

UNDER the Resource Management Act 1991 ("RMA")
IN THE MATTER of Proposed Waikato District Council's ("WDC") Proposed
District Plan ("PDP") Hearing 10 – Residential Zone

**SUMMARY STATEMENT OF PHILIP JOHN STICKNEY ON BEHALF OF
KĀINGA ORA (FORMERLY HOUSING NEW ZEALAND CORPORATION,
749 / FS1269)**

20 February 2020

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1. **Summary Statement**

1.1 My full name is Philip John Stickney. I am a Senior Associate at Beca Limited. I am providing planning evidence on behalf of Kāinga Ora Homes and Communities (“**Kāinga Ora**”) in relation to its submissions on the Proposed Waikato District Plan (“**PDP**”). My qualifications and experience are set out in paragraph 2.7 of my Evidence in Chief (“**EIC**”) dated 3 February 2020. The purpose of this statement is to summarise my EIC and to comment on rebuttal lodged by the Council and other submitters.

2. **Summary of EIC**

2.1 The Strategic Directions and associated Objectives read in combination seek the creation of a compact urban form with a range of activities achieving “liveable, thriving and connected communities that are sustainable efficient and coordinated”. I consider these provisions are forward looking and envisage growth and resulting change to the existing urban form over time. These Directions align with the National Policy Statement – Urban Development Capacity 2016 and the thrust of the Waikato Regional Policy Statement.

2.2 As notified, I do not consider that the Residential Zone rules are structured in a manner that aligns with or appropriately gives effect to the higher order directions and planning documents. I continue to support the adoption of a cohesive and integrated approach to the provision of higher density residential development by creating a dedicated zone to accommodate such development.

2.3 The approach of the PDP is to provide for multi-unit development within the residential zone, but rely upon the Assessment Criteria and the Policy framework to manage its location. The general intent of the Objectives as set out in Part 3.2 of my EIC is to enable higher density growth primarily around commercial centres. However, the more detailed policies also identify open spaces, and other features as areas around which multi-unit development can be considered. There is a resulting “disconnect” or lack of alignment between higher order Strategic Directions and Objectives and the scope of policies governing higher density development. The proposed Assessment Criteria in Rule 16.1.3 provide no clear guidance on location of development; focusing primarily on infrastructure, amenity and architectural matters. In my opinion, the effect of these provisions is

to enable multi-unit development throughout the Zone on a largely ad hoc basis, thereby potentially undermining the benefits of encouraging urban consolidation primarily around existing centres as addressed in Paragraph 3.2 of the EIC of Mr. Wallace. That is not to say that some level of development might not also be appropriate in other locations, as I discuss below.

2.4 Kāinga Ora sought the creation of a Medium Density Residential Zone (“**MDRZ**”). In my view, this will:

- (a) Create a specific planning mechanism that gives preference to higher density development around town centres and gives effect to the Objectives and Policies of the PDP by enabling a higher density of development than in the Residential Zone; within walkable distance of the facilities that town centres provide. this has corresponding benefits for the town centres in that this increased density should contribute to the vitality, vibrancy and viability of the town centres themselves.
- (b) Be subject to a tailored suite of planning provisions and Assessment Criteria which will allow the consideration of a greater variety and density of apartments, duplexes, walkups and terrace housing. This will assist in the provision of greater housing choice and enable the efficient use of currently under utilised residential land near to Town Centres and amenities/facilities.
- (c) Implement a specific suite of controls that will effectively manage the potential for effects (e.g. on amenity) on surrounding properties and between individual units the MDRZ.
- (d) Enable existing lawfully established landuse activities within the MDRZ to continue while the uptake within the MDRZ progresses; thereby not “locking up” land prematurely.

2.5 While the PDP has enabled the development of a level of multi-unit development through the provisions as notified, I do not consider that the proposed rules will necessarily enable multi-unit development to be successfully delivered and with an emphasis on development close to town centres and public transport networks. I also consider that the provisions governing multi-unit development as notified are overly

restrictive and have the potential to further hinder the ability to develop well designed multi-unit housing, particularly in respect of height and the daylight admission controls.

3. Rebuttal

3.1 I have now reviewed the S.42A rebuttal evidence from Council in these matters. In regard to Part 17.1 of that report, there are 3 key issues to address:

- (a) The analysis of Objectives and Policies in Part 58-59;
- (b) The rebuttal evidence on behalf of Havelock Village Limited and Annie Chen Shu, CSL Trust and Top End Properties;
- (c) A recommended means to advance the analysis of a potential medium density housing set out in paragraphs 60-61.

3.2 In response to (a) above, I consider it is appropriate that the Objectives and Policies framework for a MDRZ be more narrowly focussed, as these provisions apply specifically to land zoned for medium density housing. Conversely I accept that Policies 4.1.5 and 4.2.18(a) continue to provide guidance for the location of multi-unit development in the Residential Zone thereby assisting in achieving a more compact urban form generally.

3.3 In that regard, granting the relief sought by Kainga Ora in respect of the MDRZ does not inhibit multi-unit development in the Residential Zone. While I acknowledge that these standards are less intensive than multi-unit development in the MDRZ, I consider this to be an appropriate planning response by enabling a higher intensity of housing closer to Town Centres while still also enabling (a level of) choice and variety to be provided throughout the Residential Zone.

3.4 My assessment in paragraph 3.2 above does not therefore rule out the potential for medium density development to be enabled in greenfields areas (Part 2.6-2.8; Rebuttal Evidence, Havelock Village Ltd). The rebuttal evidence submitted on behalf of Annie Chen Shiu, CSL Trust and Top End Properties is primarily targeted at feasibility. From a planning perspective, the conclusion in the rebuttal does not factor in the wider social and economic benefits to the vibrancy and vitality of town centres by the creation of a more enabling MDRZ sleeved around these existing

centres. In my view it is appropriate for the PDP to create an enabling framework providing for higher density development around these centres as a means to align with and give effect to the higher order planning documents referenced in this statement.

3.5 In response to (b) above Mr. Matheson has recommended a process by which the parties can work collaboratively to address the issue of the MDRZ and the associated extent of each zone. I consider this is a helpful recommendation, however, I have concern regarding the practical implications of the methodology. The starting point is that multi-unit development is already provided for in the PDP. The Objectives and Policies clearly provide a preference for such development located close to Town Centres.

3.6 These matters have already been subject to a Schedule 1 process so I have significant concerns regarding the necessity of, or the need to effectively burden the community with another consultative process on these matters. At a high level, I consider the key matters to be:

(a) Identify and confirm what a best practice suite of MDRZ provisions are.

(b) Identify the zoning extent based upon the application of urban design principles, allied to the Objectives and Policies in the PDP as notified.

(c) Apply any additional planning controls and mechanisms in response to any localised matters that arise.

3.7 In summary, my concern is to ensure that the results from the analysis proposed by Mr. Matheson do not result in a suite of provisions that are overly prescriptive, complicated and unwieldy and inadvertently replicate elements of the Schedule 1 process already undertaken.

4. Conclusion

4.1 My overarching conclusion is that a dedicated MDRZ will result in a wider range of social, economic and environmental benefits over time. I agree that it will be of more assistance to the Panel to be able to present a cohesive set of provisions and associated maps to assist in deliberations.

- 4.2 If the Panel are not minded to accept the MDRZ then in my opinion further amendments to the provisions of the Residential Zone, along the lines of those proposed in Kāinga Ora's original submission, are necessary in order to more appropriately achieve the outcomes sought in the policy framework of the PDP, higher level planning documents and the purpose of the RMA.
- 4.3 Given the recommendation from Mr. Matheson in Part 60 of his rebuttal and the numerous amendments already before the Panel, I have not attached any further track change versions of the Residential Chapter or the Proposed MDRZ. I do for ease of reference, however, **attach** a version of the Medium Density Residential Zone chapter as included in Kāinga Ora's submission, which should have been attached to my EIC.

Philip John Stickney

19 February 2020

ANNEXURE ONE

**MDRZ PROVISIONS AS SOUGHT BY KAINGA ORA IN PRIMARY
SUBMISSIONS**

Attachment 2: New objectives and policies for Medium Density Residential Zone to be included in Chapter 4 of the Proposed WDP

4.2A Medium Density Residential Zone

4.2A.1 Objective – Residential Character

- a) Land near the Business Town Centre Zone, Business Zone and close to the public transport network and strategic transport corridor is efficiently used for medium density residential living.
- b) Development is in keeping with the planned, urban built character of predominantly three-storey buildings, in a variety of forms in the Medium Density Residential Zone.
- c) Housing capacity, choice and variety are increased.

4.2A.2 Policy – Residential Character

- a) Ensure residential development in the Medium Density Residential Zone:
 - i. Is efficiently using the land to provide a diverse range of housing types, including low-rise apartments, terrace housing and townhouses;
 - ii. Is in keeping with the planned urban built character of predominantly three storeys;
 - iii. Provides road patterns that follow the natural contour of the landform;
 - iv. Promotes views and vistas from public spaces of the hinterland beyond; and
 - v. Is of an appropriate scale and intensity, and setback from road frontages to provide sufficient open space for the planting of trees and private gardens.

4.2A.3 Policy – Front setback

- a) Encourage development to achieve attractive and safe streets and public open spaces including by:
 - i. providing for passive surveillance to roads and avoiding windowless walls to the street;
 - ii. optimising front yard landscaping;
 - iii. minimising visual dominance of garage doors.

4.2A.4 Policy – Setback: Side boundaries

- a) Require development to have sufficient side boundary setbacks to provide for:
 - i. Planting;
 - ii. Privacy; and
 - iii. Sunlight and daylight.
- b) Reduced side boundary setbacks occur where it:
 - i. Enables effective development of sites where on-site topographic constraints occur; or
 - ii. Retains significant trees on the site.

4.2A.5 Policy – Building scale and height

- a) Require the height, bulk, form and appearance of development to achieve an urban built character of predominantly three storey buildings, in a variety of forms.

4.2A.6 Policy – Coverage and living space

- a) Ensure all sites have sufficient, useable and accessible outdoor living space
- b) Provide for landscaping, parking, and vehicles manoeuvring by maintaining maximum site coverage requirements for buildings in the Medium Density Residential Zone.
- c) Ensure a proportion of each site is maintained in permeable surfaces such as lawn and gardens.
- d) Restrict the maximum impervious area on a site in order to manage the amount of stormwater runoff regenerated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated.

4.2A.7 Policy – Daylight and outlook

- a) Maintain adequate daylight, and enable opportunities for passive solar gain.
- b) Require the height, bulk and location of development to maintain sunlight access, privacy, and to minimise visual dominance effects on adjoining sites.
- c) Maintain and enhance open space character of residential areas by providing on-site landscaping and street planting.

4.2A.8 Policy – Outdoor living court – Retirement villages

- a) Require outdoor living courts or communal outdoor living courts to be usable and accessible.

4.2A.9 Objective – Earthworks

- a) Earthworks facilitate subdivision, use and development.

4.2A.10 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;
 - iv. The importation of cleanfill is avoided in the Medium Density Residential Zone.
- b) Earthworks are designed and undertaken in a manner that ensures the stability and safety of surrounding land, buildings 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) Manage the geotechnical risks to ensure the ground remains sound, safe and stable for the intended land use.

4.2A.11 Objective – Housing options

- a) A wide range of housing options occurs in the Medium Density Residential Zones of Huntly, Ngaruawahia, Pokeno, Raglan, Taupiri, Te Kauwhata and Tuakau.
- b) Medium Density Residential Zoned land near the Business Town Centre Zone and close to transport networks is used for medium to higher intensity residential living with access to public transport and alternative modes of transport.
- c) Residential activities remain the dominant activity in the Medium Density Residential Zone.

4.2A.12 Policy – Housing types

- a) Enable a variety of housing types in the Medium Density Residential Zone where it is connected to public reticulation, including:
 - i. Integrated residential development such as low-rise apartments, terrace housing and multi-unit development;
 - ii. Retirement villages.

4.2A.13 Policy – Multi-unit development

- a) Ensure multi-unit residential subdivision and development is designed in a way that:
 - i. Provides a range of housing types;
 - ii. Integrates with adjacent residential development, town centres and public open space;
 - iii. Manages and responds to the constraints of the site, including topography, natural features and heritage values;
 - iv. Provides usable and accessible outdoor living courts that maximises light access, functionality and privacy;
 - v. Supports an integrated transport network, including walking and cycling connections to public open space network.
- b) Encourage the design of multi-unit developments to:
 - i. Locate development to support connection to the surrounding context and local amenities;
 - ii. Promote the safe movement of pedestrians and vehicles on-site;
 - iii. Be contextually appropriate and promoting of local characteristics that contribute to community identity;
 - iv. Respond to and promote the public interface by the provision of:
 - A. Streets and public places;
 - B. Pedestrian safety and amenity;
 - C. Side setbacks; and
 - D. Variation in roof form.
 - v. Provide a communal outdoor living court where private individual outdoor living courts are not provided.

