adjustments that does not comply with Rule 16.4.5 CI.</i> <i>(b) Council's discretion shall be restricted to any of the following matters:</i> <i>(i) Subdivision layout;</i> <i>(ii) Shape of titles and variation in lot sizes.</i> AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.

33.9.2 Analysis

617. The submissions from McCracken Surveys Limited [943.7], CKL [471.46], Waikato District Council [697.152] and Sharp Planning Solutions [695.176] all seek corrections to terminology, which are agreed with.
618. The submission from Housing New Zealand Corporation [749.120] seeks to change the resource consent status from discretionary to restricted discretionary. I note that the matters of discretion proposed by the submitter are the same as for the controlled activity, and consider a restricted discretionary activity status more appropriate than discretionary having regard to Policy 4.7.12 *Boundary adjustments and relocations*.

33.9.3 Recommendations

619. It is recommended that the submissions from McCracken Surveys Limited [943.7], CKL [471.46], Waikato District Council [697.152], Sharp Planning Solutions [695.176] and Housing New Zealand Corporation [749.120] be **accepted**.
620. The following amendments are recommended to Chapter 16: Residential Zone as shown in Appendix 3 - Chapter 16: Residential Zone:

16.4.5 Subdivision – Boundary adjustments

CI	(a) Boundary adjustments must comply with all of the following conditions: (i) The conditions specified in: A. Rule 16.4.1 Subdivision - General; B. Rule 16.4.2 Subdivision in the Te Kauwhata Ecological Residential Area; C. Rule 16.4.3 Subdivision in the Te Kauwhata West Residential Area; or D. Rule 16.4.4 Subdivision- Multi-unit development; (b) Proposed lots must not generate any additional building infringements to those which legally existed prior to the boundary relocation adjustment . (c) Council's control is reserved over the following matters: (i) Subdivision layout; (ii) Shape of titles and variation in lot sizes.
DI RDI	(a) Boundary adjustments that does not comply with Rule 16.4.5 CI. (b) <u>The Council's discretion shall be restricted to the following matters:</u> (i) <u>Subdivision layout;</u> (ii) <u>Shape of title and variation in title size.</u>

33.9.4 Section 32AA evaluation

621. As the changes to Chapter 16 are to provide corrections to the rules and apply a more appropriate resource consent activity status to give effect to Policy 4.7.12 *Boundary adjustments and relocations*, no s32AA evaluation has been required to be undertaken.

33.10 Rule 16.4.6 Subdivision – Amendments and updates to cross lease flats plans and conversion to freehold

33.10.1 Submissions

Submission point	Submitter	Summary of submission
943.8	McCracken Surveys Limited	Amend Rule 16.4.6 CI - Subdivision - Amendments and updates to cross lease flats plans and conversion to freehold, to make the activity a Permitted activity rather than a Controlled Activity. AND Amend Rule 16.4.6 DI – Subdivision - Amendments and updates to cross lease flats plans and conversion to freehold, to be a Restricted Discretionary activity status rather than a Discretionary Activity.

471.47	CKL	Amend Rule 16.4.6 Subdivision - Amendments and updates to cross lease flats plans and conversion to freehold, by: <ul style="list-style-type: none"> • deleting references to alterations to exclusive use areas; and • enabling permitted activity amendments in certain circumstances. AND Any consequential amendments necessary.
697.153	Waikato District Council	Delete from Rule 16.4.6 C2 Subdivision - Amendments and updates to cross lease flats plans and conversion to freehold C2(b)(i) the line.
943.9	McCracken Surveys Limited	Delete Rule 16.4.6 C2 (b)(i) Subdivision - Amendments and updates to cross lease flats plans and conversion to freehold.
697.154	Waikato District Council	Delete Rule 16.4.6 D1 Subdivision - Amendments and updates to cross lease flats plans and conversion to freehold.
276.5	Ted and Kathryn Letford	Retain Rule 16.4.6 Subdivision - Amendments and updates to cross lease flats plans and conversions to freehold.

33.10.2 Analysis

622. The submissions from McCracken Surveys Limited [943.8] and CKL [471.47] seek that the rule provide for permitted activity status. In my experience, there is a need to retain the ability for Council to impose conditions on amendments, even where they are standard or process conditions, such as the rights of way being shown on the plan. The controlled activity status, along with the deletion of one of the matters of control and the restriction as to what the purpose of the cross lease flats plan is, in my opinion provide the most appropriate activity status for such subdivisions.
623. I concur with the submission from CKL [471.47] with respect to deleting the references to alterations to exclusive use areas, as if there is another reason for the amendment to the cross lease it would have the effect of changing the activity status which is not necessary.
624. The submissions from Waikato District Council [697.153 and 697.154] and McCracken Surveys Limited [943.9] are agreed with. There is no need for an activity cascade as there are no standards to be complied with. The submission from Ted and Kathryn Letford [276.5] generally supports the rule.

33.10.3 Recommendations

625. It is recommended that the submissions from Waikato District Council [697.153 and 697.154], McCracken Surveys Limited [943.9] and Ted and Kathryn Letford [276.5] be **accepted**.
626. It is recommended that the submissions from McCracken Surveys Limited [943.8] and CKL [471.47] be **rejected**.

627. The following amendments are recommended to Chapter 16: Residential Zone as shown in Appendix 3- Chapter 16: Residential Zone:

16.4.6 Subdivision - Amendments and updates to cross lease flats plans and conversion to freehold

C1	(a) Conversion of a cross lease flats plan to a fee simple title. (b) Council's control is reserved over the following matters: (i) Effects on existing buildings; (ii) Site layout and design; and (iii) Compliance with permitted building rules.
C2	(a) Amendment or update of a cross lease flats plan to include additions or alterations to buildings, and areas for exclusive use by any owner. (b) Council's control is reserved over the following matters: (i) Purpose of the boundary adjustment; (i) Effects on existing buildings; (ii) Site layout and design of cross lease or flats plan; and (iii) Compliance with permitted building rules.
D1	Any conversion of a cross lease flats plan or amendment or update to a cross lease flats plan that does not comply with Rule 16.4.6 C1 or C2.

33.10.4 Section 32AA evaluation

628. As the changes to Chapter 16 are to provide corrections to the rules and remove an incorrect resource consent activity status, no s32AA evaluation has been required to be undertaken.

33.11 Rule 16.4.7 Title boundaries – contaminated land, notable trees, intensive farming and aggregate extraction areas

33.11.1 Submissions

Submission point	Submitter	Summary of submission
697.157	Waikato District Council	Amend Rule 16.4.7 NCI Title boundaries – contaminated land, notable trees, intensive farming and aggregate extraction areas, to be a discretionary activity rather than a non-complying activity as follows: NCI <u>DI</u>
FS1387.459	Mercury NZ Limited	Oppose

697.156	Waikato District Council	<p>Amend Rule 16.4.7 RDI Title boundaries – contaminated land, notable trees, intensive farming and aggregate extraction areas (the same as set out in the Village Zone in Rule 24.4.5 RDI) retaining only the rules relating to existing buildings and make consequential changes, as follows:</p> <p>(a) Subdivision of land containing contaminated land, notable trees, intensive farming and Aggregate Extraction Areas must comply with all of the following conditions:</p> <p>(i) The boundaries of every proposed lot containing existing buildings must demonstrate compliance with the following building rules (other than where any non-compliance existed lawfully prior to the subdivision) relating to:</p> <ul style="list-style-type: none"> A. daylight admission (Rule 16.3.5); B. building coverage (Rule 16.3.6); C. building setbacks (Rule 16.3.9). <p>(ii) The boundaries of every proposed lot must not divide the following:</p> <ul style="list-style-type: none"> A. a natural hazard area; B. contaminated land; C. Significant Amenity Landscape; or D. notable tree. <p>(iii) The boundaries of every proposed lot must provide the following setbacks:</p> <ul style="list-style-type: none"> A. 300m from any intensive farming activity; B. 500m from the boundary of an Aggregate Extraction Area for rock extraction; and C. 200m from the boundary of an Aggregate Extraction Area for sand excavation. <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Landscape values; (ii) Amenity values and character; (iii) Reverse sensitivity effects; (iv) Effects on existing buildings; (v) Effects on natural hazard areas; (vi) Effects on contaminated land; (vii) Effects on any notable trees and effects on an intensive farming activity.
FS1377.211	Havelock Village Limited	Support.
FS1387.458	Mercury NZ Limited	Oppose
FS1291.10	Havelock Village Limited	Support.
FS1316.45	Alstra (2012) Limited	Oppose

697.155	Waikato District Council	Amend Rule 16.4.7 Title boundaries – contaminated land, notable trees, intensive farming and aggregate extraction areas heading, as follows: <i>Title boundaries – Existing Buildings contaminated land, notable trees, intensive farming and aggregate extraction areas</i>
<i>FS1387.457</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
800.3	Environmental Management Solutions Limited	Delete all provisions regarding contaminated land from Rule 16.4.7 (Title boundaries – contaminated land, notable trees, intensive farming and aggregate extraction areas); AND Add a new set of rules specifically relating to contaminated land that align with the Resource Management National Environmental Standard for Assessing and Managing Contaminants in Soil to protect Human Health (Regulations 2011), such as Sections 30 and 31 of the Wellington City Council Plan.
<i>FS1387.1292</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
463.3	Environmental Management Solutions Limited	Delete contaminated land from Rule 16.4.7 Title boundaries – contaminated land, notable trees, intensive farming and aggregate extraction areas. AND Add a new set of rules specifically relating to contaminated land that align with National Environmental Standard for Assessing and Managing Contaminants in Soil to protect Human Health provisions (sections 30 and 31 of the Wellington City Council Plan provides an example of this).
<i>FS1388.371</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>

693.9	Alstra (2012) Limited	Retain Rule 16.4.7 RDI (a) (iii) (A) Title boundaries – contaminated land, notable trees, intensive farming and aggregate extraction areas, except for the amendments sought below; AND Amend Rule 16.4.7 RDI (a) Title boundaries - contaminated land, notable trees, intensive farming and aggregate extraction areas as follows (or words to similar effect): <i>Subdivision of land containing <u>adjoining or adjacent to</u> contaminated land, notable trees, intensive farming and Aggregate Extraction Area must comply with all of the following conditions...</i> AND Any consequential amendments or alternative relief to address the matters raised in the submission.
FS1317.3	Quinn Haven Investments Limited and M & S Draper	Oppose
FS1387.375	Mercury NZ Limited	Oppose

33.11.2 Analysis

629. The submissions from Waikato District Council [697.156 and 697.155] all seek to clarify the purpose of the subdivision rule. I agree that the wording of the rule could be made clearer to mean that all the features need to be on a lot. However, in my opinion, the deletions sought to clauses (a)(ii) and (a)(iii) are not appropriate. The purpose of clause (a)(ii) was to ensure that subdivision does not split the features listed as a restricted discretionary activity, thereby making it more difficult to manage the feature. The purpose of clause (a)(iii) was to provide consideration of reverse sensitivity effects on the lot to be created from existing activities.
630. The submission from Waikato District Council [697.157] seeks to change the activity status for non-compliance with the restricted discretionary activity status from non-complying to discretionary. I concur with the submission as non-compliance with one of the standards (such as (a)(iii)A – being slightly less than 300m from an intensive farming activity) can be addressed through the discretionary activity status. As the relevant objectives and policies will need to be considered as part of the discretionary activity resource consent, in my opinion, there is no need to pass the ‘gateway test’ of a non-complying activity.
631. The submissions from Environmental Management Solutions Limited [800.3 and 463.3] seek to make the rules not apply to contaminated land where the land has been remediated and is suitable for the uses provided by the zone. I have recommended wording to address this matter.
632. The submission from Alstra (2012) Limited [693.9] expresses concern that the rule seems to indicate that the land being subdivided must contain the intensive farm. The intent of the rule was that regardless of whether the intensive farm or other activity was on the lot being created, it had to meet the specified distances and I have recommended changes to clarify the matter.

33.11.3 Recommendations

633. It is recommended that the submissions from Waikato District Council [697.157], Alstra (2012) Limited [693.9] and Environmental Management Solutions Limited [800.3 and 463.3] be **accepted**.
634. It is recommended that the submissions from Waikato District Council [697.156 and 697.155] be **rejected**.
635. The following amendments are recommended to Chapter 16: Residential Zone, as shown in Appendix 3 - Chapter 16: Residential Zone:

16.4.7 Title boundaries – contaminated land, notable trees, intensive farming and aggregate extraction areas

RDI	<p>(a) Subdivision of land containing contaminated land <u>(other than where the contaminated land has been confirmed as not being contaminated land for its intended use)</u>, notable trees, intensive farming and Aggregate Extraction Areas must comply with all of the following conditions:</p> <p>(i) <u>Where an existing building is to contained within the</u> The boundaries of <u>every any</u> proposed lot containing existing buildings must demonstrate compliance <u>is required</u> with the following building rules (other than where any non-compliance existed lawfully prior to the subdivision) relating to:</p> <p style="margin-left: 40px;">A. daylight admission (Rule 16.3.5);</p> <p style="margin-left: 40px;">B. building coverage (Rule 16.3.6);</p> <p style="margin-left: 40px;">C. building setbacks (Rule 16.3.9).</p> <p>(ii) <u>Where any</u> The boundaries of every proposed lot <u>subdivision contains one or more of the features listed in A – D, the subdivision</u> must not divide the following:</p> <p style="margin-left: 40px;">A. a natural hazard area;</p> <p style="margin-left: 40px;">B. contaminated land <u>(other than were the contaminated land has been confirmed as not being contaminated land for its intended use)</u>;</p> <p style="margin-left: 40px;">C. Significant Amenity Landscape; or</p> <p style="margin-left: 40px;">D. notable tree.</p> <p>(iii) The boundaries of every proposed lot <u>containing, adjoining or adjacent to the activities listed in A – C below</u>, must provide the following setbacks:</p> <p style="margin-left: 40px;">A. 300m from any intensive farming activity;</p> <p style="margin-left: 40px;">B. 500m from the boundary of an Aggregate Extraction Area for rock extraction; and</p> <p style="margin-left: 40px;">C. 200m from the boundary of an Aggregate Extraction Area for sand excavation.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <p style="margin-left: 40px;">(i) Landscape values;</p> <p style="margin-left: 40px;">(ii) Amenity values and character;</p> <p style="margin-left: 40px;">(iii) Reverse sensitivity effects;</p> <p style="margin-left: 40px;">(iv) Effects on existing buildings;</p> <p style="margin-left: 40px;">(v) Effects on natural hazard areas;</p> <p style="margin-left: 40px;">(vi) Effects on contaminated land;</p> <p style="margin-left: 40px;">(vii) Effects on any notable trees; and</p> <p style="margin-left: 40px;">(viii) Effects on an intensive farming activity.</p>
NCI DI	Subdivision that does not comply with Rule 16.4.7 RDI.

