

Memorandum

To: Ambury Properties Limited (c/o John Olliver, BBO)
Waikato District Plan Hearings Administrator (districtplan@waidc.govt.nz)

C.c Miffy Foley, Kim Harris Cottle

From: Ian Mayhew and Katherine Davies (on behalf of Waikato Regional Council and Waka Kotahi/New Zealand Transport Agency)

Date: 13 November 2020

Subject: Ohinewai Precinct Provisions

Kia Ora John

As per the directions of the Hearing Panel in respect of Ambury Property Limited (APL) submissions to the Proposed Waikato District Plan (PWDP) for its proposal at Ohinewai, please find attached Waikato Regional Council and Waka Kotahi/New Zealand Transport Agency's, comments and amendments on the draft of the Ohinewai Precinct provisions that was provided. In addition to the attached changes and comments, we also provide some high level comments on matters that we consider of importance but which require more substantial consideration and potentially amendments to the provisions.

Please note that, in accordance with a previous email from Mr Lanning to Kate Storer of Berry Simons (dated 20 October 2020), the below and attached are provided without prejudice to the position of the Regional Council and Waka Kotahi that the rezoning should not proceed, including their right to appeal this matter to the Environment Court.

Approach

- 1) While we appreciate the magnitude of the task of integrating the Ohinewai provisions with those of the wider plan, we find the provisions to be somewhat more of a draft than we were anticipating, difficult to follow and interpret, and inconsistent in places. To a large degree, this relates to the integration with the existing plan provisions and the complexities and overlaps that this creates. In this regard we question the feasibility of trying to integrate all of the relevant plan provisions into a standalone precinct. In our view, it would be better to focus on the Ohinewai-specific provisions with any subsequent integration being a more mechanical process. We are also concerned about the *vires* of incorporating proposed plan provisions into the Ohinewai Precinct, when these are subject to wider submissions on the PWDP (including those of the Regional Council and Waka Kotahi).

Ohinewai Structure Plan

- 2) We are of the view that the Ohinewai Structure Plan (OSP) should be defined to include the structure plan maps, the staging plan and the infrastructure table as we consider that these documents collectively describe how the area is expected to be developed. In our view, this then provides a better basis for determining what 'in accordance with the OSP' means. Notwithstanding this, we are concerned about the *vires* of including a statement as to how the rules are to be interpreted. In our view this needs to be considered further.

Subdivision and Development

- 3) As indicated in evidence, we are concerned that development activities can be undertaken prior to subdivision – particularly given that the structure plan area is in a single ownership. To ensure critical effects are appropriately managed irrespective of what pathway is taken (subdivision or development first), we consider it is appropriate for key requirements (flood hazard

management/floor heights, transport assessments, etc) to apply to both subdivision and development.

Hazard Management

- 4) In respect of flood management, we consider that a flood management assessment should be required for subdivision/major development. While we appreciate that building platforms have been set at suitable heights (which we agree with), there are other aspects of flood hazard management including the management of overland flow (including the role roads play in this), and inundation frequency and depth/effects on other areas that need to be addressed and confirmed. In our view this should be a requirement for sub-division/major development (platform levels are acceptable for small-scale/individual developments).
- 5) We note that as the proposal includes a Major Hazard Facility, these provisions should be incorporated into the Precinct.

Te Ture Whaimana o Te Awa o Waikato

- 6) As we have indicated in evidence, the provisions must give effect to Te Ture Whaimana o Te Awa o Waikato. We have suggested an amendment to the objective and the policy in relation to stormwater management to reflect this, but there may be other provisions that should be considered in that light.

Housing Affordability

- 7) Housing affordability was a matter discussed throughout the hearing and a mechanism that was promoted by APL to enable affordable housing was development density. This appears to have been deleted from the Precinct provisions, so it is unclear to us how housing affordability is intended to be delivered.

Transportation and Integrated Transport Assessments

- 8) We find it difficult to understand how the Ohinewai Precinct provisions relating to transport upgrades and ITAs will work in practice and continue to have concerns as to how transport upgrades and traffic effects are to be designed and managed. This includes the triggers for, and function of, an ITA and design criteria so that appropriate traffic outcomes (including for pedestrians and cyclists) are achieved. In order to assist, we outline our thoughts as follows:
 - a) The requirement for an ITA should be based on the likely trip generation from the land-use activity rather than the number of lots.
 - b) The content requirements for ITAs should be specified. In our opinion a simple ITA may be appropriate for some low trip generating activities, while a broad ITA will be required for other trip generating activities. We have attached an excerpt from the Waka Kotahi evidence on the infrastructure provisions that provides such a framework.
 - c) ITAs should require consultation with Waka Kotahi and Waikato Regional Council due to the substantial change in design and function of the road network that will occur should the proposal go ahead.
 - d) ITAs should incorporate requirements/provision for public transport and active modes.
 - e) The ITAs need to consider incremental cumulative effects and not just the effects of the proposed activities to ensure that necessary transport upgrades are provided when required.
 - f) The provisions need to enable upgrades to be brought forward, if necessary to meet traffic requirements.
 - g) In respect of some of the identified transport upgrades, there should be a clear requirement to ensure pedestrian access (eg to the interim bus-stop, etc) as part of the assessment and, where relevant, provisions for cyclists. While we appreciate that this is intended, we are concerned that the provisions do not appear to require this.
 - h) There doesn't seem to be any specific mention of the Tahuna / Lumsden roundabout. Given the potential implications associated with this roundabout we consider that it would be beneficial

to have some specific design requirements/considerations. We are also unclear as to whether access to the service centre from Tahuna Road is allowed under the OSP.

- i) This same comment also applies to other transport measures – there does not appear to be any criteria that ensure the design is appropriate for the development as it may occur in the future. In this light, it may be beneficial to include a table of design criteria/considerations for key transportation infrastructure and other measures (eg sightlines, speed limits and speed management, safety barriers, roundabout design, etc) that have been discussed in some length during the hearing to guide future assessments.

Infrastructure Funding

- 9) We remain concerned that the proposal involves considerable investment in infrastructure provision and upgrades, with the risk that this will fall on the public purse. In our opinion, the Ohinewai Precinct should be clear that the expectation is for the majority of the infrastructure to be development funded, except where there are benefits to the wider community.

Precinct Provisions

Finally, in terms of the suggestions and comments that have been made we advise:

- 1) We have focussed on the ‘front end’ of the precinct provisions – being the objective and policies and the staging table.
- 2) Due to the nature of the document, it was difficult to track changes so they were distinguishable from APL’s tracked changes. Accordingly, we have ‘hard coded’ our changes as purple underline and strikethrough for the majority of our changes and provided comments as appropriate.
- 3) We have not undertaken a forensic review of the provisions, particularly those that have been brought across from the PWDP and their integration with the Ohinewai Precinct specific provisions – although we have noted apparent inconsistencies when we have seen them.
- 4) Our changes/comments on the residential provisions also apply to the business and industrial zones, where the provisions have been duplicated across the zones – that is, we have generally not repeated our comments on the same provisions across multiple zones.
- 5) We consider that the complexity and repetitive nature of the provisions, and its interface with the wider PWDP, are such that it requires a close review by a consent planner prior to finalising.

Annexure C: Proposed New Integrated Transport Assessment rule

Proposed New Integrated Transport Assessment Rule

(i) Any activity shall comply with the following table:

Type of Assessment of Effects on the Transport Network				
Vehicle Trip Generation	Road Hierarchy			
	Local	Collector	Arterial	Regional Arterial (including all State Highways)
Low (51-100 ECM per day)	n/a	n/a	Simple ITA	Simple ITA
Medium (101-250 ECM per day)	n/a	Simple ITA	Simple ITA	Broad ITA
High (>250 ECM per day)	Broad ITA	Broad ITA	Broad ITA	Broad ITA

Notes

1. Equivalent car movements (ECM) – 1 car movement is equivalent to 1 car movement/1 truck movement is equivalent to 3 car movements/1 truck and trailer movement is equivalent to 5 car movements.
2. See Table 14.12.5.13 provides indicative traffic generation rates for various activities.
3. A Simple ITA Checklist shall contain the following information:

Requirements for Simple ITA	
Item Description	Details to be included
1. Background	Description of proposed activity, purpose and intended use of ITA
2. Existing land data	Description of location, site layout, existing use, adjacent and surrounding land use.
3. Existing transport data	Description of access arrangements, onsite car parking, surrounding road network (including hierarchy, traffic volumes and crash analysis). Comment on public transport, walking and cycling networks.
4. Committed environmental changes	Consideration of other developments and land use in the immediate vicinity.
5. Existing travel characteristics	Trip generation of existing use.
6. Proposal details	Description of the proposal (site layout, operational hours, vehicle access, on site car parking, internal vehicle circulation, end of journey facilities).
7. Predicted travel data	Trip generation of proposal. Consideration of other modes.
8. Appraisal of transportation effects	Assessment of safety, efficiency and environmental effects.

9. Avoiding or mitigating actions	Details of any mitigating measures and revised effects.
10. Compliance with policy and other frameworks	Waikato District Plan objectives, policies and rules.
11. Discussion and conclusions	Assessment of effects and conclusion of effects.
12. Recommendations	Proposed conditions (if any).

4. A Broad ITA Checklist shall contain the following information:

Requirements for Broad ITA	
Item Description	Details to be included
1. Background	Description of proposed activity, purpose and intended use of ITA, outline of any previous discussions with Council
2. Existing land data	Description of location, site layout, existing use, adjacent and surrounding land use.
3. Existing transport data	<ol style="list-style-type: none"> 1. Description of existing access and service arrangements, onsite car parking. 2. Description of surrounding road network (including hierarchy, traffic volumes, crash analysis, congestion and intersections). 3. Description of public transport modes, walking and cycling networks.
4. Committed environmental changes	Consideration of other developments and land use and transport network improvements (including public transport, walking and cycling).
5. Existing travel characteristics	Existing trip generation, modal split, assignment of trips to the network.
6. Proposal details	<ol style="list-style-type: none"> 1. Description of the proposal (site layout, operational hours, vehicle access, on site car parking and drop off, internal vehicle circulation, end of journey facilities, travel demand management). 2. Construction management. 3. Any staging, triggers and thresholds for activities and mitigation measures.
7. Predicted travel data	Trip generation of proposal, modal split, trip assignment to the network, trip distribution and trip type proportions. Future traffic volumes and trip generation. Consideration of appropriate assessment year (e.g. 10 year forecast for collector and local roads: 30 year forecast for arterials).
8. Appraisal of transportation effects	Assessment of safety, efficiency and environmental effects. Sensitivity testing.
9. Avoiding or mitigating actions	Details of any mitigating measures and revised effects. This should include: travel planning and travel demand management measures and sensitivity testing mitigations.

10. Compliance with policy and other frameworks	Waikato District Plan objectives, policies and rules.
11. Discussion and conclusions	Assessment of effects and conclusion of effects.
12. Recommendations	Proposed conditions (if any).

(see Appendix A: New Zealand Transport Agency Research Report No. 422 “Integrated Transport Assessment Guidelines”, 2010 for additional guidance on items 3 and 4.)

(ii) Any activity not complying with table x shall be assessed as a restricted discretionary activity with the Council’s discretion limited to:

- Location and scale of activity; and
- Effects of vehicle generation on functioning of road, road hierarchy and other users; and
- Vehicle access and manoeuvring; and
- Number of car parks provided on site; and
- Provision for multi-modal transport options; and
- Effects on connectivity; and
- Vehicle queuing on site; and
- Effects on infrastructure provision; and
- Infrastructure deficiencies, risks or positive effects identified from consultation with the New Zealand Transport Agency where State Highways may be affected.

Chapter 29 Ohinewai Precinct;

~~Ohinewai-Specific Provisions~~

Proposed Waikato District Plan Stage I

Commented [WRC & WK1]: It needs to be clear that the provision below only apply to the Ohinewai precinct and not the wider Ohinewai area – to avoid applying to other land at Ohinewai that has not been subject to an appropriate level of assessment.

29A.1.6 Policy – Commercial and industrial activities

- (a) Provide for commercial and industrial development in the following zones;
 - (i) Business; and
 - (ii) Industrial
- (b) Industry is only to be located in identified Industrial Zones and the industrial strategic growth nodes of:
 - (i) Tuakau;
 - (ii) Pokeno;
 - (iii) Huntly
 - (iv) **Ohinewai**; and
 - (v) Horotiu.

Ohinewai Precinct

The Ohinewai Precinct is defined by the Ohinewai Structure Plan area. The provisions relating to this precinct do not apply to land outside this area, other than in respect of infrastructure that is required to service the precinct.

Ohinewai Structure Plan

The Ohinewai Structure Plan comprises the following:

- (a) The Structure Plan Maps [Structure Plan – rev k + Business Area Structure Plan – rev F];
- (b) The Ohinewai Master Planning – Civil Works Staging [reference]
- (c) The Infrastructure Upgrades in Table 29B.1 below

Within these provisions, the term ‘In accordance with the Ohinewai Structure Plan’ means:

- (a) The staging of development, in accordance with the year and alpha-numeric sequencing set out in Ohinewai Master Planning – Civil Works Staging and Table 29B.1, and infrastructure provision is complied with, except that:
 - (i) Strict compliance with the staging is not required, provided that any infrastructure and associated upgrades required for identified earlier stages is provided as part of any out-of-sequence stage;
- (b) the location and function of access points to the existing transport network is complied with, except that:
 - (i) strict compliance with the location of the internal transport network and shared path network is not required, provided the functions of the networks are complied with;
 - (ii) Strict compliance with the location of buildings and community infrastructure is not required as their locations are indicative.
 - (iii) The areas of open space must be provided but their boundaries are indicative.
- (c) Water supply and wastewater treatment and disposal is provided by plants that are in full compliance with any necessary resource consents.

Commented [WRC & WK2]: WRC and WK are concerned to ensure that the provisions do not inadvertently enable development in Ohinewai outside of the precinct without appropriate consideration.

Commented [WRC & WK3]: WRC and WK consider that the structure plan should encompass both the staging and the infrastructure upgrades as these define the way in which the area is to be developed and the timing/provision of essential infrastructure.

As the provision of some infrastructure is linked to stage, the stages need to be sequential to ensure that development cannot ‘leap-frog’ earlier stages.

This may assist in reducing the complexity of the rules.

Commented [WRC & WK4]: This has been brought forward from below and modified.

Commented [WRC & WK5]: Added for clarity. As above, the infrastructure staging is predicated on the development staging progressing in order

Commented [WRC & WK6]: Added to ensure that non-compliance with this defaults to NCA as per Panel’s directions

29A.1.10 Objective – Ohinewai Precinct

- (a) ~~Development at Ohinewai is concentrated in of the Ohinewai Precinct that is defined by the Ohinewai Structure Plan area Ohinewai East, provides ing a strategically significant area for industrial growth with supporting commercial and residential components, while achieving a high level of amenity, accessibility, servicing and other facets of good urban design and contributing to the restoration and protection of the health and wellbeing of the Waikato River.~~

29A.1.11 Policy – Ohinewai Precinct

- (a) ~~The Ohinewai Precinct is developed to ensure:~~
 - (i) ~~Development in the Ohinewai Precinct Ohinewai East enables rRestoration of the whenua (land) and a form of urban development that aligns with and upholds cultural values in accordance with Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River).~~
 - (ii) ~~It is in-general accordance with the Ohinewai Structure Plan.~~
 - (iii) ~~DevelopmentIt achieves a community with an appropriate range of accessible, walkable and conveniently-located services and community facilities that serve the day-to day needs of people living and working in the Ohinewai Precinct.The rural residential character of Ohinewai West is maintained.~~
 - (iii)(iv) ~~Provision of social and community infrastructure is staged to be available to the match community, prior to significant residential development occurring needs.~~
 - (iv)(v) ~~It is well-connected to Huntly by road, walking and cycling networks.~~
 - (v)(vi) ~~Large scale industrial and limited commercial development is only located in the Ohinewai PrecinctStructure Planindustrial and commercial zones to the east of State Highway 1.~~
 - (vi)(vii) ~~Commercial development in the Ohinewai Structure Plan Precinct is limited to small scale local convenience retail and community activities.~~
 - (vii)(viii) ~~Residential development provides for growth and achieves a compact high quality urban environment by:~~
 - a. ~~Providing a range of housing typologies, including medium and higher density residential development, and incorporating papakainga.~~
 - b. ~~Implementing a high standard of urban design through lot orientation, high quality streetscapes, a high level of connectivity and a well-connected and landscaped green network, through rules, and application of the urban design guidelines (Appendices 29.1, 29.2 and 29.3).~~
 - (viii)(ix) ~~Existing significant ecological values are protected and enhanced, where practicable, and otherwise mitigated~~
 - (ix)(x) ~~Flood hazards are managed to protect development and facilities within the precinct and to not increase flood risk beyond the boundary of the precinct,~~
 - (x)(xi) ~~and sStormwater are-is managed to protect and enhance the Waikato River and its catchment ensure that effects on sensitive land uses are mitigated, stormwater is and is managed and treated to a high standard through Low Impact Design methods, and flood risk is not increased, including on land beyond the Ohinewai Structure Plan boundary.~~

Commented [WRC & WK7]: As per evidence of Dr Wilding

Commented [WRC & WK8]: Suggest separating flood hazards and stormwater management

Commented [WRC & WK9]: To give effect to Te Ture Whaimana oTe Awa o Waikato

~~(xii) Development, subdivision, use and development is staged to match the staged availability and upgrading of water supply, wastewater and transport infrastructure.~~

Commented [WRC & WK10]: Staging is also linked to subdivision in rules below.