4.2A.14 Policy – Retirement villages

- a) Provide for the establishment of new retirement villages and care facilities that:
 - i. Offer a diverse range of housing types, including care facilities, for the particular needs and characteristics of older people;

- ii. Promote visual integration with the streetscape, neighbourhoods and adjoining sites;
 - iii. Are comprehensively designed and managed and offer a variety of accommodation and accessory services that meet the needs of residents, including those requiring care or assisted living;
 - iv. Recognise that housing and care facilities for older people can require higher intensity land use;
 - v. Integrate with local services and facilities, including public transport; and
 - vi. Connect to alternative transport modes to Village, Residential or Business Zones.
- b) Enable alterations and additions to existing retirement villages that:
- i. Promote visual integration with the streetscape, neighbourhoods and adjoining sites;
 - ii. Recognise that housing and care facilities for older people can require higher intensity land use;
 - iii. Provide high quality on-site amenity; and
 - iv. Integrate with local services and facilities, including public transport and alternative transport modes.

4.2A.15 Policy – Bankart Street and Wainui

- a) Provide for the ongoing change in the mixture of residential and commercial activities bordering identified commercial areas at Raglan.

4.2A.16 Policy – Non-residential activities

- a) Maintain the Medium Density 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 Medium Density Residential Zone and contribute to the amenity of the neighbourhood;
 - iii. Enabling 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; and
 - v. Ensuring that the design and scale 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 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 Medium Density Residential Zone.

4.2A.17 Policy – Home occupations

- a) Provide for home occupations to allow flexibility for people to work from their homes.
- b) Manage the adverse effects on residential amenity through limiting home occupations to a scale that is compatible with the level of amenity anticipated in the residential environment.

4.2A.22 Policy - Temporary events

- a) Enable temporary events and associated temporary structures, provided any adverse effects on the residential environment are managed by:
 - i. Limits on the timing, number and duration of events; and
 - ii. Meeting the permitted noise limits for the zone.

Attachment 3

Chapter 16A:

Medium Density Residential Zone

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Chapter 16A: Medium Density Residential Zone

- (1) The rules that apply to activities in the Medium Density Residential Zone are contained in Rule 16A.1 Land Use – Activities, Rule 16A.2 Land Use – Effects and Rule 16A.3 Land Use – Building.
- (2) The rules that apply to subdivision in the Medium Density Residential Zone are contained in Rule 16A.4.
- (3) The activity status tables and standards in the following chapters also apply to activities in the Medium Density Residential Zone:
 - 14 Infrastructure and Energy;
 - 15 Natural Hazards and Climate Change (Placeholder).
- (4) The following symbols are used in the tables:
 - (a) P Permitted activity
 - (b) C Controlled activity
 - (c) RD Restricted discretionary activity
 - (d) D Discretionary activity
 - (e) NC Non-complying activity
 - (f) PR Prohibited activity

16A.1 Land Use - Activities

16A.1.1 Prohibited Activities

- (1) The following activity is a prohibited activity. No application for resource consent for a prohibited activity can be made and a resource consent must not be granted.

PR1	<u>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).</u>
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16A.1.2 Permitted Activities

- (1) The following activities are permitted activities if they meet all the following:
 - (a) Land Use – Effects rules in Rule 16A.2 (unless the activity rule and/or activity-specific conditions identify a condition(s) that does not apply);
 - (b) Land Use – Building rules in Rule 16A.3 (unless the activity rule and/or activity-specific conditions identify a condition(s) that does not apply);
 - (c) Activity-specific conditions.

Activity	Activity-specific conditions
P1 <u>Residential activity, unless specified below.</u>	<u>Nil</u>
P2 <u>A Marae Complex or Papakaainga Housing Development on Maaori Freehold Land or on Maaori Customary Land.</u>	<ol style="list-style-type: none"> (a) <u>The total building coverage does not exceed 50%;</u> (b) <u>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:</u> <ol style="list-style-type: none"> (i) <u>A Concept Management Plan approved by the Māori Land Court and</u> (ii) <u>A Licence to Occupy;</u> (c) <u>Where a Trust Order or Maaori Incorporation does not exist, one of the following instruments is provided</u>

		<p>to Council at the time of lodgement of the application for building consent:</p> <ul style="list-style-type: none"> (i) <u>A Concept Management Plan approved by the Māori Land Court;</u> (ii) <u>A lease, or an Occupation Order of the Māori Land Court;</u> <p>(d) <u>The following Land Use – Effects rules in Rule 16A.3 do not apply:</u></p> <ul style="list-style-type: none"> (i) <u>Rule 16A.3.1 (Dwelling);</u> (ii) <u>Rule 16A.3.2 (Minor dwellings);</u> (iii) <u>Rule 16A.3.6 (Building Coverage).</u>
<u>P3</u>	<u>A new retirement village or alterations to an existing retirement village;</u>	<ul style="list-style-type: none"> (a) <u>The site is connected to public water and wastewater infrastructure;</u> (b) <u>Minimum living court or balcony area and dimensions:</u> <ul style="list-style-type: none"> (i) <u>Apartment – 10m² area with minimum dimension horizontal and vertical of 2.5m;</u> (ii) <u>Studio unit or 1 bedroom unit – 12.5m² area with minimum dimension horizontal and vertical of 2.5m;</u> <u>or</u> (iii) <u>2 or more bedroomed unit – 15m² area with minimum dimension horizontal and vertical of 2.5m;</u> (c) <u>Minimum service court is either:</u> <ul style="list-style-type: none"> (i) <u>Apartment – Communal outdoor space (ie no individual service courts required); or</u> (ii) <u>All other units – 10m² for each unit;</u> (d) <u>The following Land Use – Effects rule in Rule 16A.2 does not apply:</u> <ul style="list-style-type: none"> (i) <u>Rule 16A.2.7 (Signs);</u> (e) <u>The following Land Use – Building rules in Rule 16A.3 do not apply:</u> <ul style="list-style-type: none"> (i) <u>Rule 16A.3.1 (Dwelling);</u> (ii) <u>Rule 16A.3.7 (Living Court);</u> (iii) <u>Rule 16A.3.8 (Service Court);</u> (f) <u>The following Infrastructure and Energy rule in Chapter 14 does not apply:</u> <ul style="list-style-type: none"> (i) <u>Rule 14.12.1 P4(1)(a) (Traffic generation).</u>
<u>P4</u>	<u>Home occupation</u>	<ul style="list-style-type: none"> (a) <u>It is wholly contained within a building;</u> (b) <u>The storage of materials or machinery associated with the home occupation are wholly contained within a building;</u> (c) <u>No more than 2 people who are not permanent residents of the site are employed at any one time;</u> (d) <u>Unloading and loading of vehicles or the receiving of customers or deliveries only occur between 7:30am and 7:00pm on any day;</u> (e) <u>Machinery may be operated between 7:30am and 9pm on any day.</u>
<u>P5</u>	<u>Temporary event</u>	<ul style="list-style-type: none"> (a) <u>The event occurs no more than 3 times per consecutive 12 month period;</u> (b) <u>The duration of each temporary event is less than 72 hours;</u> (c) <u>It may operate between 7.30am and 8:30pm Monday to Sunday;</u> (d) <u>Temporary structures are:</u> <ul style="list-style-type: none"> (i) <u>erected no more than 2 days before the temporary</u>

Attachment 2: New objectives and policies for Medium Density Residential Zone to be included in Chapter 4 of the Proposed WDP

4.2A Medium Density Residential Zone

4.2A.1 Objective – Residential Character

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- a) Maintain adequate daylight, and enable opportunities for passive solar gain.
- b) Require the height, bulk and location of development to maintain sunlight access, privacy, and to minimise visual dominance effects on adjoining sites.
- c) Maintain and enhance open space character of residential areas by providing on-site landscaping and street planting.

4.2A.8 Policy – Outdoor living court – Retirement villages

- a) Require outdoor living courts or communal outdoor living courts to be usable and accessible.

4.2A.9 Objective – Earthworks

- a) Earthworks facilitate subdivision, use and development.

4.2A.10 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;
 - iv. The importation of cleanfill is avoided in the Medium Density Residential Zone.
- b) Earthworks are designed and undertaken in a manner that ensures the stability and safety of surrounding land, buildings 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) Manage the geotechnical risks to ensure the ground remains sound, safe and stable for the intended land use.

4.2A.11 Objective – Housing options

- a) A wide range of housing options occurs in the Medium Density Residential Zones of Huntly, Ngaruawahia, Pokeno, Raglan, Taupiri, Te Kauwhata and Tuakau.
- b) Medium Density Residential Zoned land near the Business Town Centre Zone and close to transport networks is used for medium to higher intensity residential living with access to public transport and alternative modes of transport.
- c) Residential activities remain the dominant activity in the Medium Density Residential Zone.

4.2A.12 Policy – Housing types

- a) Enable a variety of housing types in the Medium Density Residential Zone where it is connected to public reticulation, including:
 - i. Integrated residential development such as low-rise apartments, terrace housing and multi-unit development;
 - ii. Retirement villages.

4.2A.13 Policy – Multi-unit development

- a) Ensure multi-unit residential subdivision and development is designed in a way that:
 - i. Provides a range of housing types;
 - ii. Integrates with adjacent residential development, town centres and public open space;
 - iii. Manages and responds to the constraints of the site, including topography, natural features and heritage values;
 - iv. Provides usable and accessible outdoor living courts that maximises light access, functionality and privacy;
 - v. Supports an integrated transport network, including walking and cycling connections to public open space network.
- b) Encourage the design of multi-unit developments to:
 - i. Locate development to support connection to the surrounding context and local amenities;
 - ii. Promote the safe movement of pedestrians and vehicles on-site;
 - iii. Be contextually appropriate and promoting of local characteristics that contribute to community identity;
 - iv. Respond to and promote the public interface by the provision of:
 - A. Streets and public places;
 - B. Pedestrian safety and amenity;
 - C. Side setbacks; and
 - D. Variation in roof form.
 - v. Provide a communal outdoor living court where private individual outdoor living courts are not provided.

4.2A.14 Policy – Retirement villages

- a) Provide for the establishment of new retirement villages and care facilities that:
 - i. Offer a diverse range of housing types, including care facilities, for the particular needs and characteristics of older people;

- ii. Promote visual integration with the streetscape, neighbourhoods and adjoining sites;
 - iii. Are comprehensively designed and managed and offer a variety of accommodation and accessory services that meet the needs of residents, including those requiring care or assisted living;
 - iv. Recognise that housing and care facilities for older people can require higher intensity land use;
 - v. Integrate with local services and facilities, including public transport; and
 - vi. Connect to alternative transport modes to Village, Residential or Business Zones.
- b) Enable alterations and additions to existing retirement villages that:
- i. Promote visual integration with the streetscape, neighbourhoods and adjoining sites;
 - ii. Recognise that housing and care facilities for older people can require higher intensity land use;
 - iii. Provide high quality on-site amenity; and
 - iv. Integrate with local services and facilities, including public transport and alternative transport modes.

4.2A.15 Policy – Bankart Street and Wainui

- a) Provide for the ongoing change in the mixture of residential and commercial activities bordering identified commercial areas at Raglan.

4.2A.16 Policy – Non-residential activities

- a) Maintain the Medium Density 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 Medium Density Residential Zone and contribute to the amenity of the neighbourhood;
 - iii. Enabling 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; and
 - v. Ensuring that the design and scale 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 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 Medium Density Residential Zone.

4.2A.17 Policy – Home occupations

- a) Provide for home occupations to allow flexibility for people to work from their homes.
- b) Manage the adverse effects on residential amenity through limiting home occupations to a scale that is compatible with the level of amenity anticipated in the residential environment.

4.2A.22 Policy - Temporary events

- a) Enable temporary events and associated temporary structures, provided any adverse effects on the residential environment are managed by:
 - i. Limits on the timing, number and duration of events; and
 - ii. Meeting the permitted noise limits for the zone.

