

# Chapter 28: Rangitahi Peninsula Zone

## Proposed Waikato District

### Plan Stage I

(Rebuttal recommended amended  
version)

Recommended amendments in response to  
submissions shown in red underline and ~~strikeout~~

Rebuttal is shown in blue underline and ~~strikeout~~

# Waikato



DISTRICT COUNCIL

*Te Kaunihera aa Takiwaa o Waikato*

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## Chapter 28: Rangitahi Peninsula Zone

- (1) The rules that apply to activities in the Rangitahi Peninsula zone are contained in [Rule 28.1](#) Land Use – Activities, [Rule 28.2](#) Land Use – Effects and [Rule 28.3](#) Land Use – Building.
- (2) The activity status tables and standards in the following chapters also apply to activities in the Rangitahi Peninsula zone:
  - 14 Infrastructure and Energy;
  - 15 Natural Hazards (Placeholder).
- (3) 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
- (4) The rules providing for subdivision in the Rangitahi Peninsula Zone are contained in [Rule 28.4](#) and the relevant rules in 14 Infrastructure and Energy; and 15 Natural Hazards and Climate Change (Placeholder).<sup>1</sup>

### 28.1 Land Use – Activities

- (1) The following activities are permitted activities if they comply with all of the:
  - (a) Land Use - Effects rules in [Rule 28.2](#) (except for P7);
  - (b) Land Use – Building rules in [Rule 28.3](#) (except for P7);
  - (c) Activity specific conditions.

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<sup>1</sup> Waikato District Council [697.423]  
Proposed District Plan (Stage 1)  
(Rebuttal recommended amended version)

### 28.1.1 Specific Activities – Permitted Activities

(I) The activities listed below are permitted activities.

Activity		Conditions
P1	Residential activity	<p><del>(a) An activity that is in accordance with the Rangitahi Peninsula Structure Plan (Appendix 8); and<sup>2</sup></del></p> <p>(b) Is located within Plan 1 Structure Plan Area - Development Precincts shown on the Rangitahi Peninsula Structure Plan (Appendix 8) or any approved subdivision;<sup>3</sup></p>
P2	A temporary event	<p><del>(a) An activity that is in accordance with the Rangitahi Peninsula Structure Plan (Appendix 8); and</del></p> <p>(b) Is located within Plan 1 Structure Plan Area - Development Precincts shown on the Rangitahi Peninsula Structure Plan (Appendix 8) or any approved subdivision; and</p> <p>(c) The event occurs no more than 3 times per calendar year; and</p> <p>(d) It operates between 7.30am to 8:30pm Monday to Sunday; and</p> <p>(e) Temporary structures are:</p> <p>(f) Erected no more than 2 days before the event occurs; and</p> <p>(g) Removed no more than 3 days after the end of the event; and</p> <p>(h) The site is returned to its original condition no more than 3 days after the end of the event; and</p> <p>(i) There is no direct site access from a national route or regional arterial road.</p>
P3	A home occupation	<p><del>(a) An activity that is in accordance with the Rangitahi Peninsula Structure Plan (Appendix 8); and</del></p> <p>(b) Is located within Plan 1 Structure Plan Area - Development Precincts shown on the Rangitahi Peninsula Structure Plan (Appendix 8) or any approved subdivision; and</p> <p>(c) It is wholly contained within a building; and</p> <p>(d) The storage of materials or machinery associated with the home occupation are wholly contained within a building; and</p> <p>(e) No more than 2 people who are not permanent residents of the site are employed at any one time; and</p> <p>(f) There is no unloading and loading of vehicles or the receiving of customers or deliveries before 7:30am or after 7:00pm on any day; and</p> <p>(g) There is no operation of machinery before 7:30am or after 9pm on any day.</p>
P4	A homestay	<p><del>(a) An activity that is in accordance with the Rangitahi Peninsula Structure Plan (Appendix 8); and</del></p> <p>(b) Is located within Plan 1 Structure Plan Area - Development Precincts shown on the Rangitahi Peninsula Structure Plan (Appendix 8) or any approved subdivision; and</p> <p>(c) Provides accommodation for no more than 4 temporary residents.</p>
P5	A community activity facility <sup>4</sup>	<p><del>(a) An activity that is in accordance with the Rangitahi Peninsula Structure Plan (Appendix 8); and</del></p>

<sup>2</sup> Rangitahi Limited [343.13]

<sup>3</sup> Rangitahi Limited [343.22]

<sup>4</sup> Hearing 5 recommendation to delete 'community activity' and rely on the national planning standards definition of 'community facility'.

		<p>(b) Is located within Plan 1 Structure Plan Area - Development Precincts shown on the Rangitahi Peninsula Structure Plan (Appendix 8) or any approved subdivision; and</p> <p>(c) The total gross floor area does not exceed a total of 200m<sup>2</sup> within the whole of the Rangitahi Peninsula Structure Plan Area (Appendix 8).</p>
P6	Rangitahi commercial activity <sup>5</sup> (including health facilities)	<p><del>(a) An activity that is in accordance with the Rangitahi Peninsula Structure Plan (Appendix 8); and</del></p> <p>(b) Is located within Plan 1 Structure Plan Area - Development Precincts shown on the Rangitahi Peninsula Structure Plan (Appendix 8) or any approved subdivision; and</p> <p>(c) The total gross floor area does not exceed a total of 400m<sup>2</sup> gross floor area within the whole of the Rangitahi Peninsula Structure Plan Area (Appendix 8); and</p> <p>(d) Gross floor area of each individual premise does not exceed 100m<sup>2</sup>.</p>
P7	Agricultural or horticultural activities	<p>(a) Located within Balance Lot (Farm Management) on Plan 2 in the Rangitahi Peninsula Structure Plan Area (Appendix 8);</p> <p>(b) Land Use – Effects for the Rural Zone (Rule 22.2);</p> <p>(c) Land Use - Buildings for the Rural Zone (Rule 22.3)</p>

### 28.1.2 Controlled Activities

(1) The activities listed below are controlled activities.

Activity	Conditions
C1	<p>(a) Child care facilities are a controlled activity if the following conditions are met:</p> <p>(i) Land Use- Effects in Rule 28.2; and</p> <p>(ii) Land Use – Building in Rule 28.3; and</p> <p>(iii) The site is located within the potential mixed use, potential commercial or potential tourism locations shown in Plan 5 of the Rangitahi Peninsula Structure Plan (Appendix 8).</p>

### 28.1.3 Specific Activities - 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
RD1	<p>(a) Any activity that does not comply with a condition for Rule 28.1.1(P5) or Rule 28.1.1 (P6) is a restricted discretionary activity provided that:</p>

<sup>5</sup> National planning standards definition of 'commercial activities'  
Proposed District Plan (Stage 1) 23 Rangitahi Peninsula Zone  
(Rebuttal recommended amended version)