~~(*) (xiii) Development does not occur unless the necessary supporting infrastructure as set out in Table 29B.1 is in place. For water supply and wastewater disposal this means:~~

- a. ~~All development is connected to a reticulated public water supply and wastewater system, except for initial self-contained on-site water supply and wastewater disposal for the initial industrial development.~~
- b. ~~The water supply and wastewater treatment plants have sufficient capacity and the necessary authorisations are in place.~~
- c. ~~The water supply and wastewater treatment plants are operating in full compliance with their authorisations, as certified by the Waikato Regional Council.~~

Commented [WRC & WK11]: Initial industrial development should be defined or identified by the appropriate stage

Commented [WRC & WK12]: Consider greater certainty is required, as per Panel's directions. We also consider that compliance with regional consents should be certified by WRC.

29B Ohinewai Precinct-Infrastructure and Energy

(1) The following Table 29.B.1 specifies the staging and sequencing of infrastructure upgrades in the Ohinewai Precinct. ~~The Ohinewai Precinct is defined by the Ohinewai Structure Plan area. The relevant staging rules are in sections 29C, 29D and 29E. The stages are illustrated on the Staging Plan (P19_176_00_1045-SK) and the infrastructure items are illustrated on the Structure Plan (1805_012a Rev K) and the Business Area Structure Plan (1805_012b Rev F).~~

Commented [WRC & WK13]: Have defined above

Table 29.B.1 – Infrastructure Upgrades

Upgrade required	Staging and Sequencing and Timing
29B.1.1 Transport	
(a) Walking and cycling linkages to Ohinewai West over the NIMT and the Waikato Expressway, including: (i) Construction of a separate shared path bridge to the south of the Ohinewai interchange; and (ii) Construction of shared paths and ramps connecting to the bridge.	To be provided prior to any section 224c certificate for subdivision under the RMA being issued for the completion of Stage 3A or prior to the occupation and use development of the first 100 dwellings within the Ohinewai Precinct, whichever comes first.
(b) Construction of an interim bus stop on Tahuna Road between the Ohinewai interchange and Lumsden Road and associated pedestrian access to the bus stop.	To be provided prior to any section 224c certificate for subdivision under the RMA being issued for the completion of Stage 2A or 2B, whichever comes first.
(a) Tahuna Road upgrade (from Lumsden Road to Access 2), including: (i) Kerb and channel and street lighting on northern side of the road.	To be provided prior to any section 224c certificate for subdivision under the RMA being issued for the completion of Stage 2A, 2C & 2D.
(b) Construction of Access 2 on Tahuna Road (roundabout), including: (i) Construction of new intersection to provide access to the residential area.	To be provided prior to any section 224c certificate for subdivision under the RMA being issued for the completion of Stage 3A.
(c) Balemi Road upgrade (to easternmost access), including: (i) Reconstruction of the road to urbanised industrial cross-section including widening and sealing and kerb and channel on southern side of the road.	To be provided prior to the completion of the Rail Siding. Note: This upgrade is not required if the rail siding is not undertaken and does not affect any other staging.
(d) Lumsden Road upgrade (from Tahuna Road to Access 4), including: (i) Upgrade to urbanised/industrial cross-section with kerb and channel and graded berms; (ii) Construct 620m of shared path on eastern side of road extending from Tahuna Road to Access 4.	To be provided prior to any section 224c certificate for subdivision under the RMA being issued for the completion of Stage 2B or prior to any section 224c certificate for subdivision of more than 10ha (net) of Industrial zoned land within the precinct, whichever comes first.

Commented [WRC & WK14]: For clarity.

Commented [WRC & WK15]: There is no Stage 2A

Commented [WRC & WK16]: Not sequential with above.

Commented [WRC & WK17]: As above –no Stage 2A

Commented [WRC & WK18]: This also needs to be linked to a development threshold – as development is not predicated on subdivision occurring

Commented [WRC & WK19]: As above, a development threshold is required

Commented [WRC & WK20]: See comment above re stage 2A. Is reference to 2B deliberate?

(iii) Street lighting on eastern side of Lumsden Road from Tahuna Road to just north of Balemi Road.	
(e) Construction of Access 1 on Tahuna Road (Left-in, left-out).	To be provided prior to any section 224c certificate for subdivision under the RMA being issued for the completion of Stages 2C and 2D.
(f) Construction of Access 3 on Lumsden Road (T-intersection).	To be provided prior to any section 224c certificate for subdivision under the RMA being issued for the completion of Stage 2B or prior to any section 224c certificate for subdivision of more than 20ha (net) of Industrial zoned land in the precinct (excluding the land in Stages F1-F4), whichever comes first.
(g) Construction of Access 4 on Lumsden Road (T-intersection).	To be provided prior to any section 224c certificate for subdivision under the RMA being issued for the completion of Stage 3B or prior to any section 224c certificate for subdivision for more than 49ha (net) of Industrial zoned land in the precinct (excluding the land in Stages F1-F4), whichever comes first.
(h) Construction of new low speed slip lane from the Great South Road to Ohinewai South Road.	To be provided prior to the occupation and use/development of Factory Stage F3 or when more than 1000 vpd use the Ohinewai Interchange north-bound off-ramp, whichever comes first.
(i) Lumsden Road realignment north of Access 4 for rail siding, including: (i) Relocation and reconstruction of Lumsden Road/Balemi Road intersection, including the necessary sight line improvements; and (ii) Gated speed threshold treatment and speed reduction measures for southbound traffic speed calming.	To be provided prior to the operation completion of the rail siding.
(j) Sightline improvement increased to Southbound offramp on the Ohinewai interchange	To be provided prior to the occupation and use of Factory Stage 1 or prior to the occupation and use of the first 100 dwellings, whichever comes first.
(k) Walking and cycling linkage to/from Huntly, including: (i) Provision of cycle/pedestrian path on eastern side of Ohinewai South Road, with a crossing facility at the left-slip lane from Great South Road. (ii) Provision of a cycle/pedestrian path along the stopbank on the western side of Ohinewai South Road, extending from the crossing to the existing footpath just south of 46 Great South Road.	To be provided prior to the occupation and use of Factory Stage F3 or prior to any section 224c certificate for subdivision under the RMA being issued for more than 31ha (net) of Industrial or Business zoned land, whichever comes first.
29B.1.2 Water & Wastewater	
(a) On-site disposal of wastewater and on-site water supply.	To be provided prior to the occupation and use of Factory Stage F1 and F2

Commented [WRC & WK21]: Requires development threshold

Commented [WRC & WK22]: See general comments re timing re stages/traffic generation

Commented [WRC & WK23]: Will this include the provisions for pedestrians and cyclists illustrated on drawings 145860-08-1200-B to 145860-08-1203-B

Commented [WRC & WK24]: How are the requirements for sight distances and ensuring the appropriateness of the design of the realignment addressed?

Commented [WRC & WK25]: Co-locate with Balemi Rd upgrade above

Commented [WRC & WK26]: WRC & WK still have concerns as to how this is best achieved and the extent to which the sightlines will be increased

Commented [WRC & WK27]: This is more appropriately linked to the early stages of residential development

(b) <u>Bulk main connections to Huntly Wastewater Treatment Plant</u>	<p>a) <u>To be provided prior to the development of any stage after the initial industrial development [to be defined] occupation and use of Factory Stage F3, F4 and prior to the occupation and use of any other Industrial, Business or Residential development;</u> and</p> <p>b) <u>The wastewater treatment plant must be certified by the Waikato District Council as being compliant in all regards with the conditions of the relevant discharge consent(s).</u></p>
(c) <u>Bulk main connections to the Huntly Water Treatment Plant or Te Kauwhata Water Treatment Plant</u>	<p>a) <u>To be provided prior to the development of any stage after the initial industrial development [to be defined] occupation and use of Factory Stage F3, F4 and prior to the occupation and use of any other Industrial, Business or Residential development.</u></p>
29B.1.3 Community Infrastructure	
(a) <u>Community facility</u>	<u>To be provided prior to any section 224c certificate for subdivision under the RMA being issued for the completion of Stage 3A, or prior to the occupation and use development of more than 350 dwellings, whichever comes first.</u>
(b) <u>Sports fields</u>	<u>To be provided prior to any section 224c certificate for subdivision under the RMA being issued for the completion of Stage 64 or prior to the occupation and use development of more than 8600 dwellings within the Precinct, whichever comes first.</u>
(c) <u>Central Park wetland/open space, including recreational paths.</u>	<u>To be provided prior to the occupation and use development of the first 100 dwellings in the Precinct.</u>
(d) <u>Wetland park/open space, including recreational paths.</u>	<u>To be provided prior to any section 224c certificate for subdivision under the RMA being issued for the completion of Stage 46 or prior to the use and occupation of more than 6800 dwellings.</u>
(e) <u>Market Gardens</u>	<u>To be provided prior to any section 224c certificate for subdivision under the RMA being issued for the completion of Stage 7.</u>
(f) <u>Orchard/Beehives</u>	<u>To be provided prior to any section 224c certificate for subdivision under the RMA being issued for the completion of Stage 8.</u>

Commented [WRC & WK28]: This should be defined to be clear what it encompasses

Commented [WRC & WK29]: We have addressed this issue above

Commented [WRC & WK30]: Suggest this is prior to (b)

In this Table net land area means land area excluding land for roads and public open space.

Note 1: A private developer agreement between the developer. Where the infrastructure is required to service the site or is part of the proposal, the cost of this infrastructure will lie with the developer. Where benefits accrue to communities beyond the site, and the Council will consider how funding and responsibility can be shared, will allocate financial responsibility for the upgrades where there are shared benefits.

Note 2: Refer to Staging Plan P19-176-00-1045-SK for location of stages and access points.

29C Ohinewai Precinct Residential Zone

- (1) The rules that apply to activities in the Ohinewai Precinct Residential Zone are contained in Rule 29C.1 Land Use – Activities, Rule 29C.2 Land Use – Effects and Rule 29C.3 Land Use – Building.
- (2) The rules that apply to subdivision in the Ohinewai Precinct Residential Zone are contained in Rule 29C.4.
- (3) The activity status tables and standards in the following chapter also apply to activities in the Ohinewai Precinct Residential Zone:
29B Infrastructure and Energy.
- ~~(4) In this section the term 'In accordance with the Ohinewai Structure Plan' refers to the Structure Plan (1805_012a Rev K) and the Business Area Structure Plan (1805_012b Trev F) and means:
(a) That the location and function of access points to the existing transport road network must be complied with;
(d) Except as required by a) above, strict compliance with the location of the internal road transport network and shared path network is not required, provided the functions of the networks are complied with;
(e) Strict compliance with the location of buildings and community infrastructure is not required as their locations are indicative;
(f) The areas of open space must be provided but their boundaries are indicative.~~
- ~~(5)~~(4) The following symbols are used in the tables:
 - (a) PR Prohibited activity
 - (b) P Permitted activity
 - (c) C Controlled activity
 - (d) RD Restricted discretionary activity
 - (e) D Discretionary activity
 - (f) NC Non-complying activity

29C.1 Land Use - Activities

29C.1.1 Permitted Activities

- (1) The following activities are permitted activities if they meet all the following:
 - (a) Land Use – Effects rules in Rule 29C.2 (unless the activity rule and/or activity-specific conditions identify a condition(s) that does not apply);

Commented [WRC & WK31]: We suggest putting this upfront as proposed above

- (b) Land Use – Building rules in Rule 29C.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	Residential activity, unless specified below.	Nil
P2	Home occupation	<ul style="list-style-type: none"> (a) It is wholly contained within a building; (b) The storage of materials or machinery associated with the home occupation are wholly contained within a building; (c) No more than 2 people who are not permanent residents of the site are employed at any one time; (d) Unloading and loading of vehicles or the receiving of customers or deliveries only occur between 7:30am and 7:00pm on any day; (e) Machinery may be operated between 7:30am and 9pm on any day.
P3	Temporary event	<ul style="list-style-type: none"> (a) The event occurs no more than 3 times per consecutive 12 month period; (b) The duration of each temporary event is less than 72 hours; (c) It may operate between 7.30am and 8:30pm Monday to Sunday; (d) Temporary structures are: <ul style="list-style-type: none"> (i) erected no more than 2 days before the temporary event occurs; (ii) removed no more than 3 days after the end of the event; (e) The site is returned to its previous condition no more than 3 days after the end of the temporary event; (f) There is no direct site access from a national route or regional arterial road.
P4	Cultural event on Maaori Freehold Land containing a Marae Complex	Nil
P5	Community activity	Nil
P6	Home stay	<ul style="list-style-type: none"> (a) No more than 4 temporary residents; (b) No more than two people who are not permanent residents of the site are employed at any one time.

Commented [WRC & WK32]: It is unclear what this refers to – presumably activities that are RDA?