Attachment 3

Chapter 16A:

Medium Density Residential Zone

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		<p>to Council at the time of lodgement of the application for building consent:</p> <p>(i) <u>A Concept Management Plan approved by the Māori Land Court;</u></p> <p>(ii) <u>A lease, or an Occupation Order of the Māori Land Court;</u></p> <p>(d) <u>The following Land Use – Effects rules in Rule 16A.3 do not apply:</u></p> <p>(i) <u>Rule 16A.3.1 (Dwelling);</u></p> <p>(ii) <u>Rule 16A.3.2 (Minor dwellings);</u></p> <p>(iii) <u>Rule 16A.3.6 (Building Coverage).</u></p>
<u>P3</u>	<u>A new retirement village or alterations to an existing retirement village;</u>	<p>(a) <u>The site is connected to public water and wastewater infrastructure;</u></p> <p>(b) <u>Minimum living court or balcony area and dimensions:</u></p> <p>(i) <u>Apartment – 10m² area with minimum dimension horizontal and vertical of 2.5m;</u></p> <p>(ii) <u>Studio unit or 1 bedroom unit – 12.5m² area with minimum dimension horizontal and vertical of 2.5m;</u> <u>or</u></p> <p>(iii) <u>2 or more bedroomed unit – 15m² area with minimum dimension horizontal and vertical of 2.5m;</u></p> <p>(c) <u>Minimum service court is either:</u></p> <p>(i) <u>Apartment – Communal outdoor space (ie no individual service courts required); or</u></p> <p>(ii) <u>All other units – 10m² for each unit;</u></p> <p>(d) <u>The following Land Use – Effects rule in Rule 16A.2 does not apply:</u></p> <p>(i) <u>Rule 16A.2.7 (Signs);</u></p> <p>(e) <u>The following Land Use – Building rules in Rule 16A.3 do not apply:</u></p> <p>(i) <u>Rule 16A.3.1 (Dwelling);</u></p> <p>(ii) <u>Rule 16A.3.7 (Living Court);</u></p> <p>(iii) <u>Rule 16A.3.8 (Service Court);</u></p> <p>(i) <u>The following Infrastructure and Energy rule in Chapter 14 does not apply:</u></p> <p>(i) <u>Rule 14.12.1 P4(1)(a) (Traffic generation).</u></p>
<u>P4</u>	<u>Home occupation</u>	<p>(a) <u>It is wholly contained within a building;</u></p> <p>(b) <u>The storage of materials or machinery associated with the home occupation are wholly contained within a building;</u></p> <p>(c) <u>No more than 2 people who are not permanent residents of the site are employed at any one time;</u></p> <p>(d) <u>Unloading and loading of vehicles or the receiving of customers or deliveries only occur between 7:30am and 7:00pm on any day;</u></p> <p>(e) <u>Machinery may be operated between 7:30am and 9pm on any day.</u></p>
<u>P5</u>	<u>Temporary event</u>	<p>(a) <u>The event occurs no more than 3 times per consecutive 12 month period;</u></p> <p>(b) <u>The duration of each temporary event is less than 72 hours;</u></p> <p>(c) <u>It may operate between 7.30am and 8:30pm Monday to Sunday;</u></p> <p>(d) <u>Temporary structures are:</u></p> <p>(i) <u>erected no more than 2 days before the temporary</u></p>

		<u>event occurs;</u> (ii) <u>removed no more than 3 days after the end of the event;</u> (e) <u>The site is returned to its previous condition no more than 3 days after the end of the temporary event;</u> (f) <u>There is no direct site access from a national route or regional arterial road.</u>
<u>P6</u>	<u>Cultural event on Maaori Freehold Land containing a Marae Complex</u>	<u>Nil</u>
<u>P7</u>	<u>Community activity</u>	<u>Nil</u>
<u>P8</u>	<u>Neighbourhood park</u>	<u>Nil</u>
<u>P9</u>	<u>Home stay</u>	(a) <u>No more than 4 temporary residents;</u> (b) <u>No more than two people who are not permanent residents of the site are employed at any one time.</u>
<u>P10</u>	<u>Agricultural, horticultural and viticultural activities</u>	(a) <u>Must be within the Residential West Te Kauwhata Area.</u>
<u>P11</u>	<u>Neighbourhood centre</u>	(a) <u>Must be within an area identified in a Council approved Structure Plan or Master Plan.</u>
<u>P12</u>	<u>Commercial activity</u>	(a) <u>Must be within the Bankart Street and Wainui Road Business Overlay Area.</u>
<u>P13</u>	<u>Boarding houses / boarding establishments</u>	(a) <u>No more than 10 people per site inclusive of staff and residents</u>

16A.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.

<u>Activity</u>	<u>Council's discretion shall be restricted to any of the following matters:</u>
<u>RDI</u> <u>A Multi-Unit development that meets all of the following conditions:</u> (a) <u>The Land Use – Effects rules in Rule 16A.2;</u> (b) <u>The Land Use – Building rules in Rule 16A.3, except the following rules do not apply:</u> (i) <u>Rule 16A.3.1, Dwelling;</u> (ii) <u>Rule 16A.3.8 Building coverage;</u> (iii) <u>Rule 16A.3.9 Living court;</u> (iv) <u>Rule 16A.3.10 Service court;</u> (c) <u>The Multi-Unit development is connected to public wastewater and water reticulation;</u> (d) <u>Total building coverage of the site does not exceed 50%;</u> (e) <u>Each residential unit is designed and constructed to achieve the internal design sound level specified in Appendix I (Acoustic Insulation) – Table 14;</u> (f) <u>Service court areas are provided to meet the following minimum requirements for each residential unit:</u> (i) <u>At least 2.25m² with a minimum dimension of 1.5 metres of outdoor or indoor space at ground floor</u>	(a) <u>Intensity of the development;</u> (b) <u>Contribution of the development to and engagement with adjacent streets and public open space;</u> (c) <u>The incorporation of passive solar principles;</u> (d) <u>Amenity values for occupants and neighbours in respect of outlook, privacy, noise, light spill, access to sunlight, living court orientation;</u> (e) <u>Staging needed to ensure that development is carried out in a coordinated and timely</u>

	<p><u>level for the dedicated storage of waste and recycling bins;</u></p> <p>(ii) <u>At least 3m² with a minimum dimension of 1.5 metres of outdoor space at ground floor level for washing lines; and</u></p> <p>(iii) <u>The required spaces in (g)(i) or (g)(ii) for each residential unit shall be provided individually, or as a dedicated communal service court.</u></p> <p>(h) <u>Living court areas are provided to meet the following minimum requirements for each residential unit:</u></p> <table border="1" data-bbox="432 562 992 848"> <thead> <tr> <th><u>Duplex dwelling</u></th> <th><u>Area</u></th> <th><u>Minimum dimension</u></th> </tr> </thead> <tbody> <tr> <td><u>Studio unit or 1 bedroom</u></td> <td><u>16 m²</u></td> <td><u>4m</u></td> </tr> <tr> <td><u>2 or more bedrooms</u></td> <td><u>30 m²</u></td> <td><u>4m</u></td> </tr> </tbody> </table> <table border="1" data-bbox="432 893 992 1220"> <thead> <tr> <th><u>Apartment Building Ground Level Residential Unit</u></th> <th><u>Area</u></th> <th><u>Minimum Dimension</u></th> </tr> </thead> <tbody> <tr> <td><u>Studio unit or 1 bedroom</u></td> <td><u>16 m²</u></td> <td><u>4m</u></td> </tr> <tr> <td><u>2 or more bedrooms</u></td> <td><u>30 m²</u></td> <td><u>4m</u></td> </tr> </tbody> </table> <table border="1" data-bbox="432 1265 992 1556"> <thead> <tr> <th><u>Apartment Building Upper Levels Residential Unit</u></th> <th><u>Area</u></th> <th><u>Minimum Dimension</u></th> </tr> </thead> <tbody> <tr> <td><u>Studio unit or 1 bedroom</u></td> <td><u>10m²</u></td> <td><u>1.5m</u></td> </tr> <tr> <td><u>2 or more bedrooms</u></td> <td><u>15m²</u></td> <td><u>1.5m</u></td> </tr> </tbody> </table>	<u>Duplex dwelling</u>	<u>Area</u>	<u>Minimum dimension</u>	<u>Studio unit or 1 bedroom</u>	<u>16 m²</u>	<u>4m</u>	<u>2 or more bedrooms</u>	<u>30 m²</u>	<u>4m</u>	<u>Apartment Building Ground Level Residential Unit</u>	<u>Area</u>	<u>Minimum Dimension</u>	<u>Studio unit or 1 bedroom</u>	<u>16 m²</u>	<u>4m</u>	<u>2 or more bedrooms</u>	<u>30 m²</u>	<u>4m</u>	<u>Apartment Building Upper Levels Residential Unit</u>	<u>Area</u>	<u>Minimum Dimension</u>	<u>Studio unit or 1 bedroom</u>	<u>10m²</u>	<u>1.5m</u>	<u>2 or more bedrooms</u>	<u>15m²</u>	<u>1.5m</u>	<p><u>manner;</u></p> <p>(f) <u>Avoidance or mitigation of natural hazards;</u></p> <p>(g) <u>Geotechnical suitability for building;</u></p> <p>(h) <u>Provision of infrastructure to individual units,</u></p>
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<p>RD2</p>	<p><u>Any permitted activity that does not comply with the Land Use - Effects Rule 16A.2 or Land Use - Building Rule 16A.3 unless the activity status is specified as controlled, restricted discretionary or non-complying.</u></p>	<p>(i) <u>Intensity of the development;</u></p> <p>(j) <u>Contribution of the development to and engagement with adjacent streets and public open space;</u></p> <p>(k) <u>The incorporation of passive solar principles;</u></p> <p>(l) <u>Amenity values for occupants and neighbours in respect of outlook, privacy, noise, light spill, access to sunlight, living court</u></p>																											

		<p><u>orientation, site design and layout;</u></p> <p>(m) <u>Avoidance or mitigation of natural hazards;</u></p> <p>(n) <u>Geotechnical suitability for building;</u></p> <p>(o) <u>Provision of infrastructure.</u></p>
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16A.1.4 Discretionary Activities

(1) The activities listed below are discretionary activities.

<u>D1</u>	<u>Any permitted activity that does not comply with a 'Activity-Specific Condition' in Rule 16A.1.2.</u>
<u>D2</u>	<u>Any Multi-unit development that does not comply with Rule 16A.1.3 RDI.</u>
<u>D3</u>	<u>Any activity that is not listed as Prohibited, Permitted, Restricted Discretionary or Discretionary.</u>

16A.2 Land Use – Effects

16A.2.1 Noise

- (1) Rules 16A.2.1.1 and 16A.2.1.2 provide the permitted noise levels generated by land use activities.
- (2) Rule 16A.2.1.1 Noise – general provides permitted noise levels in the Medium Density Residential Zone.
- (3) Rule 16A.2.1.2 Noise – Construction provides the noise levels for construction activities

16A.2.1.1 Noise – General

<u>P1</u>	<u>Farming noise, and noise generated by emergency generators and emergency sirens.</u>
<u>P2</u>	<p>(a) <u>Noise measured within any other site in the Medium Density Residential Zone must not exceed:</u></p> <ol style="list-style-type: none"> (i) <u>50dB (L_{Aeq}), 7am to 7pm, every day;</u> (ii) <u>45dB (L_{Aeq}), 7pm to 10pm, every day; and</u> (iii) <u>40dB (L_{Aeq}) and 65dB (L_{Amax}), 10pm to 7am the following day.</u>
<u>P3</u>	<p>(a) <u>Noise levels shall be measured in accordance with the requirements of NZS 6801:2008 "Acoustics - Measurement of Environmental Sound"; and</u></p> <p>(b) <u>Noise levels shall be assessed in accordance with the requirements of NZS 6802:2008 "Acoustic-Environmental noise".</u></p>
<u>D1</u>	<u>Noise that does not comply with Rule 16A.2.1.1 P2 or P3.</u>

16A.2.1.2 Noise – Construction

<u>P1</u>	<p>(a) <u>Construction noise must meet the limits in NZS 6803:1999 (Acoustics – Construction Noise); and</u></p> <p>(b) <u>Construction noise must be measured and assessed in accordance with the requirements of NZS6803:1999 'Acoustics – Construction Noise'.</u></p>
<u>RDI</u>	<p>(a) <u>Construction noise that does not comply with Rule 16A.2.1.2 P1.</u></p> <p>(b) <u>Council's discretion shall be restricted to any of the following matters:</u></p> <ol style="list-style-type: none"> (i) <u>Effects on amenity values;</u>

	<ul style="list-style-type: none"> (ii) <u>Hours and days of construction;</u> (iii) <u>Noise levels;</u> (iv) <u>Timing and duration; and</u> (v) <u>Methods of construction.</u>
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16A.2.2 Servicing and hours of operation - Bankart Street and Wainui Road Business Overlay Area

<u>PI</u>	<u>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 may occur between 7.30am and 6:30pm.</u>
<u>DI</u>	<u>The servicing and hours of operation of a commercial activity that does not comply with Rule 16A.2.2 PI.</u>

16A.2.3 Glare and artificial light spill

<u>PI</u>	<u>Glare and artificial light spill must not exceed 10 lux measured horizontally and vertically within any other site.</u>
<u>RDI</u>	<ul style="list-style-type: none"> (a) <u>Illumination that does not comply with Rule 16A.2.3 PI.</u> (b) <u>The Council's discretion shall be restricted to any of the following matters:</u> <ul style="list-style-type: none"> (i) <u>Effects on amenity values;</u> (ii) <u>Light spill levels on other sites;</u> (iii) <u>Road safety;</u> (iv) <u>Duration and frequency;</u> (v) <u>Location and orientation of the light source; and</u> (vi) <u>Mitigation measures.</u>

16A.2.4 Earthworks

- (1) Rule 16A.2.4.1 – General, provides the permitted rules for earthworks activities for the Medium Density Residential Zone.
- (2) There are specific standards for earthworks within rules:
 - (a) Rule 16A.2.4.2 – Maaori Sites and Maaori Areas of Significance;
 - (b) Rule 16A.2.4.3 – Significant Natural Areas;
 - (c) Rule 16A.2.4.4 – Landscape and Natural Character Areas.