	<p>(i) For a <b>community activity facility</b><sup>6</sup>, the <b>total gross floor area</b> within the Rangitahi Peninsula Structure Plan Area does not exceed 300m<sup>2</sup> within the whole of the Structure Plan Area.</p> <p><del>(ii)</del> For <b>Rangitahi commercial activity (including health facilities)</b>:</p> <p><del>(i)</del><b>A.</b> The total <b>gross floor area</b> does not exceed 600m<sup>2</sup> within any of the seven neighbourhoods shown on the Rangitahi Peninsula Structure Plan (<b>Appendix 8</b>), or</p> <p><del>(ii)</del><b>B.</b> The total <b>gross floor area</b> does not exceed 1000m<sup>2</sup> within the whole of the Structure Plan Area.<sup>7</sup></p>	<p>(i) Effects on the role, function, and vitality, of the Raglan town centre;</p> <p>(ii) Traffic impacts on the safety and efficiency of the road network;</p> <p>(iii) Consistency with the Rangitahi Peninsula Structure Plan (<b>Appendix 8</b>);</p> <p>(iv) Character and amenity of development within the Rangitahi Peninsula Structure Plan (<b>Appendix 8</b>).</p>									
<p>RD2</p>	<p>(a) A <b>Rangitahi</b> Comprehensive Residential Development that meets the following conditions:</p> <p>(i) The Land Use – Effects in <b>Rule 28.2</b>; and</p> <p>(ii) The Land Use – <b>Building</b> in <b>Rule 28.3</b>; and</p> <p>A. <b>Rule 28.3.3</b> (<b>Building</b> height) does not apply; and</p> <p>B. <b>Rule 28.3.7</b> (Living court) does not apply; and</p> <p>(iii) The site is located within the Comprehensive Residential Development locations shown in Plan 5 of the Rangitahi Peninsula Structure Plan (<b>Appendix 8</b>) <u>or approved subdivision consent</u><sup>8</sup>; and</p> <p>(iv) Construction or <b>alteration</b> of a <b>building</b> does not exceed 11 m height; and</p> <p>(v) A detailed site plan is provided that identifies proposed title boundaries for each residential unit and any common areas (including access and services), ensuring that a freehold (fee simple) or unit title subdivision could occur in accordance with <b>Appendix 8</b> - Rangitahi Peninsula Structure Plan; and</p> <p>(vi) The residential unit is designed and constructed to comply with Table 14 - Internal Sound Levels in <b>Appendix 1 (Acoustic Insulation)</b>; and</p> <p>(vii) A communal service court area is provided; and</p> <p>(viii) Outdoor living courts are provided to meet the following minimum requirements for each <b>residential unit</b>:</p> <table border="1" data-bbox="375 1675 938 1865"> <thead> <tr> <th><b>Duplex Dwelling</b></th> <th>Living Court Area</th> <th>Minimum Dimension</th> </tr> </thead> <tbody> <tr> <td>Studio unit or 1 bedroom</td> <td>30m<sup>2</sup></td> <td>4m</td> </tr> <tr> <td>2 bedroom</td> <td>40m<sup>2</sup></td> <td>4m</td> </tr> </tbody> </table>	<b>Duplex Dwelling</b>	Living Court Area	Minimum Dimension	Studio unit or 1 bedroom	30m <sup>2</sup>	4m	2 bedroom	40m <sup>2</sup>	4m	<p>(a) Council’s discretion is restricted to the following matters:</p> <p>(i) Adequacy of the information provided to address matters specified, and outcomes sought, within the Multi-Unit Design Guide (<b>Appendix 3.4</b>);</p> <p>(ii) The extent to which the development contributes to and engages with adjacent streets and public open space;</p> <p>(iii) The extent to which the access, car parking and garaging is integrated into the development in a way that is safe for pedestrians and cyclists;</p> <p>(iv) The extent to which the development incorporates environmental efficiency measures such as passive solar principles;</p> <p>(v) Amenity values for occupants and neighbours in respect of outlook, privacy, noise, light spill, access to sunlight, outdoor living court orientation, site design and layout;</p> <p>(vi) The extent to which staging is necessary to ensure that development is carried out in a coordinated and timely manner;</p> <p>(vii) Avoidance or mitigation of natural hazards;</p> <p>(viii) The safety and efficiency of roads due to traffic associated with the development;</p> <p>(ix) <b>Geotechnical stability for building</b>;</p>
<b>Duplex Dwelling</b>	Living Court Area	Minimum Dimension									
Studio unit or 1 bedroom	30m <sup>2</sup>	4m									
2 bedroom	40m <sup>2</sup>	4m									

<sup>6</sup> Hearing 5 recommendation to delete ‘commercial activity’ and rely on the national planning standards definition of ‘community facility’.

<sup>7</sup> Rangitahi Ltd [343.25]

<sup>8</sup> Rangitahi Ltd [343.12]

	3 bedroom	40m <sup>2</sup>	4m		(x) Consistency with (Appendix 8) Rangitahi Peninsula Structure Plan.
	<b>Apartment Building</b> Ground Level Residential Unit	Living Area	Court	Minimum Dimension	
	Studio unit or 1 bedroom	20m <sup>2</sup>		4m	
	2 bedroom	30m <sup>2</sup>		4m	
	3 bedroom	30m <sup>2</sup>		4m	
	<b>Apartment Building</b> Upper Level Residential Unit	Living Area	Court	Minimum Dimension	
	Studio unit or 1 bedroom	10m <sup>2</sup>		2m	
	2 bedroom	15m <sup>2</sup>		2m	
	3 bedroom	15m <sup>2</sup>		2m	
RD3	<p>(a) Any mixed use activity comprising of a comprehensive residential development and a Rangitahi commercial activity (including health facilities) or a community facility is a restricted discretionary activity and shall meet the conditions in Rules 28.1.1 P5-P6 and 28.1.3 RD1 and RD2;</p> <p>(b) Mixed use activities provided for under Rule RD3(a) are exempt from the requirements of Rule 28.3.6 (Accessory buildings)</p>			Council's discretion is restricted to the matters of discretion of Rules 28.1.3 RD1 (a) and RD2 (a).	

#### 28.1.4 Specific Activities - Discretionary Activities

(I) The activities listed below are discretionary activities.

D1	Any activity that does not comply with one or more conditions for a permitted activity Rule 28.1.1 P1-P4, or P7 or P6, or a controlled activity Rule 28.1.2 (a) unless a lesser activity status under the Land Use – Effects Rule 28.2 or Land Use – Building Rules 28.3 has been identified. <sup>9</sup>
D2	Child care facilities outside of potential mixed use, potential commercial or potential tourism locations shown in Plan 5 of the Rangitahi Peninsula Structure Plan (Appendix 8).
D3	Any activity that does not comply with Rule 28.1.3 RD1, RD2 or RD3.

#### 28.1.5 Non-Complying Activities

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

<sup>9</sup> Consequential changes to improve the certainty and consistency of the provisions in accordance with the submission of Rangitahi Ltd.



NCI	Any activity that is not listed as Prohibited, Permitted or Restricted Discretionary or Discretionary.
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## 28.2 Land Use – Effects

### 28.2.1 Noise

- (1) Rule 28.2.1 and Rule 28.2.2 provide the permitted noise levels for noise generated by land use activities.
- (2) Rule 28.2.2 Noise – General provides permitted noise levels across the entire Rangitahi Peninsula Zone.
- (3) Rule 28.2.3 Noise – Construction provides for permitted noise levels during construction activities.