29C.1.2 Restricted Discretionary Activities

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

Activity	Council's discretion shall be restricted to the following matters:
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RDI	<p>A Multi-Unit development that meets all of the following conditions:</p> <p>(a) <u>The Land Use – Effects rules in Rule 29C.2;</u></p> <p>(b) The Land Use – Building rules in Rule 29C.3, except the following rules do not apply:</p> <p>(i) Rule 29C.3.1, Dwelling;</p> <p>(ii) Rule 29C.3.8 Building coverage;</p> <p>(iii) Rule 29C.3.9 Living court;</p> <p>(iv) Rule 29C.3.10 Service court;</p> <p>(c) The minimum net site area per residential unit is 300m²;</p> <p>(d) The Multi-Unit development is connected to public wastewater and water reticulation;</p> <p>(e) Total building coverage of the site does not exceed 50%;</p> <p>(f) Each residential unit is designed and constructed to achieve the internal design sound level specified in Appendix I (Acoustic Insulation) – Table I4;</p> <p>(g) Service court areas are provided to meet the following minimum requirements for each residential unit:</p> <p>(i) At least 2.25m² with a minimum dimension of 1.5 metres of outdoor or indoor space at ground floor level for the dedicated storage of waste and recycling bins;</p> <p>(ii) At least 3m² with a minimum dimension of 1.5 metres of outdoor space at ground floor level for washing lines; and</p> <p>(iii) The required spaces in (g)(i) or (g)(ii) for each residential unit shall be provided individually, or as a dedicated communal service court.</p> <p>(h) Living court areas are provided to meet the following minimum requirements for each residential unit:</p> <table border="1" style="margin: 10px 0;"> <thead> <tr> <th>Duplex dwelling</th> <th>Area</th> <th>Minimum dimension</th> </tr> </thead> <tbody> <tr> <td>Studio unit or 1 bedroom</td> <td>30 m²</td> <td>4m</td> </tr> <tr> <td>2 or more bedrooms</td> <td>40 m²</td> <td>4m</td> </tr> </tbody> </table> <table border="1" style="margin: 10px 0;"> <thead> <tr> <th>Apartment Building Ground Level Residential Unit</th> <th>Area</th> <th>Minimum Dimension</th> </tr> </thead> <tbody> <tr> <td>Studio unit or 1 bedroom</td> <td>20 m²</td> <td>4m</td> </tr> </tbody> </table>	Duplex dwelling	Area	Minimum dimension	Studio unit or 1 bedroom	30 m ²	4m	2 or more bedrooms	40 m ²	4m	Apartment Building Ground Level Residential Unit	Area	Minimum Dimension	Studio unit or 1 bedroom	20 m ²	4m	<p>(a) Density of the development;</p> <p>(b) The manner in which the provisions of the Multi-Unit Design contained in Appendix 29.3 have been incorporated;</p> <p>(c) Contribution of the development to and engagement with adjacent streets and public open space;</p> <p>(d) The visual quality and interest created through design such as the separation of buildings, variety in built form and architectural detailing, glazing, materials and colour;</p> <p>(e) The incorporation of energy efficiency measures such as passive solar principles;</p> <p>(f) Amenity values for occupants and neighbours in respect of outlook, privacy, noise, light spill, access to sunlight, living court orientation, site design and layout;</p> <p>(g) Staging needed to ensure that development is carried out in a coordinated and timely manner;</p> <p>(h) Avoidance or mitigation of natural hazards;</p> <p>(i) Geotechnical suitability for building, <u>including liquefaction and settlement risks and adequacy of any ground improvements;</u></p> <p>(j) Provision of infrastructure to individual units;</p> <p>(k) <u>When viewed from any public space, buildings create visual interest through articulation, roof form, openings and variation;</u></p> <p>(l) <u>Garage doors do not dominate the road elevation, so they are generally set back further than the front face of the building;</u></p> <p>(m) <u>Fences and walls along any road or public open space boundary are avoided or limited in height;</u></p> <p>(n) <u>A transition in height and scale is provided between new development and any neighbouring buildings;</u></p> <p>(o) <u>Soft landscaping is concentrated along public open space boundaries, with species selected to maintain views between</u></p>
Duplex dwelling	Area	Minimum dimension															
Studio unit or 1 bedroom	30 m ²	4m															
2 or more bedrooms	40 m ²	4m															
Apartment Building Ground Level Residential Unit	Area	Minimum Dimension															
Studio unit or 1 bedroom	20 m ²	4m															

Commented [WRC & WK33]: There needs to be a RD standard that requires any development to be in accordance with the OSP – to account for development that is undertaken prior to subdivision. This applies to all development, but we have not repeated this comment below.

	<table border="1"> <tr> <td>2 or more bedrooms</td> <td>30 m²</td> <td>4m</td> </tr> </table> <table border="1"> <thead> <tr> <th>Apartment Building Upper Levels Residential Unit</th> <th>Area</th> <th>Minimum Dimension</th> </tr> </thead> <tbody> <tr> <td>Studio unit or 1 bedroom</td> <td>10m²</td> <td>2m</td> </tr> <tr> <td>2 or more bedrooms</td> <td>15m²</td> <td>2m</td> </tr> </tbody> </table>	2 or more bedrooms	30 m ²	4m	Apartment Building Upper Levels Residential Unit	Area	Minimum Dimension	Studio unit or 1 bedroom	10m ²	2m	2 or more bedrooms	15m ²	2m	<p><u>residential units and public open space:</u></p> <p>(p) <u>Buildings are oriented and located to define external spaces that allow adequate daylight to residential units and sunlight to main living rooms and private outdoor spaces:</u></p> <p>(q) <u>Buildings are positioned to minimise overshadowing or visual domination of adjoining private outdoor spaces:</u></p> <p>(r) <u>Direct views from the windows of one residential unit into the windows of another are minimised;</u></p> <p>(s) <u>Garages and parking areas are located adjoining or in close proximity to the residential unit they serve.</u></p> <p>(t) <u>Effects on the safety and efficiency of the transport network as set out in any ITA prepared in accordance with Rule 29C3.1 IRD41.</u></p>
2 or more bedrooms	30 m ²	4m												
Apartment Building Upper Levels Residential Unit	Area	Minimum Dimension												
Studio unit or 1 bedroom	10m ²	2m												
2 or more bedrooms	15m ²	2m												
RD2	<p><u>A Marae Complex or Papakainga Housing Development on Maaori Freehold Land or on Maaori Customary Land that meets the following condition;</u></p> <p>(a) <u>The total building coverage does not exceed 50%.</u></p>	<p>(a) <u>Avoidance or mitigation of natural hazards;</u></p> <p>(b) <u>Geotechnical suitability for building, including liquefaction and settlement risks and adequacy of any ground improvements.</u></p> <p>(c) <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></p> <p>(i) <u>A Concept Management Plan approved by the Maaori Land Court and</u></p> <p>(ii) <u>A Licence to Occupy;</u></p> <p>(d) <u>Where a Trust Order or Maaori Incorporation does not exist, one of the following instruments is provided to Council at the time of lodgement of the application for building consent:</u></p> <p>(i) <u>A Concept Management Plan approved by the Maaori Land Court;</u></p> <p>(ii) <u>A lease, or an Occupation Order of the Maaori Land Court;</u></p> <p>(e) <u>The following Land Use – Effects</u></p>												

Commented [WRC & WK34]: We have provided an example rule for ITA (RD4 below). We have not repeated this in the sections below. However, a similar rule should be provided in each zone as relevant.

		<p>rules in Rule 29C.3 do not apply:</p> <ul style="list-style-type: none"> (i) <u>Rule 29C.3.1 (Dwelling);</u> (ii) <u>Rule 29C.3.2 (Minor dwellings);</u> (iii) <u>Rule 29C.3.6 (Building Coverage).</u>
RD3	<u>Neighbourhood park</u>	<ul style="list-style-type: none"> (a) <u>The extent of consistency with the Ohinewai Structure Plan.</u> (b) <u>The extent of consistency with Appendix 29.3 Urban Design Guidelines, Multi-Unit Development, 2018, Section 8 Communal Open Spaces and Landscape Treatment.</u>
RD4	Activities requiring an integrated transport Assessment, as per Table X	<ul style="list-style-type: none"> (a) The provision of necessary transport infrastructure, in accordance with Table 29.B.1; (b) Safety and efficiency of the transport network; (c) Any additional mitigation identified in the ITAS, including to address incremental cumulative effects of development. (d) Other matters.....

Commented [WRC & WK35]: Example rule for ITAs. We have appended an ITA assessment table to our over-arching comments

29C.1.3 Discretionary Activities

(I) The activities listed below are discretionary activities.

D1	Any permitted activity that does not comply with an 'Activity-Specific Condition' in Rule 29C.1.2.
D2	Any permitted activity that does not comply with the Land Use - Effects Rule 29C.2 or Land Use - Building Rule 29C.3 unless the activity status is specified as controlled, restricted discretionary or non-complying.
D3	Any Multi-unit development that does not comply with Rule 29C.1.2 RD1.
D3	<u>Any Marae Complex or Papakainga Development that does not comply with Rule 29C.1.2 RD2.</u>
D4	<u>A new retirement village or alterations to an existing retirement village.</u>

Commented [WRC & WK36]: How will this be assessed? In relation to all relevant obs and pols in the PWDC or just the Ohinewai ob and pols?

29C.1.4 Non-complying Activities

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

NCI	Any activity that is not listed as Prohibited, Permitted, Restricted Discretionary or Discretionary <u>and any activity that is not in accordance with the Ohinewai Structure Plan.</u>
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29C.2 Land Use – Effects

29C.2.1 Noise

- (1) Rules 29C.2.1.1 and 29C.2.1.2 provide the permitted noise levels generated by land use activities.
- (2) Rule 29C.2.1.1 Noise – general provides permitted noise levels in the Residential Zone.
- (3) Rule 29C.2.1.2 Noise – Construction provides the noise levels for construction activities

29C.2.1.1 Noise – General

PI	Farming noise, and noise generated by emergency generators and emergency sirens.
P2	(a) Noise measured within any other site in the Residential Zone must not exceed: <ol style="list-style-type: none"> (i) 50dB (L_{Aeq}), 7am to 7pm, every day; (ii) 45dB (L_{Aeq}), 7pm to 10pm, every day; and (iii) 40dB (L_{Aeq}) and 65dB (L_{Amax}), 10pm to 7am the following day.
P3	(a) Noise levels shall be measured in accordance with the requirements of NZS 6801:2008 “Acoustics - Measurement of Environmental Sound”; and (b) Noise levels shall be assessed in accordance with the requirements of NZS 6802:2008 “Acoustic-Environmental noise”.
P4	<u>Any habitable rooms which have an acoustic line of sight (ie. visible were it not for vegetation) to the boundary of the Lake Rotokawau Reserve shall be provided with a means of maintaining an appropriate level of fresh air and thermal comfort while the windows are closed, as advised by a suitably qualified building services engineer.</u>
D1	Noise that does not comply with Rule 29C.2.1.1 P2 or P3.
D2	<u>Buildings that do not comply with Rule 29C.2.1.1 P4.</u>

29C.2.1.2 Noise – Construction

PI	(a) Construction noise must meet the limits in NZS 6803:1999 (Acoustics – Construction Noise); and (b) Construction noise must be measured and assessed in accordance with the requirements of NZS6803:1999 ‘Acoustics – Construction Noise’.
RDI	(a) Construction noise that does not comply with Rule 29C.2.1.2 PI. (b) Council’s discretion shall be restricted to the following matters: <ol style="list-style-type: none"> (i) Effects on amenity values; (ii) Hours and days of construction; (iii) Noise levels; (iv) Timing and duration; and (v) Methods of construction.

29C.2.2 Glare and artificial light spill

PI	Glare and artificial light spill must not exceed 10 lux measured horizontally and vertically within any other site.
RDI	(a) Illumination that does not comply with Rule 29C.2.2 PI. (b) The Council’s discretion shall be restricted to the following matters: <ol style="list-style-type: none"> (i) Effects on amenity values; (ii) Light spill levels on other sites; (iii) Road safety; (iv) Duration and frequency; (v) Location and orientation of the light source; and

	(vi) Mitigation measures.
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29C2.3 Earthworks

(l) Rule 29C.2.3.1 – General, provides the permitted rules for earthworks activities for the Ohinewai ~~Structure Plan~~-Precinct Residential Zone.

29C2.3.1 Earthworks - General

P1	<p>(a) Earthworks (excluding the importation of fill material) within a site must meet all of the following conditions:</p> <ul style="list-style-type: none"> (i) Be located more than 1.5 m horizontally from any waterway, open drain or overland flow path; (ii) Not exceed a volume of 250m³; (iii) Not exceed an area of 1000m² over any consecutive 12 month period; (iv) The total depth of any excavation or filling does not exceed 1.5m above or below ground level; (v) The slope of the resulting cut, filled areas or fill batter face in stable ground, does not exceed a maximum of 1:2 (1 vertical to 2 horizontal); (vi) Earthworks are set back 1.5m from all boundaries; (vii) Areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks; (viii) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; (ix) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.
P2	<p>Earthworks for the purpose of creating a building platform for residential purposes within a site, using imported fill material must meet the following condition:</p> <ul style="list-style-type: none"> (a) Be carried out in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development.
P3	<p>(a) Earthworks for purposes other than creating a building platform for residential purposes within a site, using imported fill material must meet all of the following conditions:</p> <ul style="list-style-type: none"> (i) Not exceed a total volume of 20m³; (ii) Not exceed a depth of 1m; (iii) The slope of the resulting filled area in stable ground must not exceed a maximum slope of 1:2 (1 vertical to 2 horizontal); (iv) Fill material is setback 1.5m from all boundaries; (v) Areas exposed by filling are revegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks; (vi) Sediment resulting from the filling is retained on the site through implementation and maintenance of erosion and sediment controls; (vii) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.

Commented [WRC & WK37]: WRC has sought a separation distance of 5 m across the PWDP

RD1	<p>Earthworks that do not comply with Rule 29C2.3.1 P1, P2 or P3 are a restricted discretionary activity and must be in accordance with the Ohinewai Structure Plan and include an Ecological Rehabilitation and Management Plan (ERMP) that includes the following:</p> <p>(a) An indigenous fish management plan, including:</p> <ul style="list-style-type: none"> i) a summary of fish habitat and species present; ii) a summary of planned works, permitting requirements, timing of works, procedures for dealing with pest fish, procedures for capturing and relocating indigenous fish prior to and during works and identification of indigenous fish release sites; iii) roles and responsibilities of parties and their reporting requirements; iv) any specific mitigation measures, including protection of habitat where practicable; and v) a monitoring programme to enable an assessment of the success of any mitigation measures, including any translocations. <p>(b) A bat management plan that includes vegetation removal protocols and recommendations for any planting of trees and/or installation of artificial bat roost boxes for bat habitat;</p> <p>(c) An ecological restoration plan for any parts of the site that are to be converted to wetlands for stormwater management or amenity purposes, including habitat creation and enhancement and planting and pest plant control;</p> <p>(d) A predator control programme including:</p> <ul style="list-style-type: none"> (i) An overarching goal of contributing to the restoration and enhancement of indigenous biodiversity within the site, and therefore indirectly within the adjacent Rotokawau Reserve; (ii) Objectives of increasing Ohinewai Precinct occupants' awareness of predator threats, and the need for predator control, including control of domestic cats and dogs, to reduce the threat of predation on indigenous fauna; (iii) A predator control strategy designed to achieve the above goal and objectives; (iv) A monitoring programme to ensure the objectives are being achieved and predator populations are being suppressed sufficiently to achieve biodiversity gains; <p>(e) Provisions for ongoing management and maintenance of wetland areas;</p> <p>(f) A description of the proposed ecological monitoring framework;</p> <p>(g) Evidence of consistency with the Waikato Regional Pest Management Plan 2014-2024; and</p> <p>(h) Evidence of engagement with tangata whenua during preparation of the ERMP including how outcomes of that engagement have been addressed.</p> <p>(i) The Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Amenity values and landscape effects; (ii) Volume, extent and depth of earthworks; (iii) Nature of fill material; (iv) Contamination of fill material; (v) Location of the earthworks in relation to waterways, significant indigenous vegetation and habitat; (vi) Compaction of the fill material; (vii) Volume and depth of fill material; (viii) Geotechnical stability, including liquefaction and settlement risks and adequacy of any ground improvements; (ix) Flood risk, including natural water flows and established drainage paths; and (x) Land instability, erosion and sedimentation. (xi) The protection of areas of significant habitat and the nature and extent of ecological mitigation measures and any residual ecological effects, including the implementation of the management and restoration plans and programmes required by (a) to (h) above. <p>The extent of consistency with the Ohinewai Structure Plan.</p> <p>(xii) The extent to which any post-earthworks mitigation measures are required and the methods for implementing them.</p>
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Commented [WRC & WK38]: It is not clear what aspects of the OSP are relevant to earthworks under the APL version. In respect of the changes WRC and WK have proposed, which include the sequencing of stages, it may be appropriate to remove this to allow earthworks to be undertaken across multiple stages for efficiency.

Commented [WRC & WK39]: From Dr Wilding's evidence

Commented [WRC & WK40]: To give effect to the matters that are detailed above

Commented [WRC & WK41]: It is NCA if not consistent

NCI	Earthworks <u>that do not comply with Rule 29C2.3.1 RDI</u> and earthworks that are not in <u>accordance with the Ohinewai Structure Plan.</u>
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Commented [WRC & WK42]: As above.

29C2.4 Hazardous substances

P1	(a) The use, storage or disposal of any hazardous substance where: (i) the aggregate quantity of any hazardous substance of any hazard classification on a site is less than the quantity specified in the Residential zone in Table 5.1 contained within Appendix 5 (Hazardous Substances).
P2	(a) The storage or use of radioactive materials is: (i) an approved equipment for medical and diagnostic purposes; or (ii) specified as an exempt activity or article in the Radiation Safety Act and Regulations 2017.
DI	The use, storage or disposal of any hazardous substances that does not comply with Rule 29C.2.4 P1 or P2.