16A.2.4.1 Earthworks - General

<u>PI</u>	<ul style="list-style-type: none"> (a) <u>Earthworks (excluding the importation of fill material) within a site must meet all of the following conditions:</u> <ul style="list-style-type: none"> (i) <u>Be located more than 1.5 m horizontally from any waterway, open drain or overland flow path;</u> (ii) <u>Not exceed a volume of 1000m³;</u> (iii) <u>Not exceed an area of 1ha over any consecutive 12 month period;</u> (iv) <u>The total depth of any excavation or filling does not exceed 1.5m above or below ground level;</u> (v) <u>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);</u> (vi) <u>Areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;</u> (vii) <u>Sediment resulting from the earthworks is retained on the site through implementation</u>
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		<u>event occurs;</u> (ii) <u>removed no more than 3 days after the end of the event;</u> (e) <u>The site is returned to its previous condition no more than 3 days after the end of the temporary event;</u> (f) <u>There is no direct site access from a national route or regional arterial road.</u>
<u>P6</u>	<u>Cultural event on Maaori Freehold Land containing a Marae Complex</u>	<u>Nil</u>
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<u>P10</u>	<u>Agricultural, horticultural and viticultural activities</u>	(a) <u>Must be within the Residential West Te Kauwhata Area.</u>
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<u>Activity</u>	<u>Council's discretion shall be restricted to any of the following matters:</u>
<u>RDI</u> <u>A Multi-Unit development that meets all of the following conditions:</u> (a) <u>The Land Use – Effects rules in Rule 16A.2;</u> (b) <u>The Land Use – Building rules in Rule 16A.3, except the following rules do not apply:</u> (i) <u>Rule 16A.3.1, Dwelling;</u> (ii) <u>Rule 16A.3.8 Building coverage;</u> (iii) <u>Rule 16A.3.9 Living court;</u> (iv) <u>Rule 16A.3.10 Service court;</u> (c) <u>The Multi-Unit development is connected to public wastewater and water reticulation;</u> (d) <u>Total building coverage of the site does not exceed 50%;</u> (e) <u>Each residential unit is designed and constructed to achieve the internal design sound level specified in Appendix I (Acoustic Insulation) – Table 14;</u> (f) <u>Service court areas are provided to meet the following minimum requirements for each residential unit:</u> (i) <u>At least 2.25m² with a minimum dimension of 1.5 metres of outdoor or indoor space at ground floor</u>	(a) <u>Intensity of the development;</u> (b) <u>Contribution of the development to and engagement with adjacent streets and public open space;</u> (c) <u>The incorporation of passive solar principles;</u> (d) <u>Amenity values for occupants and neighbours in respect of outlook, privacy, noise, light spill, access to sunlight, living court orientation;</u> (e) <u>Staging needed to ensure that development is carried out in a coordinated and timely</u>

	<p><u>level for the dedicated storage of waste and recycling bins;</u></p> <p>(ii) <u>At least 3m² with a minimum dimension of 1.5 metres of outdoor space at ground floor level for washing lines; and</u></p> <p>(iii) <u>The required spaces in (g)(i) or (g)(ii) for each residential unit shall be provided individually, or as a dedicated communal service court.</u></p> <p>(h) <u>Living court areas are provided to meet the following minimum requirements for each residential unit:</u></p> <table border="1" data-bbox="432 562 992 848"> <thead> <tr> <th><u>Duplex dwelling</u></th> <th><u>Area</u></th> <th><u>Minimum dimension</u></th> </tr> </thead> <tbody> <tr> <td><u>Studio unit or 1 bedroom</u></td> <td><u>16 m²</u></td> <td><u>4m</u></td> </tr> <tr> <td><u>2 or more bedrooms</u></td> <td><u>30 m²</u></td> <td><u>4m</u></td> </tr> </tbody> </table> <table border="1" data-bbox="432 893 992 1220"> <thead> <tr> <th><u>Apartment Building Ground Level Residential Unit</u></th> <th><u>Area</u></th> <th><u>Minimum Dimension</u></th> </tr> </thead> <tbody> <tr> <td><u>Studio unit or 1 bedroom</u></td> <td><u>16 m²</u></td> <td><u>4m</u></td> </tr> <tr> <td><u>2 or more bedrooms</u></td> <td><u>30 m²</u></td> <td><u>4m</u></td> </tr> </tbody> </table> <table border="1" data-bbox="432 1265 992 1556"> <thead> <tr> <th><u>Apartment Building Upper Levels Residential Unit</u></th> <th><u>Area</u></th> <th><u>Minimum Dimension</u></th> </tr> </thead> <tbody> <tr> <td><u>Studio unit or 1 bedroom</u></td> <td><u>10m²</u></td> <td><u>1.5m</u></td> </tr> <tr> <td><u>2 or more bedrooms</u></td> <td><u>15m²</u></td> <td><u>1.5m</u></td> </tr> </tbody> </table>	<u>Duplex dwelling</u>	<u>Area</u>	<u>Minimum dimension</u>	<u>Studio unit or 1 bedroom</u>	<u>16 m²</u>	<u>4m</u>	<u>2 or more bedrooms</u>	<u>30 m²</u>	<u>4m</u>	<u>Apartment Building Ground Level Residential Unit</u>	<u>Area</u>	<u>Minimum Dimension</u>	<u>Studio unit or 1 bedroom</u>	<u>16 m²</u>	<u>4m</u>	<u>2 or more bedrooms</u>	<u>30 m²</u>	<u>4m</u>	<u>Apartment Building Upper Levels Residential Unit</u>	<u>Area</u>	<u>Minimum Dimension</u>	<u>Studio unit or 1 bedroom</u>	<u>10m²</u>	<u>1.5m</u>	<u>2 or more bedrooms</u>	<u>15m²</u>	<u>1.5m</u>	<p><u>manner;</u></p> <p>(f) <u>Avoidance or mitigation of natural hazards;</u></p> <p>(g) <u>Geotechnical suitability for building;</u></p> <p>(h) <u>Provision of infrastructure to individual units,</u></p>
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<p>RD2</p>	<p><u>Any permitted activity that does not comply with the Land Use - Effects Rule 16A.2 or Land Use - Building Rule 16A.3 unless the activity status is specified as controlled, restricted discretionary or non-complying.</u></p>	<p>(i) <u>Intensity of the development;</u></p> <p>(j) <u>Contribution of the development to and engagement with adjacent streets and public open space;</u></p> <p>(k) <u>The incorporation of passive solar principles;</u></p> <p>(l) <u>Amenity values for occupants and neighbours in respect of outlook, privacy, noise, light spill, access to sunlight, living court</u></p>																											

		<p><u>orientation, site design and layout;</u></p> <p>(m) <u>Avoidance or mitigation of natural hazards;</u></p> <p>(n) <u>Geotechnical suitability for building;</u></p> <p>(o) <u>Provision of infrastructure.</u></p>
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16A.1.4 Discretionary Activities

(1) The activities listed below are discretionary activities.

<u>D1</u>	<u>Any permitted activity that does not comply with a 'Activity-Specific Condition' in Rule 16A.1.2.</u>
<u>D2</u>	<u>Any Multi-unit development that does not comply with Rule 16A.1.3 RDI.</u>
<u>D3</u>	<u>Any activity that is not listed as Prohibited, Permitted, Restricted Discretionary or Discretionary.</u>

16A.2 Land Use – Effects

16A.2.1 Noise

- (1) Rules 16A.2.1.1 and 16A.2.1.2 provide the permitted noise levels generated by land use activities.
- (2) Rule 16A.2.1.1 Noise – general provides permitted noise levels in the Medium Density Residential Zone.
- (3) Rule 16A.2.1.2 Noise – Construction provides the noise levels for construction activities

16A.2.1.1 Noise – General

<u>P1</u>	<u>Farming noise, and noise generated by emergency generators and emergency sirens.</u>
<u>P2</u>	<p>(a) <u>Noise measured within any other site in the Medium Density Residential Zone must not exceed:</u></p> <ol style="list-style-type: none"> (i) <u>50dB (L_{Aeq}), 7am to 7pm, every day;</u> (ii) <u>45dB (L_{Aeq}), 7pm to 10pm, every day; and</u> (iii) <u>40dB (L_{Aeq}) and 65dB (L_{Amax}), 10pm to 7am the following day.</u>
<u>P3</u>	<p>(a) <u>Noise levels shall be measured in accordance with the requirements of NZS 6801:2008 "Acoustics - Measurement of Environmental Sound"; and</u></p> <p>(b) <u>Noise levels shall be assessed in accordance with the requirements of NZS 6802:2008 "Acoustic-Environmental noise".</u></p>
<u>D1</u>	<u>Noise that does not comply with Rule 16A.2.1.1 P2 or P3.</u>

16A.2.1.2 Noise – Construction

<u>P1</u>	<p>(a) <u>Construction noise must meet the limits in NZS 6803:1999 (Acoustics – Construction Noise); and</u></p> <p>(b) <u>Construction noise must be measured and assessed in accordance with the requirements of NZS6803:1999 'Acoustics – Construction Noise'.</u></p>
<u>RDI</u>	<p>(a) <u>Construction noise that does not comply with Rule 16A.2.1.2 P1.</u></p> <p>(b) <u>Council's discretion shall be restricted to any of the following matters:</u></p> <ol style="list-style-type: none"> (i) <u>Effects on amenity values;</u>

	<ul style="list-style-type: none"> (ii) <u>Hours and days of construction;</u> (iii) <u>Noise levels;</u> (iv) <u>Timing and duration; and</u> (v) <u>Methods of construction.</u>
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16A.2.2 Servicing and hours of operation - Bankart Street and Wainui Road Business Overlay Area

<u>PI</u>	<u>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 may occur between 7.30am and 6:30pm.</u>
<u>DI</u>	<u>The servicing and hours of operation of a commercial activity that does not comply with Rule 16A.2.2 PI.</u>

16A.2.3 Glare and artificial light spill

<u>PI</u>	<u>Glare and artificial light spill must not exceed 10 lux measured horizontally and vertically within any other site.</u>
<u>RDI</u>	<ul style="list-style-type: none"> (a) <u>Illumination that does not comply with Rule 16A.2.3 PI.</u> (b) <u>The Council's discretion shall be restricted to any of the following matters:</u> <ul style="list-style-type: none"> (i) <u>Effects on amenity values;</u> (ii) <u>Light spill levels on other sites;</u> (iii) <u>Road safety;</u> (iv) <u>Duration and frequency;</u> (v) <u>Location and orientation of the light source; and</u> (vi) <u>Mitigation measures.</u>

16A.2.4 Earthworks

- (1) Rule 16A.2.4.1 – General, provides the permitted rules for earthworks activities for the Medium Density Residential Zone.
- (2) There are specific standards for earthworks within rules:
 - (a) Rule 16A.2.4.2 – Maaori Sites and Maaori Areas of Significance;
 - (b) Rule 16A.2.4.3 – Significant Natural Areas;
 - (c) Rule 16A.2.4.4 – Landscape and Natural Character Areas.