33.11.4 Section 32AA evaluation

636. As the changes to Chapter 16 are to provide corrections to the rules and remove an unnecessary resource consent activity status, no s32AA evaluation has been required to be undertaken.

33.12 Rule 16.4.9 Title boundaries –Maaori sites and Maaori areas of Significance and 16.4.10 Subdivision of land containing heritage items

33.12.1 Submissions

Submission point	Submitter	Summary of submission
559.261	Heritage New Zealand Lower Northern Office	Retain Rule 16.4.9 NCI Title boundaries – Maaori sites and Maaori areas of Significance.
559.260	Heritage New Zealand Lower Northern Office	Retain Rule 16.4.9 RDI Title boundaries - Maaori sites and Maaori areas of significance.
559.258	Heritage New Zealand Lower Northern Office	Retain Rule 16.4.10 NCI Subdivision – land containing heritage items, except for the amendments sought below. AND Amend Rule 16.4.10 NCI Subdivision – land containing heritage items to be consistent with the equivalent rules in other zone chapters.
559.251	Heritage New Zealand Lower Northern Office	Retain Rule 16.4.10 RDI Subdivision – land containing heritage items, except for the amendments sought below. AND Amend Rule 16.4.10 RDI Subdivision – land containing heritage items as follows: <i>(a) Subdivision of land containing a heritage item listed in Schedule 30.1 (Historic Heritage Items)</i> <i>(b) Council's discretion is restricted to the following matters:</i> <i>(i) Effects on heritage values;</i> <i>(ii) Context and setting of the heritage item;</i> <i>(iii) The extent to which the relationship of the heritage item with its setting is maintained <u>within one lot</u>.</i> AND Amend Rule 16.4.10 RDI Subdivision – land containing heritage items to be consistent with the equivalent rules in other zone chapters, including heritage items being retained in one lot.

33.12.2 Analysis

637. The submissions from Heritage New Zealand Lower Northern Office [559.261, 559.260 and 559.258] seek to retain the rules.

638. The submission from Heritage New Zealand Lower Northern Office [559.251] seeks to clarify one of the matters of discretion.

33.12.3 Recommendations

639. It is recommended that the submissions from Heritage New Zealand Lower Northern Office [559.261, 559.260, 559.258 and 559.251] be **accepted**.
640. The following amendments are recommended to Chapter 16: Residential Zone, as shown in Appendix 3 - Chapter 16: Residential Zone:

16.4.10 Subdivision of land containing heritage items

RDI	<p>(a) Subdivision of land containing a heritage item listed in Schedule 30.1 (Heritage Items).</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Effects on heritage values; (ii) Context and setting of the heritage item; and (iii) The extent to which the relationship of the heritage item with its setting is maintained within one lot.
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33.12.4 Section 32AA evaluation

641. As the changes to Chapter 16 are to provide clarification to the matter of discretion, no s32AA evaluation has been required to be undertaken.

33.13 Rule 16.4.11 Subdivision – Road frontage

33.13.1 Submissions

Submission point	Submitter	Summary of submission
244.13	Garth and Sandra Ellmers	Amend Rule 16.4.11 (a) Subdivision – Road frontage, to decrease the width of the road boundary from 15m to 14m.
FS1134.62	Counties Power Limited	Oppose.
749.121	Housing New Zealand Corporation	<p>Amend Rule 16.4.11 RDI Subdivision - Road frontage as follows: <i>RDI</i></p> <p><i>(a) Every proposed <u>vacant</u> lot with a road boundary, other than an access allotment, utility allotment, or a proposed <u>vacant</u> lot containing a ROW or access leg must have a width along the road boundary of at least <u>10m +5m</u>.</i></p> <p><i>(b) Council's discretion shall be restricted to <u>any</u> of the following matters:</i></p> <ul style="list-style-type: none"> <i>(i) Safety and efficiency of vehicle access and road network;</i> <i>and</i> <i>(ii) Amenity values and rural character.</i> <p>AND</p> <p>Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.</p>

FS1371.39	Lakeside Development Limited	Support.
FS1134.66	Counties Power Limited	Oppose.
689.37	Greig Developments No 2 Limited	Amend Rule 16.4.11 Subdivision – Road frontage to adopt the provisions in the Operative District Plan – Franklin Section 26.6.4 Frontage to Road (Vehicular Access Requirement)
FS1134.65	Counties Power Limited	Oppose
684.5	Janet Elaine McRobbie	Amend Rule 16.4.11 Subdivision - Road frontage, by replacing the proposed requirements with the equivalent provisions in the Operative District Plan: Franklin Section (Rule 26.6.4 Frontage to Road (Vehicular Access Requirement)).
FS1134.63	Counties Power Limited	Oppose.
688.4	Gerardus & Yvonne Gemma Aarts	Amend Rule 16.4.11 Subdivision – Road Frontage, to match the Waikato District Plan – Franklin Section Rule 26.6.4 Frontage to Road (Vehicular Access Requirement) provisions.
FS1134.64	Counties Power Limited	Oppose.
838.4	Madsen Lawrie Consultants	Amend Rule 16.4.11(a) Subdivision - Road frontage to reduce the requirement for a 15m road frontage for every lot with a road boundary.
FS1134.67	Counties Power Limited	Oppose.
742.133	New Zealand Transport Agency	Retain Rule 16.4.11 RDI Subdivision Road Frontage as notified.
FS1134.68	Counties Power Limited	Support.

33.13.2 Analysis

642. The submissions from Garth and Sandra Ellmers [244.13], Housing New Zealand Corporation [749.121], Greig Developments No 2 Limited [689.37], Janet Elaine McRobbie [684.5], Gerardus & Yvonne Gemma Aarts [688.4] and Madsen Lawrie Consultants [838.4] seek a reduction in the width of a lot from 15m to widths ranging from 14m to 3m. However, the purpose of the rule is to ensure that lots have full frontage to the road, rather than a series of 3m-wide strips being created to facilitate rear lots. The Residential Subdivision Guidelines seek to encourage the creation of front lots with wide frontage, thereby providing connection to the street and assisting in the implementation of Crime Prevention Through Environmental Design (CPTED). The 15m frontage is the same as the Franklin District Plan Section in Rule 26.6.1 – Shape Factor. Also, I note the rule does not apply to an access allotment or utility allotment, or a ROW or access leg.
643. The submission from Housing New Zealand Corporation [749.121] also sought that the rule only apply to vacant lots and the deletion of matter of discretion (b)(ii). As discussed previously, it is unclear why the submitter considers that the rules should only apply to vacant lots, when lots with existing development equally need to be considered. I note that

the matter of discretion refers to 'rural' character, which is obviously an error and should refer to 'residential' character.

644. The submission from New Zealand Transport Agency [742.133] seeks that the rule be retained.

33.13.3 Recommendations

645. It is recommended that the submission from New Zealand Transport Agency [742.133] be **accepted**.
646. It is recommended that the submissions from Garth and Sandra Ellmers [244.13], Housing New Zealand Corporation [749.121], Greig Developments No 2 Limited [689.37], Janet Elaine McRobbie [684.5], Gerardus & Yvonne Gemma Aarts [688.4] and Madsen Lawrie Consultants [838.4] be **rejected**.
647. The following amendments are recommended to Chapter 16: Residential Zone, as shown in Appendix 3 - Chapter 16: Residential Zone:

16.4.11 Subdivision - Road frontage

RDI	(a) Every proposed lot with a road boundary, other than an access allotment, utility allotment, or a proposed lot containing a ROW or access leg must have a width along the road boundary of at least 15m. (b) Council's discretion shall be restricted to the following matters: (i) Safety and efficiency of vehicle access and road network; and (ii) Amenity values and rural residential character.
DI	Subdivision that does not comply with Rule 16.4.11 RDI.

33.13.4 Section 32AA evaluation

648. As the change to Chapter 16 is to correct an error in the matter of discretion, no s32AA evaluation has been required to be undertaken.

33.14 Rule 16.4.12 Subdivision – Building platform

33.14.1 Submissions

Submission point	Submitter	Summary of submission
688.5	Gerardus & Yvonne Gemma Aarts	Amend Rule 16.4.12 Subdivision – Building Platform, to match the Waikato District Plan – Franklin Section Rule 26.6.1 Shape Factor.
FS1387.279	Mercury NZ Limited	Oppose
684.6	Janet Elaine McRobbie	Amend Rule 16.4.12 - Building platform, by replacing the proposed requirements with the equivalent provision in the Operative District Plan: Franklin Section (Rule 26.6.1 Shape Factor).
FS1387.252	Mercury NZ Limited	Oppose

244.11	Garth and Sandra Ellmers	Amend Rule 16.4.12 (a)(i) Subdivision – Building Platform, to decrease the circle diameter building platform minimum from 18m to 14m.
FS1386.246	Mercury NZ Limited	Oppose
697.158	Waikato District Council	Amend Rule 16.4.12 RDI (a) Subdivision - Building platform, as follows: <i>Every proposed lot, other than one designed specifically for access, <u>or is a</u> utility allotment...</i>
FS1387.460	Mercury NZ Limited	Oppose
943.10	McCracken Surveys Limited	Amend Rule 16.4.12 RDI (a)(i) Subdivision - Building platform, to be inclusive of yards or be reduced to 15m, AND Any consequential amendments to other residential zones throughout the Proposed Waikato District Plan.
749.122	Housing New Zealand Coporation	Amend Rule 16.4.12 RDI(a) Subdivision - Building platform as follows: <i>RDI (a) Every proposed <u>vacant</u> lot, other than one designed specifically for access, utility allotment must be capable of containing a building platform upon which a dwelling and living court could be sited as a permitted activity, with the building platform being contained within either of the following dimensions:</i> <i>(i) a circle with a diameter of at least 18m exclusive of yards;</i> <i>or</i> <i>(i)(iii) a rectangle of at least <u>100m² 200m²</u> with a minimum dimension of <u>6m 12m</u> exclusive of yards.</i> AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
FS1387.1042	Mercury NZ Limited	Oppose
695.177	Sharp Planning Solutions Ltd	Amend Rule 16.4.12 RDI (a)(i) Subdivision - Building platform as follows: <i>(i) a circle with a diameter of at least 1815m exclusive of yards; or...</i>
FS1387.349	Mercury NZ Limited	Oppose
689.38	Greig Developments No 2 Limited	Amend Rule 16.4.12 Subdivision – Building platform to adopt the Shape Factor in the Operative District Plan – Franklin Section 26.6.1.
FS1387.298	Mercury NZ Limited	Oppose
244.12	Garth and Sandra Ellmers	Amend Rule 16.4.12(a) (ii) Subdivision – Building Platform, to decrease the minimum dimension of a rectangle building platform from 200m ² to 160m ² .

FS1386.247	Mercury NZ Limited	Oppose
838.5	Madsen Lawrie Consultants	Amend Rule 16.4.12(a) Subdivision - Building platform to reduce the size of the building platform required.
FS1387.1368	Mercury NZ Limited	Oppose

33.14.2 Analysis

649. The submissions from Gerardus & Yvonne Gemma Aarts [688.5], Janet Elaine McRobbie [684.6], Garth and Sandra Ellmers [244.11 and 244.12], McCracken Surveys Limited [943.10], Housing New Zealand Corporation [749.122], Sharp Planning Solutions Ltd [695.177], Greig Developments No 2 Limited [689.38] and Madsen Lawrie Consultants [838.5] all seek reductions in the building platform dimensions, with most of those submissions seeking reinstatement of the standard that is in the Operative District Plan – Franklin Section.
650. As discussed in Section 33.13 with respect to road frontage, the purpose of the building platform standard is to ensure that a suitably sized and shaped area of land is available for a dwelling to be easily built upon. By ensuring suitably-sized and shaped lots for residential development, compliance with the building development standards (such as height, daylight and setbacks) should be readily able to be achieved.
651. In addition, I note that for a 450m² sized section, either the 18m diameter circle or the 200m² rectangle (12m minimum dimension) can be easily accommodated within various shaped sections within the overall 450m² section size.
652. The submission from Waikato District Council [697.158] is a minor grammatical correction and is recommended to be accepted.

33.14.3 Recommendations

653. It is recommended that the submission from Waikato District Council [697.158] be **accepted**.
654. It is recommended that the submissions from Gerardus & Yvonne Gemma Aarts [688.5], Janet Elaine McRobbie [684.6], Garth and Sandra Ellmers [244.11 and 244.12], McCracken Surveys Limited [943.10], Housing New Zealand Corporation [749.122], Sharp Planning Solutions Ltd [695.177], Greig Developments No 2 Limited [689.38] and Madsen Lawrie Consultants [838.5] be **rejected**.
655. The following amendments are recommended to Chapter 16: Residential Zone, as shown in Appendix 3 - Chapter 16: Residential Zone:

16.4.12 Subdivision - Building platform

RDI	<p>(a) Every proposed lot, other than one designed specifically for access <u>or is a</u> utility allotment, must be capable of containing a building platform upon which a dwelling and living court could be sited as a permitted activity, with the building platform being contained within either of the following dimensions:</p> <ul style="list-style-type: none"> (i) a circle with a diameter of at least 18m exclusive of yards; or (ii) a rectangle of at least 200m² with a minimum dimension of 12m exclusive of yards. <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout; (ii) Shape of allotments; (iii) Ability of allotments to accommodate a practical building platform; (iv) Likely location of future buildings and their potential effects on the environment; (v) Avoidance or mitigation of natural hazards;
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(vi) Geotechnical suitability for building; and (vii) Ponding areas and primary overland flow paths.

33.14.4 Section 32AA evaluation

656. As the change to Chapter 16 is to clarify the wording of the rule, no s32AA evaluation has been required to be undertaken.

33.15 Rule 16.4.13 Subdivision creating reserves

33.15.1 Submissions

Submission point	Submitter	Summary of submission
965.1	Sandra Ellmers Family Trust	Amend Rule 16.4.13 (a) Subdivision creating reserves, by deleting the requirement for newly created reserves to have 50% of boundaries bordered by roads and replace instead with "all reserves to have public access".
662.11	Blue Wallace Surveyors Ltd	Amend Rule 16.4.13 RDI(a) Subdivision creating reserves as follows: <i>(a) Every reserve, including where a reserve is identified within a structure plan or master plan (other than an esplanade reserve), proposed for vesting as part of the subdivision, must be bordered by roads along at least 50% of its boundaries as much as is practicable...</i>
FS1070.2	Glenvale Stage 2 Limited	Support
FS1308.90	The Surveying Company	Support
368.32	Ian McAlley	Amend Rule 16.4.13 Subdivision creating reserves, and the associated matters that Council has restricted its discretion to with regard to structure and master planning to clarify that these references only relate to structure or master plans that are contained within the notified version of the Proposed Plan.
853.5	Paul Manuell	Delete Rule 16.4.13 RDI(a) Subdivision creating reserves, and make it a matter of discretion.
871.7	Brendon John & Louise Strong	Delete Rule 16.4.13(a) Subdivision creating reserves and make it a matter of discretion.
689.14	Greig Developments No 2 Limited	Delete Rule 16.4.13 (a) Subdivision creating reserves and make this a matter of discretion.
681.5	Lavalla Farms Limited	Delete Rule 16.4.13 (a) Subdivision creating reserves, and make it a matter of discretion.