29C.2.5 Signs

- (1) Rule 29C.2.5.1 Signs – general provides permitted standards for any sign, including real estate signs, across the entire Residential Zone.
- (2) Rule 29C.257.2 Signs – effects on traffic applies specific standards for signs that are directed at road users.

29C2.5.1 Signs – general

PI	A public information sign erected by a government agency.
P2	(a) A sign must comply with all of the following conditions: (i) It is the only sign on the site; (ii) The sign is wholly contained within the site; (iii) The sign does not exceed 0.25m ² ; (iv) The sign height does not exceed 2m; (v) The sign is not illuminated; (vi) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; (vii) The sign does not project over road reserve; (viii) The sign relates to: A. goods or services available on the site; or B. a property name sign.
P3	(a) A real estate 'for sale' sign relating to the site on which it is located must comply with all of the following conditions: (i) There is no more than 1 sign per agency; (ii) The sign is not illuminated; (iii) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; (iv) The sign does not project into or over road reserve.
RD1	(a) A sign that does not comply with Rule 29C.2.5.1 P1, P2 or P3. (b) Council's discretion shall be restricted to the following matters: (i) Amenity values; (ii) Character of the locality; (iii) Effects on traffic safety; (iv) Glare and artificial light spill; (v) Content, colour and location of the sign; (vi) Effects on notable architectural features of a building.

29C.2.5.2 Signs – Effects on traffic

PI	(a) Any sign directed at road users must: (i) Not imitate the content, colour or appearance of any traffic control sign; (ii) Be located at least 60m from controlled intersections, pedestrian crossings and any other sign; (iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections; (iv) Be able to be viewed by drivers for at least 130m; (v) Contain no more than 40 characters and no more than 6 symbols; (vi) Have lettering that is at least 150mm high; (vii) Be at least 130m from a site entrance, where the sign directs traffic to the entrance.
DI	Any sign that does not comply with Rule 29C.2.7.2 P1.

29C.2.6 Traffic Effects

<u>PI</u>	<u>There must be no direct vehicle access from any property onto Tahuna Rd</u>
<u>RD1</u>	<u>A building that does not comply with Rule 29C3.1 P1. Councils discretion shall be restricted to the following matters: (a) Effects on the safety and efficiency of the transport network.</u>
<u>RD2</u>	<u>Any Multi-Unit Development, retirement village or alterations to retirement villages, Marae Complex or Papakainga Housing Development must include an Integrated Transport Assessment</u>

Commented [WRC & WK43]: This is more performance standard than a PA standard. While we agree with it, it does not seem to fit here.

Commented [WRC & WK44]: This is not clear. Rule 29C3.1 provides for a DA where there is more than one dwelling on a site

	<p><u>(ITA) that assesses the levels of traffic generation from the development, confirms the staging and timing of transport infrastructure upgrades specified in Table 29.I and recommends any necessary mitigation measures.</u></p> <p><u>Council's discretion shall be restricted to the following matters:</u></p> <ul style="list-style-type: none"> <u>(a) Road network safety and efficiency, particularly at peak traffic times.</u> <u>(b) Requirements for staging and timing of transport infrastructure improvements as set out in Table 29B.I.</u> <u>(c) The extent of any transport upgrades required other than those in Table 29B.I. and their staging and timing.</u> <u>(d) Safety of design for vehicles and pedestrians.</u> <u>(e) Mitigation measures such as travel planning and providing alternatives to private vehicle trips.</u>
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Commented [WRC & WK45]: Note previous comments re ITA – in terms of when an ITA is required, its content and how it is then given effect to

Commented [WRC & WK46]: These activities are DA under Rule 29C.1.3. In WRC and WK view, it would be better to have a clear requirement for an ITA and how it is then implemented.

29C3.3 Land Use – Building

29C3.1 Dwelling

PI	One dwelling within a site.
DI	A dwelling that does not comply with Rule 29C.3.1 PI.

29C3.2 Minor dwelling

PI	<ul style="list-style-type: none"> (a) One minor dwelling contained within a site must comply with all of the following conditions: <ul style="list-style-type: none"> (i) The net site area is 900m² or more; (ii) The site does not contain a Multi-unit development. (iii) The gross floor area shall not exceed 70m²
DI	A minor dwelling that does not comply with Rule 29C.3.2 PI.

29C3.3 Height

- (1) Rule 29C.3.3.1 provides permitted height for buildings.
- (2) Rule 29C.3.3.1 Height – Building general provides permitted height limits across the Residential Zone.

29C3.3.1 Height - Building general

PI	The maximum height of any building must not exceed 7.5m.
DI	Any building that does not comply with Rule 29C.3.3.1 PI.

29C3.4 Fences or walls – Road boundaries

PI	<ul style="list-style-type: none"> (a) Fences and walls between the applicable building setbacks under Rule 29C.3.9 on a site and any road boundaries must comply with all of the following conditions: <ul style="list-style-type: none"> (i) Be no higher than 1.2m if solid: (ii) Be no higher than 1.8m if: <ul style="list-style-type: none"> A. visually permeable for the full 1.8m height of the fence or wall; or B. solid up to 1.2m and visually permeable between 1.2 and 1.8m.
RDI	(a) Fences or walls that do not comply with Rule 29C.3.4 PI.

	(b) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) Building materials and design; (ii) Effects on amenity; and (iii) Public space visibility.
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29C3.5 Daylight admission

PI	Buildings must not protrude through a height control plane rising at an angle of 37 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.
RD1	(a) A building that does not comply with Rule 29C.3.5 PI. (b) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) Height of the building; (ii) Design and location of the building; (iii) Extent of shading on adjacent sites; (iv) Privacy on another sites; and (v) Effects on amenity values and residential character.

29C3.6 Building coverage

PI	The total building coverage must not exceed 40%.
DI	Total building coverage that does not comply with Rule 29C.3.6 PI.

29C3.7 Living court

PI	(a) A living court must be provided for each dwelling that meets all of the following conditions: <ul style="list-style-type: none"> (i) It is for the exclusive use of the occupants of the dwelling; (ii) It is readily accessible from a living area of the dwelling; (iii) When located on the ground floor, it has a minimum area of 80m² and a minimum dimension of 4m in any direction; and (iv) When located on a balcony of an above ground apartment, it must have a minimum area of 15m² and a minimum dimension of 2m in any direction.
P2	(a) A living court must be provided for each minor dwelling that meets all of the following conditions: <ul style="list-style-type: none"> (i) It is for the exclusive use of the occupants of the minor dwelling; (ii) It is readily accessible from a living area of the minor dwelling; (iii) When located on the ground floor it has a minimum area of 40m² and a minimum dimension of 4m in any direction; (iv) When located on a balcony of an above ground apartment, it must have a minimum area of 15m² and a minimum dimension of 2m in any direction.
DI	A living court that does not comply with Rule 29C.3.7 PI or P2.

29C3.8 Service court

PI	(a) A service court must be provided for each dwelling and minor dwelling, each with all the following dimensions: <ul style="list-style-type: none"> (i) minimum area of 15m²; and (ii) contains a circle of at least 3m diameter.
DI	A service court that does not comply with Rule 29C.3.8 PI.

29C3.9 Building setbacks

- (1) Rule 29C.3.9.1 provides the permitted building setback distances for buildings from site boundaries.
- (2) Rule 29C.3.9.1 Building setbacks – all boundaries provides permitted building setback distances from all boundaries on any site within the Residential Zone. Different setback distances are applied based on the type of building.

29C3.9.1 Building setbacks – All boundaries

P1	(a) A building must be set back a minimum of: <ul style="list-style-type: none"> (i) 3m from the road boundary, except for Tahuna Rd; (ii) 15m from the road boundary of Tahuna Rd; (iii) 1.5m from every boundary other than a road boundary; (iv) 1.5m from every vehicle access to another site; and (v) 15m from the boundary of the Rural Zone.
P2	(a) A non-habitable building can be set back less than 1.5m from a boundary, where: <ul style="list-style-type: none"> (i) the total length of all buildings within 1.5m of the boundary does not exceed 6m; and (ii) the building does not have any windows or doors on the side of the building facing the boundary.
P3	A garage must be set back behind the front façade of the dwelling.
RD1	(a) A building that does not comply with Rule 29C.3.9.1 P1, P2, P3 or P4. (b) Council’s discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) Road network safety and efficiency; (ii) Reverse sensitivity effects; (iii) Adverse effects on amenity; (iv) Streetscape; (v) Potential to mitigate adverse effects; (vi) Daylight admission to adjoining properties; and (vii) Effects on privacy at adjoining sites

29C.3.10 Density

P1	The average density of residential development must be at least 25 units per ha of net developable land (ie. excluding roads and public open spaces).
RD1	Building that does not comply with Rule 29C.3.10 P1. Councils discretion shall be restricted to the following matters: The extent of departure from the minimum density requirement.

Commented [WRC & WK47]: See WRC & WK memo

29C.3.10 Infrastructure and Site Suitability

P1	All dwellings must include a site-specific geotechnical assessment and be constructed in accordance with any necessary ground improvement works and specific foundation design.
P2	All dwellings must include provision for on-lot Low Impact Design stormwater devices based on at least a two-step treatment train approach with the first step being included on the residential lot.
RD1	A dwelling that does not comply with Rule 29C.3.12 P1 or P2. <ul style="list-style-type: none"> (a) Councils discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) Extent of compliance with the Regional Infrastructure Technical Standards (RITS). (ii) Extent of compliance with any recommendations of a site-specific geotechnical assessment.

Commented [WRC & WK48]: It is not clear what rule this refers to and hence where the requirements below apply

	(iii) Low Impact design requirements
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29C.4 Subdivision

- (1) Rule 29C.4.1 provides for subdivision density and applies across the Residential Zone.
- (2) The following rules apply to specific areas and/or activities:
 - (a) Rules 29C.4.1 to 29C.4.4 are also subject to the following subdivision controls:
 - (i) Rule 29C.4.5 – subdivision boundary adjustments;
 - (ii) Rule 29C.4.6 – subdivision amendments and updates to cross lease flats plan and conversion to freehold;
 - (iii) Rule 29C.4.11 – subdivision road frontage;
 - (iv) Rule 29C.4.12 – subdivision building platform;
 - (v) Rule 29C.4.13 – subdivision reserves.

29C4.1 Subdivision - General

RDI	<p>(a) Subdivision must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) Proposed lots must have a minimum net site area of 450m², except where the proposed lot is an access allotment or utility allotment or reserve to vest; (ii) Proposed lots must be able to connect to public-reticulated water supply and wastewater; (iii) Where roads are to be vested in Council, they must follow a grid layout; (iv) Where 4 or more proposed lots are proposed to be created, the number of rear lots do not exceed 15% of the total number of lots being created; (v) Subdivision must be in accordance with the Ohinewai Structure Plan. (i) All subdivision applications must include lighting design that is sensitive to bat habitat in accordance with any recommendations in any ERMP. (ii) Subdivision must be staged in accordance with Table 29B.1 and the Staging Plan (Dwg No P19-176-00-1045-SK). All subdivision applications must include details of infrastructure that is to be constructed or upgraded prior to s224c RMA approval of any lots in that stage and must be in accordance with the Staging Plan. (iii) Any subdivision of more than 3 lots must include an Integrated Transport Assessment (ITA) that assesses the levels of traffic generation from the development, confirms the staging and timing of transport infrastructure upgrades specified in Table 29B.1 and recommends any necessary mitigation measures. <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (iv) Subdivision layout; (v) Shape of lots and variation in lot sizes; (vi) Ability of lots to accommodate a practical building platform including geotechnical stability for building; (vii) Likely location of future buildings and their potential effects on the environment; (viii) Avoidance or mitigation of natural hazards; (ix) Amenity values and streetscape landscaping; (x) Consistency with the matters contained within Appendix 29.1 (Residential Subdivision Guidelines) (xi) Vehicle and pedestrian networks; (xii) (xi) Consistency with the Ohinewai Structure Plan including the provision of neighbourhood parks; (xiii) (xii) Provision of infrastructure.
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Commented [WRC & WK49]: As per previous comments re ITAs. 3 lots is a very lot threshold.

Commented [WRC & WK50]: Standard v above requires the development to be in accordance with the OSP.

	<p>(xiv)(xiii) Road network safety and efficiency, particularly at peak traffic times.</p> <p>(xv)(xiv) Requirements for staging and timing of transport infrastructure improvements as set out in Table 29B.1.</p> <p>(xvi)(xv) The extent of any transport upgrades required other than those in Table 29B.1, and their staging and timing.</p> <p>(xvii)(xvi) Safety of design for vehicles and pedestrians.</p> <p>(xviii)(xvii) Mitigation measures such as travel planning and providing alternatives to private vehicle trips.</p>
D1	Subdivision that does not comply with a condition in Rule 29C.4.1 RDI.
D2	Any development or subdivision that is not in accordance with the Staging Plan (Dwg No P19-176-00-1040-SK) or Table 29B.1.
D3	<p>A corner shop and café of not more than 400m² gross leasable floor area each, in accordance with the Ohinewai Structure Plan.</p> <p>Assessment criteria:</p> <p>(a) the extent to which the total floor area of commercial activities in the Ohinewai Structure Plan area is consistent with Business Zone Rule 29D.6.2 RDI.</p>
NC1	Subdivision that is not in accordance with the Ohinewai Structure Plan.
NC2	Any subdivision that does not comply with Rule 29B.1.2 (b) or (c) in Table 29B.1 (bulk main connections to Huntly Wastewater Treatment Plant and Water Treatment Plant).

Commented [WRC & WK51]: Any subdivision (or development) that is not in accordance with the OSP or which does not provide an ITA or is not in accordance with the ITA should be NCA

Commented [WRC & WK52]: Also if there is no ITA or subdivision is inconsistent with an ITA

29C4.2 Subdivision - Multi-unit development

RDI	<p>(b) Multi-Unit development must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) An application for land use consent under Rule 29C.1.2 (Multi-Unit Development) must accompany the subdivision or have been granted land use consent by Council; (ii) The Multi-Unit development is able to be connected to public wastewater and water reticulation; (iii) The minimum existing lot size where a new freehold (fee simple) lot is being created must be 300m² net site area. (iv) <u>Subdivision must be in accordance with the Ohinewai Structure Plan.</u> (v) Where a residential unit is being created in accordance with the Unit Titles Act 2010 it must meet the following minimum residential unit size: <table border="1" style="margin-left: 40px;"> <thead> <tr> <th>Unit of Multi-Unit</th> <th>Minimum Unit Area</th> </tr> </thead> <tbody> <tr> <td>Studio unit or 1 bedroom unit</td> <td>60m²</td> </tr> <tr> <td>2 bedroom unit</td> <td>80m²</td> </tr> <tr> <td>3 or more bedroom unit</td> <td>100m²</td> </tr> </tbody> </table>	Unit of Multi-Unit	Minimum Unit Area	Studio unit or 1 bedroom unit	60m ²	2 bedroom unit	80m ²	3 or more bedroom unit	100m ²
	Unit of Multi-Unit	Minimum Unit Area							
Studio unit or 1 bedroom unit	60m ²								
2 bedroom unit	80m ²								
3 or more bedroom unit	100m ²								
<p>(c) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout including common boundary and party walls for the Multi-unit development; (ii) Provision of common areas for shared spaces, access and services; (iii) Provision of infrastructure to individual residential units; (iv) Avoidance or mitigation of natural hazards; (v) Geotechnical suitability of site for buildings; 									

	<ul style="list-style-type: none"> (vi) Amenity values and streetscape; (vii) Consistency with the matters contained, and outcomes sought, in Appendix 3.4 (Multi-Unit Development Guideline) (viii) Consistency with any relevant structure plan or master plan, including the provision of neighbourhood parks, and neighbourhood centres; (ix) Vehicle, pedestrian and cycle networks; (x) Safety, function and efficiency of road network and any internal roads or accessways.
DI	Subdivision that does not comply with Rule 29C.4.2 RDI except for Rule 29.4.2RDI(a)(iv).
NCI	Subdivision that does not comply with Rule 29C.4.2RDI(a)(iv). is not in accordance with the Ohinewai Structure Plan.