16A.2.4.1 Earthworks - General

<u>PI</u>	<ul style="list-style-type: none"> (a) <u>Earthworks (excluding the importation of fill material) within a site must meet all of the following conditions:</u> <ul style="list-style-type: none"> (i) <u>Be located more than 1.5 m horizontally from any waterway, open drain or overland flow path;</u> (ii) <u>Not exceed a volume of 1000m³;</u> (iii) <u>Not exceed an area of 1ha over any consecutive 12 month period;</u> (iv) <u>The total depth of any excavation or filling does not exceed 1.5m above or below ground level;</u> (v) <u>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);</u> (vi) <u>Areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;</u> (vii) <u>Sediment resulting from the earthworks is retained on the site through implementation</u>
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	<p>and maintenance of erosion and sediment controls;</p> <p>(viii) <u>Do not divert or change the nature of natural water flows, water bodies or established drainage paths.</u></p>
P2	<p><u>Earthworks for the purpose of creating a building platform for residential purposes within a site, using imported fill material must meet the following condition:</u></p> <p>(a) <u>Be carried out in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development.</u></p>
P3	<p>(a) <u>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:</u></p> <p>(i) <u>Not exceed a total volume of 50m³;</u></p> <p>(ii) <u>Not exceed a depth of 1.5m;</u></p> <p>(iii) <u>The slope of the resulting filled area in stable ground must not exceed a maximum slope of 1:2 (1 vertical to 2 horizontal);</u></p> <p>(iv) <u>Fill material is setback 1.5m from all boundaries;</u></p> <p>(v) <u>Areas exposed by filling are revegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;</u></p> <p>(vi) <u>Sediment resulting from the filling is retained on the site through implementation and maintenance of erosion and sediment controls;</u></p> <p>(vii) <u>Do not divert or change the nature of natural water flows, water bodies or established drainage paths.</u></p>
RD1	<p>(a) <u>Earthworks that do not comply with Rule 16A.2.4.1 P1, P2 or P3.</u></p> <p>(b) <u>The Council's discretion shall be restricted to any of the following matters:</u></p> <p>(i) <u>Amenity values and landscape effects;</u></p> <p>(ii) <u>Volume, extent and depth of earthworks;</u></p> <p>(iii) <u>Nature of fill material;</u></p> <p>(iv) <u>Contamination of fill material;</u></p> <p>(v) <u>Location of the earthworks in relation to waterways, significant indigenous vegetation and habitat;</u></p> <p>(vi) <u>Compaction of the fill material;</u></p> <p>(vii) <u>Volume and depth of fill material;</u></p> <p>(viii) <u>Geotechnical stability;</u></p> <p>(ix) <u>Flood risk, including natural water flows and established drainage paths; and</u></p> <p>(x) <u>Land instability, erosion and sedimentation.</u></p>
NC1	<u>Earthworks including the importation of cleanfill to a site.</u>

16A.2.4.2 Earthworks – Maori Sites and Maori Areas of Significance

RD1	<p>(a) <u>Earthworks within a Maori Site of Significance as identified in Schedule 30.3 (Maori Site of Significance) and shown on the planning maps.</u></p> <p>(b) <u>Council's discretion shall be restricted to the following matters:</u></p> <p>(i) <u>location of activity in relation to the site;</u></p> <p>(ii) <u>effects on heritage and cultural values.</u></p>
RD2	<p>(a) <u>Earthworks within a Maori area of significance as identified in Schedule 30.4 (Maori Area of Significance) and shown on the planning maps.</u></p> <p>(b) <u>Council's discretion shall be restricted to the following matters:</u></p> <p>(i) <u>location of activity in relation to the site;</u></p> <p>(ii) <u>effects on heritage and cultural values.</u></p>

16A.2.4.3 Earthworks - Significant Natural Areas

PI	<p>(a) <u>Earthworks for the maintenance of existing tracks, fences or drains within an identified Significant Natural Area and must meet all of the following conditions:</u></p> <p>(i) <u>Maximum volume of 50m³ in a single consecutive 12 month period;</u></p> <p>(ii) <u>Maximum area of 250m² in a single consecutive 12 month period; and</u></p> <p>(iii) <u>Not include importing any fill material.</u></p>
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RDI	<p>(a) <u>Earthworks that do not comply with Rule 16A.2.4.3 PI.</u></p> <p>(b) <u>Council's discretion shall be restricted to the following matters:</u></p> <p>(i) <u>The location of earthworks in relation to waterways, significant indigenous vegetation or habitat;</u></p> <p>(ii) <u>The protection of adverse effects on the Significant Natural Area values.</u></p>
DI	<u>Earthworks within an identified Significant Natural Area not provided for in Rule 16A.2.4.3 PI or RDI.</u>

16A.2.4.4 Earthworks - Landscape and Natural Character Areas

PI	<p>(a) <u>Earthworks for the maintenance of existing tracks, fences or drains within an identified Landscape or Natural Character Area and must meet all of the following conditions;</u></p> <p>(i) <u>The earthworks are undertaken within a single consecutive 12 month period;</u></p> <p>(ii) <u>The earthworks must not exceed the following areas and volumes within a single consecutive 12 month period:</u></p> <table border="1" style="margin-left: 40px;"> <thead> <tr> <th style="background-color: #92d050;"><u>Landscape or Natural Character Area</u></th> <th style="background-color: #92d050;"><u>Area (m²)</u></th> <th style="background-color: #92d050;"><u>Volume (m³)</u></th> </tr> </thead> <tbody> <tr> <td><u>Significant Amenity Landscape (SAL) sand dune</u></td> <td style="text-align: center;"><u>250</u></td> <td style="text-align: center;"><u>50</u></td> </tr> <tr> <td><u>High or Outstanding Natural Character area of the coastal environment</u></td> <td></td> <td></td> </tr> <tr> <td><u>Outstanding Natural Feature (ONF) sand dune</u></td> <td></td> <td></td> </tr> <tr> <td><u>Outstanding Natural Feature (ONF)</u></td> <td></td> <td></td> </tr> <tr> <td><u>Outstanding Natural Landscapes (ONLs)</u></td> <td></td> <td></td> </tr> </tbody> </table> <p>(iii) <u>The height of the resulting cut or batter face in stable ground does not exceed 1.5m;</u></p> <p>(iv) <u>The maximum slope of the resulting cut or batter face in stable ground does not exceed 1:2 (1m vertical to 2m horizontal);</u></p> <p>(v) <u>Areas exposed by the earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;</u></p> <p>(vi) <u>Sediment is retained on the site through implementation and maintenance of erosion and sediment controls;</u></p> <p>(vii) <u>The earthworks do not divert or change natural water flows, water bodies or established drainage paths.</u></p>	<u>Landscape or Natural Character Area</u>	<u>Area (m²)</u>	<u>Volume (m³)</u>	<u>Significant Amenity Landscape (SAL) sand dune</u>	<u>250</u>	<u>50</u>	<u>High or Outstanding Natural Character area of the coastal environment</u>			<u>Outstanding Natural Feature (ONF) sand dune</u>			<u>Outstanding Natural Feature (ONF)</u>			<u>Outstanding Natural Landscapes (ONLs)</u>		
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<u>Outstanding Natural Landscapes (ONLs)</u>																			
DI	<u>Earthworks that do not comply with Rule 16A.2.4.4 PI.</u>																		

16A.2.5 Hazardous substances

PI	<p>(a) <u>The use, storage or disposal of any hazardous substance where:</u></p> <p>(i) <u>the aggregate quantity of any hazardous substance of any hazard classification on a site is less than the quantity specified in the Medium Density Residential Zone in Table 5.1 contained within Appendix 5 (Hazardous Substances).</u></p>
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<u>P2</u>	(a) <u>The storage or use of radioactive materials is:</u> (i) <u>an approved equipment for medical and diagnostic purposes; or</u> (ii) <u>specified as an exempt activity or article in the Radiation Safety Act and Regulations 2017.</u>
<u>D1</u>	<u>The use, storage or disposal of any hazardous substances that does not comply with Rule 16A.2.5 PI or P2.</u>

16A.2.6 Notable trees

(1) Rules 16A.2.6.1 to 16A.2.6.4 provide permitted rules for works on notable trees, which are identified in Schedule 30.2 (Notable Trees) as follows:

- (a) Rule 16A.2.6.1 - Removal or destruction;
- (b) Rule 16A.2.6.2 – Trimming;
- (c) Rule 16A.2.6.3 - Activities within the dripline

16A.2.6.1 Notable trees – Removal or destruction

<u>PI</u>	<u>Removal or destruction of a notable tree identified in Schedule 30.2 (Notable Trees) where certification is provided to Council from a works arborist that states that the tree is dead, dying, diseased or is unsafe in accordance with Appendix 11 Tree Removal Certificate.</u>
<u>RDI</u>	(a) <u>Removal or destruction of a notable tree identified in Schedule 30.2 (Notable Trees) that does not comply with Rule 16A.2.6.1 PI.</u> (b) <u>Council’s discretion is restricted to any of the following matters:</u> (i) <u>Timing and manner in which the activity is carried out;</u> (ii) <u>Effects on amenity values; and</u> (iii) <u>Effects on heritage values.</u>

16A.2.6.2 Notable tree – Trimming

<u>PI</u>	(a) <u>The trimming of a notable tree identified in Schedule 30.2 (Notable Trees) is either:</u> (i) <u>to remove dead, dying, or diseased branches and the tree work is undertaken by a works arborist; or</u> (ii) <u>the maximum branch diameter does not exceed 50mm at severance and no more than 10% of live foliage growth is removed in any single consecutive 12 month period.</u>
<u>RDI</u>	(a) <u>The trimming of a notable tree that does not comply with Rule 16A.2.6.2. PI.</u> (b) <u>Council’s discretion is restricted to any of the following matters:</u> (i) <u>Timing and manner in which the activity is carried out;</u> (ii) <u>Effects on amenity values.</u>

16A.2.6.3 Notable tree – Activities within the dripline

<u>PI</u>	(a) <u>Any activity within the dripline of a notable tree identified in Schedule 30.2 (Notable Trees) must comply with all of the following conditions:</u> (i) <u>No excavation, compaction, sealing or soil disturbance and placement of fill material, except for the sealing of an existing road or footpath;</u> (ii) <u>No parking or storage of materials, vehicles or machinery;</u> (iii) <u>Discharge of an eco-toxic substance; and</u> (iv) <u>No construction of structures.</u>
<u>RDI</u>	(a) <u>Any activity that does not comply with Rule 16A.2.6.3 PI.</u> (b) <u>Council’s discretion shall be restricted to any of the following matters:</u> (i) <u>Location of activity in relation to the tree;</u> (ii) <u>Timing and manner in which the activity is carried out;</u>

	<ul style="list-style-type: none"> (iii) <u>Remedial measures;</u> (iv) <u>Effect on the health of the tree; and</u> (v) <u>Amenity values.</u>
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16A.2.7 Signs

- (1) Rule 16A.2.7.1 Signs – general provides permitted standards for any sign, including real estate signs, across the entire Medium Density Residential Zone.
- (2) Rule 16A.2.7.2 Signs – effects on traffic applies specific standards for signs that are directed at road users.

16A.2.7.1 Signs – general

<u>P1</u>	<u>A public information sign erected by a government agency.</u>
<u>P2</u>	<ul style="list-style-type: none"> (a) <u>A sign must comply with all of the following conditions:</u> <ul style="list-style-type: none"> (i) <u>It is the only sign on the site;</u> (ii) <u>The sign is wholly contained within the site;</u> (iii) <u>The sign does not exceed 1m²;</u> (iv) <u>The sign height does not exceed 2m in height;</u> (v) <u>The sign is not illuminated;</u> (vi) <u>The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials;</u> (vii) <u>The sign is set back at least 50m from the designated boundary of a state highway and the Waikato Expressway;</u> (viii) <u>The sign does not project over road reserve;</u> (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> (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> (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> (xii) <u>The sign relates to:</u> <ul style="list-style-type: none"> A. <u>goods or services available on the site; or</u> B. <u>a property name sign.</u>
<u>P3</u>	<ul style="list-style-type: none"> (a) <u>A real estate 'for sale' sign relating to the site on which it is located must comply with all of the following conditions:</u> <ul style="list-style-type: none"> (i) <u>There is no more than 1 sign per agency;</u> (ii) <u>The sign is not illuminated;</u> (iii) <u>The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials;</u> (iv) <u>The sign does not project into or over road reserve.</u>
<u>RDI</u>	<ul style="list-style-type: none"> (a) <u>A sign that does not comply with Rule 16A.2.7.1 P2 or P3.</u> (b) <u>Council's discretion shall be restricted to any of the following matters:</u> <ul style="list-style-type: none"> (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>

16A.2.7.2 Signs – Effects on traffic

<u>PI</u>	<p>(a) <u>Any sign directed at road users must:</u></p> <ul style="list-style-type: none"> (i) <u>Not imitate the content, colour or appearance of any traffic control sign;</u> (ii) <u>Be located at least 60m from controlled intersections, pedestrian crossings and any other sign;</u> (iii) <u>Not obstruct sight lines of drivers turning into or out of a site entrance and intersections;</u> (iv) <u>Be able to be viewed by drivers for at least 130m;</u> (v) <u>Contain no more than 40 characters and no more than 6 symbols;</u> (vi) <u>Have lettering that is at least 150mm high;</u> (vii) <u>Be at least 130m from a site entrance, where the sign directs traffic to the entrance.</u>
<u>DI</u>	<u>Any sign that does not comply with Rule 16A.2.7.2 PI.</u>