#### 28.2.1.2 Noise – general

PI	Farming noise, and noise generated by emergency generators and emergency sirens.
P2	<p>(a) Noise measured within any other site must not exceed:<sup>10</sup></p> <ol style="list-style-type: none"> <li>(i) 50dB <math>L_{Aeq}(15min)</math> (<math>L_{Aeq}</math>), 7am to 7pm, every day, and</li> <li>(ii) 45dB <math>L_{Aeq}(15min)</math> (<math>L_{Aeq}</math>), 7pm to 10pm, every day, and</li> <li>(iii) 40dB <math>L_{Aeq}(15min)</math> (<math>L_{Aeq}</math>), 10pm to 7am the following day, and</li> <li>(iv) 65dB (<math>L_{AFmax}</math>), 10pm to 7am the following day.</li> </ol> <p>(b) Noise levels must be measured in accordance with the requirements of NZS 6801:2008 "Acoustics - Measurement of Environmental Sound."</p> <p>(c) Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 "Acoustic- Environmental noise".</p>
DI	Noise generated by any activity that does not comply with Rule 28.2.1.2 PI and P2

#### 28.2.1.3 Construction noise

PI	<p>(a) Noise generated from a construction site must meet the levels 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 28.2.1.3 PI.</p> <p>(b) Council's discretion is restricted to the following:</p> <ol style="list-style-type: none"> <li>(i) Effects on amenity values;</li> <li>(ii) Hours of construction;</li> <li>(iii) Noise levels and days;</li> <li>(iv) Timing and duration;</li> <li>(v) Methods of construction.</li> </ol>

#### 28.2.3 Glare and artificial light spill

PI	<p>(a) Illumination from glare and light spill must not exceed 10 lux measured horizontally and vertically at any other site.</p> <p>(b) Rule 28.2.3 PI does not apply to streetlights, navigation lights, traffic signals or from vehicles or equipment used in farming activities.</p>
RD1	<p>(a) Illumination from glare and light spill that does not comply with Rule 28.2.3 PI.</p> <p>(b) Council's discretion is restricted to the following:</p>

<sup>10</sup> Waikato District Health Board [923.169]  
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(Rebuttal recommended amended version)

	<ul style="list-style-type: none"> <li>(i) Effects on amenity values;</li> <li>(ii) Light spill levels on other sites;</li> <li>(iii) Road safety;</li> <li>(iv) Duration and frequency;</li> <li>(v) Location and orientation of the light source;</li> <li>(vi) Mitigation measures.</li> </ul>
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## 28.2.4 Earthworks

- (1) Rules 28.2.4.1 to 28.2.4.3 provide for permitted levels for earthworks generated by land use activities within the Rangitahi Peninsula Zone.
- (2) There are specific standards within rules:
- (3) Rule 28.2.4.1 Earthworks – General;
- ~~(4) Rule 28.2.4.2 Earthworks – Maaori Sites of Significance;<sup>11</sup>~~
- ~~(5) Rule 28.2.4.3 Earthworks – Significant Natural Areas<sup>12</sup>~~

### 28.2.4.1 Earthworks – General<sup>13</sup>

PI	<p>(a) Earthworks within a site must meet all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) Be located more than 1.5m from a public sewer, open drain, overland flow path or other service pipe;</li> <li>(ii) Not exceed a volume of more than 250m<sup>3</sup> and an area of more than 1,000m<sup>2</sup> within a site;</li> <li>(iii) The height of the resulting cut, filled areas or fill batter face in stable ground, not including any surcharge, does not exceed 2m, with a maximum slope of 1:2 (1 vertical to 2 horizontal);</li> <li>(iv) Areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;</li> <li>(v) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls;</li> <li>(vi) Do not divert or change the nature of natural water flows, water bodies or established drainage paths;</li> <li>(vii) Do not result in the site being unable to be serviced by gravity sewers.</li> </ul>
P2	<p>(a) The importation of fill material to a site must meet the following conditions, in addition to the conditions in Rule 28.2.4 PI:</p> <ul style="list-style-type: none"> <li>(i) Does not exceed a total volume of 500m<sup>3</sup> per site and a depth of 1m;</li> <li>(ii) Is fit for compaction;</li> <li>(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);</li> <li>(iv) Does not restrict the ability for land to drain;</li> <li>(v) Is not located within 1.5m of public sewers, utility services or manholes;</li> <li>(vi) The sediment from fill material is retained on the site.</li> </ul>
P3	<del>(a) Earthworks for the maintenance of existing tracks, fences or drains within Significant Natural Area</del>
RD1	<p>(a) Earthworks that do not comply with Rule 28.2.4.1 PI or P2.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Amenity values and landscape effects;</li> <li>(ii) Volume, extent and depth of earthworks;</li> <li>(iii) Nature of fill material;</li> <li>(iv) Contamination of fill material;</li> </ul>

<sup>11</sup> Hearing 20 recommends deletion

<sup>12</sup> Hearing 21A recommends deletion

<sup>13</sup> Hearing 21A recommends amendments to Rule 28.2.4.1 that are reflected here for completeness. No amendments to the rule are recommended in this s42A report.

	<ul style="list-style-type: none"> <li>(v) Location of the earthworks to waterways, significant indigenous vegetation and habitat;</li> <li>(vi) Compaction of the fill material;</li> <li>(vii) Volume and depth of fill material;</li> <li>(viii) Geotechnical stability;</li> <li>(ix) Flood risk, including natural water flows and established drainage paths</li> <li>(x) Land instability, erosion and sedimentation;</li> <li>(xi) Proximity to underground services and service connections;</li> <li>(xii) Traffic movements to and from the site;</li> <li>(xiii) Consistency with the Rangitahi Peninsula Structure Plan.</li> </ul>
<b>RD2</b>	<p><u>Earthworks in a Significant Natural Area for purposes other than the maintenance of existing tracks, fences or drains</u></p> <p><u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> <li><u>(i) The effects on the Significant Natural Area</u></li> <li><u>(ii) Land instability, erosion and sedimentation.</u></li> <li><u>(iii) The functional and operational need for the earthworks</u></li> <li><u>(iv) Volume, extent and depth of earthworks</u></li> </ul>

**28.2.4.2 Earthworks – Maaori Sites and Maaori Areas of Significance<sup>14</sup>**

<b>RD1</b>	<ul style="list-style-type: none"> <li><del>(a) Earthworks within a Maaori Site of Significance as identified in Schedule 30.3 (Maaori Site of Significance) and shown on the planning maps.</del></li> <li><del>(b) Council's discretion shall be restricted to the following matters:</del> <ul style="list-style-type: none"> <li><del>(i) location of activity in relation to the site;</del></li> <li><del>(ii) effects on heritage and cultural values.</del></li> </ul> </li> </ul>
<b>RD2</b>	<ul style="list-style-type: none"> <li><del>(a) Earthworks within a Maaori area of significance as identified in Schedule 30.4 (Maaori Area of Significance) and shown on the planning maps.</del></li> <li><del>(b) Council's discretion shall be restricted to the following matters:</del> <ul style="list-style-type: none"> <li><del>(i) location of activity in relation to the site;</del></li> <li><del>(ii) effects on heritage and cultural values.</del></li> </ul> </li> </ul>