Commented [WRC & WK53]: Not clear what this refers to. If 29.4.2RDI(b)(iv) then should be NCA as below

29C4.3 Subdivision – Boundary adjustments

CI	<ul style="list-style-type: none"> (a) Boundary adjustments must comply with all of the following conditions: <ul style="list-style-type: none"> (i) The conditions specified in: <ul style="list-style-type: none"> A. Rule 29C.4.1 Subdivision - General; B. Rule 29C.4.2 Subdivision in the Te Kauwhata Ecological Residential Area; C. Rule 29C.4.3 Subdivision in the Te Kauwhata West Residential Area; or D. Rule 29C.4.4 Subdivision- Multi-unit development; (b) Proposed lots must not generate any additional building infringements to those which legally existed prior to the boundary relocation. (c) Council's control is reserved over the following matters: <ul style="list-style-type: none"> (i) Subdivision layout; (ii) Shape of titles and variation in lot sizes.
DI	Boundary adjustments that does not comply with Rule 29C.4.5 CI.

29C4.4 Subdivision - Road frontage

RDI	<ul style="list-style-type: none"> (a) Every proposed lot with a road boundary, other than an access allotment, utility allotment, or a proposed lot containing a ROW or access leg must have a width along the road boundary of at least 15m. (b) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) Safety and efficiency of vehicle access and road network; and (ii) Amenity values and rural character.
DI	Subdivision that does not comply with Rule 29C.4.1 RDI.

29C4.5 Subdivision - Building platform

RDI	<ul style="list-style-type: none"> (a) Every proposed 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: <ul style="list-style-type: none"> (i) a circle with a diameter of at least 18m exclusive of yards; or (ii) a rectangle of at least 200m² with a minimum dimension of 12m exclusive of yards. (b) Every lot, other than one designed specifically for access or as a utility allotment, must have a building platform that is above 8.5m RL (ground level). (c) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) Subdivision layout; (ii) Shape of allotments; (iii) Ability of allotments to accommodate a practical building platform; (iv) Likely location of future buildings and their potential effects on the environment; (v) Avoidance or mitigation of natural hazards;
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	(vi) Geotechnical suitability for building; and (vii) Ponding areas and primary overland flow paths.
DI	Subdivision that does not comply with Rule 29C.4.5 RD1.

29C.4.6 Subdivision- Landscape Concept

RDI	<p>All subdivision applications must include a Landscape Concept Plan that includes the following:</p> <ul style="list-style-type: none"> (a) <u>Landscape concept design for all areas of public open space and stormwater management areas;</u> (b) <u>Details of landscape treatment of streets, footpaths and cycleways;</u> (c) <u>Details of landscape treatment of stormwater swales, wetlands, detention areas and riparian margins;</u> (d) <u>Details of landscape treatment to integrate the site with the vegetation on the adjacent Lake Rotokawau Reserve;</u> (e) <u>Details of plant types and species including eco-sourcing of plants from within the Meremere Ecological District;</u> (f) <u>Use of indigenous species and landscape design that reflects cultural perspectives including food gathering species and those that support habitat for mahinga kai, indigenous birds and lizards;</u> (g) <u>Details of ongoing maintenance plans to ensure the planting achieves acceptable establishment, survival and canopy closure targets;</u> (h) <u>Identification of areas for public access and any areas that are not public and the legal mechanisms to secure and maintain public access;</u> (i) <u>Details of any commemorative or other interpretation material communicating the history and significance of places and resources;</u> (j) <u>Details of any tangata whenua inspired artwork or features;</u> (k) <u>Details of fencing and landscape treatment of the land along the Tahuna Road frontage, to create an attractive and open interface to Tahuna Road;</u> (l) <u>Evidence of consistency with any Ecological Rehabilitation and Management Plan;</u> (m) <u>Evidence of consistency with the Waikato District Council Park Strategy 2014, the Urban Design Guidelines, Multi-Unit Development 2018 (Appendix 29.3), the Urban Design Guidelines; Residential Subdivision 2018 (Appendix 29.1); and</u> (n) <u>Evidence of engagement with tangata whenua in preparation of the landscape concept plan, including how the outcomes of that engagement have been addressed.</u> <p><u>Councils discretion shall be restricted to the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>Extent of consistency with the Ohinewai Structure Plan.</u> (ii) <u>Extent of consistency with the Waikato District Park Strategy 2014, the Urban Design Guidelines, Multi-Unit Development 2018, and the Urban Design Guidelines Residential Subdivision 2018.</u> (iii) <u>Quantity, distribution and spacing of landscape planting and extent to which it will mitigate landscape, visual and amenity effects.</u> (iv) <u>Extent of consistency with any Ecological Rehabilitation and Management Plan.</u> (v) <u>Adequacy of maintenance plans.</u> (vi) <u>Extent of provision for public access and nature of legal instruments to secure access.</u> (vii) <u>Extent of recognition of cultural values.</u> (viii) <u>The extent to which fencing and landscaping proposals will create an attractive and open interface with Tahuna Road.</u>
DI	<u>A subdivision application that does not include one or more of the items in 29C.4.6 RD1.</u>

29C.4.7 Subdivision – Stormwater Management

<p>RDI</p>	<p>All subdivision applications must be accompanied by a stormwater management report and plans. The report and plans must:</p> <ul style="list-style-type: none"> (a) describe how demonstrate that the plans comply with any relevant discharge consent; (b) identify overland flow paths; (c) describe the nature and extent of any off-site stormwater management devices and how these devices are to be delivered if they are on land outside the application site including identification of land areas that are to be allocated to open space to maintain their stormwater function and the methods of protection of them for that purpose; (d) if stormwater devices are to be located below 8.05m RL, describe how these devices are to be designed to be resilient to flood-related damage while not exacerbating flood risks for upstream or downstream activities. <p>Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) the effects of any inconsistency with any discharge consent; (ii) the methods of accessing and maintaining stormwater devices. (iii) The design, management and protection of overland flow paths (iv) Design of stormwater devices to ensure resilience to flooding (v) [Etc – to address the specific requirements of the stormwater management plans]
<p>DI</p>	<p>A subdivision application that does not include one or more of the items in 29C.4.7 RDI.</p>

Commented [WRC & WK54]: Subdivision should also be accompanied by a flood hazard assessment to ensure that flooding etc is appropriately assessed.

Commented [WRC & WK55]: This is not a relevant matter for assessment. Inconsistency with the stormwater consent is a matter for Regional Council compliance, not the district plan.

29D Ohinewai Precinct Business Zone

(1) The rules that apply to activities in the Ohinewai Precinct Business Zone are contained in Rule 29D.1 Land Use – Activities, Rule 29D.2 Land Use – Effects and Rule 29D.3 are contained in Rule 29D.4.

(2) The activity status tables and standards in the following chapters also apply to activities in the Ohinewai Precinct Business Zone:

29B Infrastructure and Energy;

~~In this section the term 'In accordance with the Ohinewai Structure Plan' refers to the Structure Plan (1805-012a RevK) and the Business Area Structure Plan (1805-012b Rev F), and means:~~

~~a) That the location and function of access points to the existing road network must be complied with.~~

~~b) Except as required by a) above, strict compliance with the location of the internal road network and shared path network is not required, provided the functions of the networks are complied with.~~

~~Strict compliance with the location of buildings and community infrastructure is not required as their locations are indicative.~~

~~The areas of open space must be provided but their boundaries are indicative.~~

(iv) The following symbols are used in the tables:

- (g) PR Prohibited activity
- (h) P Permitted activity
- (i) C Controlled activity
- (j) RD Restricted discretionary activity
- (k) D Discretionary activity
- (l) NC Non-complying activity

29D.1 Land Use – Activities

29D.1.1 Permitted Activities

(1) The following activities are permitted activities if they comply with all of the:

- (a) Land Use – Effects rules in Rule 29D.2 and Land Use – Building rules in Rule 29D.3 (unless the activity-specific rule and/or conditions identifies a condition(s) that does not apply); and
- (b) Activity-specific conditions.

Activity	Activity-specific conditions
PI Temporary Event	<ul style="list-style-type: none"> (g) The event occurs no more than 3 times per consecutive 12 month period; (h) The duration of each event is less than 72 hours; (i) It may operate between 7.30am and 8:30pm Monday to Sunday; (j) Temporary structures are: <ul style="list-style-type: none"> (iii) erected no more than 2 days before the event occurs; and (iv) removed no more than 3 days after the end of the event;

	(k) The site is returned to its previous condition no more than 3 days after the end of the event.
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29D.1.2 Restricted Discretionary Activities

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

Activity	Matters of Discretion
<p>RD1</p> <p>(a) <u>A neighbourhood centre identified on the Ohinewai Structure Plan that comprises a grouping of commercial activities that meet all of the following conditions:</u></p> <ul style="list-style-type: none"> (i) <u>Individual leasable retail units shall have a gross leasable floor area of no more than 400m².</u> (ii) <u>Any grocery store (a retail unit primarily selling pre-prepared fresh food/groceries and beverages, together with other non-food goods that are ancillary) shall have a gross leasable floor area of no more than 1,000m².</u> (iii) <u>Offices shall have a gross leasable floor area of no more than 200m².</u> (iv) <u>The total combined gross leasable floor area of commercial activities, excluding any service station, shall not exceed 2,500m².</u> (v) <u>The neighbourhood centre is in accordance with the Ohinewai Structure Plan.</u> 	<p>(a) Council's discretion is limited to the following matters:</p> <ul style="list-style-type: none"> (i) <u>The extent to which the development is consistent with Town Centre Guidelines contained in Appendix 3.3;</u> (ii) <u>The extent to which the development is consistent with the Ohinewai Structure Plan;</u> (iii) <u>The safety and efficiency of any private vehicle access.</u> (iv) <u>Avoidance or mitigation of natural hazards.</u> (v) <u>Geotechnical suitability for building, including liquefaction and settlement risks and adequacy of any ground improvements.</u> (iii)(vi) <u>Effects on the safety and efficiency of the transport network as set out in any ITA prepared in accordance with Rule 29D.2.8.</u>
<p>RD2</p> <p>(a) <u>A service station, public transport facility and community facilities that meet the following condition:</u></p> <ul style="list-style-type: none"> (i) <u>They are in accordance with the Ohinewai Structure Plan.</u> 	<p>(b) Council's discretion is limited to the following matters:</p> <ul style="list-style-type: none"> (i) <u>The extent to which the development is consistent with Town Centre Guidelines contained in Appendix 3.3;</u> (ii) <u>The extent to which the development is consistent with the Ohinewai structure Plan.</u> (ii) <u>The safety and efficiency of any private vehicle access</u> (iii) <u>Avoidance or mitigation of natural hazards.</u>

Commented [WRC & WK56]: As per previous comments re ITAs

		<p>(iv) <u>Geotechnical suitability for building, including liquefaction and settlement risks and adequacy of any ground improvements.</u></p> <p>(v) <u>Effects on the safety and efficiency of the transport network as set out in any ITA prepared in accordance with Rule 29D.2.8.</u></p>
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Commented [WRC & WK57]: As above re ITA

29D.1.3 Discretionary Activities

(I) The activities listed below are discretionary activities.

D1	Any activity that does not comply with Land Use – Effects or Land Use –Building rules, unless specified in Rule 29D.2 or 29D.3 applies.
D2	Any activity that does not comply with one or more activity-specific conditions for a permitted activity under Rule 29D.1.1.
D3	Any activity that does not comply with one or more conditions for a restricted discretionary activity under Rule 29D.1.2 RD1 <u>and RD2, except for Rule 29D.1.2 RD1(a)(v) and Rule 29D.1.2 RD2 (a)(i)</u>

Commented [WRC & WK58]: This cross referencing is confusing – needs to be clear

29D.1.5 Non-Complying Activities

(I) The activities below are non-complying activities.

NCI	Any activity that is not listed as Prohibited, Permitted, Restricted Discretionary or Discretionary <u>and any activity that is not in accordance with the Ohinewai Structure Plan.</u>
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29D.2 Land Use – Effects

29D.2.1 Noise

- (1) Rules 29D.2.1.1 and 29D.2.1.2 provide the permitted noise limits for noise generated by land use activities.
- (2) Rule 29D.2.1.1 Noise – general provides permitted noise limits.
- (3) Rule 29D.2.1.2 Noise – Construction provides the noise limits for construction activities.

29D.2.1.1 Noise – General

P1	Farming noise, and noise generated by emergency generators and emergency sirens.
P2	(a) Noise measured within any site: (i) In the Business Zone must not exceed:

	<p>A. 65dB (LAeq), 7am to 11pm every day; and</p> <p>B. 55dB (LAeq) and 85dB (L_{Amax}), 11pm to 7am the following day;</p> <p>(ii) In the Residential or Village Zone must not exceed:</p> <p>A. 55dB (LAeq), 7am to 7pm;</p> <p>B. 50dB (LAeq), 7pm to 10pm;</p> <p>C. 45dB (LAeq) and 75dB (L_{Amax}), 10pm to 7am the following day.</p>
P3	(a) Noise measured within any site in any zone other than the Business Zone, Residential Zone or Village Zone must meet the permitted noise levels for that zone.
P4	<p>(a) Noise levels must be measured in accordance with the requirements of NZS 6801:2008 "Acoustics - Measurement of Environmental Sound".</p> <p>(b) Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 "Acoustics - Environmental noise".</p>
DI	Noise that does not comply with Rule 29D.2.1 P2, P3 or P4.

29D.2.1.2 Noise – Construction

PI	<p>(a) Construction noise must meet the limits in NZS 6803:1999 (Acoustics – Construction Noise); and</p> <p>(b) Construction noise must be measured and assessed in accordance with the requirements of NZS6803:1999 'Acoustics – Construction Noise'.</p>
RD1	<p>(a) Construction noise that does not comply with Rule 29D.2.2 P1.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Effects on amenity values;</p> <p>(ii) Hours and days of construction;</p> <p>(iii) Noise levels;</p> <p>(iv) Timing and duration; and</p> <p>(v) Methods of construction.</p>

29D.2.2 Servicing and hours of operation

PI	The loading and unloading of vehicles and the receiving of customers and deliveries associated with a commercial activity on a site adjoining the Residential Zone may occur between 6.30am and 7.30pm.
RD1	<p>(a) Servicing and operation of a commercial activity that does not comply with Rule 29D.2.2 P1.</p> <p>(b) Council's discretion is limited to the following matters:</p> <p>(i) Effects on amenity values on adjoining sites within the Residential Zone and Village Zone;</p> <p>(ii) Timing, duration and frequency of adverse effects;</p> <p>(iii) Location of activity in relation to zone boundary;</p> <p>(iv) Location of activity in relation to dwellings on adjoining sites; and</p> <p>(v) The means to avoid, remedy or mitigate adverse effects on adjoining sites.</p>

29D.2.3 Onsite parking areas - Landscaping -

PI	<p>(a) Onsite car parking area for 5 or more parking spaces located adjoining a road, must comply with the following conditions:</p> <p>(i) The car parking area must be separated from the road by a 1.5m wide planting strip, with the exception of vehicle access points;</p> <p>(ii) Plants within the planting and pedestrian strip must be maintained to a height no greater than 1 metre.</p>
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DI	Onsite parking areas that do not comply with Rule 29D.2.3 PI.
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29D.2.4 Glare and artificial light spill

PI	Glare and artificial light spill shall not exceed 10 lux measured horizontally and vertically at any point within any other site.
RDI	(a) Glare and artificial light spill that does not comply with Rule 29D.2.4 PI. (b) Council's discretion is limited to the following matters: (vii) Effects on amenity values; (viii) Light spill levels on other sites; (ix) Road safety; (x) Duration and frequency; (xi) Location and orientation of the light source; (xii) Mitigation measures.

17.2.5 Earthworks

(I) Rules 29D.2.5.1 – Earthworks - General provides the permitted rules for earthworks activities for the Business Zone.