16A.2.8 Indigenous vegetation clearance inside a Significant Natural Area

<u>PI</u>	<p>(a) <u>Indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) for the following purposes:</u></p> <ul style="list-style-type: none"> (i) <u>Removing vegetation that endangers human life or existing buildings or structures;</u> (ii) <u>Conservation fencing to exclude stock or pests;</u> (iii) <u>Maintaining existing farm drains;</u> (iv) <u>Maintaining existing tracks and fences;</u> (v) <u>Gathering plants in accordance with Maaori customs and values;</u>
<u>P2</u>	<u>Removal of up to 5m³ of manuka and/or kanuka outside of the Coastal Environment per year per property for domestic firewood purposes or arts and crafts provided the removal will not directly result in the death, destruction or irreparable damage of any other tree, bush or plant</u>
<u>P3</u>	<p>(a) <u>Indigenous vegetation clearance for building, access, parking and manoeuvring areas in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) must comply with all of the following conditions:</u></p> <ul style="list-style-type: none"> (i) <u>There is no alternative development area on the site outside the Significant Natural Area;</u> <u>and</u> (ii) <u>The total indigenous vegetation clearance does not exceed 250m².</u>
<u>P4</u>	<p>(a) <u>On Maaori Freehold Land or Maaori Customary Land, indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) where:</u></p> <ul style="list-style-type: none"> (i) <u>There is no alternative development area on the site outside the Significant Natural Area;</u> (ii) <u>The following total areas are not exceeded:</u> <ul style="list-style-type: none"> A. <u>1500m² for a Marae complex, including areas associated with access parking and manoeuvring;</u> B. <u>500m² per dwelling, including areas associated with access parking and manoeuvring; and</u> C. <u>500m² for a papakaainga building including areas associated with access parking and manoeuvring.</u>
<u>P5</u>	<p>(a) <u>On Maaori Freehold Land or Maaori Customary Land, indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) for the following purposes:</u></p> <ul style="list-style-type: none"> (i) <u>Removing vegetation that endangers human life or existing buildings or structures;</u> (ii) <u>Conservation fencing to exclude stock or pests;</u> (iii) <u>Maintaining existing farm drains;</u> (iv) <u>Maintaining existing tracks and fences; or</u> (v) <u>Gathering plants in accordance with Maaori customs and values.</u>
<u>P6</u>	<u>Removal of up to 5m³ of manuka and/or kanuka outside of the Coastal Environment per year per property for domestic firewood purposes or arts and crafts provided the removal will not directly result in the death, destruction or irreparable damage of any other tree, bush or plant</u>

DI	<u>Indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) that does not comply with one or more conditions in Rule 16A.2.8 P1, P2, P3, P4, P5 or P6.</u>
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16A.3 Land Use – Building

16A.3.1 Dwelling

PI	<u>Up to three dwellings per site.</u>
RDI	<ul style="list-style-type: none"> a) <u>Four or more dwellings per site.</u> b) <u>Council’s discretion shall be restricted to any of the following matters:</u> <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>

16A.3.2 Minor dwelling

PI	<ul style="list-style-type: none"> (a) <u>One minor dwelling contained within a site must comply with all of the following conditions:</u> <ul style="list-style-type: none"> (i) <u>There must be no more than one minor dwelling per site;</u> (ii) <u>The site does not contain a Multi-unit development.</u> (iii) <u>The gross floor area shall not exceed 70m² excluding decks and garaging.</u>
DI	<u>A minor dwelling that does not comply with Rule 16A.3.2 P1(a)(iii)</u>
NCL	<u>More than one minor dwelling per site or does not comply with Rule 16.3.2 P1(a)(ii)</u>

16A.3.3 Height

- (1) Rules 16A.3.3.1 to 16A.3.3.3 provide permitted height for buildings, structures or vegetation.
- (2) Rule 16A.3.3.1 Height – Building general provides permitted height limits across the entire Medium Density Residential Zone.
- (3) Rule 16A.3.3.2 Height -Buildings in a battlefield view shaft.
- (4) Rule 16A.3.3.3 Height - Buildings, structures and vegetation within any airport obstacle limitation surface provides height limits for specific activities within these areas.
- (5) Where sites are located within the Raglan Navigation Beacons height restriction plane as identified on the planning maps and Appendix 7 (Raglan Navigation Beacons), the prohibited activity Rule 16A.1.1 PRI applies.

16A.3.3.1 Height - Building general

PI	<u>The maximum height of any building must not exceed 11m.</u>
RDI	<ul style="list-style-type: none"> (a) <u>Any building that does not comply with Rule 16A.3.3.1 P1.</u> (b) <u>Council’s discretion shall be restricted to any of the following matters:</u> <ul style="list-style-type: none"> (i) <u>Height of the building;</u> (ii) <u>Design and location of the building;</u> (iii) <u>Extent of shading on adjacent sites;</u> (iv) <u>Privacy on adjoining sites.</u>

16A.3.3.2 Height – Building and vegetation in a battlefield view shaft area

PI	<u>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>
DI	<u>A building in the battlefield view shaft that does not comply with Rule 16A.3.3.2 PI.</u>

16A.3.3.3 Height - Buildings, structures and vegetation within an airport obstacle limitation surface

PI	<u>A building, structure or vegetation must not protrude through any airport obstacle limitation surface identified in Appendix 9 Te Kowhai Airpark and as shown on the planning maps.</u>
DI	<u>A building, structure or vegetation that does not comply with Rule 16A.3.3.3 PI.</u>

16A.3.4 Fences or walls – Road boundaries

PI	(a) <u>Fences and walls between the applicable building setbacks under Rule 16A.3.9 on a site and any road boundaries must comply with all of the following conditions:</u> (i) <u>Be no higher than 1.5m if solid;</u> (ii) <u>Be no higher than 1.8m if:</u> A. <u>visually permeable for the full 1.8m height of the fence or wall; or</u> B. <u>solid up to 1.5m and visually permeable between 1.5 and 1.8m.</u>
P2	<u>Fences or walls between the applicable building setbacks under Rule 16A.3.9 on a site and along the northern boundary of the Medium Density Residential Zone between Wayside Road and Travers Road, Te Kauwhata, adjacent to the Country Living Zone, must be of a rural-type post and wire or post and rail construction.</u>
RDI	(a) <u>Fences or walls that do not comply with Rule 16A.3.4 PI or P2.</u> (b) <u>Council’s discretion shall be restricted to any of the following matters:</u> (i) <u>Building materials and design;</u> (ii) <u>Effects on amenity; and</u> (iii) <u>Public space visibility.</u>

16A.3.5 Daylight admission

PI	<u>Buildings must not protrude through a height control plane rising at an angle of 45 degrees commencing at an elevation of 3m above ground level at every point of the site boundary, except:</u> (a) <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> (b) <u>This standard does not apply to existing or proposed internal boundaries within a site.</u> (c) <u>Where a site in the Medium Density Residential Zone adjoins a site in the Residential or Village Zone, then buildings must not protrude through a height control plane rising at an angle of 45 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary abutting that Residential or Village Zone site.</u>
RDI	(a) <u>A building that does not comply with Rule 16A.3.5 PI.</u> (b) <u>Add Alternative Height in relation to Boundary controls as prescribed in the Auckland Unitary Plan, Rule H6.6.7 Alternative height in relation to boundary.</u> (c) <u>Council’s discretion shall be restricted to any of the following matters:</u> (i) <u>Height of the building;</u> (ii) <u>Design and location of the building;</u>

	<ul style="list-style-type: none"> (iii) <u>Extent of shading on adjacent sites;</u> (iv) <u>Privacy on adjoining sites.</u>
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16A.3.6 Building coverage

<u>PI</u>	<u>The total building coverage must not exceed 45%.</u>
<u>P2</u>	<u>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%.</u>
<u>P3</u>	<u>Within the Bankart Street and Wainui Road Business Overlay Area as identified on the planning maps, total building coverage must not exceed 50%.</u>
<u>RDI</u>	<ul style="list-style-type: none"> (a) <u>Total building coverage that does not comply with Rule 16A.3.6 PI.</u> (b) <u>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>Provision for outdoor living space.</u> (iii) <u>Privacy on adjoining sites; and</u> (iv) <u>Effects on amenity values and residential surrounding residential area.</u>
<u>DI</u>	<u>Total building coverage that does not comply with Rule 16A.3.6 P2 or P3.</u>

16A.3.7 Living court

<u>PI</u>	<ul style="list-style-type: none"> (a) <u>A living court must be provided for each dwelling that meets all of the following conditions:</u> <ul style="list-style-type: none"> (i) <u>It is for the exclusive use of the occupants of the dwelling;</u> (ii) <u>It is readily accessible from a living area of the dwelling;</u> (iii) <u>When located on the ground floor, it has a minimum area of 30m² and a minimum dimension of 4m in any direction; and</u> (iv) <u>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 and a minimum dimension of 1.5m.</u>
<u>P2</u>	<ul style="list-style-type: none"> (a) <u>A living court must be provided for each minor dwelling that meets all of the following conditions:</u> <ul style="list-style-type: none"> (i) <u>It is for the exclusive use of the occupants of the minor dwelling;</u> (ii) <u>It is readily accessible from a living area of the minor dwelling;</u> (iii) <u>When located on the ground floor it has a minimum area of 5m² for studio and one-bedroom dwellings, or 8m² for two or more bedroom dwellings and a minimum dimension of 1.5m;</u> (iv) <u>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 and a minimum dimension of 1.5m.</u>
<u>RDI</u>	<ul style="list-style-type: none"> (a) <u>A living court that does not comply with Rule 16A.3.7 PI or P2.</u> (b) <u>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>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>

16A.3.8 Service court

<u>PI</u>	<u>(a) A service court must be provided for each dwelling and minor dwelling, each with all the following dimensions:</u>
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	<ul style="list-style-type: none"> (i) <u>minimum area of 8m²; and</u> (ii) <u>contains a circle of at least 3m diameter.</u>
<u>RDI</u>	<ul style="list-style-type: none"> (a) <u>A service court that does not comply with Rule 16A.3.8 P1.</u> (b) <u>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>Provision for service court space.</u>

16A.3.9 Building setbacks

- (1) Rules 16A.3.9.1 to 16A.3.9.4 provide the permitted building setback distances for buildings from site boundaries, specific land use activities and environmental features.
- (2) Rule 16A.3.9.1 Building setbacks – all boundaries provides permitted building setback distances from all boundaries on any site within the Medium Density Residential Zone. Different setback distances are applied based on the type of building.
- (3) Rule 16A.3.9.2 Building setback - sensitive land use provides permitted setback distances for any building containing a sensitive land use from specified land use activities.
- (4) Rule 16A.3.9.3 Building setback – water bodies including lake, wetland, river and coast.
- (5) Rule 16A.3.9.4 Building setback – Environmental Protection Area provides specific setback distances from specified environmental features.

16A.3.9.1 Building setbacks – All boundaries

<u>P1</u>	<ul style="list-style-type: none"> (a) <u>A building must be set back a minimum of:</u> <ul style="list-style-type: none"> (i) <u>3m from the road boundary;</u> (ii) <u>3m from the edge of an indicative road;</u> (iii) <u>1m from every boundary other than a road boundary.</u>
<u>P2</u>	<u>A garage must be set back behind the front façade of the dwelling.</u>
<u>RDI</u>	<ul style="list-style-type: none"> (a) <u>A building that does not comply with Rule 16A.3.9.1 P1 or P2.</u> (b) <u>Council's discretion shall be restricted to any of the following matters:</u> <ul style="list-style-type: none"> (i) <u>Road network safety and efficiency;</u> (ii) <u>Adverse effects on amenity;</u> (iii) <u>Streetscape;</u> (iv) <u>Potential to mitigate adverse effects;</u> (v) <u>Daylight admission to adjoining properties; and</u> (vi) <u>Privacy on adjoining sites.</u>

16A.3.9.2 Building setback – Water bodies

<u>P1</u>	<ul style="list-style-type: none"> (a) <u>Any building must be setback a minimum of:</u> <ul style="list-style-type: none"> (i) <u>20m from the margin of any;</u> <ul style="list-style-type: none"> A. <u>lake; and</u> B. <u>wetland;</u> (ii) <u>23m from the bank of any river (other than the Waikato and Waipa Rivers);</u> (iii) <u>28m from the margin of both the Waikato River and the Waipa River; and</u> (iv) <u>23m from mean high water springs.</u>
<u>P2</u>	<u>(a) A public amenity of up to 25m.² or a pump shed within any building setback identified in Rule 16A.3.9.3 P1.</u>
<u>D1</u>	<u>Any building that does not comply with Rule 16A.3.9.3 P1 or P2.</u>

16A.3.9.3 Building setback – Environmental Protection Area

<u>PI</u>	<u>A building must be set back a minimum of 3m from an Environmental Protection Area.</u>
<u>DI</u>	<u>A building that does not comply with Rule 16A.3.9.4 PI.</u>

16A.3.10 Building - Horotiu Acoustic Area

<u>PI</u>	<u>Construction, addition to or alteration of a building for a noise sensitive activity within the Horotiu Acoustic Area shall be designed and constructed to achieve the internal design sound level specified in Appendix I (Acoustic Insulation) - Table II.</u>
<u>RDI</u>	<ul style="list-style-type: none"> (a) <u>Construction, addition to or alteration of a building that does not comply with Rule 16A.3.10 PI.</u> (b) <u>Council's discretion shall be restricted to any of the following matters:</u> <ul style="list-style-type: none"> (i) <u>On-site amenity values;</u> (ii) <u>Noise levels received at the notional boundary of the building;</u> (iii) <u>Timing and duration of noise received at the notional boundary of the building;</u> (iv) <u>Potential for reverse sensitivity effects.</u>

16A.3.11 Historic Heritage

- (1) The following rules manage heritage items (buildings and monuments):
 - (a) Rule 16A.3.11.1 - Group A Heritage item – Demolition, removal or relocation
 - (b) Rule 16A.3.11.2 - Group B Heritage item – Demolition, removal or relocation
 - (c) Rule 16A.3.11.3 - All heritage items – Alterations and additions
 - (d) Rule 16A.3.11.4 - All heritage items – Maintenance or repair
 - (e) Rule 16A.3.11.5 - All heritage items – site development
- (2) The rules in 16A.3.11.6 – Matangi and Huntly address development within the two precincts.