**28.2.4.3 Earthworks – Significant Natural Areas<sup>15</sup>**

<b>PI</b>	<ul style="list-style-type: none"> <li><del>(a) Earthworks for the maintenance of existing tracks, fences or drains within an identified Significant Natural Area and must meet all of the following conditions:</del> <ul style="list-style-type: none"> <li><del>(i) Maximum volume of 50m<sup>3</sup> in a single consecutive 12 month period;</del></li> <li><del>(ii) Maximum area of 250m<sup>2</sup> in a single consecutive 12 month period; and</del></li> <li><del>(iii) Not include importing any fill material.</del></li> </ul> </li> </ul>
<b>RD1</b>	<ul style="list-style-type: none"> <li><del>(a) Earthworks that do not comply with Rule 16.2.4.3 PI.</del></li> <li><del>(b) Council's discretion shall be restricted to the following matters:</del> <ul style="list-style-type: none"> <li><del>(i) The location of earthworks in relation to waterways, significant indigenous vegetation or habitat;</del></li> <li><del>(ii) The protection of adverse effects on the Significant Natural Area values.</del></li> </ul> </li> </ul>
<b>DI</b>	<p><del>Earthworks within an identified Significant Natural Area not provided for in Rule 28.2.4.3 PI or RD1</del></p>

<sup>14</sup> Hearing 20 recommends deletion.  
<sup>15</sup> Hearing 21A recommends deletion.

## 28.2.5 Hazardous substances

PI	(a) The use, storage or disposal of any hazardous substances where: <ul style="list-style-type: none"> <li>(i) The aggregate quantity of hazardous substances of any hazard classification on a site is less than the quantity specified for the Rangitahi Peninsula Zone in Table 5.1 contained within Appendix 5 (Hazardous Substances); and</li> <li>(ii) 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 2017.</li> </ul>
CI	(a) Service station with a maximum storage for retail sale of: <ul style="list-style-type: none"> <li>(i) 100,000 litres of petrol in underground storage tanks; and</li> <li>(ii) 50,000 litres of diesel in underground storage tanks; and</li> <li>(iii) 6 tonnes of LPG (single vessel storage).</li> </ul> (b) Council's control is reserved over the following matters: <ul style="list-style-type: none"> <li>(i) The proposed site design and layout in relation to:           <ul style="list-style-type: none"> <li>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</li> <li>B. Interaction with natural hazards (flooding, instability), as applicable. proposed emergency management planning (spills, fire and other relevant hazards);</li> </ul> </li> <li>(ii) Proposed procedures for monitoring and reporting of incidents.</li> </ul>
DI	The use, storage or disposal of hazardous substances that do not comply with Rule 28.2.5 PI or CI.

## 28.2.6 Signs

- (1) Rule 28.2.6.1 Signs – general provides permitted standards for any sign, including real estate signs, across the entire Rangitahi Peninsula Zone.
- (2) Rule 28.2.6.2 Signs – effects on traffic apply specific standards for signs that are directed at road users.
- ~~(3) Rule 28.2.6.3 Signs – Heritage items and Maaori Sites of Significance provides permitted standards for signs that are attached to a heritage item or a Maaori Site of significance that are listed in Schedule No. 2. (Maaori Sites of Significance).<sup>16</sup>~~

### 28.2.6.1 Signs - General

PI	(a) A sign visible from a public place must comply with all of the following conditions: <ul style="list-style-type: none"> <li>(i) It is the only sign on the site;</li> <li>(ii) It is wholly contained on the site;</li> <li>(iii) It does not exceed 0.25m<sup>2</sup>;</li> <li>(iv) The sign height does not exceed 2m;</li> <li>(v) It is not illuminated;</li> <li>(vi) It does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials;</li> <li>(vii) It relates to:           <ul style="list-style-type: none"> <li>A. Goods or services available on the site; or</li> <li>B. It is a property name sign; or</li> <li>C. It is a public information sign erected by a public authority; or</li> <li>D. It is a temporary sign on display for no more than 3 months.</li> </ul> </li> </ul>
P2	(a) A real estate 'for sale' sign relating to the site on which it is located must not: <ul style="list-style-type: none"> <li>(i) Have more than 3 signs per site; and</li> <li>(ii) Be illuminated; and</li> </ul>

	<ul style="list-style-type: none"> <li>(iii) Contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; and</li> <li>(iv) Project into or over road reserve.</li> </ul>
RD1	<ul style="list-style-type: none"> <li>(a) A sign that does not comply with Rule 28.2.6.1 P1 or P2.</li> <li>(b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> <li>(i) Amenity values;</li> <li>(ii) Character of the locality;</li> <li>(iii) Effects on traffic safety;</li> <li>(iv) Glare and artificial light spill;</li> <li>(v) Content, colour and location of the sign.</li> </ul> </li> </ul>

### 28.2.6.2 Signs – effects on traffic

PI	<ul style="list-style-type: none"> <li>(a) Any sign directed at road users must: <ul style="list-style-type: none"> <li>(i) Not imitate the content, colour or appearance of any traffic control sign; and</li> <li>(ii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections; and</li> <li>(iii) Contain maximum 40 characters and 6 symbols; and</li> <li>(iv) Have lettering that is at least 150mm high; and</li> <li>(v) Where the sign directs traffic to a site entrance, the sign must be at least 130m from the entrance.</li> </ul> </li> </ul>
DI	Any sign that does not comply with Rule 28.2.6.2 P1.

### 28.2.6.3 Signs – Heritage items and Maaori Sites of Significance<sup>17</sup>

PI	<ul style="list-style-type: none"> <li><del>(a) A sign for the purpose of identification and interpretation attached to:</del> <ul style="list-style-type: none"> <li><del>(i) A Maaori Site of Significance listed in Schedule 30.3 (Maaori Site of Significance).</del></li> </ul> </li> </ul>
RD1	<ul style="list-style-type: none"> <li><del>(a) Any sign that does not comply with Rule 28.2.6.3 P1;</del></li> <li><del>(b) Council's discretion is restricted to the following matters:</del> <ul style="list-style-type: none"> <li><del>(i) Effects on cultural values of any Maaori Site of Significance.</del></li> </ul> </li> </ul>

### 28.2.7 Outdoor storage

PI	<ul style="list-style-type: none"> <li>(a) Outdoor storage of goods or materials must: <ul style="list-style-type: none"> <li>(i) Be associated with the commercial activity operating from the site; and</li> <li>(ii) Not encroach on required parking or loading areas; and</li> <li>(iii) Be fully screened from view by closed board 1.8m high fencing or landscaping from any: <ul style="list-style-type: none"> <li>A. Public road; and</li> <li>B. Public reserve; and</li> <li>C. Adjoining site in another zone.</li> </ul> </li> </ul> </li> </ul>
DI	<ul style="list-style-type: none"> <li>(a) Outdoor storage of goods or materials that do not comply with Rule 28.2.7 P1.</li> <li>(b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> <li>(i) Visual amenity;</li> <li>(ii) Effects on loading and parking areas;</li> <li>(iii) Size and location of storage area;</li> <li>(iv) Measures to mitigate adverse effects.</li> </ul> </li> </ul>