751.23	Chanel Hargrave and Travis Miller	Delete Rule 16.4.13 RDI (a) Subdivision creating reserves AND Add the road frontage of reserves as a matter of discretion for subdivision creating reserves.
684.7	Janet Elaine McRobbie	Delete Rule 16.4.13 RDI (a) Subdivision creating reserves, and make it a matter of discretion.
688.6	Gerardus & Yvonne Gemma Aarts	Delete Rule 16.4.13 RDI (a) Subdivision creating reserves, and make this a matter of discretion.
687.5	Campbell Tyson	Delete Rule 16.4.13 RDI(a) Subdivision creating reserves, and make it a matter of discretion.
746.51	The Surveying Company	Delete Rule 16.4.13 RDI(a)-Subdivision creating reserves and make this a matter of discretion
679.12	Greenways Orchards Limited	Delete Rule 16.4.13(a) Subdivision creating reserves and make it a matter of discretion.
FS1377.188	Havelock Village Limited	Support.

33.15.2 Analysis

657. The submissions from Sandra Ellmers Family Trust [965.1] and Blue Wallace Surveyors Ltd [662.11] seek a general standard that reserves should have public access. The requirement for reserves to be bordered by roads is to ensure that they have good access and parking, are able to viewed from both public and private areas and therefore contribute to the safety of reserve users. It is accepted that other developments on the reserves (such as placement of buildings and landscaping and provision of lighting) can assist with the safety and amenity of park users. However, the principal factor is ensuring that reserves have as much frontage to a road as possible.
658. I note that this matter was addressed in the s42A report for Hearing 6: Village Zone at Section 10, paragraphs 213 – 237. With respect to the author of that report I do not agree with the analysis or the recommended amendments. The purpose of the 50% frontage to a road was to ensure that the open space was surrounded by streets thereby ensuring a sense of public ownership and overlooking. This rule is designed to create parks that either are located on corner sites or have frontage to two sides of the park. This configuration is also helpful for the use of public space as it enables activities to be distributed around the park with access available other than through one access point. This is in accordance with Appendix 3.1 - Residential Subdivision Guideline at Section 7.3. Where this standard cannot be achieved then the discretionary activity status provides full discretion to assess the application. The matters of discretion can be used as part of the matters to be considered under a discretionary activity.
659. The submission from Ian McAlley [368.32] seeks that the rule only apply to existing structure plans in the PWDP, and I recommend that this be accepted. However, no change is required at this stage, as any new structure plan will be introduced through a variation/plan change, and the rule can be amended as necessary as part of that process.
660. The submissions from Paul Manuell [833.5], Brendon John & Louise Strong [871.7], Greig Developments No 2 Limited [689.14], Lavalla Farms Limited [681.5], Chanel Hargrave and Travis Miller [751.23], Janet Elaine McRobbie [684.7], Gerardus & Yvonne Gemma Aarts [688.6], Campbell Tyson [687.5], The Surveying Company [746.51] and Greenways Orchards Limited [679.12] seek that Rule 16.4.13 RDI(a) be deleted, and the creation of

reserves just be a matter of discretion (that is, there would be no standard). In my opinion, without the standard to set a direction as to what is being sought, it is difficult to assess a restricted discretionary activity subdivision application.

33.15.3 Recommendations

661. It is recommended that the submissions from Ian McAlley [368.32], Sandra Ellmers Family Trust [965.1] Paul Manuell [833.5], Brendon John & Louise Strong [871.7], Greig Developments No 2 Limited [689.14], Lavalla Farms Limited [681.5], Chanel Hargrave and Travis Miller [752.23], Janet Elaine McRobbie [684.7], Gerardus & Yvonne Gemma Aarts [688.6], Campbell Tyson [687.5], The Surveying Company [746.51], Greenways Orchards Limited [679.12] and Blue Wallace Surveyors Ltd [662.11] be **rejected**.

33.15.4 Section 32AA evaluation

662. As no change is recommended, no s32AA evaluation has been required to be undertaken.

33.16 Rule 16.4.14 Subdivision of esplanade reserves and esplanade strips

33.16.1 Submissions

Submission point	Submitter	Summary of submission
567.13	Ngati Tamaoho Trust	Add a new condition to Rule 16.4.14 - Subdivision of esplanade reserves and esplanade strips, as follows: <u>must be bordered by park edge roading for safety, environment, amenity and urban design purposes.</u> AND Add an additional provision for Subdivision of esplanade reserves and esplanade strips in all sections of the Proposed District Plan where esplanade reserves are referred to as follows: <u>must be bordered by park edge roading for safety, environment, amenity and urban design purposes.</u>
FS1308.78	The Surveying Company	Null
FS1371.9	Lakeside Development Limited	Lakeside Developments Limited seeks that the submission point requiring all esplanade reserves and strips to be bordered by a park edge road be declined.
798.29	Ngati Te Ata	Add the following text to Rule 16.4.14 Subdivision of esplanade reserves and esplanade strips: <u>must be bordered by Park edge roading for safety, environment, amenity and urban design purposes.</u> AND Add " <u>must be bordered by park edge roading for safety, environment, amenity and urban design purposes</u> " into all sections, i.e. Business, Industrial, Village, Town Centre etc.

FS1308.79	The Surveying Company	Null
871.8	Brendon John & Denise Louise Strong	Amend Rule 16.4.14 Subdivision of esplanade reserves and esplanade strips, by replacing with the Operative Waikato District Plan - Franklin Section Rule 11.5. Esplanade Reserves and Strips
697.159	Waikato District Council	Amend Rule 16.4.14 RDI (a) (ii) Subdivision of esplanade reserves and esplanade strips, as follows: <i>(ii) The proposed lot is more than 4ha, or more than 20m from of mean high water springs, or is a water body identified in Appendix 4 (Esplanade Priority Areas).</i>
746.52	The Surveying Company	Amend Rule 16.4.14 Subdivision of esplanade reserves and esplanade strips to adopt Operative Waikato District Plan - Franklin Section Rule 11.5 - Esplanade Reserves and Strips.
689.15	Greig Developments No 2 Limited	Amend Rule 16.4.14 Subdivision of esplanade reserves and esplanade strips to adopt the provisions in the Operative District Plan – Franklin Section Rule 11.5 – Esplanade Reserves and Strips
751.24	Chanel Hargrave and Travis Miller	Amend Rule 16.4.14 Subdivision of esplanade reserves and esplanade strips to adopt the Waikato District Plan - Franklin Section Rule 11.5 - Esplanade Reserves and Strips.
684.8	Janet Elaine McRobbie	Amend Rule 16.4.14 Subdivision of esplanade reserves and esplanade strips, by replacing the proposed provisions with the equivalent rule in the Operative District Plan: Franklin Section (Rule 11.5 Esplanade Reserves and Strips).
757.11	Karen White	Amend Rule 16.4.14 Subdivision of esplanade reserves and esplanade strips, to include the following: <i>The developer of lots 4ha shall be required to provide esplanade facilities that will include as a minimum a 1.8m wide timber edge gravel path walkway and 10% of area landscape planting.</i>
FS1308.125	The Surveying Company	Null
499.18	Adrian Morton	Amend Rule 16.4.14(b) Subdivision of esplanade reserves and esplanade strips to require the developer of lots 4ha to provide esplanade facilities that will include as a minimum a 1.8m wide timber edge gravel path walkway and 10% of area landscape planting.
749.123	Housing New Zealand Corporation	Retain Rule 16.4.14 Subdivision of esplanade reserves and esplanade strips as notified.
FS1371.40	Lakeside Development Limited	<i>Lakeside Development Limited seek that the amendment of Rule 16.4.14 RDI (a)-Esplanade reserves and esplanade strips contained within the submission point be allowed.</i>

33.16.2 Analysis

Park Edge

663. The submissions from Ngati Tamaoho Trust [567.13] and Ngati Te Ata [798.29] seek that a new rule requiring esplanade reserves and esplanade strips be bordered by a park edge roading for safety and other purposes. The purpose of esplanade reserves and the analysis of where those reserves are to be located relate to matters of conservation purposes or public access (primarily), with recreational use only where that is compatible with the conservation purpose (refer to s229 of the RMA). Accordingly, it is not correct to treat esplanade reserves and esplanade strips in the same manner as other reserves primarily used for active recreation purposes.

Operative District Plan – Franklin Section

664. The submissions from Brendon John & Denise Louise Strong [871.8], The Surveying Company [746.52], Greig Developments No 2 Limited [698.15], Chanel Hargrave and Travis Miller [751.24] and Janet Elaine McRobbie [684.8] seek that the provisions of the Operative District Plan – Franklin Section be adopted. My analysis concludes that the proposed esplanade provisions are a near duplication of the Franklin Section provisions, accordingly no change is recommended.

Correction and Support

665. The submission from Waikato District Council [697.159] seeks to correct a wording error, and this is recommended to be accepted.
666. The submission from Housing New Zealand Corporation [749.123] supports the rule without change.

Formation of esplanade reserves and esplanade strips

667. The submissions from Karen White [757.11] and Adrian Morton [499.18] seek the formation of esplanade strips. However, as noted above, the primary purpose of esplanade reserves is to provide for conservation or public access. Accordingly, as not all esplanade reserves and esplanade strips are to provide public access, it would be incorrect to have a standard requiring their formation. The development of esplanade reserves and esplanade strips is a matter that should be undertaken by Council in the same manner as it develops other reserves in the district.

33.16.3 Recommendations

668. It is recommended that the submission from Waikato District Council [697.159] and Housing New Zealand Corporation [749.123] be **accepted**.
669. It is recommended that the submissions from Ngati Tamaoho Trust [567.13], Ngati Te Ata [798.29], Brendon John & Denise Louise Strong [871.8], The Surveying Company [746.52], Greig Developments No 2 Limited [689.15], Chanel Hargrave and Travis Miller [751.24], Janet Elaine McRobbie [684.8], Karen White [757.11] and Adrian Morton [499.18] be **rejected**.
670. The following amendments are recommended to Chapter 16: Residential Zone as shown in Appendix 3 - Chapter 16: Residential Zone:

16.4.14 Subdivision of esplanade reserves and esplanade strips

RDI	(a) Subdivision of an esplanade reserve or strip at least 20m wide (or other width stated in Appendix 4 (Esplanade Priority Areas) that is required to be created shall vest in Council where the following situations apply:
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	<ul style="list-style-type: none"> (i) The proposed lot is less than 4ha and within 20m of: <ul style="list-style-type: none"> A. mean high water springs; B. the bank of any river whose bed has an average width of 3m or more; or C. a lake whose bed has an area of 8ha or more; or (ii) The proposed lot is more than 4ha or more than 20m from of mean high water springs or a water body identified in Appendix 4 (Esplanade Priority Areas). <p>(a) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) The type of esplanade provided - reserve or strip; (ii) Width of the esplanade reserve or strip; (iii) Provision of legal access to the esplanade reserve or strip; (iv) Matters provided for in an instrument creating an esplanade strip or access strip; (v) Works required prior to vesting any reserve in the Council, including pest plant control, boundary fencing and the removal of structures and debris.
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33.16.4 Section 32AA evaluation

671. As the change to Chapter 16 is to correct a minor wording matter, no s32AA evaluation has been required to be undertaken.

33.17 Rule 16.4.15 Subdivision of land containing mapped off-road walkways

33.17.1 Submissions

Submission point	Submitter	Summary of submission
697.160	Waikato District Council	<p>Amend Rule 16.4.15 Subdivision of land containing mapped off-road walkways, as follows:</p> <p><i>Subdivision of land containing mapped off-road walkways, <u>cycle ways or bridle ways</u>.</i></p> <p><i>(a) Subdivision where walkways, <u>cycle ways or bridle ways</u>.</i></p> <ul style="list-style-type: none"> <i>(i) The walkway, <u>cycle way or bridle way</u> is shared pedestrian, and <u>cycle or riding</u> use as per Rule 14.12.1 P8 (Transportation);</i> <i>(ii) The walkway, <u>cycle way or bridle way</u> is generally in accordance with the walkway, <u>cycle way or bridle way</u> route shown on the planning maps;</i> <i>(iii) The walkway, <u>cycle way or bridle way</u> is...</i> <p><i>(b) Council's discretion shall be restricted to the following matters:</i></p> <ul style="list-style-type: none"> <i>(i) Alignment of the walkway, <u>cycle way or bridle way</u>;</i> <i>(ii) Drainage in relation to the walkway, <u>cycle way or bridle way</u>;</i> <i>(iii) Standard of design and construction of the walkway, <u>cycle way or bridle way</u>;</i>
965.2	Sandra Ellmers Family Trust	<p>Delete the requirement for walkways to be at least 3m wide and be constructed for shared pedestrian and cycle use in Rule 16.4.15 (a) (i) Subdivision of land</p>

		containing mapped off-road walkways.
FS1276.164	Whaingaroa Environmental Defence Inc. Society	Reject

33.17.2 Analysis

672. The submission from Waikato District Council [697.160] seeks to correct an error that the walkways are for multi-purposes, as that is what the 3 metre width is to provide for. Rule 14.12.1 P8 requires that the minimum width for pedestrian and cycle facilities is 2 metres and the addition 1 metre width is to accommodate brideways within the facility.
673. The submission from Sandra Ellmers Family Trust [965.2] is concerned that the standard of walkway formation is not suitable for the Waikato terrain which is very undulating, with many public walkways being located in bush and traversing very hilly and undulating ground, along streams and rivers or adjacent to wetlands. It appears that the submission is not relevant to the Residential Zone, where the location of walkways has been planned and integrated into the overall urban environment.

33.17.3 Recommendations

674. It is recommended that the submission from Waikato District Council [697.160] be **accepted**.
675. It is recommended that the submission from Sandra Ellmers Family Trust [965.2] be **rejected**.
676. The following amendments are recommended to Chapter 16: Residential Zone, as shown in Appendix 3 - Chapter 16: Residential Zone:

16.4.15 Subdivision of land containing mapped off-road walkways, cycle ways or bridle ways

RDI	<p>(a) Subdivision where walkways, <u>cycle ways or bridle ways</u> shown on the planning maps are to be provided as part of the subdivision must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) The walkway, <u>cycle way or bridle way</u> is at least 3 metres wide and is designed and constructed for shared pedestrian and cycle <u>or riding</u> use, as per Rule 14.12.1 P8 (Transportation); (ii) The walkway, <u>cycle way or bridle way</u> is generally in accordance with the walkway, <u>cycle way or bridle way</u> route shown on the planning maps; (iii) The walkway, <u>cycle way or bridle way</u> is shown on the plan of subdivision and vested in the Council. <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Alignment of the walkway, <u>cycle way or bridle way</u>; (ii) Drainage in relation to the walkway, <u>cycle way or bridle way</u>; (iii) Standard of design and construction of the walkway, <u>cycle way or bridle way</u>; (iv) Land stability; (v) Amenity matters including batter slopes; and (vi) Connection to reserves.
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33.17.4 Section 32AA evaluation

677. As the change to Chapter 16 is to clarify that the access is for walking, cycling and riding, no s32AA evaluation has been required to be undertaken.