16A.3.11.1 Group A heritage item – Demolition, removal or relocation

<u>NCI</u>	<u>Demolition, removal or relocation of any Group A heritage item listed in Schedule 30.1 (Heritage Items).</u>
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16A.3.11.2 Group B heritage item – Demolition, removal or relocation

<u>DI</u>	<u>Demolition, removal or relocation of any Group B heritage item listed in Schedule 30.1 (Heritage Items).</u>
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16A.3.11.3 All heritage items – Alterations or addition

<u>PI</u>	<ul style="list-style-type: none"> (a) <u>Alteration or addition to of a heritage item listed in Schedule 30.1 (Heritage Items) must comply with the following conditions:</u> <ul style="list-style-type: none"> (i) <u>no significant feature of interest is removed, destroyed or damaged;</u> (ii) <u>alterations or additions are not visible from a public place.</u>
<u>RDI</u>	<ul style="list-style-type: none"> (a) <u>Any activity that does not comply with Rule 16A.3.11.3 PI.</u> (b) <u>Council's discretion shall be restricted to the following matters:</u> <ul style="list-style-type: none"> (i) <u>form, style, materials and appearance; and</u> (ii) <u>effects on heritage values.</u>

16A.3.11.4 All heritage items – Maintenance or repair

<u>PI</u>	<u>(a) Maintenance or repair of a heritage item listed in Schedule 30.1 (Heritage Items) must comply with all of the following conditions:</u>
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	<ul style="list-style-type: none"> (i) <u>no significant feature of interest is destroyed or damaged; and</u> (ii) <u>replacement materials are the same as, or similar to, the original in terms of form, style and appearance.</u>
<u>RD1</u>	<ul style="list-style-type: none"> (a) <u>Any activity that does not comply with Rule 16A.3.11.4 PI.</u> (b) <u>Council's discretion shall be restricted to the following matters:</u> <ul style="list-style-type: none"> (i) <u>form, style, materials, appearance;</u> (ii) <u>effects on heritage values.</u>

16A.3.11.5 All heritage items – Site development

<u>PI</u>	<ul style="list-style-type: none"> (a) <u>Development on a site containing a heritage item listed in Schedule 30.1 (Heritage Items) must comply with all of the following conditions:</u> <ul style="list-style-type: none"> (i) <u>be set back at least 10m from the heritage item;</u> (ii) <u>not locate a building between the front of the heritage item and the road.</u>
<u>RD1</u>	<ul style="list-style-type: none"> (a) <u>Any activity that does not comply with one or more conditions of Rule 16A.3.11.5 PI.</u> (b) <u>Council's discretion is restricted to the following matters:</u> <ul style="list-style-type: none"> (i) <u>effects on the values, context and setting of the heritage item;</u> (ii) <u>location, design, size, materials and finish;</u> (iii) <u>landscaping;</u> (iv) <u>the relationship of the heritage item with the setting, including the area between the front of the heritage item and the road.</u>

16A.3.11.6 Heritage precincts – Matangi and Huntly

<u>C1</u>	<ul style="list-style-type: none"> (a) <u>Construction of a building in the Matangi or Huntly Heritage Precincts identified on the planning maps that is set back at least 8m from road boundaries.</u> (b) <u>Council's control is reserved over the following matters:</u> <ul style="list-style-type: none"> (i) <u>Effects on historic heritage; and</u> (ii) <u>Building height, side setbacks, scale, form, materials and architectural style to be consistent with the relevant part of Appendix 3.6 (Matangi Heritage Precinct Design Guide) or Appendix 3.5 (Huntly Heritage Precinct Design Guide).</u>
<u>C2</u>	<ul style="list-style-type: none"> (a) <u>Alteration of a building in the Matangi or Huntly Heritage Precincts identified on the planning maps.</u> (b) <u>Council's control is reserved over the following matters:</u> <ul style="list-style-type: none"> (i) <u>Effects on historic heritage; and</u> (ii) <u>Building height, side setbacks, scale, form, materials and architectural style to be consistent with the relevant part of Appendix 3.6 (Matangi Heritage Precinct Design Guide) or Appendix 3.5 (Huntly Heritage Precinct Design Guide).</u>
<u>C3</u>	<ul style="list-style-type: none"> (a) <u>Attachment of an advertising sign(s) to a building or located within the 8m setback from road boundaries in the Matangi or Huntly Heritage Precincts identified on the planning maps.</u> (b) <u>Council's control is reserved over the following matters:</u> <ul style="list-style-type: none"> (i) <u>Effects on historic heritage; and</u> (ii) <u>Advertising signs.</u>
<u>RD1</u>	<ul style="list-style-type: none"> (a) <u>Construction alteration of to a building in the Matangi Heritage Precinct or the Huntly Heritage Precinct identified on the planning maps that does not comply with Rule 16A.3.11.6 C1, C2 or C3.</u> (b) <u>Council's discretion shall be restricted to the following matters:</u> <ul style="list-style-type: none"> (i) <u>Effects on historic heritage;</u> (ii) <u>Building height, side setbacks, scale, form, materials and architectural style to be consistent with the relevant part of Appendix 3.6 (Matangi Heritage Precinct Design Guide) or Appendix 3.5 (Huntly Heritage Precinct Design Guide);</u> (iii) <u>Advertising signs; and</u> (iv) <u>Setback from road boundaries.</u>

16A.4 Subdivision

- (1) Rule 16A.4.1 provides for subdivision intensity and apply across the Medium Density Residential Zone.
- (2) The following rules apply to specific areas and/or activities:
 - (a) Rule 16A.4.2 - Subdivision - Te Kauwhata Ecological Residential Area;
 - (b) Rule 16A.4.3 - Subdivision - Te Kauwhata West Residential Area); and
 - (c) Rule 16A.4.4 (Subdivision – Multi-Unit development).
 - (d) Rules 16A.4.1 to 16A.4.4 are also subject to the following subdivision controls:
 - (i) Rule 16A.4.5 – subdivision boundary adjustments;
 - (ii) Rule 16A.4.6 – subdivision amendments and updates to cross lease flats plan and conversion to freehold;
 - (iii) Rule 16A.4.7 – subdivision title boundaries natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming and aggregate extraction areas;
 - (iv) Rule 16A.4.8 – subdivision title boundaries Significant Natural Areas, heritage items, archaeological sites, sites of significance to Maaori;
 - (v) Rule 16A.4.9 – Title boundaries – Maaori site and Maaori areas of significance
 - (vi) Rule 16A.4.10 - subdivision of land containing heritage items;
 - (vii) Rule 16A.4.11 – subdivision road frontage;
 - (viii) Rule 16A.4.12 – subdivision building platform;
 - (ix) Rule 16A.4.13 – subdivision reserves; and
 - (x) Rule 16A.4.14 - subdivision esplanade reserves and esplanade strips.
- (3) Rules 16A.4.14 and 16A.4.15 apply to specific features or areas:
- (4) Rule 16A.4.15 – subdivision of land containing mapped off-road walkways; and
- (5) Rule 16A.4.16A – subdivision of land containing Environmental Protection Area.

16A.4.1 Subdivision - General

<u>RDI</u>	<ol style="list-style-type: none"> (a) <u>Subdivision must comply with all of the following conditions:</u> <ol style="list-style-type: none"> (i) <u>Proposed vacant lots must have a minimum net site area of 200m², except where the proposed lot is an access allotment or utility allotment or reserve to vest;</u> (ii) <u>Proposed vacant lots must be able to connect to public-reticulated water supply and wastewater;</u> (iii) <u>Where roads are to be vested in Council, they generally shall follow a grid layout;</u> (iv) <u>Where 4 or more proposed vacant lots are proposed to be created, the number of rear lots do not exceed 15% of the total number of lots being created;</u> (v) <u>Where the subdivision is within a structure plan area, neighbourhood centres within the site are provided in accordance with that structure plan document.</u> (b) <u>Council's discretion shall be restricted to any of the following matters:</u> <ol style="list-style-type: none"> (i) <u>Subdivision layout;</u> (ii) <u>Shape of lots and variation in lot sizes;</u> (iii) <u>Ability of lots to accommodate a practical building platform including geotechnical stability for building;</u> (iv) <u>Likely location of future buildings and their potential effects on the environment;</u> (v) <u>Avoidance or mitigation of natural hazards;</u> (vi) <u>Amenity values and streetscape landscaping;</u> (vii) <u>Vehicle and pedestrian networks;</u> (viii) <u>Consistency with any relevant structure plan or master plan including the provision of</u>
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	<u>neighbourhood parks, reserves and neighbourhood centres; and</u> <u>(ix) Provision of infrastructure.</u>
<u>CI</u>	<u>(a) Any subdivision in accordance with an approved land use resource consent must comply with that resource consent.</u> <u>(b) Council's control shall be reserved to any of the following matters:</u> <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>
<u>DI</u>	<u>Subdivision that does not comply with a condition in Rule 16A.4.1 RDI.</u>

16A.4.2 Subdivision - Te Kauwhata Ecological Residential Area

<u>RDI</u>	<u>(a) Proposed lots in the Te Kauwhata Ecological Residential Area identified on the planning maps must comply with all of the following conditions:</u> <u>(i) Have a minimum net site area of 750m²;</u> <u>(ii) Have a minimum average net site area of 875m²;</u> <u>(iii) Must be able to be connected to public-reticulated water supply and wastewater;</u> <u>(iv) Where roads are to be vested in Council, they must follow a grid layout;</u> <u>(v) Where 4 or more proposed lots are being created, rear lots must not exceed 15% of the total number of lots being created.</u> <u>(b) Council's discretion shall be restricted to the following matters:</u> <u>(i) Subdivision layout;</u> <u>(ii) Shape of lots and variation in lot sizes;</u> <u>(iii) Ability of lots to accommodate a practical building platform including geotechnical stability for building;</u> <u>(iv) Likely location of future buildings and their potential effects on the environment;</u> <u>(v) Avoidance or mitigation of natural hazards;</u> <u>(vi) Amenity values and streetscape landscaping;</u> <u>(vii) Consistency with the matters contained within Appendix 3.1 (Residential Subdivision Guidelines);</u> <u>(viii) Vehicle and pedestrian networks;</u> <u>(ix) Consistency with any relevant structure plan or master plan including the provision of neighbourhood parks, reserves and neighbourhood centres; and</u> <u>(x) Provision of infrastructure.</u>
<u>DI</u>	<u>Subdivision within the Te Kauwhata Ecological Residential Area that does not comply with Rule 16A.4.2 RDI.</u>

16A.4.3 Subdivision - Te Kauwhata West Residential Area

<u>RDI</u>	<u>(a) Proposed lots within the Te Kauwhata West Residential Area must comply with all of the following conditions:</u> <u>(i) Be a minimum net site area of 650m²;</u> <u>(ii) Have a minimum average net site area of 875m²;</u> <u>(iii) Be connected to public-reticulated water supply and wastewater;</u> <u>(iv) Where roads are to be vested in Council, they are to follow a grid layout;</u> <u>(v) Where more than 5 proposed lots are being created, rear lots must not exceed 15% of the total number of titles being created.</u> <u>(b) Council's discretion shall be restricted to the following matters:</u> <u>(i) Subdivision layout;</u> <u>(ii) Shape of lots and variation in lot sizes;</u> <u>(iii) Ability of lots to accommodate a practical building platform, including geotechnical stability for</u>
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	<p><u>building:</u></p> <ul style="list-style-type: none">(iv) <u>Likely location of future buildings and their potential effects on the environment;</u>(v) <u>Avoidance or mitigation of natural hazards;</u>(vi) <u>Amenity values and streetscape landscaping;</u>(vii) <u>Consistency with the matters contained within Appendix 3.1 (Residential Subdivision Design Guidelines);</u>(viii) <u>Vehicle and pedestrian networks;</u>(ix) <u>Consistency with any relevant structure plan or master plan, including the provision of neighbourhood parks, reserves and neighbourhood centres; and</u>(x) <u>Provision of infrastructure.</u>
<u>DI</u>	<u>Subdivision within the Te Kauwhata West Residential Area that does not comply with Rule 16A.4.3 RDI.</u>