29D.2.5.1 Earthworks – General

PI	(a) Earthworks within a site must meet the following conditions: (i) Be located more than 1.5m from a public sewer, open drain, <u>overland flow path</u> or other service pipe; (ii) Not exceed a volume of more than 250m ³ and an area of more than 1,000m ² within a site; (iii) The height of the resulting cut, filled areas or fill batter face in stable ground, not including any surcharge, does not exceed 1.5m, with a maximum slope of 1:2 (1 vertical to 2 horizontal); (iv) Areas exposed by earthworks are re-vegetated to <u>achieve 80% ground cover</u> within 6 months of the commencement of the earthworks; (v) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; (vi) Do not divert or change the nature of natural water flows, water bodies or established drainage paths. ;
P2	(a) The importation of fill material to a site must meet all of the following conditions in addition to Rule 29D.2.5.1 PI: (i) Does not exceed a total volume of 500m ³ per site and a depth of 1m; (ii) Is fit for compaction; (iii) The height of the resulting batter face in stable ground must not exceed 1.5m with a maximum slope of 1:2 (1m vertical to 2m horizontal); (iv) Does not restrict the ability for land to drain; (v) Is not located within 1.5m of public sewers, utility services or manholes; (vi) The sediment from fill material is retained on the site.
RDI	<u>Earthworks that do not comply with Rule 29D.2.5.1 PI and P2 and are in accordance with the Ohinewai Structure Plan are a restricted discretionary activity and must include an Ecological Rehabilitation and Management Plan (ERMP) that includes the following:</u> (a) <u>An indigenous fish management plan, including:</u>

Commented [WRC & WK59]: WRC has sought this to be 5m in its submission on whole plan.

Commented [WRC & WK60]: WRC has sought revegetation within 2 months of completion of earthworks in its submission on whole plan

Commented [WRC & WK61]: As per previous comments in the Residential Zone

	<ul style="list-style-type: none"> i) <u>a summary of fish habitat and species present;</u> ii) <u>a summary of planned works, permitting requirements, timing of works, procedures for dealing with pest fish, procedures for capturing and relocating indigenous fish prior to and during works and identification of indigenous fish release sites;</u> iii) <u>roles and responsibilities of parties and their reporting requirements;</u> iv) <u>any specific mitigation measures; and</u> v) <u>a monitoring programme to enable an assessment of the success of any mitigation measures, including any translocations.</u> <p>(b) <u>A bat management plan that includes vegetation removal protocols and recommendations for any planting of trees and/or installation of artificial bat roost boxes for bat habitat;</u></p> <p>(c) <u>An ecological restoration plan for any parts of the site that are to be converted to wetlands for stormwater management or amenity purposes, including habitat creation and enhancement and planting and pest plant control;</u></p> <p>(d) <u>A predator control programme including:</u></p> <ul style="list-style-type: none"> (i) <u>An overarching goal of contributing to the restoration and enhancement of indigenous biodiversity within the site, and therefore indirectly within the adjacent Rotokawau Reserve;</u> (ii) <u>Objectives of increasing Ohinewai Structure Plan occupants' awareness of predator threats, and the need for predator control, including control of domestic cats and dogs, to reduce the threat of predation on indigenous fauna;</u> (i) <u>A predator control strategy designed to achieve the above goal and objectives; and</u> (ii) <u>A monitoring programme to ensure the objectives are being achieved and predator populations are being suppressed sufficiently to achieve biodiversity gains;</u> <p>(e) <u>Provisions for ongoing management and maintenance of wetland areas;</u></p> <p>(f) <u>A description of the proposed ecological monitoring framework;</u></p> <p>(g) <u>Evidence of consistency with the Waikato Regional Pest Management Plan 2014-2024; and</u></p> <p>(h) <u>Evidence of engagement with tangata whenua during preparation of the ERMP including how outcomes of that engagement have been addressed.</u></p> <p>(a) <u>Council's discretion is limited to the following matters:</u></p> <ul style="list-style-type: none"> (i) <u>Amenity values and landscape effects;</u> (ii) <u>Volume, extent and depth of earthworks;</u> (iii) <u>Nature of fill material;</u> (iv) <u>Contamination of fill material;</u> (v) <u>Location of the earthworks to waterways, significant indigenous vegetation and habitat;</u> (vi) <u>Compaction of the fill material;</u> (vii) <u>Volume and depth of fill material;</u> (viii) <u>Geotechnical stability including liquefaction and settlement risks and adequacy of any ground improvements;</u> (ix) <u>Flood risk, including natural water flows and established drainage paths</u> (x) <u>Land instability, erosion and sedimentation; and</u> (xi) <u>Proximity to underground services and service connections.</u> (xii) <u>The nature and extent of ecological mitigation measures and any residual ecological effects;</u> (xiii) <u>The extent to which any post-earthworks mitigation measures are required and the methods for implementing them.</u>
<p>NCI</p>	<p>Earthworks that are not in accordance with the Ohinewai Structure Plan.</p>

Commented [WRC & WK62]: As per previous comments in the residential section

29D.2.5.2 Hazardous substances

<p>PI</p>	<p>(a) The use, storage or disposal of any hazardous substances must meet the following conditions:</p>
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	<p>(i) The aggregate quantity of hazardous substances of any hazard classification on a site is less than the quantity specified for the Business Zone in Table 5.1 contained within Appendix 5 (Hazardous Substances)</p> <p><u>(ii)</u> The storage or use of radioactive materials is in approved equipment for medical and diagnostic purposes, or specified as an exempt activity or article in the Radiation Safety Act and Regulations 2029D.</p> <p>(iii)<u>(iii)</u> <u>Hazardous substances are stored above a high of RL 8.3m or otherwise protected from water ingress in flood events of up to an annual recurrence interval of 1 in 100 years.</u></p>
CI	<p>(a) Service station with a maximum storage for retail sale of:</p> <p>(i) 100,000 litres of petrol in underground storage tanks;</p> <p>(ii) 50,000 litres of diesel in underground storage tanks; and</p> <p>(iii) 6 tonnes of LPG (single vessel storage).</p> <p>(b) Council's control is limited to the following matters:</p> <p>(i) the proposed site design and layout in relation to:</p> <p>A. the sensitivity of the surrounding natural, human and physical environment; potential hazards and exposure pathways arising from the proposed facility, including cumulative risks with other facilities; and</p> <p>B. interaction with natural hazards (flooding, instability), as applicable;</p> <p>C. proposed emergency management planning (spills, fire and other relevant hazards);</p> <p>(ii) proposed procedures for the monitoring and reporting of <u>incidents.</u></p>
DI	The use, storage or disposal of any hazardous substances that does not comply with Rule 29D.2.5.4 P1.
DI	A service station that does not comply with Rule 29D.2.4.5 C1.

Commented [WRC & WK63]: We are concerned to ensure that hazardous material is not released into the environment in a flood event in this sensitive area. Other provisions may also be required.

Commented [WRC & WK64]: CA status appears inappropriate given the discretion in (b)

29D.2.6 Signs

- (1) Rule 29D.2.6.1 Signs – general provides permitted standards for any sign, including real estate signs, across the Business Zone.
- (2) Rule 29D.2.6.2 Signs – effects on traffic provides specific standards for any sign that is directed at road users.

29D.2.6.1 Signs – General

P1	A public information sign erected by a government agency.
P2	<p>(a) A sign must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) The sign is wholly contained on the site; (ii) The sign height must not exceed 10m; (iii) Where the sign is illuminated it must: <ul style="list-style-type: none"> A. Not have a light source that flashes or moves; B. Not contain moving parts or reflective materials; and C. Be focused to ensure that it does not spill light beyond the site; (iv) Where the sign is attached to a building, it must: <ul style="list-style-type: none"> A. Not extend more than 300mm from the building wall; and B. Not exceed the height of the building; (v) Where the sign is a freestanding sign, it must: <ul style="list-style-type: none"> A. Not exceed an area of 3m² for one sign per site, and 1m² for any other freestanding sign on the site; and B. Be set back at least 5m from the boundary of the Residential Zone; (vi) The sign relates to: <ul style="list-style-type: none"> A. goods or services available on the site; or B. a property name sign.
P3	<p>(a) A real estate 'for sale' sign must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) It relates to the sale of the site on which it is located; (ii) There is no more than 1 sign per agency; (iii) The sign is not illuminated; (iv) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials.
RDI	<p>(a) A sign that does not comply with Rule 29D.2.6.1, P2 or P3.</p> <p>(b) The Council's discretion shall be limited to the following matters:</p> <ul style="list-style-type: none"> (i) Amenity values; (ii) Effects on traffic safety; (iii) Effects of glare and artificial light spill; (iv) Content, colour and location of the sign; (v) Effects on notable architectural features of the building.

29D.2.6.2 Signs - Effects on traffic

PI	(a)	(b)	(c) Any sign directed at road users must: (i) Not imitate the content, colour or appearance of any traffic control sign; (ii) Be located at least 60m from controlled intersections, pedestrian crossings and any other sign; (iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections; (iv) Contain no more than 40 characters and no more than 6 symbols; (v) Have lettering that is at least 150mm high; and (vi) Where the sign directs traffic to a site entrance, the sign must be at least 130m from the entrance.
DI			Any sign that does not comply with Rule 29D.2.6.2 PI.

29D.2.7 Outdoor storage

PI	(a)	Outdoor storage of goods or materials must: (i) Be associated with the activity operating from the site; (ii) Not encroach on required parking or loading areas; and (iii) Be fully screened from view by a close boarded fence or solid fence or wall to a height of 1.8m fencing or landscaping from any: A. Public road; B. Public reserve; and C. Adjoining site in another zone.
RDI	(a)	Outdoor storage of materials that does not comply with Rule 29D.2.7 PI. (b) The Council's discretion shall be limited to the following matters: (i) Visual amenity; (ii) Effects on loading and parking areas; (iii) Size and location of storage area; and (iv) Measures to mitigate adverse effects.

29D.2.8 Traffic Effects

RDI	<p><u>Any neighbourhood centre, service station, public transport facility and community facilities must include an Integrated Transport Assessment (ITA) that assesses the levels of traffic generation from the development, confirms the staging and timing of transport infrastructure upgrades specified in Table 29B.1 and recommends any necessary mitigation measures.</u></p> <p><u>Council's discretion shall be restricted to the following matters:</u></p> <p>(a) <u>Road network safety and efficiency, particularly at peak traffic times.</u> (b) <u>Requirements for staging and timing of transport infrastructure improvements as set out in Table 29B.1.</u> (c) <u>The extent of any transport upgrades required other than those in Table 29B.1, and their staging and timing.</u> (d) <u>Safety of design for vehicles and pedestrians.</u> (e) <u>Mitigation measures such as travel planning and providing alternatives to private vehicle trips.</u> (e)(f) <u>The need for and location and design of any vehicle access to Tahuna Road.</u></p>
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Commented [WRC & WK65]: The is more about specific activities than traffic effects. An ITA should be a general requirement for major development/subdivision

29D.2.9 Landscaping

PI	<u>Any activity on a lot that fronts Lumsden Road or Tahuna Road must provide a 3m wide minimum landscaped strip, excluding access, running parallel with the road boundary.</u>
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RDI	Any activity that does not comply with Rule 29D.2.9. Council's discretion shall be restricted to the following matters: (a) Effects on amenity values.

29D.3 Land Use – Building

29D.3.1 Height

(1) Rule 29D.3.1.1 provides permitted heights for buildings, structure or vegetation.

29D.3.1.1 Height – Building General

PI	The maximum height of any building must not exceed 10m.
DI	Any building that does not comply Rule 29D.3.1.1 PI.

29D.3.2 Daylight admission

PI	(a) Any building must not protrude through a height control plane rising at an angle of 37 degrees commencing at an elevation of 2.5m above ground level at the site boundary where it adjoins a: (i) Residential Zone; or (ii) The boundary of Lumsden Rd or Tahuna Rd.
RDI	(a) Any building that does not comply with Rule 29D.3.2 PI. (b) The Council's discretion shall be limited to the following matters: (i) Height of building; (ii) Design and location of the building; (iii) Level of shading on an adjoining site; (iv) Privacy on other site; (v) Amenity values of the locality.

29D.3.3 Building setbacks

- (1) Rule 29D.3.4. provides the permitted building setback distances for buildings from zone boundaries.
- (2) Rule 29D.3.4.1 Building setback – zone boundaries provides permitted setback distances on any site within the business zone where the site adjoins a different zone. Different setback distances are applied based on the zone.

29D.3.3.1 Building setbacks - Zone boundaries

PI	(a) Any building must be set back at least: (i) 7.5m from rear and side boundaries adjoining the: A. Residential Zone; (ii) 1.5m from rear and side boundaries adjoining the: A. Industrial Zone. (iii) 1.5m from the road boundary of Lumsden Rd.
DI	Any building that does not comply with Rule 29D.3.3.1 PI.

29D.3.4 Infrastructure and Site Suitability

P1	All buildings must include a site-specific geotechnical assessment and be designed and constructed in accordance with it, including any necessary ground improvement works and specific foundation design.
P2	All buildings must include provision for on-lot Low Impact Design stormwater devices based on at least a two-step treatment train approach with the first step being included on the lot.
RD1	A building that does not comply with Rule 29C.3.4 P1 or P2. (b) Councils discretion shall be restricted to the following matters: (i) Extent of compliance with the Regional Infrastructure Technical Standards (RITS) (ii) Extent of compliance with any recommendations of a site-specific geotechnical assessment.

Commented [WRC & WK66]: As per comments/changes to residential

29D.4 Subdivision

- (1) Rule 29D.4.1 provides for subdivision density.
- (2) Rules 29D.4.1 and Rule 29D.4.1.1 apply across the Ohinewai Precinct Business Zone.
- (3) Rules 29D.4.1 are subject to the following subdivision controls:
 - (i) Rule 29D.4.1.3 – subdivision boundary adjustments
 - (ii) Rule 29D.4.1.7 – subdivision road frontage

29D.4.1 General subdivision

RD1	(a) Subdivision of land must comply with all of the following conditions: (i) Proposed lots must have a minimum size of 225m ² net site area with the exception of access or utility allotments or reserves to vest; (ii) Proposed lots must be connected to public-reticulated water supply and wastewater. (iii) Subdivision must be in accordance with the <u>Ohinewai Structure Plan</u> . (iii) All subdivision applications must include lighting design that is sensitive to bat habitat in accordance with any recommendations in any ERMP. (iv) Subdivision must be staged in accordance with Table 29B.1 and the Staging Plan (Dwg No PI9-176-00-1040-SK). All subdivision applications must include details of infrastructure to be constructed or upgraded prior to s224c RMA approval of any lots in that stage and must be in accordance with the Staging Plan. (v) Any subdivision to create additional lots must include an Integrated Transport Assessment (ITA) that assesses the levels of traffic generation from the development, confirms the staging and timing of transport infrastructure upgrades specified in Table 29B.1 and recommends any necessary mitigation measures. (b) The Council's discretion shall be limited to the following matters: (i) amenity values; (ii) the extent to which a range of business activities provided for can be accommodated. (iii) road network safety and efficiency, particularly at peak traffic times.
DI	Subdivision that does not comply with a condition in Rule 29D.4.1 RD1.

Commented [WRC & WK67]: As per previous comments, the requirement for an ITA should not be based on numbers of lots or subdivision of lots but rather it should be based on likely trip generation which will be determined taking into account the nature of the land use and the scale of the activity associated with that land-use, as opposed to the number of lots on which the activity is located.

<u>D2</u>	<u>Any subdivision that is not in accordance with the Staging Plan (Dwg No P19-176-00-1040-SK) or the infrastructure upgrades in Table 29B.1, excluding Rule 29B.1.2 (b) or (c).</u>
<u>NC1</u>	<u>Any subdivision that is not in accordance with the Ohinewai Structure Plan.</u>
<u>NC2</u>	<u>Any subdivision that does not comply with Rule 29B.1.2 (b) or (c) in Table 29B.1 (bulk main connections to Huntly Wastewater Treatment Plant and Water Treatment Plant).</u>

Commented [WRC & WK68]: Note that our changes to include the staging and infrastructure table as part of the OSP. Accordingly, these rules can be rationalised.