### 28.2.8 Indigenous vegetation clearance inside a Significant Natural Area<sup>18</sup>

P1	(a) Indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) <sup>19</sup> for the following purposes: <ul style="list-style-type: none"> <li>(i) Removing vegetation that endangers human life or existing buildings or structures; or</li> <li>(ii) Conservation fencing to exclude stock or pests; or</li> <li>(iii) Maintaining existing farm drains; or</li> <li>(iv) Maintaining existing tracks and fences; or</li> <li>(v) Gathering plants in accordance with Maaori customs and values; or</li> </ul>
P2	Removing of up to 5m <sup>3</sup> of manuka and/or kanuka outside of the Coastal Environment per single consecutive 12 month period per property for domestic firewood purposes and arts or crafts provided the removal will not directly result in the death, destruction or irreparable damage of any other tree, bush or plant <sup>20</sup>
P3	(a) Indigenous vegetation clearance for building, access, parking and manoeuvring areas in a Significant Natural Area outside the coastal environment identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) must comply with all of the following conditions: <ul style="list-style-type: none"> <li>(i) There is no alternative development area on the site outside the Significant Natural Area; and</li> <li>(ii) The total indigenous vegetation clearance does not exceed 250m<sup>2</sup>;</li> <li>(iii) The vegetation clearance is at least 10m from a natural waterbody.<sup>21</sup></li> </ul>
P4	(a) On Maaori Freehold Land or Maaori Customary Land, indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) where: <ul style="list-style-type: none"> <li>(i) There is no alternative development area on the site outside the Significant Natural Area;</li> <li>(ii) The following total areas are not exceeded: <ul style="list-style-type: none"> <li>A. 1500m<sup>2</sup> for a Marae complex, including areas associated with access parking and manoeuvring; and</li> <li>B. 500m<sup>2</sup> per dwelling, including areas associated with access parking and manoeuvring; and</li> <li>C. 500m<sup>2</sup> for a papakainga building including areas associated with access parking and manoeuvring.<sup>22</sup></li> </ul> </li> </ul>
P5	(a) On Maaori Freehold Land or Maaori Customary Land, indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) for the following purposes: <ul style="list-style-type: none"> <li>(i) Removing vegetation that endangers human life or existing buildings or structures; or</li> <li>(ii) Conservation fencing to exclude stock or pests; or</li> <li>(iii) Maintaining existing farm drains; or</li> <li>(iv) Maintaining existing tracks and fences; or</li> <li>(v) Gathering plants in accordance with Maaori customs and values.</li> </ul>
P6	Removing of up to 5m <sup>3</sup> of manuka and/or kanuka outside of the Coastal Environment per consecutive 12 month period per property for domestic firewood purposes and arts or crafts provided the removal will not directly result in the death, destruction or irreparable damage of any other tree, bush or plant
P7	The trimming or pruning of indigenous vegetation in a Significant Natural Area which will not directly result in the death, destruction, or irreparable damage of the vegetation
P8	Vegetation clearance of non-indigenous species in a Significant Natural Area

<sup>18</sup> Hearing 21A recommends amendments to Rule 28.2.8 which are included here for completeness. The only amendment recommended to the rule in this s42A report relates to Schedule 30.5 (Urban Allotment Significant Natural Areas).

<sup>19</sup> Rangitahi Ltd [343.29]

<sup>20</sup> Evidence of Mr Inger for Rangitahi Ltd [343.23] addressing error.

<sup>21</sup> Evidence of Mr Inger for Rangitahi Ltd [343.23] addressing error.

<sup>22</sup> Evidence of Mr Inger for Rangitahi Ltd [343.23] addressing error

P9	<del>Vegetation clearance outside a Significant Natural Area<sup>23</sup></del>
D1	<del>Indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) that does not comply with Rule 21.2.8 P1, P2, P3, P4, P5 and P6.<sup>24</sup></del>
D2	<del>Indigenous vegetation clearance in a Significant Natural Area other than for the purposes listed in P1 or P7.<sup>25</sup></del>
D3	<del>Indigenous vegetation clearance within a Significant Natural Area within the coastal environment<sup>26</sup></del>

## 28.3 Land Use – Building

### 28.3.1 – Dwellings

PI	One dwelling within a lot, excluding Rangitahi Comprehensive Residential Development in locations shown in Plan 5 of the Rangitahi Peninsula Structure Plan (Appendix 8) or an approved subdivision consent. <sup>27</sup>
DI	A dwelling that does not comply with Rule 28.3.1 PI.

### 28.3.2 Minor dwelling

PI	(a) One minor dwelling not exceeding 70m <sup>2</sup> gross floor area contained within a CFR where: (i) The net site area is 900m <sup>2</sup> or more; and (ii) The site does not contain a comprehensive development.
DI	A minor dwelling that does not comply with Rule 28.3.2. PI

### 28.3.3 Building height

PI	(a) The height of a building must not exceed 7.5m. (b) Rule 28.3.3 PI(a) does not apply to Comprehensive Development Lots shown on Plan 5 of the Rangitahi Peninsula Structure Plan (Appendix 8), where the height of buildings must not exceed 11m.
RD1	(a) A building that does not comply with Rule 28.3.3 PI. (b) Council's discretion is restricted to the following matters: (i) Design and location of building; (ii) Building dominance effects; (iii) Admission of daylight and sunlight to the site and other sites; (iv) Privacy on other sites; (v) Amenity values of the locality; (vi) Consistency with the Rangitahi Peninsula Structure Plan (Appendix 8).

### 28.3.4 Daylight admission

PI	(a) A building must not protrude through a height control plane rising at an angle of 37° commencing at an elevation of 2.5m above ground level at every point of the site boundary. (b) Rule 28.3.4 PI (a) does not apply to party walls located along site boundaries. (c) Rule 28.3.4 PI (a) does not apply to sites in Precinct A and D that are indicated as having a zero setback in the Rangitahi Peninsula Structure Plan (Appendix 8).
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<sup>23</sup> Addressing error.

<sup>24</sup> Evidence of Mr Inger for Rangitahi Ltd [343] addressing duplication error.

<sup>25</sup> Evidence of Mr Inger for Rangitahi Ltd [343] addressing duplication error.

<sup>26</sup> Evidence of Mr Inger for Rangitahi Ltd [343.23].

<sup>27</sup> Rangitahi Ltd [343.14]

RD1	<p>(a) A <b>building</b> that does not comply with <b>Rule 28.3.4 PI</b>.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) <b>Height</b> of <b>building</b>;</li> <li>(ii) Design and location of <b>building</b>;</li> <li>(iii) Admission of daylight and sunlight to the <b>site</b> and other <b>sites</b>;</li> <li>(iv) Privacy on other <b>sites</b>;</li> <li>(v) Amenity values of the locality;</li> <li>(vi) Consistency with the Rangitahi Peninsula Structure Plan (<b>Appendix 8</b>).</li> </ul>
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### 28.3.5 Building coverage

PI	The total <b>building coverage</b> must not exceed 40% of the <b>site</b> .
DI	A <b>building</b> that does not comply with <b>Rule 28.3.5 PI</b> .