16A.4.4 Subdivision - Multi-unit development

<u>CI</u>	<p>(a) <u>Multi-Unit development must comply with all of the following conditions:</u></p> <ul style="list-style-type: none"> (i) <u>An application for land use consent under Rule 16A.1.3 (Multi-Unit Development) must accompany the subdivision or have been granted land use consent by Council;</u> (ii) <u>Any subdivision relating to an approved land use consent must comply with that resource consent;</u> (iii) <u>The Multi-Unit development is able to be connected to public wastewater and water reticulation;</u> (iv) <u>Where a residential unit is being created in accordance with the Unit Titles Act 2010 it must meet the following minimum residential unit size:</u> <table border="1" style="margin-left: 40px; border-style: dashed;"> <thead> <tr> <th><u>Unit of Multi-Unit</u></th> <th><u>Minimum Unit Area</u></th> </tr> </thead> <tbody> <tr> <td><u>Studio residential unit</u></td> <td><u>30m²</u></td> </tr> <tr> <td><u>1 or more residential units</u></td> <td><u>45m²</u></td> </tr> </tbody> </table> <p>(b) <u>Council’s control shall be reserved to any of the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>Subdivision layout including common boundary and party walls for the Multi-unit development;</u> (ii) <u>Provision of infrastructure to individual residential units;</u> (iii) <u>Avoidance or mitigation of natural hazards;</u> (iv) <u>Geotechnical suitability of site for buildings;</u> (v) <u>Compliance with the approved land use consent.</u> 	<u>Unit of Multi-Unit</u>	<u>Minimum Unit Area</u>	<u>Studio residential unit</u>	<u>30m²</u>	<u>1 or more residential units</u>	<u>45m²</u>
<u>Unit of Multi-Unit</u>	<u>Minimum Unit Area</u>						
<u>Studio residential unit</u>	<u>30m²</u>						
<u>1 or more residential units</u>	<u>45m²</u>						
<u>DI</u>	<u>Subdivision that does not comply with Rule 16A.4.4 RDI.</u>						

16A.4.5 Subdivision – Boundary adjustments

<u>CI</u>	<p>(a) <u>Boundary adjustments must comply with all of the following conditions:</u></p> <ul style="list-style-type: none"> (i) <u>The conditions specified in:</u> <ul style="list-style-type: none"> A. <u>Rule 16A.4.1 Subdivision - General;</u> B. <u>Rule 16A.4.2 Subdivision in the Te Kauwhata Ecological Residential Area;</u> C. <u>Rule 16A.4.3 Subdivision in the Te Kauwhata West Residential Area; or</u> D. <u>Rule 16A.4.4 Subdivision- Multi-unit development;</u> <p>(b) <u>Proposed lots must not generate any additional building infringements to those which legally existed prior to the boundary relocation.</u></p> <p>(c) <u>Council’s control is reserved over the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>Subdivision layout;</u> (ii) <u>Shape of titles and variation in lot sizes.</u>
<u>RDI</u>	<p>(a) <u>Boundary adjustments that does not comply with Rule 16A.4.5 CI.</u></p> <p>(b) <u>Council’s discretion shall be restricted to the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>Subdivision layout;</u> (ii) <u>Shape of titles and variation in lot sizes.</u>

16A.4.6 Subdivision - Amendments and updates to cross lease flats plans and conversion to freehold

<u>CI</u>	<p>(a) <u>Conversion of a cross lease flats plan to a fee simple title.</u></p> <p>(b) <u>Council’s control is reserved over the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>Effects on existing buildings;</u> (ii) <u>Site layout and design; and</u>
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	(iii) <u>Compliance with permitted building rules.</u>
<u>C2</u>	(a) <u>Amendment or update of a cross lease flats plan to include additions or alterations to buildings, and areas for exclusive use by any owner.</u> (b) <u>Council's control is reserved over the following matters:</u> (i) <u>Purpose of the boundary adjustment;</u> (ii) <u>Effects on existing buildings;</u> (iii) <u>Site layout and design of cross lease or flats plan; and</u> (iv) <u>Compliance with permitted building rules.</u>
<u>D1</u>	<u>Any conversion of a cross lease flats plan or amendment or update to a cross lease flats plan that does not comply with Rule 16A.4.6 C1 or C2.</u>

16A.4.7 Title boundaries – contaminated land, notable trees, intensive farming and aggregate extraction areas

<u>RDI</u>	(a) <u>Subdivision of land containing contaminated land, notable trees, intensive farming and Aggregate Extraction Areas must comply with all of the following conditions:</u> (i) <u>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:</u> A. <u>daylight admission (Rule 16A.3.5);</u> B. <u>building coverage (Rule 16A.3.6);</u> C. <u>building setbacks (Rule 16A.3.9).</u> (ii) <u>The boundaries of every proposed lot must not divide the following:</u> A. <u>a natural hazard area;</u> B. <u>contaminated land;</u> C. <u>Significant Amenity Landscape; or</u> D. <u>notable tree.</u> (iii) <u>The boundaries of every proposed lot must provide the following setbacks:</u> A. <u>300m from any intensive farming activity;</u> B. <u>500m from the boundary of an Aggregate Extraction Area for rock extraction; and</u> C. <u>200m from the boundary of an Aggregate Extraction Area for sand excavation.</u> (b) <u>Council's discretion shall be restricted to the following matters:</u> (i) <u>Landscape values;</u> (ii) <u>Amenity values and character;</u> (iii) <u>Reverse sensitivity effects;</u> (iv) <u>Effects on existing buildings;</u> (v) <u>Effects on natural hazard areas;</u> (vi) <u>Effects on contaminated land;</u> (vii) <u>Effects on any notable trees; and</u> (viii) <u>Effects on an intensive farming activity.</u>
<u>NCI</u>	<u>Subdivision that does not comply with Rule 16A.4.7 RDI.</u>

16A.4.8 Title boundaries – Significant Natural Areas

<u>RDI</u>	(a) <u>Subdivision of sites containing a Significant Natural Area(s), where the Significant Natural Area is contained wholly within a proposed lot.</u> (b) <u>Council's discretion shall be restricted to the following matter:</u> (i) <u>Effects on Significant Natural Area.</u>
<u>NCI</u>	<u>Subdivision that does not comply with Rule 16A.4.8 RDI.</u>

16A.4.9 Title boundaries – Maaori sites and Maaori areas of Significance

<u>RDI</u>	<p>(a) <u>Subdivision of sites containing Maaori Sites of Significance and Maaori Areas of Significance that includes all of the site or area within a proposed lot.</u></p> <p>(b) <u>Council's discretion shall be restricted to the following matters:</u></p> <p>(i) <u>Effects on sites of significance to Maaori;</u></p> <p>(ii) <u>Effects on areas of significance to Maaori.</u></p>
<u>NCI</u>	<u>Subdivision that does not comply with Rule 16A.4.9 RDI.</u>

16A.4.10 Subdivision of land containing heritage items

<u>RDI</u>	<p>(a) <u>Subdivision of land containing a heritage item listed in Schedule 30.1 (Heritage Items).</u></p> <p>(b) <u>Council's discretion shall be restricted to the following matters:</u></p> <p>(i) <u>Effects on heritage values;</u></p> <p>(ii) <u>Context and setting of the heritage item; and</u></p> <p>(iii) <u>The extent to which the relationship of the heritage item with its setting is maintained.</u></p>
<u>NCI</u>	<u>Subdivision that does not comply with Rule 16A.4.10 RDI.</u>

16A.4.11 Subdivision - Road frontage

<u>RDI</u>	<p>(a) <u>Every proposed vacant lot with a road boundary, other than an access allotment, utility allotment, or a proposed vacant lot containing a ROW or access leg must have a width along the road boundary of at least 10m.</u></p> <p>(b) <u>Council's discretion shall be restricted to any of the following matters:</u></p> <p>(i) <u>Safety and efficiency of vehicle access and road network.</u></p>
<u>DI</u>	<u>Subdivision that does not comply with Rule 16A.4.11 RDI.</u>

16A.4.12 Subdivision - Building platform

<u>RDI</u>	<p>(a) <u>Every proposed vacant 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:</u></p> <p>(i) <u>a rectangle of at least 100m² with a minimum dimension of 6m exclusive of yards.</u></p> <p>(b) <u>Council's discretion shall be restricted to any of the following matters:</u></p> <p>(i) <u>Subdivision layout;</u></p> <p>(ii) <u>Shape of allotments;</u></p> <p>(iii) <u>Ability of allotments to accommodate a practical building platform;</u></p> <p>(iv) <u>Likely location of future buildings and their potential effects on the environment;</u></p> <p>(v) <u>Avoidance or mitigation of natural hazards;</u></p> <p>(vi) <u>Geotechnical suitability for building; and</u></p> <p>(vii) <u>Ponding areas and primary overland flow paths.</u></p>
<u>DI</u>	<u>Subdivision that does not comply with Rule 16A.4.12 RDI.</u>

16A.4.13 Subdivision creating reserves

<u>RDI</u>	<p>(a) <u>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.</u></p> <p>(b) <u>Council's discretion shall be restricted to any of the following matters:</u></p> <p>(i) <u>The extent to which the proposed reserve aligns with the principles of Council's Parks</u></p>
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	<p><u>Strategy, Playground Strategy, Public Toilets Strategy and Trails Strategy;</u></p> <p>(ii) <u>Consistency with any relevant structure plan or master plan;</u></p> <p>(iii) <u>Reserve size and location;</u></p> <p>(iv) <u>Proximity to other reserves;</u></p> <p>(v) <u>The existing reserve supply in the surrounding area;</u></p> <p>(vi) <u>Whether the reserve is of suitable topography for future use and development;</u></p> <p>(vii) <u>Measures required to bring the reserve up to Council standard prior to vesting; and</u></p> <p>(viii) <u>The type and standard of boundary fencing.</u></p>
<u>DI</u>	<u>Subdivision that does not comply with Rule 16A.4.13 RDI.</u>

16A.4.14 Subdivision of esplanade reserves and esplanade strips

<u>RDI</u>	<p>(a) <u>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:</u></p> <p>(i) <u>The proposed lot is less than 4ha and within 20m of:</u></p> <p style="margin-left: 20px;">A. <u>mean high water springs;</u></p> <p style="margin-left: 20px;">B. <u>the bank of any river whose bed has an average width of 3m or more; or</u></p> <p style="margin-left: 20px;">C. <u>a lake whose bed has an area of 8ha or more; or</u></p> <p>(ii) <u>The proposed lot is more than 4ha or more than 20m of mean high water springs or a water body identified in Appendix 4 (Esplanade Priority Areas).</u></p> <p>(b) <u>Council's discretion shall be restricted to any of the following matters:</u></p> <p>(i) <u>The type of esplanade provided - reserve or strip;</u></p> <p>(ii) <u>Width of the esplanade reserve or strip;</u></p> <p>(iii) <u>Provision of legal access to the esplanade reserve or strip;</u></p> <p>(iv) <u>Matters provided for in an instrument creating an esplanade strip or access strip;</u></p> <p>(v) <u>Works required prior to vesting any reserve in the Council, including pest plant control, boundary fencing and the removal of structures and debris.</u></p>
<u>DI</u>	<u>Subdivision that does not comply with Rule 16A.4.14 RDI.</u>

16A.4.15 Subdivision of land containing mapped off-road walkways

<u>RDI</u>	<p>(a) <u>Subdivision where walkways shown on the planning maps are to be provided as part of the subdivision must comply with all of the following conditions:</u></p> <p>(i) <u>The walkway is at least 3 metres wide and is designed and constructed for shared pedestrian and cycle use, as per Rule 14.12.1 P8 (Transportation);</u></p> <p>(ii) <u>The walkway is generally in accordance with the walkway route shown on the planning maps;</u></p> <p>(iii) <u>The walkway is shown on the plan of subdivision and vested in the Council.</u></p> <p>(b) <u>Council's discretion shall be restricted to any of the following matters:</u></p> <p>(i) <u>Alignment of the walkway;</u></p> <p>(ii) <u>Drainage in relation to the walkway;</u></p> <p>(iii) <u>Standard of design and construction of the walkway;</u></p> <p>(iv) <u>Land stability;</u></p> <p>(v) <u>Amenity matters including batter slopes; and</u></p> <p>(vi) <u>Connection to reserves.</u></p>
<u>DI</u>	<u>Subdivision that does not comply with Rule 16A.4.15 RDI.</u>

16A.4.16A Subdivision of land containing an Environmental Protection Area

<u>CI</u>	(a) <u>Subdivision of land containing an Environmental Protection Area must comply with all of the following conditions:</u>
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	<ul style="list-style-type: none">(i) <u>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;</u>(ii) <u>Planting must be undertaken prior to the issue of the s224(c) certificate.</u>(b) <u>Council's control is reserved over the following matters:</u><ul style="list-style-type: none">(i) <u>Measures proposed in the planting and management plan; and</u>(ii) <u>Vesting of reserve land in Council if appropriate.</u>
<u>RDI</u>	<p><u>Subdivision that does not comply with a condition of Rule 16A.4.16A CI.</u></p> <ul style="list-style-type: none">(a) <u>Council's discretion shall be restricted to any of the following matters:</u><ul style="list-style-type: none">(i) <u>Matters that control is reserved over in Rule 16A.4.16A CI(b);</u>(ii) <u>Effects on amenity values; and</u>(iii) <u>Effects on ecological values.</u>