29D.4.2 Subdivision – Boundary adjustments

CI	<p>(b) Boundary adjustments must comply with the following:</p> <p>(i) the conditions specified in:</p> <p>A. Rule 29D.4.1 (Subdivision - General).</p> <p>(ii) Proposed lot must not generate any additional building infringements to those which legally existed prior to the boundary adjustment.</p> <p>(b) The Council's control shall be limited to the following matters:</p> <p>(i) Subdivision layout;</p> <p>(ii) Shape of title and variation in title size.</p>
DI	Boundary adjustment that does not comply with Rule 29D.4.2 CI.

29D.4.3 Subdivision - Road frontage

RDI	<p>(a) Subdivision of land with a road frontage must provide:</p> <p>(i) A width along the road boundary of at least 15m; and</p> <p>(b) Rule 29D.4.1.6 (a)(i) (a) does not apply to a proposed access allotment or utility allotment.</p> <p>(c) The Council's discretion shall be limited to the following matters:</p> <p>(ii) Road efficiency and safety;</p> <p>(iii) Amenity and streetscape.</p>
DI	Subdivision that does not comply with Rule 29D.4.1.6 RDI.

29D.4.4 – Landscape Concept

RDI	<p>All subdivision applications must include a Landscape Concept Plan that includes the following:</p> <p>(a) <u>Landscape concept design for all areas of open space and stormwater management areas;</u></p> <p>(b) <u>Details of landscape treatment of streets, footpaths and cycleways;</u></p> <p>(c) <u>Details of plant types and species including eco-sourcing of plants from within the Meremere Ecological District;</u></p> <p>(d) <u>Use of indigenous species and landscape design that reflects cultural perspectives including food gathering species and those that support habitat for mahinga kai, indigenous birds and lizards;</u></p> <p>(e) <u>Details of ongoing maintenance plans to ensure the planting achieves acceptable establishment, survival and canopy closure targets;</u></p> <p>(f) <u>Identification of areas for public access and any areas that are not public and the legal mechanisms to secure and maintain public access;</u></p> <p>(g) <u>Details of any commemorative or other interpretation material communicating the history and significance of places and resources;</u></p> <p>(h) <u>Details of any tangata whenua inspired artwork or features;</u></p> <p>(i) <u>Evidence of consistency with any Ecological Rehabilitation and Management Plan;</u></p> <p>(j) <u>Evidence of consistency with the Waikato District Council Park Strategy 2014, the Urban Design Guidelines: Town Centres, 2018; and</u></p> <p>(k) <u>Evidence of engagement with tangata whenua in preparation of the landscape concept plan, including how the outcomes of that engagement have been addressed.</u></p> <p><u>Council's discretion shall be restricted to the following matters:</u></p>
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	<p>i) <u>effects on amenity values;</u> ii) <u>extent of consistency with any Ecological Rehabilitation and Management Plan;</u> iii) <u>extent of consistency with the Waikato District Council Park Strategy 2014 and the Urban Design Guidelines: Town Centres, 2018.</u></p> <p>iv) <u>quantity, distribution and spacing of landscape planting and extent to which it will mitigate landscape, visual and amenity effects.</u></p> <p>v) <u>adequacy of maintenance plans.</u></p> <p>vi) <u>extent of provision for public access and legal instruments to implement it.</u></p> <p>vii) <u>extent of recognition of cultural values</u></p>
DI	A subdivision application that does not include one or more of the items in 29D.4.4 RD1.

29D.4.5 – Subdivision – Stormwater Management

RD1	<p>All applications for subdivision must be accompanied by a stormwater management report and plans. The report and plans must:</p> <p>(a) <u>describe how the plans comply with any relevant discharge consent;</u> (b) <u>identify overland flow paths;</u> (c) <u>describe the nature and extent of any off-site stormwater management devices and how these devices are to be delivered if they are on land outside the application site including identification of land areas that are to be allocated to open space to maintain their stormwater function and the methods of protection of them for that purpose;</u> (d) <u>if stormwater devices are to be located below 8.0m RL, describe how these devices are to be designed to be resilient to flood-related damage while not exacerbating flood risks for upstream or downstream activities.</u></p> <p><u>Council’s discretion shall be restricted to the effects of any inconsistency with any discharge consent and the methods of accessing and maintaining stormwater devices.</u></p>
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Commented [WRC & WK69]: See previous comments in residential section

29D.4.6 – Subdivision – Building platform

RD3	<p>Every lot, other than one designed specifically for access or as a utility allotment must have a building platform that is above 8.3m RL (ground level).</p> <p><u>Council’s discretion is restricted to avoidance or mitigation of natural hazards.</u></p>
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29E Ohinewai Precinct Industrial Zone

- (1) The rules that apply to activities in the Ohinewai Precinct Industrial Zone are contained in Rule 29E.1 Land Use – Activities, Rule 29E.2 Land Use – Effects and Rule 29E.3 Land Use – Building.
- (2) The rules that apply to subdivision in the Ohinewai Precinct Industrial Zone are contained in Rule 29E.4.
- (3) The activity status tables and standards in the following chapters also apply to activities in the Ohinewai Precinct Industrial Zone:

29B Infrastructure and Energy;

~~In this section the term 'In accordance with the Ohinewai Structure Plan' refers to the Structure Plan (1805_012a RevK) and the Business Area Structure Plan (1805_012b Rev F), and means:~~

- ~~— That the location and function of access points to the existing road network must be complied with;~~
- ~~— Except as required by a) above, strict compliance with the location of the internal road network and shared path network is not required, provided the functions of the networks are complied with;~~
- ~~— Strict compliance with the location of buildings and community infrastructure is not required as their locations are indicative;~~
- ~~— The areas of open space must be provided but their boundaries are indicative;~~

Commented [WRC & WK70]: Addressed above

- (3)(4) The following symbols are used in the tables:

- (a) PR Prohibited activity
- (b) P Permitted activity
- (c) C Controlled activity
- (d) RD Restricted discretionary activity
- (e) D Discretionary activity
- (f) NC Non-complying activity

29E.1 Land Use – Activities

29E.1.1 Restricted Discretionary Activities

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

Activity		Matters of Discretion
<u>RD1</u>	Industrial activity <u>that meets the following condition:</u> (a) <u>It is in accordance with the Ohinewai Structure Plan.</u>	Councils discretion shall be limited to the following; (a) <u>when viewed from any public space, the building creates visual interest through articulation, roof form, minimal blank walls, and variations;</u> (b) <u>ancillary offices and ancillary retail buildings are set forward of any storage or warehouse buildings and address the street;</u> (c) <u>storage areas are screened when viewed from any public place;</u>
<u>RD2</u>	Trade and industry training activity <u>that meets the following condition:</u> (a) <u>It is in accordance with the Ohinewai Structure Plan</u>	
<u>RD3</u>	Truck stop for refueling <u>that meets the following condition:</u>	

	(a) <u>It is in accordance with the Ohinewai Structure Plan</u>	(d) <u>any carparking which is forward of the building has sufficient landscaped areas;</u>
RD4	Office ancillary to an industrial activity that meets the following conditions: (a) Less than 100m ² gfa; or (b) Does not exceed 30% of all buildings on the site; and (c) <u>It is in accordance with the Ohinewai Structure Plan</u>	(e) <u>soft landscaping is concentrated along public space boundaries, with species selected to complement the scale of the building;</u> (f) <u>signage is clearly visible from the street;</u> (g) The extent to which the development is consistent with Town Centre Guidelines contained in Appendix 29.3;
RD5	Food outlet that meets the following conditions: (a) Less than 200m ² gfa. (b) <u>It is in accordance with the Ohinewai Structure Plan</u>	(h) <u>The extent to which the development is consistent with the Ohinewai Structure Plan;</u> (i) <u>The safety and efficiency of any private vehicle access.</u> (j) <u>Avoidance or mitigation of natural hazards.</u>
RD6	Ancillary retail that meets the following conditions: (a) That does not exceed 10% of all buildings on the site. (b) <u>It is in accordance with Ohinewai Structure Plan</u>	(k) <u>Geotechnical suitability for building, including liquefaction and settlement risks and adequacy of any ground improvements.</u> (l) <u>Effects on the safety and efficiency of the transport network as set out in any ITA prepared in accordance with Rule 29E.2.8.</u>

Commented [WRC & WK74]: If a truckstop for refuelling is to be incorporated into the industrial area, then provisions relating to the management of hazardous substances, spill contingency etc should be provided to ensure that the sensitive receiving environments are protected.

Commented [WRC & WK71]: This is not an assessment criterion. The criterion should be the visibility of signage – noting that visibility from the expressway is not desirable

Commented [WRC & WK72]: This is redundant – the activities are required to be consistent with the OSP

Commented [WRC & WK75]: Has this level of potential retail been assessed as being appropriate for Ohinewai?

Commented [WRC & WK73]: As per previous comments re ITA

29E.1.2 Discretionary Activities

(a) The activities listed below are discretionary activities.

D1	Any restricted discretionary activity that does not comply with an activity specific condition in Rule 29E.1.1.
D2	Any activity that does not comply with Land Use - Effects Rule 29E.2 or Land Use - Building Rule 29E.3 unless the activity status is specified as controlled, restricted, discretionary or non-complying.
D3	A waste management facility
D4	Hazardous waste storage, processing or disposal
D5	An extractive industry
D6	An office
D7	A retail activity

Commented [WRC & WK76]: Should any additional retail be NCA

Commented [WRC & WK77]: These activities should be considered to be 'not in accordance with the OSP' and hence NCA.

29E.1.3 Non-Complying Activities

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

NC1	Any activity that is not listed as a restricted discretionary or discretionary activity.
NC2	<u>Any activity that is not in accordance with the Ohinewai Structure Plan.</u>

29E.2 Land Use - Effects

29E.2.1 Servicing and hours of operation

PI	Servicing and operation of an industrial activity adjoining any Residential Zone may load or unload vehicles or receive customers or deliveries between 7.30am and 6.30pm.
RDI	(a) Servicing and operation of an industrial activity that does not comply with Rule 29E.2.1.PI.

	<p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) effects on amenity values; (ii) distance to the nearest residential activity; (iii) nature and frequency of the after hours activity; (iv) noise, lighting and glare; and (v) type of vehicles involved.
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29E.2.2 Landscape planting

PI	(a) Any activity on a lot that has a side and/or rear boundary adjoining any Residential Zone shall provide a 3m wide landscaped strip running parallel with the side and/or rear boundary.
P2	(a) <u>A 3m wide landscaped strip, excluding accesses, must be provided on the road boundary of any site, except where a different requirement is included in Rule P3 below.</u>
P3	<ul style="list-style-type: none"> (a) <u>Any activity on a lot that fronts Lumsden Road must provide a 15m wide landscaped strip adjoining the road boundary, excluding accesses.</u> (b) <u>Any activity that fronts Balemi Road must provide an 8m wide landscaped strip along the road boundary, excluding accesses.</u> (c) <u>Planting required by (a), (b) and (c) above must include species capable of reaching a minimum height of 5m within 5 years that are capable of substantially screening development.</u>
RDI	<ul style="list-style-type: none"> (a) Any activity that does not comply with Rule 29E.2.2 PI-P3. (b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> (i) adequacy of the width of landscaped strip; (ii) type, density and height of plantings conducive to the location; (iii) maintenance measures; (iv) amenity values.

29E.2.3 Noise

- (1) Rule 29E.2.3.1 Noise – General provides permitted noise levels in the **Ohinewai Precinct Industrial Zone**.
- (2) Rule 29E.2.3.2 Noise – Construction provides the noise limits for construction activities.

29E.2.3.1 Noise – General

PI	Noise generated by emergency generators and emergency sirens.
P2	<ul style="list-style-type: none"> (a) Noise measured within any other site: <ul style="list-style-type: none"> (i) In an Industrial Zone must not exceed: <ul style="list-style-type: none"> A. 75dB (L_{Aeq}) 7am to 10pm; and B. 55dB (L_{Aeq}) and 85dB (L_{Amax}) 10pm to 7am the following day.
P3	(a) Noise measured within any site in any zone other, than the Industrial Zone and the Heavy Industrial Zone, must meet the permitted noise levels for that zone.
P4	<ul style="list-style-type: none"> (a) Noise levels must be measured in accordance with the requirements of NZS 6801:2008 "Acoustics Measurement of Environmental Sound". (b) Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 "Acoustics Environmental noise".
P5	<p><u>Noise measured at the notional boundaries of the dwellings on Lots 1-3 DP 4743475 existing as at 1 September 2020 must not exceed:</u></p> <ul style="list-style-type: none"> (a) <u>55dB (L_{Aeq}), 7am to 7pm every day</u> (b) <u>50dB (L_{Aeq}), 7pm to 10pm every day</u> (c) <u>45dB (L_{Aeq}), and 75dB (L_{Amax}), 10pm to 7am the following day.</u>

	<p>Noise levels shall be measured in accordance with the requirements of NZS 6801:2008 Acoustics – Measurement of Environmental Sound; and</p> <p>Noise levels shall be assessed in accordance with the requirements of NZS 6802:2008 Acoustics – Environmental noise.</p>
D2	Noise that does not comply with Rule 29E.2.3.1 P2, P3, P4 or P5.

29E.2.3.2 Noise – Construction

PI	<p>(a) Construction noise must meet the limits in NZS 6803:1999 (Acoustics – Construction Noise);</p> <p>(b) Construction noise must be measured and assessed in accordance with the requirements of NZS6803:1999 ‘Acoustics – Construction Noise’.</p>
RDI	<p>(a) Construction noise that does not comply with Rule 29E.2.3.2 PI.</p> <p>(b) Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) effects on amenity values; (ii) hours and days of construction; (iii) noise levels; (iv) timing and duration; and (v) methods of construction.

29E.2.4 Glare and Artificial Light Spill

PI	Glare and artificial light spill must not exceed 10 lux measured horizontally and vertically within any other site.
RDI	<p>(c) Illumination that does not comply with Rule 29E.2.4 PI.</p> <p>(d) Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (xiii) effects on amenity values; (xiv) light spill levels on another site; (xv) road safety; (xvi) duration and frequency; (xvii) location and orientation of the light source; and (xviii) mitigation measures.

29E.2.5 Earthworks

(1) Rule 29E.2.5.1 Earthworks - General provides the permitted rules for earthwork activities in the [Ohinewai Precinct](#) Industrial Zone.