33.18 Appendix 3.1 Residential Subdivision Guidelines

33.18.1 Submissions

Submission point	Submitter	Summary of submission
822.3	Bob MacLeod	Add to Appendix 3.1 Residential Subdivision Guidelines, details and illustrations of water harvesting systems as per those attached to the submission.
FS1387.1304	Mercury NZ Limited	Oppose
297.57	Counties Manukau Police	Amend 4.3 Page 12 in Appendix 3.1 Residential Subdivision Guidelines relating to rear lots to have stronger wording about conforming to CPTED guidelines.
FS1386.324	Mercury NZ Limited	Oppose
FS1269.27	Housing New Zealand Corporation	Oppose
943.42	McCracken Surveys Limited	Amend Appendix 3 – Design Guidelines – 3.1: Residential Subdivision Guidelines, to bold the following statement and for it to be implemented in the intent that the words portray as follows: <i>Every application will be different (and not all the outcomes sought and design guidelines will be relevant to the assessment) of the proposed subdivision application. Each subdivision will be assessed on its merits taking into account its context and specific attributes. A degree of flexibility in relation to how the proposals respond to the guidelines is reasonable and to be expected. What is important is that the outcomes sought are clearly achieved and that this able to be demonstrated in the proposal.</i>
FS1387.1585	Mercury NZ Limited	Oppose
297.52	Counties Manukau Police	Amend Appendix 3.1 Residential Subdivision Guidelines to prominently include the national guidelines for CPTED to provide further useful information, and not just listed as a reference.
FS1386.319	Mercury NZ Limited	Oppose
824.5	Raglan Community Board	Amend Appendix 3.1 Section 8 Residential Subdivision Guidelines – Low Impact Urban Design, to add details and illustrations of water harvesting systems, similar to those attached to the submission.
FS1387.1307	Mercury NZ Limited	Oppose

368.33	Ian McAlley	Amend Section 3 of Appendix 3.1 Residential Subdivision Guidelines, to limit the consideration of the "site and contextual analysis" to how the subdivision/development will integrate with the immediately surrounding existing and/or proposed development.
FS1386.568	Mercury NZ Limited	Oppose
297.56	Counties Manukau Police	Amend Section 4.3 Page 10, second row of the table in Appendix 3.1 Residential Subdivision Guidelines to provide clarification about pedestrian and cyclist linkages within the guideline around avoiding cul-de-sacs.
FS1386.323	Mercury NZ Limited	Oppose
FS1269.26	Housing New Zealand Corporation	Oppose
567.15	Ngati Tamaoho Trust	Amend Table 4.3 in Appendix 3.1 - Residential Subdivision Guidelines to include ticks for all small (s) and medium (m) for connectivity and movement networks.
567.16	Ngati Tamaoho Trust	Amend Table 5.3 in Appendix 3.1 - Residential Subdivision Guidelines to include ticks for all small (s) for guidelines for neighbourhood character.
567.19	Ngati Tamaoho Trust	Amend Table 8.3 in Appendix 3.1 - Residential Subdivision Guidelines to show intention for offline stormwater treatment.
567.17	Ngati Tamaoho Trust	Amend Tables 6.3 in Appendix 3.1 - Residential Subdivision Guidelines to include ticks for all small (s) and medium (m).
567.18	Ngati Tamaoho Trust	Amend Tables 7.3 in Appendix 3.1 - Residential Subdivision Guidelines to include ticks for all small (s) and medium (m).
297.55	Counties Manukau Police	Retain Section 4.2 in Appendix 3.1 Residential Subdivision Guidelines – Connectivity and Movement Networks – Outcomes Sought as notified.
FS1386.322	Mercury NZ Limited	Oppose
FS1269.25	Housing New Zealand Corporation	Oppose

33.18.2 Analysis

678. The submissions from Bob MacLeod [822.3], Counties Manukau Police [297.57, 297.52 and 297.56], McCracken Surveys Limited [943.42], Raglan Community Board [824.5], Ian McAlley [368.33], Ngati Tamaoho Trust [567.15, 567.16, 567.19, 567,17 and 567.18] all seek various changes to Appendix 3I – Residential Design Guidelines.

679. The purpose of the guidelines is to be used as a matter of discretion for restricted discretionary activities (such as Rule 16.4.1 RDI), and the document is externally-referenced.

Accordingly, there is flexibility within the restricted discretionary matters of discretion to consider the matters that have been raised in the submissions, and no change can or needs to be made to the guideline.

680. The submission from Counties Manukau Policy [297.55] supports a section of the guideline.

33.18.3 Recommendations

681. It is recommended that the submission from Counties Manukau Policy [297.55] be **accepted**.

682. It is recommended that the submissions from Bob MacLeod [822.3], Counties Manukau Police [297.57, 297.52 and 297.56], McCracken Surveys Limited [943.42], Raglan Community Board [824.5], Ian McAlley [368.33] and Ngati Tamaoho Trust [567.15, 567.16, 567.19, 567.17 and 567.18] be **rejected**.

33.18.4 Section 32AA evaluation

683. As there are no changes to Chapter 16, no s32AA evaluation has been required to be undertaken.

34 Topic 31: Te Kauwhata

34.1 Introduction

684. Policy 4.7.13 – Residential Zone – Te Kauwhata Ecological and West Residential Areas seeks to achieve minimum lot sizes while recognising the ecological and amenity values of natural features and landscapes of the Whangamarino Wetland and Lake Waikare. There are a range of rules within the Residential Zone that recognise the specific environmental features of these two areas, including:

- Rule 16.3.6 P2 – Building coverage;
- Rule 16.3.9.4 – Building setback – Environmental Protection Area; and
- Subdivision rules discussed in the following sections.

34.2 Submissions

685. The following submissions were made:

Submission point	Submitter	Summary of submission
81.209	Waikato Regional Council	Amend Policy 4.7.13 (a)(i) Residential Zone – Te Kauwhata Ecological and West Residential Areas as follows: Promote <u>Protect</u> the natural features and landscapes of the Whangamarino Wetland and Lake Waikare;
697.149	Waikato District Council	Amend Rule 16.4.2 RDI (a) Subdivision - Te Kauwhata Ecological Residential Area, as follows: <u>Proposed lots, except where the proposed lot is an access allotment, utility allotment or reserve to vest in the Te Kauwhata Ecological Residential Area...</u>

Submission point	Submitter	Summary of submission
FS1387.453	Mercury NZ Limited	Oppose
695.174	Sharp Planning Solutions Ltd	Amend Rule 16.4.2 RDI (a)(v) Subdivision - Te Kauwhata West Residential Area to state that rear lots are to be avoided except where there is no realistic alternative.
FS1387.346	Mercury NZ Limited	Oppose
746.47	The Surveying Company	Delete Rule 16.4.2 RDI (a)(iv)- Subdivision- Te Kauwhata Ecological Residential Area.
FS1387.927	Mercury NZ Limited	Oppose
689.13	Greig Developments No 2 Limited	Delete Rule 16.4.2 RDI (a)(iv) Te Kauwhata Ecological Residential Area
FS1387.287	Mercury NZ Limited	Oppose
751.59	Chanel Hargrave and Travis Miller	Delete Rule 16.4.2 RDI (a)(iv) Subdivision - General
FS1387.1099	Mercury NZ Limited	Oppose
378.28	Fire and Emergency New Zealand	Retain Rule 16.4.2 Subdivision - Te Kauwhata Ecological Residential Area, to the extent that subdivision is a restricted discretionary activity and proposed lots must connect to a public-reticulated water supply. AND Amend Rule 16.4.2(b)(x) Subdivision - Te Kauwhata Ecological Residential Area, as follows: <i>(x) Provision of infrastructure, including water supply for firefighting purposes.</i> AND Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.
FS1388.32	Mercury NZ Limited	Oppose
FS1035.134	Pareoranga Te Kata	Support.
746.49	The Surveying Company	Amend Rule 16.4.3 RDI (a)(v)- Subdivision- Te Kauwhata West Residential Area to increase the percentage of rear lots to no more than 25%.
FS1387.929	Mercury NZ Limited	Oppose
695.175	Sharp Planning Solutions Ltd	Amend Rule 16.4.3 RDI to state that rear lots are to be avoided except where there is no realistic alternative.
FS1387.347	Mercury NZ Limited	Oppose
697.150	Waikato District Council	Amend Rule 16.4.3 RDI (a) Subdivision - Te Kauwhata West Residential Area, as follows: <i>Proposed lots, except where the proposed lot is an access</i>

Submission point	Submitter	Summary of submission
		<i>allotment utility allotment or reserve to vest within the Te Kauwhata West Residential Area...</i>
FS1387.454	Mercury NZ Limited	Oppose
679.4	Greenways Orchards Limited	Amend Rule 16.4.3 RDI(a)(ii) Subdivision - Te Kauwhata West Residential Area as follows: (a) Proposed lots within Te Kauwhata West Residential Area must comply with all of the following conditions: ... (i) (ii) Have a minimum average net site area of 875m² <u>700m²</u> ;
FS1387.152	Mercury NZ Limited	Oppose
FS1150.2	Te Kauwhata Land Limited	Support
FS1318.5	Viaduct Harbour Nominees Limited	Support.
746.50	The Surveying Company	Amend Rule 16.4.3(a) (ii)-Subdivision- Te Kauwhata West Residential Area as follows: (ii) Have a minimum average net site area of 875m² <u>700m²</u> .
FS1387.930	Mercury NZ Limited	Oppose
687.9	Campbell Tyson	Amend Rule 16.4.3(a)(ii) Subdivision – Te Kauwhata West Residential Area, to reduce the minimum average to 700m ² .
FS1318.7	Viaduct Harbour Nominees Limited	Support.
FS1150.3	Te Kauwhata Land Limited	Support
FS1387.274	Mercury NZ Limited	Oppose
751.22	Chanel Hargrave and Travis Miller	Amend Rule 16.4.3(a)(ii) Subdivision Te Kauwhata West Residential Area as follows: Have a minimum average net site area of 875 <u>700</u> m ² .
FS1318.3	Viaduct Harbour Nominees Limited	Support.
FS1387.1078	Mercury NZ Limited	Oppose
689.35	Greig Developments No 2 Limited	Delete Rule 16.4.3 RDI(a)(v) Te Kauwhata West Residential Area
FS1387.296	Mercury NZ Limited	Oppose
FS1318.2	Viaduct Harbour Nominees Limited	Support.
368.29	Ian McAlley	Delete Rule 16.4.3 Subdivision - Te Kauwhata West

Submission point	Submitter	Summary of submission
		Residential Area AND Amend the Proposed District Plan to apply the standard residential subdivision provisions to this area.
FS1318.4	Viaduct Harbour Nominees Limited	Support.
FS1386.566	Mercury NZ Limited	Oppose
FS1061.14	Campbell Tyson	Support.
679.10	Greenways Orchards Limited	Retain Rule 16.4.3 Subdivision - Te Kauwhata West Residential Area, with the exception of Rules RD1(a)(ii) and RD1(a)(iv) which are addressed elsewhere in the submission.
FS1387.156	Mercury NZ Limited	Oppose
378.29	Fire and Emergency New Zealand	Retain Rule 16.4.3 Te Kauwhata West Residential Area, to the extent that subdivision is a Restricted Discretionary Activity and requires proposed lots to connect to public-reticulated water supply AND Amend Rule 16.4.3 Te Kauwhata West Residential Area, as follows: <i>(x) Provision of infrastructure, including water supply for firefighting purposes.</i> AND Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.
FS1388.33	Mercury NZ Limited	Oppose
FS1035.135	Pareoranga Te Kata	Support.
687.8	Campbell Tyson	Retain the general residential subdivision provisions in Rule 16.4.3 Subdivision – Te Kauwhata West Residential Area, as proposed in the District Plan, with the exception of Rule 16.4.3(a)(ii) (which is addressed elsewhere in the submission).
FS1387.273	Mercury NZ Limited	Oppose
FS1318.6	Viaduct Harbour Nominees Limited	Support.
751.21	Chanel Hargrave and Travis Miller	Delete Rule 16.4.1(a)(iv) Subdivision - General AND Add the number of rear lots as a matter of discretion to Rule 16.4.1 (b) Subdivision-General

Submission point	Submitter	Summary of submission
		OR Amend Rule 16.4.1(a)(v) Subdivision - General to increase the percentage of rear lots to no more than 25%. AND Amend Rule 16.4.3 RDI (a)(v) Subdivision Te Kauwhata West Residential Area to increase the percentage of rear lots to no more than 25%.
FS1387.1077	Mercury NZ Limited	Oppose
687.10	Campbell Tyson	Delete Rule 16.4.3 RDI(a)(iv) Subdivision - Te Kauwhata, and make it a matter of discretion.
FS1387.275	Mercury NZ Limited	Oppose
679.11	Greenways Orchards Limited	Delete Rule 16.4.3(a)(iv) Subdivision -Te Kauwhata West Residential Area and make it a matter of discretion.

686. One submission has been received to Policy 4.7.13.

687. Twenty-one submissions have been received in relation to Rules 16.4.2 and 16.4.3. The submissions seek to amend, are neutral, oppose, or support. The submissions were generally concerned with the following matters:

- a. Minimum lot sizes
- b. Road layouts
- c. Provision of water supply for firefighting purposes.

34.3 Analysis

34.3.1 Policy 4.7.13 – Residential Zone – Te Kauwhata Ecological and West Residential Areas

688. Waikato Regional Council [81.209] seeks to amend Policy 4.7.13(a)(i) by replacing the word 'promote,' with 'protect,' to be consistent with the Waikato Regional Policy Statement. I agree with the relief sought and suggest the amendment below:

Policy 4.7.13(a)(i) Residential – Te Kauwhata Ecological and West Residential Area

- (a) Subdivision is designed and located in Te Kauwhata Ecological Residential Area to:
 - (i) ~~Promote~~**Protect** the natural features and landscapes of the Whangamarino Wetland and Lake Waikare;
 - (ii) Achieve the minimum lot size; and
 - (iii) Recognise the ecological values of the wetland environments of Whangamarino Wetland and Lake Waikare.
- (b) Subdivision is designed and located in the Te Kauwhata West Residential Area to achieve the minimum lot size and recognise the views of natural features and landscapes.