### 28.3.5A Impervious surfaces<sup>28</sup>

<u>PI</u>	<u>The impervious surface of a site must not exceed 70%.</u>
<u>RD1</u>	<p><u>(a) Impervious surfaces that do not comply with Rule 28.3.5A PI</u></p> <p><u>(b) Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> <li><u>(i) Site design, layout and amenity;</u></li> <li><u>(ii) The risk of flooding, nuisance or damage to the site or other buildings and sites.</u></li> </ul>

### 28.3.6 Accessory buildings

PI	<p>(a) The <b>gross floor area</b> of all <b>accessory buildings</b> on a residential <b>site</b> must not exceed 70m<sup>2</sup>; or</p> <p>(b) Where the <b>accessory building</b> is located outside the Development Precincts defined in the Rangitahi Peninsula Structure Plan (<b>Appendix 8</b>) the <b>gross floor area of the accessory building</b><sup>29</sup> must not exceed either:</p> <ul style="list-style-type: none"> <li>(iii) 400m<sup>2</sup> on a <b>site</b> having an area of at least 2ha; or</li> <li>(iv) 250m<sup>2</sup> on a <b>site</b> less than 2ha.</li> </ul>
DI	An <b>accessory building</b> that does not comply with one of the conditions in <b>Rule 28.3.6 PI</b>

### 28.3.7 Living court

PI	<p>(a) A <b>living court</b> must be provided for each <b>dwelling</b> that meets all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) It is for the exclusive use of the occupants of the <b>dwelling</b>;</li> <li>(ii) It is located between 45 degrees northeast through north to 90 degrees west of the <b>dwelling</b> measured from the southernmost part of the <b>dwelling</b>;</li> <li>(iii) It is readily accessible from a living area of the <b>dwelling</b> and either: <ul style="list-style-type: none"> <li>A. On the ground floor of the <b>dwelling</b>, the <b>living court</b> must have a minimum area of 80m<sup>2</sup> capable of containing a circle of 6m diameter; or</li> <li>B. Above ground floor of the <b>dwelling</b>, the <b>living court</b> must be located on a balcony capable of containing at least 15m<sup>2</sup> and a circle with a diameter of at least 2.4m.</li> </ul> </li> </ul>
P2	<p>(a) A <b>living court</b> must be provided for each <b>minor dwelling</b> that meets all of the following conditions:</p> <ul style="list-style-type: none"> <li>(i) It is for the exclusive use of the occupants of the <b>minor dwelling</b>;</li> <li>(ii) It is located between 45 degrees northeast through north to 90 degrees west of the <b>minor dwelling</b> measured from the southernmost part of the <b>minor dwelling</b>;</li> <li>(iii) It is readily accessible from a living area of the <b>minor dwelling</b> and either: <ul style="list-style-type: none"> <li>A. On the ground floor of the <b>minor dwelling</b>, the <b>living court</b> must have a minimum of 40m<sup>2</sup> capable of containing a circle of 6m diameter; or</li> </ul> </li> </ul>

<sup>28</sup> Waikato District Council [697.425]

<sup>29</sup> Rangitahi Ltd [343.15]



	B. Above ground floor of the <b>minor dwelling</b> , the living court must be located on a balcony capable of containing at least 15m <sup>2</sup> and a circle with a diameter of at least 2.4m.
DI	A <b>living court</b> that does not comply with <b>Rule 28.3.7 PI or P2</b> .

### 28.3.8 Service court

PI	(a) A <b>service court</b> must be provided for each <b>dwelling</b> with the following dimensions: (i) Minimum area of 15m <sup>2</sup> ; and (ii) Contains a circle of at least 3m diameter.
DI	A <b>service court</b> that does not comply with <b>Rule 28.3.8 PI</b> .

### 28.3.9 Building Setbacks

- (1) **Rules 28.3.9.1 to 28.3.9.3** provide the permitted building setback distances for buildings from site boundaries, specific land use activities and environmental features.
- (2) **Rule 28.3.9.1** provides permitted building setback distances from all boundaries on any site within the Rangitahi Peninsula Zone. Different setback distances are applied based on the type of building and the boundary.
- (3) **Rule 28.3.9.2** Dwelling setback – wastewater treatment plant provides standards for dwellings near the wastewater treatment plant.
- (4) **Rule 28.3.9.3** Building setback – Water bodies including lake, wetland, river and coast.

#### 28.3.9.1 Building setbacks – all boundaries

PI	(a) A <b>building</b> must be set back a minimum of: (i) 3m from the road <b>boundary</b> ; (ii) 13m from the line of an <b>indicative road</b> ; (iii) 1.5m from every <b>boundary</b> other than a road <b>boundary</b> , including vehicle access to another <b>site</b> . (b) A non-habitable <b>building</b> can be set back less than 1.5m from a <b>boundary</b> if it complies with all of the following conditions: (i) The total length of all <b>buildings</b> within 1.5m of the <b>boundary</b> does not exceed 6m; (ii) It does not have any windows or doors on the side of the <b>building</b> facing the <b>boundary</b> ; (iii) No part of the <b>building</b> within the setback extends over the <b>site boundary</b> . (c) <b>Rule 28.3.9.1 PI (a)</b> does not apply to the lots identified in the Precinct A or D in the Rangitahi Peninsula Structure Plan ( <b>Appendix 8</b> ) as having a zero setback. (d) <b>Rule 28.3.9.1 PI (b)</b> do not apply to party walls or lease plan boundaries within Comprehensive Development Lots in <b>Appendix 8</b> .
RDI	(a) A <b>building</b> that does not comply with <b>Rule 28.3.9.1 PI</b> . (b) Council's discretion is restricted to the following matters: (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; (vii) Effects on privacy at <b>adjoining sites</b> .

### 28.3.9.2 Dwelling setback – wastewater treatment plant

PI	(a) Any new <b>building</b> or alteration to an existing <b>building</b> for a <b>sensitive land use</b> must be set back a minimum of: <ul style="list-style-type: none"> <li>(i) 300m from the oxidation ponds that are part of a wastewater treatment facility on another <b>site</b>; or</li> <li>(ii) 30m from a wastewater treatment facility where the treatment process is fully enclosed.</li> </ul>
RD1	(a) Any <b>building</b> for a <b>sensitive land use</b> that does not comply with <b>Rule 28.3.9.2 PI</b> . (b) Discretion is restricted to: <ul style="list-style-type: none"> <li>(i) Adverse effects of odour;</li> <li>(ii) Potential to mitigate adverse effects.</li> </ul>

### 28.3.9.3 Building setback – water bodies

PI	Any <b>building</b> must be setback a minimum of 23m from <b>mean high water springs</b> .
DI	Any <b>building</b> that does not comply with <b>Rule 28.3.9.3 PI</b> .