29E.2.5.1 Earthworks – General

PI	<p>(a) Earthworks (excluding the importation of fill material) within a site must meet all of the following conditions:</p> <ul style="list-style-type: none"> (i) be located more than 1.5 m horizontally from any waterway, open drain or overland flow path; (ii) not exceed a volume of more than 250m³; (iii) not exceed an area of more than 1000m² over any consecutive 12 month period; (iv) the total depth of any excavation or filling does not exceed 1.5m above or below ground level; (v) the slope of the resulting cut, filled areas or fill batter face in stable ground, does not exceed a maximum of 1:2 (1 vertical to 2 horizontal);
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Commented [WRC & WK78]: As per previous comment

	<ul style="list-style-type: none"> (vi) earthworks are set back 1.5m from all boundaries; (vii) areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks; (viii) sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; and (ix) do not divert or change the nature of natural water flows, water bodies or established drainage paths.
<p>RD1</p>	<p>Earthworks that do not comply with Rule 29E.2.5.1 PI are a restricted discretionary activity and must include an Ecological Rehabilitation and Management Plan (ERMP) that includes the following:</p> <ul style="list-style-type: none"> (a) An indigenous fish management plan, including: <ul style="list-style-type: none"> (i) a summary of fish habitat and species present; (ii) a summary of planned works, permitting requirements, timing of works, procedures for dealing with pest fish, procedures for capturing and relocating indigenous fish prior to and during works and identification of indigenous fish release sites; (iii) roles and responsibilities of parties and their reporting requirements; (iv) any specific mitigation measures; and (v) a monitoring programme to enable an assessment of the success of any mitigation measures, including any translocations. (b) A bat management plan that includes vegetation removal protocols and recommendations for any planting of trees and/or installation of artificial bat roost boxes for bat habitat; (c) An ecological restoration plan for any parts of the site that are to be converted to wetlands for stormwater management or amenity purposes, including habitat creation and enhancement and planting and pest plant control; (d) A predator control programme including: <ul style="list-style-type: none"> (i) An overarching goal of contributing to the restoration and enhancement of indigenous biodiversity within the site, and therefore indirectly within the adjacent Rotokawau Reserve; (ii) Objectives of increasing Ohinewai Structure Plan occupants' awareness of predator threats, and the need for predator control, including control of domestic cats and dogs, to reduce the threat of predation on indigenous fauna; (iii) A predator control strategy designed to achieve the above goal and objectives; and (iv) A monitoring programme to ensure the objectives are being achieved and predator populations are being suppressed sufficiently to achieve biodiversity gains; (e) Provisions for ongoing management and maintenance of wetland areas; (f) A description of the proposed ecological monitoring framework; (g) Evidence of consistency with the Waikato Regional Pest Management Plan 2014-2024; and (h) Evidence of engagement with tangata whenua during preparation of the ERMP including how outcomes of that engagement have been addressed. (i) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) amenity values and landscape effects; (ii) volume, extent and depth of earthworks; (iii) nature of fill material; (iv) contamination of fill material; (v) location of the earthworks in relation to waterways, significant indigenous vegetation and habitat; (vi) compaction of the fill material; (vii) volume and depth of fill material; (viii) protection of the Hauraki Gulf Catchment Area; (ix) geotechnical stability including liquefaction and settlement risks and adequacy of any ground improvements; (x) flood risk, including natural water flows and established drainage paths; and (xi) land instability, erosion and sedimentation. (xii) proximity to underground services and service connections. (xiii) The nature and extent of ecological mitigation measures and any residual ecological effects. (xiv) The extent to which any post-earthworks mitigation measures are required and the methods for implementing them.

Commented [WRC & WK79]: As per previous comment

Commented [WRC & WK80]: As per previous comments

NCI	Earthworks that are not in accordance with the Ohinewai Structure Plan.

29E.2.6 Hazardous Substances

P1	(b) The use, storage or disposal of any hazardous substance where: (ii) the aggregate quantity of a hazardous substance of any hazard classification on a site is less than the quantity specified for the Industrial Zone in Table 5I contained within Appendix 5 (Hazardous Substances).
P2	(b) The storage or use of radioactive materials is: (iii) an approved equipment for medical and diagnostic purposes; or (iv) specified as an exempt activity or article in the Radiation Safety Act and Regulations 29E17.
CI	(iv) The storage of the following maximum volumes of fuel for retail sale within a service station: (i) 100,000 litres of petrol in underground storage tanks; (ii) 50,000 litres of diesel in underground storage tanks; and (iii) 6 tonnes of LPG (single vessel storage). (v) Council shall reserve its control over the following matters: (i) The proposed site design and layout in relation to: A. the sensitivity of the surrounding natural, human and physical environment; potential hazards and exposure pathways arising from the proposed facility, including cumulative risks with other facilities; B. interaction with natural hazards (flooding, instability), as applicable. proposed emergency management planning (spills, fire and other relevant hazards); (ii) Procedures for monitoring and reporting of incidents.
DI	The use, storage or disposal of any hazardous substances that does not comply with Rule 29E.2.6 P1, P2 or CI.

Commented [WRC & WK81]: As per previous comment
Note that as the industrial area is to contain a Major Hazard Facility – those provisions are relevant.

29E.2.7 Signs

- (1) Rule 29E.2.7.1 Signs – General provides permitted standards for any sign, including a real estate sign, across the [Ohinewai Precinct](#) Industrial Zone.
- (2) Rule 29E.2.7.2 Signs – Effects on traffic applies to specific standards for a sign directed at road users.

29E.2.7.1 Signs – General

P1	A public information sign erected by a government agency.
P2	<p>(a) A sign must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) The sign height does not exceed 10m; (ii) The sign is wholly contained on the site; (iii) An illuminated sign must: <ul style="list-style-type: none"> A. not have a light source that flashes or moves; and B. not contain moving parts or reflective materials; and <p>(b) Where the sign is attached to a building, it must:</p> <ul style="list-style-type: none"> (i) not extend more than 300mm from the building wall; and (ii) not exceed the height of the building; <p>(c) Where the sign is a freestanding sign, it must:</p> <ul style="list-style-type: none"> (i) not exceed an area of 3m² for one sign per site, and 1 m² for any other freestanding sign on the site; and (ii) be set back at least 5m from the boundary of any site a Residential, Village or Country Living Zone; <p>(d) The sign relates to:</p> <ul style="list-style-type: none"> (i) goods or services available on the site; or (ii) a property name sign.
P3	<p>(a) A real estate 'for sale' sign must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) The sign relates to the sale of the site on which it is located; (ii) There is no more than 1 sign per agency; (iii) The sign is not illuminated; (iv) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; (v) The sign does not project into or over road reserve.
RDI	<p>(a) A sign that does not comply with Rules 29E.2.7.1 P2 or P3.</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> (i) visual amenity; (ii) character of the locality; (iii) effects on traffic safety; (iv) glare and artificial light spill; and (v) content, colour and location of the sign.

29E.2.7.2 Signs – effects on traffic

PI	<p>(a) Any sign directed at road users must:</p> <ul style="list-style-type: none"> (i) Not imitate the content, colour or appearance of any traffic control sign; and (ii) Be located at least 60m from controlled intersections, pedestrian crossings and another advertising sign; and (iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections; and (iv) Contain no more than 40 characters and no more than 6 symbols; and (v) Have lettering that is at least 150mm high; and (vi) Be at least 130m from a site entrance, where the sign directs traffic to the entrance.
DI	Any sign that does not comply with Rule 29E.2.7.2 PI.

29E.2.8 Outdoor storage

PI	<p>(a) Outdoor storage of goods or materials must comply with all the following conditions:</p> <ul style="list-style-type: none"> (i) be associated with the activity operating from the site; (ii) not encroach on required parking or loading areas; (iii) not exceed a height of 9m; (iv) not exceed 30% site coverage; (v) be set back at least 3m from the boundary of any: <ul style="list-style-type: none"> A. public road; B. Residential Zone; and (vi) be screened from any public road, public reserve and adjoining site in another zone, by the following: <ul style="list-style-type: none"> A. a landscaped strip consisting of plant species that achieve a minimum height of 1.8m at maturity; or B. a close-boarded or solid fence or wall to a height of 1.8m.
RDI	<p>(a) Outdoor storage of goods or materials that does not comply with Rule 29E.2.8 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) visual amenity; and (ii) traffic safety.

29E.2.8 Traffic Effects

PI	<p><u>All applications for development must include an Integrated Transport Assessment (ITA) that assesses the level of traffic generation from the development, confirms the staging and timing of transport infrastructure upgrades specified in Table 29B.1 and recommends any necessary mitigation measures.</u></p> <p><u>Council's discretion shall be restricted to the following matters:</u></p> <ul style="list-style-type: none"> (c) <u>Road network safety and efficiency, particularly at peak traffic times.</u> (d) <u>Requirements for staging and timing of transport infrastructure improvements as set out in Table 29B.1.</u> (e) <u>The extent of any transport upgrades required other than those in Table 29B.1, and their staging and timing.</u> (f) <u>Safety of design for vehicles and pedestrians.</u> (g) <u>Mitigation measures such as travel planning and providing alternatives to private vehicle trips.</u>
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Commented [WRC & WK82]: As per previous comments.
Also, this should be RD not a PA –there are matters of discretion

29E.2.9 Infrastructure and Site Suitability

PI	All development must be designed and constructed in accordance with the recommendations of a site-specific geotechnical assessment and include any necessary ground improvement works and specific foundation design.
P2	All development must include provision for Low Impact Design stormwater devices based on at least a two-step treatment train approach with the first step being included on the industrial lot.
RDI	Any development that does not comply with Rule 29E.2.9 PI or P2 (c) Councils discretion shall be restricted to the following matters: (iii) <u>Extent of compliance with the Regional Infrastructure Technical Standards (RITS).</u> (iv) <u>Extent of compliance with any recommendations of a site-specific geotechnical assessment.</u>

29E.3 Land Use - Building

(I) Rule 29E.3.1 provides permitted heights for buildings.

29E.3.1 Building height

PI	(a) The maximum height of a building must not exceed: (i) <u>17.5m</u>
RDI	(a) Any building that does not comply with Rule 29E.3.1 PI. (b) Council's discretion is restricted to the following matter: (i) effects on amenity.

29E.3.2 Daylight Admission

PI	(a) A building, structure, sign, or any stack or stockpile of goods or materials must not protrude through a height control plane rising at an angle of: (i) 45 degrees commencing at an elevation of 2.5m above ground level at any boundary of the Industrial Zone with any other zone; (ii) 37 degrees commencing at an elevation of 2.5m above ground level at any boundary of the Industrial Zone with any other zone between south-east or south-west of the building or stockpile. (iii) <u>30 degrees commencing at an elevation of 2.5m above ground level at any boundary along Lumsden Road.</u>
RDI	(a) A building, structure, sign, or any stack or stockpile of goods or materials that does not comply with Rule 29E.3.2 PI. (b) Council's discretion is restricted to the following matter: (i) effects on amenity.

29E.3.4 Building setbacks

(I) Rule 29E.3.4.1 provides the permitted building setbacks from boundaries

29E.3.4.1 Building setbacks

PI	(a) A building must be set back at least: (i) 5m from a road boundary; (ii) 7.5m from any other boundary where the site adjoins another zone, and (iii) <u>1.5m from the boundary of Lumsden Road.</u>
RDI	(a) A building that does not comply with Rule 29E.3.4.1 PI. (b) Council's discretion is restricted to the following matters: (i) effects on amenity values; (i) effects on streetscape; (ii) traffic and road safety.

29E.4 Subdivision

- (1) Rule 29E.4.1 – General provides for subdivision density.
- (2) Other subdivision provisions are contained in:
 - (a) Rule 29E.4.2 – Boundaries for Records of Title
 - (b) Rule 29E.4.3 – Road Frontage

29E.4.1 Subdivision - General

RDI	(a) Subdivision must comply with all of the following conditions: (i) proposed lots must have a minimum net site area of 1000m ² ; (ii) proposed lots must have an average area of at least 2000m ² ; and (iii) no more than 20% rear lots are created. (iv) <u>All subdivision must be in accordance with the Ohinewai Structure Plan</u> (v) <u>All lots must have building platforms that are above 8.3mRL (ground level).</u> (vi) <u>Subdivision must be staged in accordance with Table 29B.1 and the Staging Plan (Dwg No P19-176-1040-SK). All subdivision applications must include details of infrastructure that is to be constructed or upgraded prior to s224c approval of any lots in that stage and must be in accordance with the Staging Plan.</u> (vii) <u>All subdivision applications must include lighting design that is sensitive to bat habitat in accordance with any recommendations in any ERMP.</u> (vi) <u>Any subdivision must include an Integrated Transport Assessment (ITA) that assesses the levels of traffic generation from the development, confirms the staging and timing of transport infrastructure upgrades specified in Table 29B.1 and recommends any necessary mitigation measures.</u> (b) <u>The Council's discretion shall be limited to the following matters:</u> (i) <u>amenity values;</u> (ii) <u>the extent to which a range of business activities provided for can be accommodated.</u> (iii) <u>road network safety and efficiency, particularly at peak traffic times.</u>
D1	<u>Subdivision that does not comply with a condition in Rule 29C.4.1 RDI.</u>
D2	<u>Any subdivision that is not in accordance with the Staging Plan (Dwg No P19-176-00-1040-SK) or the infrastructure upgrades in Table 29B.1, excluding Rule 29B.1.2 (b) or (c).</u>
NC1	<u>Any subdivision that is not in accordance with the Ohinewai Structure Plan.</u>
NC2	<u>Any subdivision that does not comply with Rule 29B.1.2 (b) or (c) in Table 29B.1 (bulk main connections to Huntly Wastewater Treatment Plant and Water Treatment Plant).</u>

Commented [WRC & WK83]: As per previous comments re ITAs

Commented [WRC & WK84]: As per previous comments

29E.4.2 Subdivision – Boundaries for Records of Title

RDI	<p>(a) Any boundary of a proposed lot must be located so that:</p> <ul style="list-style-type: none"> (i) existing buildings comply with the permitted activity rules relating to setbacks and daylight admission, except to the extent of any non-compliance that existed lawfully prior to the subdivision; and (ii) no contaminated land, heritage item, archaeological site, or wetland is divided between any proposed lot. <p>(b) Council's discretion is restricted to:</p> <ul style="list-style-type: none"> (i) amenity; (ii) effects on contaminated land; (iii) effects on any wetland; (iv) the extent to which a range of future industrial activities can be accommodated.
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29E.4.3 Subdivision - Road Frontage

RDI	<p>(a) Any proposed lot must have a road frontage of least 15m.</p> <p>(b) Rule 29E.4.3 (a) does not apply to any proposed rear lot or to a proposed access allotment.</p> <p>(c) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) traffic effects; and (ii) amenity and streetscape.
DI	<u>Subdivision that does not comply with Rule 29E.4.3 RDI</u>

29E.4.4 Subdivision – Landscape Concept

RDI	<p>All subdivision applications must include a Landscape Concept Plan that includes the following:</p> <ul style="list-style-type: none"> (a) <u>Landscape concept design for all areas of open space and stormwater management areas;</u> (b) <u>Details of landscape treatment of streets, footpaths and cycleways;</u> (c) <u>Details of planting adjacent to Tahuna Road to screen views of industrial buildings.</u> (d) <u>Details of plant types and species including eco-sourcing of plants from within the Meremere Ecological District;</u> (e) <u>Use of indigenous species and landscape design that reflects cultural perspectives including food gathering species and those that support habitat for mahinga kai, indigenous birds and lizards;</u> (f) <u>Details of ongoing maintenance plans to ensure the planting achieves acceptable establishment, survival and canopy closure targets;</u> (g) <u>Identification of areas for public access and any areas that are not public and the legal mechanisms to secure and maintain public access;</u> (h) <u>Details of any commemorative or other interpretation material communicating the history and significance of places and resources;</u> (i) <u>Details of any tangata whenua inspired artwork or features;</u> (j) <u>Evidence of consistency with any Ecological Rehabilitation and Management Plan; and</u> (k) <u>Evidence of engagement with tangata whenua in preparation of the landscape concept plan, including how the outcomes of that engagement have been addressed.</u> <p><u>Council's discretion shall be restricted to the following matters:</u></p> <ul style="list-style-type: none"> <u>i) effects on amenity values;</u> <u>ii) extent of consistency with any Ecological Rehabilitation and Management Plan;</u> <u>iii) extent of consistency with the Waikato District Council Park Strategy 2014 and the Urban Design Guidelines: Town Centres, 2018.</u> <u>iv) quantity, distribution and spacing of landscape planting and extent to which it will mitigate landscape, visual and amenity effects.</u>
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	<p>v)adequacy of maintenance plans.</p> <p>vi)extent of security and certainty of public access.</p> <p>vii)extent of recognition of cultural values</p>
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29E.4.4 Subdivision – Stormwater Management

RDI	<p>All applications for subdivision must be accompanied by a stormwater management report and plans. The report and plans must:</p> <ul style="list-style-type: none">(a) describe how the plans comply with any relevant discharge consent;(b) identify overland flow paths;(c) describe the nature and extent of any off-site stormwater management devices and how these devices are to be delivered if they are on land outside the application site including identification of land areas that are to be allocated to open space to maintain their stormwater function and the methods of protection of them for that purpose;(d) if stormwater devices are to be located below 8.05m RL, describe how these devices are to be designed to be resilient to flood-related damage while not exacerbating flood risks for upstream or downstream activities. <p>Council's discretion shall be restricted to the effects of any inconsistency with any discharge consent and the methods of accessing and maintaining stormwater devices.</p>
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Commented [WRC & WK85]: As per previous comments

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