34.3.2 Rule 16.4.2 Subdivision – Te Kauwhata Ecological Residential Area

Rule RDI(a)

689. Waikato District Council [697.149] seeks to amend Rule 16.4.2 RDI(a) to specifically exclude access allotments, utility allotments, or reserves to vest, from the minimum net site area requirements, on the basis that there are already separate provisions for these in the PWDP. I agree that these allotments should be specifically excluded from the application of this rule, and recommend the below amendment:

16.4.2 Subdivision – Te Kauwhata Ecological Residential Area

RDI	<p>(a) Proposed lots, <u>except where the proposed lot is an access allotment, utility allotment or reserve to vest</u>, in the Te Kauwhata Ecological Residential Area identified on the planning maps must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) Have a minimum net site area of 750m²; (ii) Have a minimum average net site area of 875m²; (iii) Must be able to be connected to public-reticulated water supply and wastewater; (iv) Where roads are to be vested in Council, they must follow a grid layout; (v) Where 4 or more proposed lots are being created, rear lots must not exceed 15% of the total number of lots being created.
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Rule RDI(a)(iii) and RDI(b)(x)

690. Fire and Emergency New Zealand [378.28] supports Rule 16.4.2(a)(iii) and the requirements for lots to be connected to public-reticulated water supply and wastewater, and for applications becoming a discretionary activity where such supply is not available. They seek to amend the matters of discretion 16.4.2(b)(x) to include water supply for firefighting purposes. The explicit inclusion of this matter of discretion prioritises the access to water for firefighting purposes and subsequent health and safety risks. This is particularly relevant to higher-density development. As such, I agree with the relief sought and suggest the below amendment:

16.4.2 Subdivision – Te Kauwhata Ecological Residential Area

RDI	<p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout, including the grid layout of roads; (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; (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; and (x) Provision of infrastructure, <u>including water supply for firefighting purposes</u>.
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Rule RDI(a)(v) – rear lots

691. Sharp Planning Solutions Ltd [695.174] seeks to amend Rule 16.4.2 RD(a)(v) to enable an increased number of new rear lots, where there is no realistic alternative. The reason for this is that there is no apparent consideration for the site-specific topographical and existing infrastructure constraints, and as a result the rule would lead to inconsistent decision-making. In my opinion, the proposed amendment is arbitrary and may give rise to equally-inconsistent decision-making. In my opinion, the number of rear lots is already included

within the matter of discretion (b)(i) Subdivision layout and (b)(vii) *Consistency with the matters contained within Appendix 3.1 (Residential Subdivision Guidelines)*. Accordingly, I recommend that the condition be deleted and the number of rear lots be included within the matter of discretion as follows:

16.4.2 Subdivision – Te Kauwhata Ecological Residential Area

RDI	<p>(a) Proposed lots in the Te Kauwhata Ecological Residential Area identified on the planning maps must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) Have a minimum net site area of 750m²; (ii) Have a minimum average net site area of 875m²; (iii) Must be able to be connected to public-reticulated water supply and wastewater; (iv) Where roads are to be vested in Council, they must follow a grid layout; (v) Where 4 or more proposed lots are being created, rear lots must not exceed 15% of the total number of lots being created.
	<p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout, <u>including the number of rear lots</u>; (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; (vi) Amenity values and streetscape landscaping; (vii) Consistency with the matters contained within Appendix 3.1 (<i>Residential Subdivision Guidelines</i>); (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; and (x) Provision of infrastructure.

Rule RDI (a)(iv) – grid layout

692. The Surveying Company [746.47], Greig Developments No 2 Limited [689.13], and Chanel Hargrave and Travis Miller [751.59] seek to delete Rule 16.4.2 RDI (a)(iv), which requires all roads vested in Council to follow a grid layout. The grid layout is defined in Chapter 13 of the PWDP as 'an interconnecting system of roads, blocks and allotments, laid out in a predominantly rectilinear pattern.' The implementation of this rule aligns with CPTED (Crime Prevention Through Environmental Design) principles, which seek to omit or reduce the number of cul-de-sacs within an area. In my opinion, condition (a)(iv) contains a matter of discretion as to what exactly constitutes a grid layout and as such is ultra vires. Also, the matter of grid layout should be addressed by conditions of resource consent. In my opinion, the grid layout matter is already included within the matter of discretion (b)(i) Subdivision layout and (b)(vii) *Consistency with the matters contained within Appendix 3.1 (Residential Subdivision Guidelines)*. Accordingly, I recommend that the condition be deleted and the grid layout be included within the matter of discretion as follows:

16.4.2 Subdivision – Te Kauwhata Ecological Residential Area

RDI	<p>(b) Proposed lots in the Te Kauwhata Ecological Residential Area identified on the planning maps must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) Have a minimum net site area of 750m²; (ii) Have a minimum average net site area of 875m²; (iii) Must be able to be connected to public-reticulated water supply and wastewater;
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	<p>(iv) Where roads are to be vested in Council, they must follow a grid layout;</p> <p>(iv) Where 4 or more proposed lots are being created, rear lots must not exceed 15% of the total number of lots being created.</p>
	<p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout, <u>including the grid layout of roads;</u> (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; (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; and (x) Provision of infrastructure.

34.3.3 Rule 16.4.3 Subdivision – Te Kauwhata West Residential Area

Rule 16.4.3 – Entire Rule

693. Ian McAlley [368.29] seeks to delete Rule 16.4.3 in its entirety, and to replace the provisions with the residential provisions, on the basis that the minimum lot sizes will not achieve the required 12 – 15 household per hectare density specified under the Waikato Regional Policy Statement. The rural-residential development policies of the Waikato Regional Policy Statement seek to promote development in a compact urban form, design and location, while maintaining or enhancing landscape values, positive indigenous biodiversity outcomes, and to protect significant indigenous vegetation and significant habitats of indigenous fauna. In removing the area-specific provisions of the Te Kauwhata West Residential Area, which aims to retain the Te Kauwhata village character and natural functioning of waterbodies in the Te Kauwhata structure plan, the PWDP would not be giving effect to the Waikato Regional Policy Statement. Therefore, I do not agree with the relief sought.

Rule 16.4.3 RDI(a) – Access lots etc

694. Waikato District Council [697.150] seeks to amend Rule 16.4.3 RDI(a), to specifically exclude access allotments, utility allotments, or reserves to vest, from the minimum net site area requirements, on the basis that there are already separate provisions for these in the PWDP. I agree that these allotments should be specifically excluded from the application of this rule and suggest the below amendment:

16.4.3 Subdivision – Te Kauwhata West Residential Area

RDI	<p>(a) Proposed lots, <u>except where the proposed lot is an access allotment, utility allotment or reserve to vest,</u> within the Te Kauwhata West Residential Area must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) Be a minimum net site area of 650m²; (ii) Have a minimum average net site area of 875m²; (iii) Be connected to public-reticulated water supply and wastewater; (iv) Where roads are to be vested in Council, they are to follow a grid layout; (v) Where more than 5 proposed lots are being created, rear lots must not exceed 15% of the total number of titles being created.
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Rule 16.4.3 RDI(a)(iii) and (b)(x) – water supply

695. Fire and Emergency New Zealand [378.29] support Rule 16.4.3(a)(iii) and the requirements for lots to be connected to public-reticulated water supply and wastewater, and for applications becoming a discretionary activity where such supply is not available. They seek to amend the matters of discretion 16.4.2(b)(x), to include water supply for firefighting purposes. The explicit inclusion of this matter of discretion prioritises access to water for firefighting purposes and subsequent health and safety risks. This is particularly relevant to higher-density development. As such, I recommend accepting the relief sought and suggest the below amendment:

16.4.3 Subdivision – Te Kauwhata West Residential Area

RDI	<p>(b) 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; (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; and (x) Provision of infrastructure, <u>including water supply for firefighting purposes.</u>
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Rule 16.4.3(a)(ii) – Minimum average net site area

696. Six submissions were received, seeking to amend the minimum average net site area specified under Rule 16.4.3(a)(ii). Greenways Orchards [679.4 and 679.10], Campbell Tyson [687.8 and 687.9], The Surveying Company [746.50], and Chanel Hargrave and Travis Miller [751.22] seek a reduction of the minimum average net site area from 875m², to 700m², to facilitate growth within the district. In my opinion, this is a substantial reduction in the average net site area, which may make it difficult to discretely locate a dwelling and maintain the existing village character, as per the intention of the Te Kauwhata Structure Plan. Therefore, I do not agree with the relief sought.

Rule 16.4.3(a)(v) – Rear lots

697. Three submissions seek to increase the provisions for the creation of new rear lots.
698. Sharp Planning Solutions Ltd [695.174] seek to amend Rule 16.4.2 RD(a)(v) to enable an increased number of new rear lots, where there is no realistic alternative, while The Surveying Company [746.49], Grieg Developments No 2 Limited [689.35], and Chanel Hargrave and Travis Miller [751.21] seek to increase the percentage of rear lots from 15% to 25%.
699. The reasons provided by the submissions were that there is no apparent consideration for the site-specific topographical and existing infrastructure constraints and the rule would lead to inconsistent decision-making. In my opinion, the proposed amendments sought by the submissions are arbitrary and may give rise to equally-inconsistent decision-making. In my opinion, the number of rear lots is already included within the matter of discretion (b)(i) Subdivision layout and (b)(vii) *Consistency with the matters contained within Appendix 3.1 (Residential Subdivision Guidelines)*. Accordingly, I recommend that the condition be deleted and the number of rear lots be included within the matter of discretion as follows:

16.4.2 Subdivision – Te Kauwhata Ecological Residential Area

RDI	<p>(a) Proposed lots in the Te Kauwhata Ecological Residential Area identified on the planning maps must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) Have a minimum net site area of 750m²; (ii) Have a minimum average net site area of 875m²; (iii) Must be able to be connected to public-reticulated water supply and wastewater; (iv) Where roads are to be vested in Council, they must follow a grid layout; (v) Where 4 or more proposed lots are being created, rear lots must not exceed 15% of the total number of lots being created.
	<p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout, including the number of rear lots; (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; (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; and (x) Provision of infrastructure.

Rule 16.4.3(a)(iv) – grid layout

700. Campbell Tyson [687.10] and Greenways Orchards [679.10 and 679.11] seek to delete Rule 16.4.3 RDI(a)(iv), which requires all roads to be vested in Council, to follow a grid layout, and to make it a matter of discretion. In my opinion, condition (a)(iv) contains a matter of discretion as to what exactly constitutes a grid layout and as such is ultra vires. Also, the matter of grid layout should be addressed by conditions of resource consent. In my opinion, the grid layout matter is already included within the matter of discretion (b)(i) Subdivision layout and (b)(vii) *Consistency with the matters contained within Appendix 3.1 (Residential Subdivision Guidelines)*. Accordingly, I recommend that the condition be deleted and the grid layout be included within the matter of discretion as follows:

16.4.3 Subdivision – Te Kauwhata West Residential Area

RDI	<p>(a) Proposed lots, except where the proposed lot is an access allotment, utility allotment or reserve to vest, within the Te Kauwhata West Residential Area must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) Be a minimum net site area of 650m²; (ii) Have a minimum average net site area of 875m²; (iii) Be connected to public-reticulated water supply and wastewater; (iv) Where roads are to be vested in Council, they are to follow a grid layout; (v) Where more than 5 proposed lots are being created, rear lots must not exceed 15% of the total number of titles being created.
RDI	<p>(a) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout, including the grid layout of roads; (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;

	<ul style="list-style-type: none"> (v) Avoidance or mitigation of natural hazards; (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; and (x) Provision of infrastructure.
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34.4 Recommendations

701. I recommend, for the reasons given above, that the Hearings Panel:

- a. **Accept** submission point Waikato District Council [697.149]
- b. **Accept** submission point Sharp Planning Solutions Ltd [695.174]
- c. **Accept** submission point The Surveying Company [746.47]
- d. **Accept** submission point Greig Developments No 2 Limited [689.13]
- e. **Accept** submission point Chanel Hargrave and Travis Miller [751.59]
- f. **Accept** submission point Fire and Emergency New Zealand [378.28]
- g. **Accept** submission point The Surveying Company [746.49]
- h. **Accept** submission point Sharp Planning Solutions Ltd [695.175]
- i. **Accept** submission point Waikato District Council [697.150]
- j. **Reject** submission point Greenways Orchards Limited [679.4]
- k. **Accept** submission point Greenways Orchards Limited [679.10]
- l. **Accept** submission point Fire and Emergency New Zealand [378.29]
- m. **Reject** submission point Campbell Tyson [687.8]
- n. **Reject** submission point The Surveying Company [746.50]
- o. **Reject** submission point Campbell Tyson [687.9]
- p. **Accept** submission point Chanel Hargrave and Travis Miller [751.22]
- q. **Reject** submission point Greig Developments No 2 Limited [689.35]
- r. **Reject** submission point Ian McAlley [368.29]
- s. **Accept** submission point Waikato Regional Council [81.209]
- t. **Accept** submission point Chanel Hargrave and Travis Miller [751.21]
- u. **Accept** submission point Campbell Tyson [687.10]
- v. **Accept** submission point Greenways Orchards Limited [679.11].

34.5 Recommended Amendments

702. The recommended amendments are shown in Appendix 2, Policy 4.7.13 and Rules 16.4.2(a) and 16.4.3(a), as set out below:

Policy 4.7.13(a)(i) Residential – Te Kauwhata Ecological and West Residential Area

- (a) Subdivision is designed and located in Te Kauwhata Ecological Residential Area to:
 - (i) ~~Promote~~Protect the natural features and landscapes of the Whangamarino Wetland and Lake Waikare;

- (ii) Achieve the minimum lot size; and
 - (iii) Recognise the ecological values of the wetland environments of Whangamarino Wetland and Lake Waikare.
- (b) Subdivision is designed and located in the Te Kauwhata West Residential Area to achieve the minimum lot size and recognise the views of natural features and landscapes.

16.4.2 Subdivision – Te Kauwhata Ecological Residential Area

RDI	<p>(a) Proposed lots, <u>except where the proposed lot is an access allotment, utility allotment or reserve to vest</u>, in the Te Kauwhata Ecological Residential Area identified on the planning maps must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) Have a minimum net site area of 750m²; (ii) Have a minimum average net site area of 875m²; (iii) Must be able to be connected to public-reticulated water supply and wastewater; (iv) Where roads are to be vested in Council, they must follow a grid layout; (v) Where 4 or more proposed lots are being created, rear lots must not exceed 15% of the total number of lots being created.
	<p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout, <u>including grid layout and the number of rear lots</u>; (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; (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; and (x) Provision of infrastructure, <u>including water supply for firefighting purposes</u>.