## 28.4 Subdivision

- (1) **Rules 28.4.1 to 28.4.9** provide for subdivision density and design and apply across the Rangitahi Peninsula Zone.
- (2) The following rules apply to specific areas or activities:
  - (a) **Rule 28.4.1** - subdivision general sets out the lot sizes which are to be consistent with the Rangitahi Peninsula Structure Plan (**Appendix 8**)
  - (b) **Rule 28.4.2** - subdivision boundary adjustments
  - (c) **Rule 28.4.3** - subdivision amendments and updates to cross lease flats plans
  - (d) **Rule 28.4.4** - subdivision title boundaries contaminated land, Significant Amenity Landscape, intensive farming activities, aggregate extraction areas.
  - (e) **Rule 28.4.5** - subdivision title boundaries Significant Natural Areas, ~~and Maaori Sites of Significance.~~<sup>30</sup>
  - (f) **Rule 28.4.6** – subdivision building platform **Rule 28.4.7** – subdivision road frontage
  - (g) **Rule 28.4.8** -subdivision esplanade reserves and esplanade strips
  - (h) **Rule 28.4.9** - subdivision of land containing mapped off-road walkways

### 28.4.1 Subdivision – General

RD1	(a) <b>Subdivision</b> must comply with the following conditions: <ol style="list-style-type: none"> <li>(i) <b>Subdivision</b> must be <del>in accordance with the Rangitahi Peninsula Structure Plan (Appendix 8), within an upper range of 10% of the Dwellings Illustrated including the density ranges specified therein</del> for each neighbourhood in the Neighbourhood Outcomes Plans – Rangitahi Peninsula Structure Plan (Appendix 8),<sup>31</sup> and</li> <li><del>(ii) Compliance with the following variances will be determined to be in accordance with the Rangitahi Peninsula Structure Plan (Appendix 8) (the base figures and locations are as stated or shown in the Neighbourhood Outcome Plans that form part of the Rangitahi Peninsula Structure Plan):</del> <ol style="list-style-type: none"> <li><del>(i) Development Precinct areas (hectares) – variance up to and including 10%;</del></li> <li><del>(ii) Development Precinct boundaries – variance up to and including 100m;</del></li> </ol> </li> </ol>
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<sup>30</sup> Rangitahi Ltd [343.19]

<sup>31</sup> Evidence of Mr Inger on behalf of Rangitahi Ltd [343.19]

	<p><del>(iii) Development Precinct densities—variance up to and including 10% from the upper and lower end of the range specified;</del></p> <p><del>(iv) Collector Road locations—variance up to and including 50m movement outside of the road reserve;</del></p> <p><del>(v) Secondary access location—any variance and up to and including 30% variance in length; and<sup>32</sup></del></p> <p>(iii) Environmental improvements required by the Rangitahi Peninsula Structure Plan (Appendix 8) (including, but not limited to, restoration planting shown on the Indicative Open Space Framework Plan and provision of walkways and cycle ways shown on the Indicative Movement Network Plan) have been implemented to the extent required;</p> <p>(iv) The primary access to the Rangitahi Peninsula Structure Plan Area by way of an upgraded Oporuru Road (inclusive of the Oporuru Road/Wainui Road intersection and the bridge/causeway at each end) has been formed; and</p> <p>(v) There must be secondary legal access for <del>all road users</del> <u>emergency vehicles</u> when the Oporuru Road connection is not available for any reason. <u>A metalled access route protected by easement is sufficient for this purpose.</u><sup>33</sup></p> <p>(vi) Council shall consider Tainui Hapuu as an affected party and require that its written approval be obtained or that notice be served on a limited notified basis.</p> <p><del>(vii) Proposed lots must be able to connect to public-reticulated water supply.</del><sup>34</sup></p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Extent to which <b>subdivision</b> is consistent with the Rangitahi Peninsula Structure Plan (Appendix 8), <u>including the Development Precinct areas, boundaries, density ranges, and road locations.</u><sup>35</sup></p> <p>(ii) Extent of variation in <b>allotment</b> sizes from provisions of the Rangitahi Peninsula Structure Plan (Appendix 8);</p> <p>(iii) Matters referred to in Chapter 14 Infrastructure and Energy;</p> <p>(iv) Amenity and streetscape;</p> <p>(v) Vehicle and pedestrian networks;</p> <p>(vi) Implementation of environmental improvements required by the Rangitahi Peninsula Structure Plan (Appendix 8).</p> <p><del>(vii) Provision of infrastructure, including water supply for firefighting purposes.</del><sup>36</sup></p> <p><del>(viii) Effects on archaeological sites and cultural values.</del><sup>37</sup></p>
DI	<b>Subdivision</b> that does not comply with one or more conditions in <b>Rule 28.4.1 RDI.</b>

### 28.4.2 Subdivision - Boundary adjustments

CI	<p>(a) Proposed <b>lots</b> must comply with the following conditions:</p> <p>(i) <b>Subdivision</b> must be <del>in accordance with the Rangitahi Peninsula Structure Plan (Appendix 8), an upper range of 10% of the Dwellings Illustrated including the density ranges specified therein</del> for each neighbourhood in the Neighbourhood Outcomes Plans – <u>Rangitahi Peninsula Structure Plan (Appendix 8)</u>; and</p> <p><del>(ii) Compliance with the following variances will be determined to be in accordance with the Rangitahi Peninsula Structure Plan (Appendix 8) (the base figures and locations are as stated or shown in the Neighbourhood Outcome Plans that form part of the Rangitahi Peninsula Structure Plan):</del></p> <p><del>(i) Development Precinct areas (hectares)—variance up to and including 10%;</del></p> <p><del>(ii) Development Precinct boundaries—variance up to and including 100m;</del></p> <p><del>(iii) Development Precinct densities—variance up to and including 10% from the upper and lower end of the range specified;</del></p>
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<sup>32</sup> Rangitahi Ltd [343.16]

<sup>33</sup> Consequential amendment to Rangitahi Ltd [343.21]

<sup>34</sup> FENZ [378.80]

<sup>35</sup> Rangitahi Ltd [343.16]

<sup>36</sup> FENZ [378.80]

<sup>37</sup> Consequential change to Rangitahi Ltd [343.19]

	<p><del>(iv) Collector Road locations—variance up to and including 50m movement outside of the road reserve;</del></p> <p><del>(v) Secondary access location—any variance and up to and including 30% variance in length; and<sup>38</sup></del></p> <p>(iii) Environmental improvements required by the Rangitahi Peninsula Structure Plan (Appendix 8) (including, but not limited to, restoration planting shown on the Indicative Open Space Framework Plan and provision of walkways and cycle ways shown on the Indicative Movement Network Plan) have been implemented to the extent required; or</p> <p>(iv) The requisite environmental improvements are proposed to be implemented as a condition of subdivision consent to be completed or bonded prior to the issue of a section 224(c) certificate for the subdivision; and</p> <p>(v) The primary access to the Rangitahi Peninsula Structure Plan Area by way of an upgraded Oporuru Road (inclusive of the Oporuru Road/Wainui Road intersection and the bridge/causeway at each end) has been formed; and</p> <p>(vi) Provision is made for a secondary legal access for <del>all road users</del> emergency vehicles when the Oporuru Road connection is not available for any reason. A metalled access route protected by easement is sufficient for this purpose.<sup>39</sup></p> <p>(b) Proposed lots must not generate any additional building infringements to those which legally existed prior to the boundary relocation.</p> <p>(c) Control is reserved over:</p> <p>(i) Purpose of the boundary adjustment;</p> <p>(ii) Effects on existing buildings.</p> <p>(iii) <del>Extent to which subdivision is consistent with the Rangitahi Peninsula Structure Plan (Appendix 8), including the Development Precinct areas, boundaries, density ranges, and road locations.</del><sup>40</sup></p>
DI	Boundary adjustment that does not comply with Rule 28.4.2 C1