6.4.3 Subdivision – Te Kauwhata West Residential Area

RDI	<p>(a) Proposed lots, <u>except where the proposed lot is an access allotment, utility allotment or reserve to vest</u>, within the Te Kauwhata West Residential Area must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) Be a minimum net site area of 650m²; (ii) Have a minimum average net site area of 875m²; (iii) Be connected to public-reticulated water supply and wastewater; (iv) Where roads are to be vested in Council, they are to follow a grid layout; (v) Where more than 5 proposed lots are being created, rear lots must not exceed 15% of the total number of titles being created.
	<p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout <u>including grid layout and the number of rear lots</u>; (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; (vi) Amenity values and streetscape landscaping;

	<ul style="list-style-type: none"> (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; and (x) Provision of infrastructure, <u>including water supply for firefighting purposes.</u>
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34.6 Section 32AA evaluation

703. The recommended amendments to Policy 4.7.13, Rules 16.4.2 and 16.4.3 are to provide clarification and consistency and to locate the matters that need to be considered from standards (where non-compliance would the effect of unnecessarily changing activity status) to matters of discretion. Accordingly, no s32AA evaluation has been required to be undertaken.

35 Topic 32: Affordable Housing

35.1 Introduction

704. As discussed elsewhere within this s42A report, the role of the district plan is to ensure that there is enough development capacity that is commercially feasible, to meet the housing demand. The objective is to provide the community with more choice and at lower prices. The provisions of the PWDP seek to provide this range of housing options. However, the factors that need to be addressed to produce affordable housing are multiple and complex including (costs of construction, cost of new infrastructure being provided to higher standards, repair and replacement of existing infrastructure, interest rates, household incomes, cost of living). The PWDP does not include provisions on affordable housing.

35.2 Submissions

705. The following submissions were made:

Submission point	Submitter	Summary of submission
822.5	Bob MacLeod	<p>Add a new objective and policies to Section 4.2 Residential Zone, as follows:</p> <p><u>Objective: To provide for a range of opportunities for affordable housing that enables low and moderate income people to live in the district in accommodation that suits their needs.</u></p> <p><u>Policies:</u></p> <p><u>1) Enable affordable housing by allowing residential densities that make economical and best use of available land in existing residential areas.</u></p> <p><u>2) New housing developments will include affordable housing as part of the development plan.</u></p> <p><u>3) Allow access for developers of affordable housing to lower cost structure of consent and regulation requirements.</u></p> <p><u>4) Encourage multi-unit residential developments subject to</u></p>

Submission point	Submitter	Summary of submission
		<u>appropriate safeguards to amenities and the environment.</u> <u>5) Take into account the positive effects for the community of affordable housing when assessing resource consent applications.</u>
FS1276.16	Whaingaroa Environmental Defence Inc. Society	Support.
FS1387.1306	Mercury NZ Limited	Oppose
FS1377.277	Havelock Village Limited	Support.
310.6	Whaingaroa Raglan Affordable Housing Project	Add a new objective to 4.2- Residential Zone as the follows: <u>Objective: To provide for a range of opportunities for affordable housing that enables low and moderate income people to live in the district in accommodation that suits their needs.</u>
FS1386.363	Mercury NZ Limited	Oppose
FS1269.35	Housing New Zealand Corporation	Support
326.3	Raglan Chamber of Commerce	Add a new policy and objective to Section 4.2 Residential Zone, as follows (or similar wording): <u>Objective: To provide for a range of opportunities for affordable housing that enables low and moderate income people to live in the district in accommodation that suits their needs.</u> <u>Policy 1: Enable affordable housing by allowing residential densities that make economical and best use of available land in existing residential areas.</u> <u>Policy 2: New housing development will include affordable housing as part of the development plan.</u> <u>Policy 3: Allow access for developers of affordable housing to lower cost structure of consent and regulation requirements.</u> <u>Policy 4: Encourage multi-unit residential developments subject to appropriate safeguards to amenities and the environment.</u> <u>Policy 5: Take into account the positive effects for the community of affordable housing when assessing resource consent applications.</u>
FS1269.102	Housing New Zealand Corporation	Support
FS1386.380	Mercury NZ Limited	Oppose
FS1377.52	Havelock Village Limited	Support.
824.7	Raglan Community Board	Add objectives and policies to Section 4.2 Residential Zone, as follows:

Submission point	Submitter	Summary of submission
		<p><u>Objective: To provide for a range of opportunities for affordable housing that enables low and moderate income people to live in the district in accommodation that suits their needs.</u></p> <p><u>Policy 1: enable affordable housing by allowing residential densities that make economical and best use of available land in existing residential areas.</u></p> <p><u>Policy 2: new housing developments will include affordable housing as part of the development plan.</u></p> <p><u>Policy 3: allow access for developers of affordable housing to lower cost structure of consent and regulation requirements.</u></p> <p><u>Policy 4: encourage multi-unit residential developments subject to appropriate safeguards to amenities and the environment.</u></p> <p><u>Policy 5: take into account the positive effects for the community of affordable housing when assessing resource consent applications.</u></p>
FS1269.76	Housing New Zealand Corporation	Support
FS1276.17	Whaingaroa Environmental Defence Inc. Society	Support.
FS1387.1309	Mercury NZ Limited	Oppose
310.7	Whaingaroa Affordable Housing Project	<p>Add the following policies to 4.2-Residential Zone as follows (or words to similar effect):</p> <p><u>Policy 1: Enable affordable housing by allowing residential densities that make economical and best use of available land in existing residential areas.</u></p> <p><u>Policy 2: New housing developments will include affordable housing as part of the development plan.</u></p> <p><u>Policy 3: Allow access for developers of affordable housing to lower cost structure of consent and regulation requirements.</u></p> <p><u>Policy 4: Encourage multi-unit residential developments subject to appropriate safeguards to amenities and the environment.</u></p> <p><u>Policy 5: Take into account positive effects for the community of affordable housing when assessing resource consent applications.</u></p>
FS1386.364	Mercury NZ Limited	Oppose
FS1276.15	Whaingaroa Environmental Defence Inc. Society	Support.
FS1269.36	Housing New Zealand Corporation	Support.

706. Five submissions were received in relation the provision of affordable housing. The submissions seek to amend the PWDP through the addition of an objective and five policies.

35.3 Analysis

707. Bob MacLeod [822.5], Whaingaroa Raglan Affordable Housing Project [310.6 and 310.7], Raglan Chamber of Commerce [326.3] and Raglan Community Board [824.7] seek to add a new objective and supporting policies to the PWDP to facilitate the development of affordable housing. The policies include provisions to allow access for developers of affordable housing to a lower cost structure of consent and regulation requirements, and to encourage multi-unit developments subject to measures to safeguard the environment. These additional objective and policies were proposed on the basis that the affordability of housing should be recognised for the positive benefits to the community and enabled by the PWDP provisions.
708. I note the s42A report for Topic 3 (Strategic Objectives) states that the National Policy Statement – Urban Development Capacity set new targets in December 2018 for councils to provide sufficient and feasible capacity for housing. The PWDP was updated with the new data as directed (there was no Schedule 1 RMA process required). The policy with respect to the encouragement of multi-unit residential development is already contained in the objectives, policies and rules of the PWDP. The other suggested policies (such as lower cost structure through reduced consenting and regulation requirements) is not a matter that can be addressed through the PWDP. For this reason, I recommend that the panel reject the relief sought.

35.4 Recommendations

709. I recommend, for the reasons given above, that the Hearings Panel:
- w. **Reject** submission point Bob MacLeod [822.5]
 - x. **Reject** submission point Whaingaroa Raglan Affordable Housing Project [310.6]
 - y. **Reject** submission point Raglan Chamber of Commerce [326.3]
 - z. **Reject** submission point Raglan Community Board [824.7]
 - aa. **Reject** submission point Whaingaroa Raglan Affordable Housing Project [310.7].

35.5 Recommended Amendments

710. There are no recommended amendments in this section.

35.6 Section 32AA evaluation

711. No recommended amendments were made. Accordingly, no s32AA evaluation has been required to be undertaken.

36 Topic 33: Medium Density Residential Housing

36.1 Introduction

712. This topic addresses the submission points that request the creation of an additional residential zone that specifically provides for medium density residential housing. . This proposed approach differs from the PWDP which is to provide one Residential Zone, with a concise targeted set of objectives and policies (along with enabling activity status) to support higher density residential development in those locations where that form of development is

encouraged (such as around commercial centres, around high amenity areas such as waterways).

36.1.2 Submissions

713. The following submissions were made:

Submission point	Submitter	Summary of submission
749.107	Housing New Zealand Corporation	<p>Add a new chapter with Objectives and Policies for a "Medium Density Residential Zone" into the Proposed District Plan, as outlined in Attachment 2 to the submission.</p> <p>AND</p> <p>Amend the Proposed District Plan to provide for consequential changes or further amendments required to give effect, and reference, the new residential zone. The submitter provides the example that wherever the Residential and Village Zones are referenced or compact urban form or medium to higher density residential living, the new residential zone 'Medium Density Residential Zone' will need to be referenced and included (where applicable and appropriate).</p> <p>AND</p> <p>Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.</p>
FS1387.1036	Mercury NZ Limited	Oppose
FS1297.13	CSL Trust & Top End Properties Limited	Support.
FS1377.264	Havelock Village Limited	Support.
FS1202.53	New Zealand Transport Agency	Support.
749.125	Housing New Zealand Corporation	<p>Amend Chapter 16 Residential Zone to align with the activities and rules in the new "Medium Density Residential Zone" chapter sought.</p> <p>AND</p> <p>Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.</p>
FS1377.266	Havelock Village Limited	Support.
FS1387.1044	Mercury NZ Limited	Oppose
FS1297.14	CSL Trust & Top End Properties Limited	Support

36.2 Analysis

714. Housing New Zealand Corporation [749.107] and [749.125] seeks to create a new chapter containing objectives and policies which enable medium density residential housing along with maps showing the proposed location of the Medium Density Zone in each of the towns. The submitter also seeks to amend Chapter 16 Residential Zone to align with the activities and rules in the new 'Medium Density Residential Zone'.
715. The submission does not include detailed background information and research (such as infrastructure availability and costs) or Section 32A analysis to support the detail in the submission. I note that the introduction of the Medium Density Housing provisions were specifically introduced to apply to Pokeno by means of a plan change, following detailed background information gathering and analysis, s32A analysis, consultation, submissions and hearing.
716. I have reviewed the draft objectives, policies and rules of the proposed Medium Density Residential Zone. At the objective and policy framework level, I am concerned that the proposed objectives and policies set up a primacy or hierarchy in favour of development within the Medium Density Residential Zone, which may have unintended consequences. For instance, where a development outside the Medium Density Residential Zone is suitable having regard to the effects and other factors, there is potential for submitters to argue that as the development is outside the Medium Density Residential Zone, it would be contrary to the objectives and policies of the PWDP. In my opinion, a careful review of the objectives and policies is required to ensure that suitable medium density development outside the Medium Density Residential Zone is not precluded. I have not been able to find any analysis within the submission that addresses this point.
717. I also note that the location of the proposed Medium Density Residential Zone as shown on the maps included in the submission do not have supporting analysis. For example a large part of Taupiri is shown as being zoned as Medium Density Residential. As noted previously in this s42A report, Policy 4.1.14 – *Taupiri* identifies that its role in providing for residential development hinges on the changes that may result from the completion of the Waikato Expressway. The outcome of the Hamilton to Auckland study will also inform the role that Taupiri is to play. I also note that the area identified for zoning as Medium Density Residential Zone at Pokeno does not coincide with the 'Residential Medium Density Overlay Area' shown on Appendix 54.15A – Pokeno Structure Plan Area.
718. In my opinion, although the introduction of a Medium Density Residential Zone has merit as one way in which to implement the objectives and policies of the PWDP, I am concerned as to the robustness of the proposed provisions and the analysis that has been undertaken to support them. Within the time available to prepare this report, I have been unable to meet and discuss this matter further with the submitter or their representatives. However, I am working with the submitter's representatives to progress this matter in order that a coordinated presentation can be provided to the hearing in February 2020. On the basis of the information I have available to me at this stage, in my opinion, significant s32 analysis would need to be provided to enable the Panel to undertake its own s32AA analysis. I therefore recommend that the panel reject the relief sought.

36.3 Recommendations

719. I recommend, for the reasons given above, that the Hearings Panel:

bb. **Reject** submission points Housing New Zealand Corporation [749.107] and [749.125].

36.4 Recommended Amendments

720. As no changes are recommended no amendments are recommended.

36.5 Section 32AA evaluation

721. As no changes are recommended, no s32AA analysis is required.

37 Topic 34: Defined View Shafts

37.1 Introduction

722. There are limited provisions relating to defined view shafts within the PWDP. Policy 6.1.15 – Raglan navigation beacons, seeks to avoid obscuring navigational beacons and associated view shafts at Raglan Harbour (Whaingaroa), and height rules throughout the PWDP have been specified to protect battlefield view shafts. This is achieved in the Residential Zone through a prohibited activity status for 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). Rule 16.3.32 also applies to protect the battlefield view shaft are at Rangiriri.

37.2 Submissions

723. The following submissions were made:

Submission point	Submitter	Summary of submission
788.5	Susan Hall	<p>Add a new set of rules to Chapter 16 Residential Zone to provide for the protection of defined views from public places in Raglan to the harbour, coast and natural backdrops in the chapters on rural, residential, and business town centre zones, to include at least the following defined views:</p> <p>(a) From SH23 (north of Maungatawhiri Road) to Kaitoke Creek;</p> <p>(b) All existing views of the bar from Main Road, Bow Street, and Norrie Avenue;</p> <p>(c) All existing views of Karioi from Raglan CBD;</p> <p>(d) From Wainui Road to the coast between the Bryant Reserve and the Bible Crusade Camp;</p> <p>(e) From SH23 summit to Karioi; and (f) AroAro salt marsh from Wallis Street.</p> <p>AND</p> <p>Amend the planning maps to identify defined views.</p>
FS1329.16	<i>Koning Family Trust and Martin Koning</i>	<i>Oppose.</i>
FS1276.155	<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>Support.</i>
780.2	Whaingaroa Environmental Defence	Add rules to Chapter 16 Residential Zone to provide for protection of defined views from public places to the

Submission point	Submitter	Summary of submission
	Society	<p>harbour, coast and natural backdrops and to include at least the following defined views:</p> <p>(a) from SH23 (north of Maungatawhiri Rd) to Kaitoke Creek (</p> <p>b) all existing views of the bar from Main Road, Bow St and Norrie Avenue</p> <p>(c) all existing views of Karioi from Raglan CBD</p> <p>(d) from Wainui Rd to the coast between the Bryant Reserve and the Bible Crusade Camp</p> <p>(e) from SH23 summit to Karioi (f) AroAro salt marsh from Wallis St.</p> <p>AND</p> <p>Amend the planning maps for any consequential relief required to give effect to this submission.</p>
FS1329.9	Koning Family Trust and Martin Koning	Oppose
FS1258.48	Meridian Energy Limited	Oppose
FS1269.63	Housing New Zealand Corporation	Oppose
831.68	Raglan Naturally	<p>Add rules to Chapter 16 Residential Zone to provide for the protection of defined views from public places to the harbour, coast and natural backdrops and to include at least the following defined areas:</p> <p>a) From SH3 (north of Maungatawhiri Road) to Kaitoke Creek</p> <p>b) All existing views of the bard from Main Road, Bow St and Norrie Avenue</p> <p>c) All existing views of Karioi from Raglan CBD</p> <p>d) From Wainui Road to the coast between the Bryant Reserve and the Bible Crusade Camp</p> <p>e) From SH23 summit to Karioi</p> <p>f) Aro Aro salt marsh from Wallis St</p> <p>AND</p> <p>Consequently amend the planning maps as necessary to satisfy the relief sought in this submission.</p>
FS1276.158	Whaingaroa Environmental Defence Inc. Society	Support.
FS1258.56	Meridian Energy Limited	Oppose
FS1329.26	Koning Family Trust and Martin Koning	Oppose.

Submission point	Submitter	Summary of submission
435.7	Jade Hyslop	<p>Add rules to Chapter 16 Residential Zone, to provide for protection of defined views from public places to harbour, coast and natural backdrops which include at least the following defined views:</p> <p><u>(a) From SH23 (north of Maungatawhiri Road) to Kaitoke Creek.</u></p> <p><u>(b) All existing views of the bar from Main Road, Bow Street and Norrie Avenue.</u></p> <p><u>(c) All existing views of Karioi from Raglan CBD.</u></p> <p><u>(d) From Wainui Road to the coast between the Bryant Reserve and the Bible Crusade Camp.</u></p> <p><u>(e) From SH23 summit to Karioi.</u></p> <p><u>(f) AroAro salt marsh from Wallis Street.</u></p> <p>AND</p> <p>Amend the Planning maps for any consequential relief to give effect to this submission point.</p>
FS1258.46	Meridian Energy Limited	Oppose
FS1329.5	Koning Family Trust and Martin Koning	Oppose.

724. Four submissions have been received in relation to the policies and rules identified above in relation to defining and protecting new view shafts. Submissions seek to add new provisions. The submissions were generally concerned with the following matters:

- a. Protection of views;
- b. Policies 3.3.3(a) and 4.5.14(a)(iii); and
- c. Associated wellbeing.

37.3 Analysis

725. Susan Hall [788.5], Whaingaroa Environmental Defence Society [780.2], Raglan Naturally [831.68], and Jade Hyslop [435.7] seek to add a new rule to Chapter 16 Residential Zone, to require protection of defined views from public places to harbours, coasts and natural backdrops. The submitters make reference to Policy 3.3.3(a), which pertains to protecting Outstanding Natural Features and Landscapes from subdivision and development, and Policy 4.5.14(a)(iii), which specifically applies to Raglan Town Centre. The submitters have not provided any information, analysis or research regarding the chosen view shafts or the extent of those viewshafts, and as a result I recommend that the panel reject the relief sought.

37.4 Recommendations

726. I recommend, for the reasons given above, that the Hearings Panel:

- cc. **Reject** submission point Susan Hall [788.5]
- dd. **Reject** submission point Whaingaroa Environmental Defence Society [780.2]

- ee. **Reject** submission point Raglan Naturally [831.68]
- ff. **Reject** submission point Jade Hyslop [435.7].

37.1.5 Recommended Amendments

727. There are no recommended amendments in this section.

37.1.6 Section 32AA evaluation

728. No recommended amendments were made. Accordingly, no s32AA evaluation has been required to be undertaken.

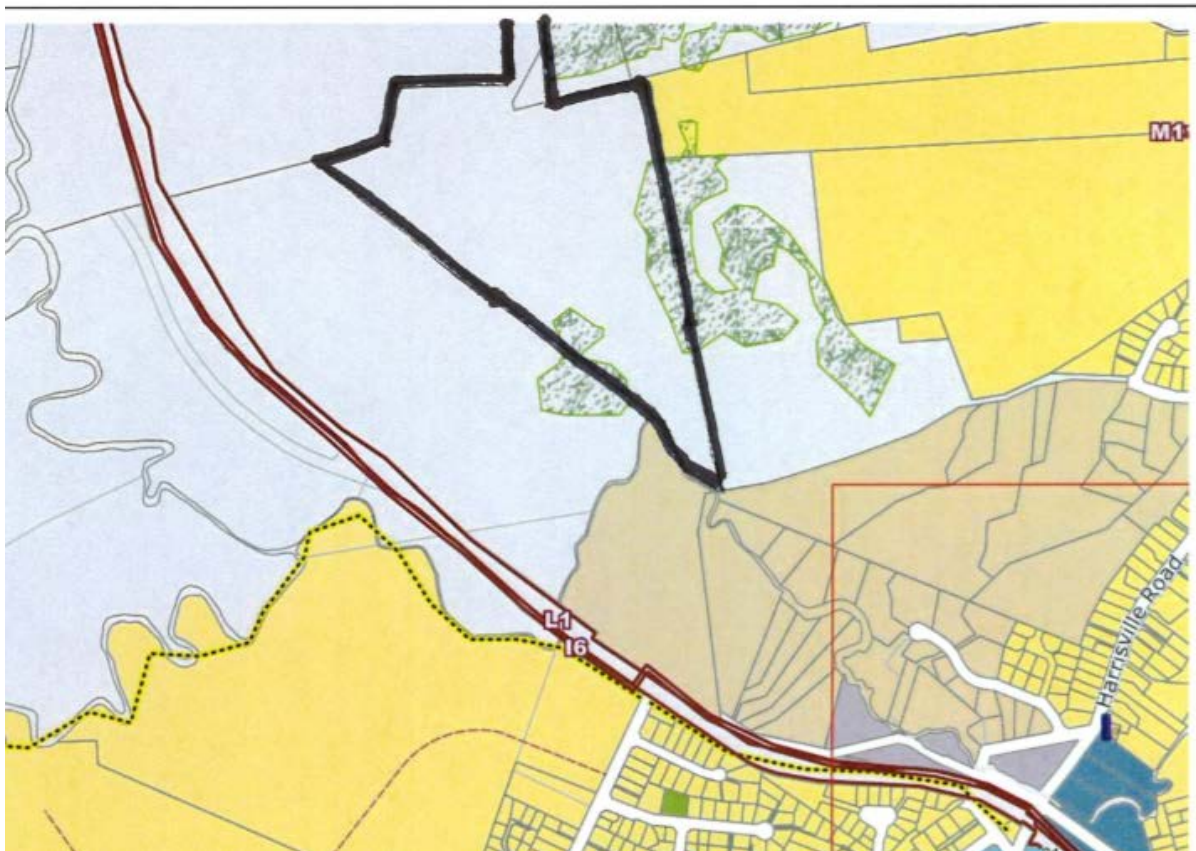
38 Topic 35: Harrisville Motocross Track

38.1 Introduction

729. This topic addresses the Harrisville Motocross Track and the submission points received in relation to it. The submission points received generally refer to reverse sensitivity effects. The Harrisville Motocross is located at the end of Geraghty-Maber Road and operates in conjunction with the Mercer track under the Pukekohe Motorcycle Club Incorporated ('PMCC'). The Harrisville track is open on the 1st Saturday of each month for practice (12pm – 4pm) but is closed for winter and January. The PMCC website shows there being one club event in each of the months of February, March and April 2020. The track was within the Rural zone of the Operative Waikato District Plan (Franklin Section), but the Residential zone is proposed to be extended north and west of Harrisville Road, with part of the Residential zone abutting the boundary of the site. An aerial of the Harrisville Motocross Track and portion of Planning Map Tuakau West 7.1 are set out below.



(Source: Google Map)



(Source: PWDP, Planning Map 7.1)

730. To my knowledge, this is a particular existing land use activity and not part of an overlay or specific zone within the PWDP.

38.2 Submissions

731. The following submissions were made:

Submission point	Submitter	Summary of submission
32.1	Rupert Copping	Add provisions to require new titles within the proposed Residential Zone abutting the Harrisville Motocross Track to recognise there is a motor sport facility nearby requiring 'no complaint covenants' and extra sound-proofing for new dwellings.
FS1386.26	Mercury NZ Limited	Oppose
FS1200.15	Gerardus Aarts & Yvonne Gemma Aarts	Oppose.
33.2	Cyclespot Euro	Add a requirement that any new titles that are created in the Residential Zone around or nearby the Harrisville motocross track recognise the motor sport facility and are subject to no-complaints covenants in regards to noise and

Submission point	Submitter	Summary of submission
		dust and are required to have extra sound proofing in any new dwelling.
FS1200.17	Gerardus Aarts & Yvonne Gemma Aarts	Oppose.
41.1	Perry Hughes	Add a requirement that any new titles that are created in the Residential Zone alongside the Harrisville motocross track recognise the motor sport facility and are subject to no complaints covenants in regard to noise, and are required to have extra sound proofing in any new dwelling.
FS1386.33	Mercury NZ Limited	Oppose
FS1200.18	Gerardus Aarts & Yvonne Gemma Aarts	Oppose.
FS1200.8	Gerardus Aarts & Yvonne Gemma Aarts	Oppose.
27.1	Josh Charlwood	Add provisions to require new titles within the proposed Residential Zone abutting the Harrisville Motocross Track at 115 Geraghty Maber Road to recognise there is a motor sport facility nearby, have a 'no complaints covenant' and require new dwellings to have extra sound-proofing.
FS1386.22	Mercury NZ Limited	Oppose
FS1200.13	Gerardus Aarts & Yvonne Gemma Aarts	Oppose
22.1	Bill MacDonald	Add provisions to require new titles within the proposed Residential Zone abutting the Harrisville Motocross Track to recognise there is a motor sport facility nearby by requiring 'no complaint covenants' and extra sound-proofing for new dwellings.
FS1386.17	Mercury NZ Limited	Oppose
23.1	Kawasaki NZ	Add provisions to require new titles within the proposed Residential Zone abutting the Harrisville Motocross Track to recognise there is a motor sport facility nearby requiring 'no complaint covenants' and extra sound-proofing for new dwellings.
FS1386.18	Mercury NZ Limited	Oppose
FS1200.9	Gerardus Aarts & Yvonne Gemma Aarts	Oppose.
24.1	Lewis Heels	Add provisions to require new titles within the proposed Residential Zone abutting the Harrisville Motocross Track to recognise there is a motor sport facility nearby requiring 'no complaint covenants' and extra sound-

Submission point	Submitter	Summary of submission
		proofing for new dwellings.
<i>FS1386.19</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
<i>FS1200.10</i>	<i>Gerardus Aarts & Yvonne Gemma Aarts</i>	<i>Oppose</i>
25.1	Maurice Hayman	Add provisions to require new titles within the proposed Residential Zone abutting the Harrisville Motocross Track to recognise there is a motorsport facility nearby, have a 'no complaints covenant' and require new dwellings to have extra sound-proofing.
<i>FS1386.20</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
<i>FS1200.11</i>	<i>Gerardus Aarts & Yvonne Gemma Aarts</i>	<i>Oppose</i>
26.1	Brian Leathem	Add provisions to require new titles within the proposed Residential Zone abutting the Harrisville Motocross Track to recognise there is a motorsport facility nearby, have a 'no complaints covenant' and require new dwellings to have extra sound-proofing.
<i>FS1386.21</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
<i>FS1200.12</i>	<i>Gerardus Aarts & Yvonne Gemma Aarts</i>	<i>Oppose</i>
29.1	Wayne Reilly	Add provisions to require new titles within the proposed Residential Zone abutting the Harrisville Motocross Track to recognise there is motor sport facility nearby, have a 'no complaints covenant,' regarding noise and dust, and require new dwellings to have extra sound-proofing.
<i>FS1386.24</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
<i>FS1200.14</i>	<i>Gerardus Aarts & Yvonne Gemma Aarts</i>	<i>Oppose</i>

732. In summary, ten primary submission points were received in relation to the motocross track. Almost all of the submissions use similar wording and express concerns about reverse sensitivity issues, and suggest solutions such as seeking a no-complaint covenant and sound proofing.

38.3 Analysis

733. Rupert Copping [32.1], Cyclespot Euro [33.2], Perry Hughes [41.1], Josh Charlwood [27.1], Bill MacDonald [22.1], Kawasaki NZ [23.1], Lewis Heels [24.1], Maurice Hayman [25.1], Brian Leathem [26.1] and Wayne Reilly [29.1] seek to add provisions to require new titles within the proposed Residential Zone abutting the Harrisville Motocross track to recognise that there is a motor sport facility nearby, and request no complaint covenants and extra sound-proofing for new dwellings. The reasons provided are that the motocross track is a significant part of the community. Land abutting the motorcross track is proposed to be rezoned as Residential Zone in the Proposed District Plan and these land uses are not always

compatible. The submitters recognise that there is a requirement to provide additional land for residential development, but are seeking that reverse sensitivity effects are addressed. I note that these submitters are not opposed to the Residential zoning. However, there are submissions (such as that from Richard Gard'ner [228]) that oppose the zoning and these submissions will be heard as part of Hearing 25: Zoning Extents. Covenants regarding sound-proofing and 'no complaints' are not matters that can be addressed within the PWDP. The manner in which the matter of reverse sensitivity can be addressed is through the resource consent process, particularly in the situation where the land will be subject to subdivision resource consent application process. I note that there is a specific policy under Section 4.7 – Urban Subdivision and Development as follows:

4.7.11 Policy – Reverse sensitivity

Development and subdivision design minimises reverse sensitivity effects on adjacent sites, adjacent activities, or the wider environment.

734. For this reason, I recommend that the panel reject the relief sought.

38.4 Recommendations

735. I recommend, for the reasons given above, that the Hearings Panel:

gg. **Reject** submission points Rupert Copping [32.1], Cyclespot Euro [33.2], Perry Hughes [41.1], Josh Charlwood [27.1], Bill MacDonald [22.1], Kawasaki NZ [23.1], Lewis Heels [24.1], Maurice Hayman [25.1], Brian Leathem [26.1] and Wayne Reilly [29.1].

38.5 Recommended Amendments

736. As no changes are recommended, no amendments are recommended.

38.6 Section 32AA evaluation

737. As no changes are recommended, no s32AA analysis is required.

39 Topic 36: General

39.1 Introduction

738. This topic addresses the general submissions which do not sit logically elsewhere in the report.

39.2 Submissions

739. The following submissions were made:

Submission point	Submitter	Summary of submission
368.38	Ian McAlley	Amend the Objectives and Policies to promote the efficient development of Residential Zoned land for that purpose.
305.1	John Joesen	Amend the Proposed District Plan to allow for more high density housing within central Raglan, possibly as far as James Street.