### 28.4.3 Subdivision - Amendments and updates to flats plans

CI	<p>(a) An amendment or update to a flats plan of a unit title where the:</p> <p>(b) amendment or update must identify additions or alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners.</p> <p>(c) Council's control is reserved over the following matters:</p> <p>(i) Purpose of the amendment or update to the flats plan;</p> <p>(ii) Effects on existing buildings;</p> <p>(iii) Site layout and design of cross lease or flats plan;</p> <p>(iv) Compliance with permitted building rules where the amendment is to convert a cross lease title to fee simple.</p>
DI	Any amendment or update to a cross lease flats plan that does not comply with Rule 28.4.3.

### 28.4.4 Subdivision – Title boundaries – contaminated land

RD1	<p>(a) Subdivision of any lot containing any contaminated land must not divide the area of contaminated land;</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Amenity values and character;</p> <p>(ii) Effects on contaminated land.</p>
DI	Subdivision that does not comply with Rule 28.4.4 RD1.

<sup>38</sup> Rangitahi Ltd [343.17]

<sup>39</sup> Consequential amendment to Rangitahi Ltd [343.21].

<sup>40</sup> Rangitahi Ltd [343.17]

### 28.4.5 Subdivision - Title boundaries – Significant Natural Areas and Maaori Sites of Significance<sup>41</sup>

RD1	<p>(a) The boundaries of every proposed lot must not divide any of the following:</p> <p>(i) Significant Natural Area;</p> <p><del>(ii) A Maaori Site of Significance as listed in Schedule 30.3.</del></p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Effects on Significant Natural Areas;</p> <p><del>(ii) Effects on Maaori Sites of Significance.</del></p>
NC+DI <sup>42</sup>	Subdivision that does not comply with Rule 28.4.5 RD1.

### 28.4.6 Subdivision - building platform

RD1	<p>(a) Every proposed lot, other than and access or utility allotment, must be capable of containing a building platform that meets all of the following conditions:</p> <p>(i) Has, exclusive of boundary setbacks, a circle with a diameter of at least 18m or a rectangle of at least 200m<sup>2</sup> with a minimum dimension of 12m, except that this condition shall not apply to Comprehensive Residential Development Lots;</p> <p>(ii) Has an average gradient not steeper than 1:8;</p> <p>(iii) Has vehicular access in accordance with Rule 14.12.1.1 Infrastructure and Energy Chapter;</p> <p>(iv) Is geo-technically stable;</p> <p>(v) Is not subject to inundation in a 2% AEP storm or flood event;</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Earthworks and fill material required for subsequent buildings;</p> <p>(ii) Geotechnical suitability for building;</p> <p>(iii) Likely location of future buildings and their potential effects on the environment;</p> <p>(iv) Avoidance or mitigation of natural hazards;</p> <p>(v) Effects on landscape and amenity;</p> <p>(vi) Measures to avoid storm or flood events.</p>
DI	Subdivision that does not comply with one or more condition in Rule 28.4.6 RD1.

### 28.4.7 Subdivision – Road Frontage

RD1	<p>(a) Every proposed lot with a road boundary other than access allotment or utility allotment or a proposed lot containing a ROW or access leg must either:</p> <p>(i) Provide a width along the road boundary of at least 20m; or</p> <p>(ii) Comply with the Rangitahi Peninsula Structure Plan (Appendix 8).</p> <p>(b) Council's discretion is reserved over the following matters:</p> <p>(i) Road efficiency and safety;</p> <p>(ii) Amenity and streetscape;</p> <p>(iii) Extent to which it complies with the Rangitahi Peninsula Structure Plan (Appendix 8).</p>
DI	Subdivision that does not comply with Rule 28.4.7 RD1.

### 28.4.8 Subdivision - Esplanade reserves and esplanade strips

RD1	<p>(a) Subdivision must create an esplanade reserve or strip 20m wide (or such other width stated in Appendix 4 (Esplanade Priority Areas) from every proposed CFR:</p> <p>(i) Less than 4ha and within 20m of any:</p>
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<sup>41</sup> Rangitahi Ltd [343.19]

<sup>42</sup> Rangitahi Ltd [343.19]

	<p>A. mean high water springs;</p> <p>(ii) 4ha or more and within 20m of any:</p> <p>A. mean high water springs;</p> <p>B. a water body identified in Appendix 4 (Esplanade Priority Areas).</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) The type of esplanade provided - reserve or strip;</p> <p>(ii) Width of the esplanade reserve or strip;</p> <p>(iii) Provision of legal access to the esplanade reserve or strip;</p> <p>(iv) Matters provided for in an instrument creating an esplanade strip or access strip;</p> <p>(v) Works required prior to vesting any reserve in the council, including pest plant control, boundary fencing and the removal of structures and debris;</p> <p>(vi) Costs and benefits of acquiring the land.</p>
DI	Subdivision that does not comply with Rule 28.4.8 RDI.

### 28.4.9 Subdivision of land containing mapped off-road walkways

RD I	<p>(a) Subdivision of land where walkways are shown as Reserve – Pedestrian Way on Plan 2 Indicative Land-use Plan on the Rangitahi Peninsula Structure Plan Area (Appendix 8) must comply with all of the following conditions:<sup>43</sup></p> <p>(i) The walkway is at least 3 metres wide;</p> <p>(ii) The walkway is designed and constructed for shared pedestrian and cycle use;</p> <p>(iii) The walkway is generally in accordance with the walkway route shown on the planning maps;</p> <p>(iv) The walkway is shown on the plan of subdivision and vested in the Council.</p> <p>(b) Once the walkway has been acquired, or an alternative walkway has been acquired, Rule 28.4.9 RDI (a) no longer applies.</p> <p>(c) Council's discretion is restricted to the following matters:</p> <p>(i) Alignment of the walkway;</p> <p>(ii) Drainage in relation to the walkway;</p> <p>(iii) Standard of design and construction of the walkway;</p> <p>(iv) Land stability;</p> <p>(v) Amenity matters including batter slopes;</p> <p>(vi) Connection to reserves.</p>
DI	Subdivision that does not comply with Rule 28.4.9 RDI.

<sup>43</sup> Amendments sought by Mr Inger on behalf of Rangitahi Limited addressing clarification.  
Proposed District Plan (Stage 1) 23 Rangitahi Peninsula Zone  
(Rebuttal recommended amended version)