FS1276.5	Whaingaroa Environmental Defence Inc. Society	Oppose.
FS1269.31	Housing New Zealand Corporation	Support.
251.1	Aparangi Retirement Village Trust	Amend the Proposed District Plan to enable mixed use of commercial and residential on Waeranga Road, Te Kauwhata.
414.1	Chris Rayner	Amend the Proposed District Plan to give consideration and guidelines to alternative collective living arrangement within the Living Zone. For instance, a large site of more than 1 acre with multiple dwellings on the site in a form of communal living.
35.4	Malcolm Titchmarsh	No decision sought, but submission refers to 2346 Buckland Road, Tuakau.
FS1386.29	Mercury NZ Limited	Oppose
378.66	Fire and Emergency New Zealand	Add a new objective to Section 4.2 Residential Zone, as follows: <u>Objective 4.2.2(x) To recognise and provide for non-residential activities that contribute to the health, safety and wellbeing of the community while managing their potential adverse effects to ensure that the activities complement the amenity values of the District's residential areas.</u> AND Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.
FS1388.52	Mercury NZ Limited	Oppose
FS1035.173	Pareoranga Te Kata	Support.
243.2	Shaun McGuire	Amend Policies 4.2.2 to 4.2.10 to enable more intensive development.
FS1386.234	Mercury NZ Limited	Oppose
FS1377.45	Havelock Village Limited	Support.
749.108	Housing New Zealand Corporation	Amend the Objectives and Policies in Section 4.2 - Residential Zone to clearly state the outcome sought. AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
FS1387.1037	Mercury NZ Limited	Oppose
FS1377.265	Havelock Village Limited	Support.
299.2	2SEN Limited and	Retain Section 4.2 Residential Zone as notified except

	Tuakau Estates Limited	where specific modification is sought elsewhere in the submission.
FS1386.329	Mercury NZ Limited	Oppose
367.1	Mercer Residents and Ratepayers Committee	Retain Section 4.2 Residential Zone.
FS1386.544	Mercury NZ Limited	Oppose
182.6	Kirriemuir Trustee Limited	Retain the Objectives and Policies in Section 4.2 Residential Zone, as notified.
FS1386.167	Mercury NZ Limited	Oppose
780.6	Whaingaroa Environmental Defence Incorporated Society	Add provisions to Chapter 16 – Residential Zone, to restrict further holiday accommodation in Raglan's residential and business areas. AND Add provisions for an area of high density development near the cement silos, of similar height to them and to the density and design of a traditional European fishing village, available for low cost purchase and rental by permanent residents for leases of no less than a year.
FS1269.66	Housing New Zealand Corporation	Support
FS1387.1192	Mercury NZ Limited	Oppose
435.17	Jade Hyslop	Add to Chapter 16 Residential Zone rules to the effect that: <u>Construction of commercial building within sight of SH23 at Raglan is a permitted activity if it will be screened from SH23 by planting with indigenous species that will achieve an average height of 3m after 5 years, mature to over 9m in the residential zone and 12m in the business zone and be of sufficient density to visually screen the activity from SH23. Any activity that does not comply with a condition for a permitted activity is a discretionary activity.</u>
923.95	Waikato District Health Board	Amend Chapter 16: Residential Zone by establishing a stronger objective, policy and rule framework than is proposed for un-serviced urban residential areas where there is uncertainty about the funding, staging and timing for infrastructure provision.
FS1387.1525	Mercury NZ Limited	Oppose
FS1308.171	The Surveying Company	Oppose
FS1377.296	Havelock Village Limited	Support.
81.124	Waikato Regional Council	Amend rules in Chapter 16: Residential Zone to capture the intended location specific character and density sought.

FS1377.30	Havelock Village Limited	Support.
FS1386.64	Mercury NZ Limited	Oppose
182.3	Kirriemuir Trustee Limited	No specific decision sought, but submission states general support for Chapter 16 Residential Zone except as otherwise noted in supplementary points within the submission document.
FS1386.164	Mercury NZ Limited	Oppose
3.1	Bilimoria Consulting Ltd	No specific decision sought, but submission states support for Chapter 16 Residential Zone.
FS1386.2	Mercury NZ Limited	Oppose
768.2	Don Jacobs	No specific decision sought, but submission supports the intent of the supporting information behind residential plan change density in the Proposed Waikato District Plan.
FS1387.1161	Mercury NZ Limited	Oppose
52.1	Roelof Lategan	No specific decision sought, but submitter opposes Chapter 16 Residential Zone.
FS1386.40	Mercury NZ Limited	Null
212.1	Ron Pollock	Retain Chapter 16 Residential Zone in terms of combining Residential, Residential 2, Living Zones and Medium density housing areas into a single Residential Zone.
FS1386.225	Mercury NZ Limited	Oppose
182.14	Kirriemuir Trustee Limited	Retain Chapter 16.1 to 16.4 Residential Zone, as notified.
FS1386.171	Mercury NZ Limited	Oppose
299.10	2SEN Limited and Tuakau Estates Limited	Retain Section 16.3 Building as notified except where modifications are sought elsewhere in the submission.

740. In summary, twenty-two original submission points were received on the following matters:

- a. Promote efficient development within the residential zone;
- b. Provide for higher density housing and amend policies to enable more intensive development;
- c. Enable mixed use development;
- d. Provide for communal living arrangements similar to a compound;
- e. Include a new objective in section 4.2. which addresses the health and safety and wellbeing of the community;
- f. Ensure that objectives and policies in section 4.2 state the outcomes sought;
- g. Retain section 4.2 as notified;
- h. Amend Chapter 16 to restrict holiday accommodation;

- i. Enable construction of commercial buildings in the Residential Zone;
- j. Stronger objective and rule framework for development in unserved areas;
- k. Amend rules in Chapter 16 to capture intended location-specific character; and
- l. General opposition to Chapter 16.

39.3 Analysis

741. Ian McAlley [368.38] seeks to amend the objective and policy framework to promote efficient development of residential-zoned land. I consider Objective 4.1.2 Urban Growth and development, Policy 4.1.3 Location of development, Policy 4.1.4 Staging of development, Policy 4.1.5 Density and Policy 4.7.8 Staging of subdivision all address efficient development of residential land. I therefore disagree with the relief sought.
742. John Joesen [305.1] requests higher density housing within central Raglan. Topic 13: Housing options rules address the issue of higher density housing. In addition, Hearing 16 will be addressing the submissions specific to Raglan in more detail. I therefore recommend that the panel reject the relief sought.
743. Shaun McGuire [243.2] seeks to amend Policies 4.2.2 to 4.2.10 to enable more intensive development. As indicated in Topic 12 of this report, the objectives and policies as notified generally provide for higher-density housing. Topic 36 discusses the requirements for a medium density housing area or zone. The submitter has not provided any information, analysis or research to support the proposed amendments. I therefore recommend that the panel reject the relief sought.
744. Fire and Emergency New Zealand [378.66] seek to add a new objective to section 4.2 Residential Zone to recognise and provide for non-residential activities, specifically ones that contribute to the health, safety and wellbeing of the community, while managing their potential adverse effects. Objective 4.2.20 addresses the purpose of the Residential Zone i.e. it is primarily for residential activities and use. Policy 4.2.21 maintains residential purpose and seeks to restrict those highly-disruptive activities within the Residential Zone, such as commercial or industrial activities. This policy does provide for these activities if they have an operational need to locate in the Residential Zone and the effects on the amenity are insignificant. Policy 4.2.23 Non-residential activities, in particular policy (a)(iii), enables activities that provide for the health and wellbeing of the community. Note that I have recommended that the panel accept amendments to Policy 4.2.33 to include 'safety' within the policy. In the light of the above objective and policy framework, I do not consider that an additional objective as suggested is required, therefore recommend that the Panel reject the relief sought.
745. Housing New Zealand Corporation [749.108] seeks to amend the objectives and policies in section 4.2 to clearly state the outcome sought. The reason provided is that the objectives and policies currently read as assessment criteria. The submitter does not clarify which provisions in particular are problematic. Suggested amendments have not been provided in the submission to the objective and policy framework that they wish to amend with supporting analysis, information or research. I therefore recommend that the panel reject the relief sought.
746. Waikato District Health Board [923.95] seeks to amend Chapter 16 by establishing a stronger objective and policy framework around unserved urban residential areas where there is uncertainty about funding and staging. I assume the submitter is referring to Chapter 4. Policies 4.1.3, 4.1.4, 4.7.5, 4.7.6, 4.7.7, 4.7.8 all manage funding, staging and general integration of development and infrastructure. No information, research or analysis has been provided to support the proposed changes. For the reasons provided above, I do not support the relief requested.

747. 2SEN Limited and Tuakau Estates Limited [299.2], Mercer Residents and Ratepayers Committee [367.1], and Kirriemuir Trustee Limited [182.6] seek to retain section 4.2 as notified, with the exception of the amendments sought elsewhere in the submissions. Various amendments have been made to section 4.2, therefore I recommend that the panel reject the relief sought for [299.2], accept in part [182.6] and accept [367.1].
748. Waikato Regional Council [81.124] seeks to amend Chapter 16 to capture the intended specific location character and density sought. The reasons provided are there are no rules or other methods in Chapter 16 that are clearly targeted to achieve the outcomes sought for particular town and villages identified in Policies 4.10 - 4.1.18. No information, research or analysis has been provided to support the requested amendment. Furthermore, the PWDP deliberately sought to rationalise the zoning framework for consistency across the District, with the objectives and policies providing the detailed differences applicable to each town (such as policies 4.1.10 to 4.1.18). For the reasons stated above I therefore recommend that the panel refuse the relief sought.
749. Aparangi Retirement Village Trust [251.1] seeks to amend the PWDP provisions to enable mixed use commercial and residential zoning on a particular road in Te Kauwhata. The reasons provided in the submission are that this area is a growth node and more commercial space is required, and providing mixed-use development will aid in future-proofing this area. The submitter has not provided any information, analysis or research to support the proposed amendments. For the reasons stated above, I recommend that the panel reject the relief sought.
750. Chris Rayner [414.1] seeks to amend the PWDP to include alternative living arrangements such as compounds or multiple dwellings on a site to enable communal living. No justification, research or analysis has been provided. The submitter suggests applying papakainga rules to the Residential Zone. The Residential zone already provides for multi-unit development and papakainga housing development on Maaori land. I recommend that the panel refuse the relief sought.
751. Malcolm Titchmarsh [35.4] does not seek a decision. The submission refers to a property at 2346 Buckland Road, Tuakau. The submission does not provide any further information. The submitter has not provided any information, analysis or research in support of the submission. I therefore recommend that the panel reject the relief sought.
752. Whaingaroa Environmental Defence Incorporated Society [780.6] seeks to amend Chapter 16 provisions to restrict further holiday accommodation in Raglan's residential and business areas, particularly 'book-a-bach' and other forms of accommodation. This matter has been addressed in response to other submission points within this s42A report, noting that the PWDP cannot address whether they live in a house, rent it on a permanent and no further comment is required. The submitter has not provided any research, justification or analysis to support this amendment. I therefore recommend that the panel reject the relief sought.
753. Jade Hyslop [435.17] seeks to amend Chapter 16 to enable commercial buildings on a particular site. No justification, analysis or information has been provided to support the proposed amendments. Furthermore, it is not appropriate to have site-specific rules in a district plan unless it is part of a wider precinct or overlay area. I therefore recommend that the panel reject the relief sought.
754. Kirriemuir Trustee Limited [182.3] and Billimoria Consulting Ltd [3.1] do not seek a specific decision. Both submissions state general support for Chapter 16, except where otherwise noted in other submission points. I agree with the relief sought insofar as Chapter 16 should be retained, subject to my recommended amendments in response other submissions.
755. Don Jacobs [768.2] does not seek a specific decision but supports the intent to change the density within the PWDP. I recommend that the panel accept the submission point.

756. Roelof Lategan [52.1] does not seek a specific decision but opposes Chapter 16. I recommend that the panel reject the submission point.
757. Ron Pollock [212.1] seeks to retain Chapter 16 in terms of combining Residential, Residential 2, Living Zones and Medium density housing areas into a single Residential Zone. I agree with the submission point.
758. Kirriemuir Trustee Limited [182.14] seeks to retain Chapter 16.1 to 16.4 as notified. These sections have been retained, however are subject to minor amendments previously addressed within the report in response to other submissions. Therefore I recommend that the panel accept in part.
759. 2SEN Limited [299.10] seeks to retain section 16.3 as notified. I recommend that the panel accept in part, with the exception of where amendments are recommended.

39.4 Recommendations

760. I recommend, for the reasons given above, that the Hearings Panel:
- hh. **Reject** submission points Ian McAlley [368.38], John Joesen [305.1], Aparangi Retirement Village Trust [251.1], Chris Rayner [414.1], Malcolm Titchmarsh [35.4], Fire and Emergency New Zealand [378.66], Shaun McGuire [243.2], Housing New Zealand Corporation [749.108], 2SEN Limited and Tuakau Estates Limited [299.2], Whaingaroa Environmental Defence Incorporated Society [780.6], Jade Hyslop [435.17], Waikato District Health Board [923.95], Waikato Regional Council [81.124], and Roelof Lategan [52.1].
 - ii. **Accept** submission points Mercer Residents and Ratepayers Committee [367.1], Kirriemuir Trustee Limited [182.3], Billimoria Consulting Ltd [3.1], Don Jacobs [768.2], and Ron Pollock [212.1].
 - jj. **Accept in part** submission points Kirriemuir Trustee Limited [182.6] and [182.14], 2SEN Limited and Tuakau Estates Limited [299.10].

39.5 Recommended Amendments

761. As no changes are recommended, no amendments are recommended.

39.6 Section 32AA evaluation

762. As no changes are recommended, no s32AA analysis is required.

40 Conclusion

763. This report provides an assessment of submissions in relation to Chapters 4.2, 4.4, 4.7 and 16 insofar as they relate to the Residential Zone. The primary amendments that I have recommended relate to:
- a. The provisions which acknowledge, in part, emergency service facilities;
 - b. Provision for education facilities as a restricted discretionary activity;
 - c. An increase in the daylight admission angle from 37 to 45 degrees;
 - d. Amending earthworks rules to provide for larger setbacks from waterways, open drains or overland flow paths,
 - e. Provision for small-scale childcare facilities as a permitted activity;
 - f. Clarification of the application and interpretation of the building setback rules;

- g. Exclusion of maimais from waterbodies;
 - h. Relocation of subdivision rules relating to infrastructure, inclusion of matters of discretion relating to infrastructure and changes in activity status;
 - i. Numerous corrections to address drafting and grammatical errors; and
 - j. Updating the metrics for noise standards.
764. I consider that the submissions on the Residential Zone land use and subdivision matters should be accepted, accepted in part or rejected, as set out in my recommendations of each analysis in Appendix I below.
765. I recommend that provisions in Chapters 4.2, 4.4, 4.7 and 16, insofar as they relate to the Residential Zone, be amended as set out in Appendix 2 below, for the reasons set out in the report above.
766. I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of this plan and other statutory documents, for the reasons set out in Section 32AA evaluations undertaken and included in this report.

Appendix I: Table of submission and further submission points

Appendix 2: Chapter 4: Urban Environments

Appendix 3: Chapter 16: Residential Zone