

**WAIKATO DISTRICT COUNCIL
VARIATION 3 – ENABLING HOUSING SUPPLY
TO THE PROPOSED WAIKATO DISTRICT PLAN**

RECOMMENDATIONS OF THE INDEPENDENT HEARING PANEL

Date: 22 March 2024

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Executive Summary

1. This Recommendation Report and its associated decisions on submissions is made by the Independent Hearing Panel (IHP) established by Waikato District Council (Council) pursuant to cl.96 of Part 6 Sch.1 of the Resource Management Act 1991 (RMA). It relates to Variation 3 – Enabling Housing Supply (Var 3); an Intensification Planning Instrument (IPI) under subpart 5A of the RMA.
2. The statutory requirements relating to an IPI were introduced by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (the Amendment Act).
3. Our approach to the interpretation of the Amendment Act’s requirements has been to err on the side of caution rather than to be as expansive as some submitters sought – particularly when it comes to the issue of what is within scope of an IPI plan change. While we accept that a more liberal interpretation is possible and could emerge from the High Court consideration of the *Waikanae* appeal,¹ at this juncture we have concluded that the absence of a merit appeal and the judicial direction of *Clearwater* and similar authorities suggests that a more conservative reading is appropriate.² Accordingly some submissions that certainly had planning merit on their face have been deemed out of scope and will, if further pursued, need to undertake a separate Schedule 1 process path.
4. We have also taken a ‘real world’ approach to these recommendations – as the superior courts have often urged with respect to planning matters.³
5. We also note that 3-storey walk-ups / townhouses, which was commonly agreed to be the most likely and realistic intensification typology, are positively enabled in the Medium Density Residential 2 (MRZ2) zone.
6. One of the benefits of having discontinuous hearings spread over a reasonable period of time is that many issues were able to be addressed by Council and its reporting officers and provisions revised before we closed the overall hearing. As such we have been able to accept and recommend most of the recommendations made by Council through its final hearing responses and reply.
7. References, and where relevant links, have been provided to key documents referred to in this report to avoid having to append those documents, and to avoid unnecessarily

¹ *The Environment Court’s decision in Waikanae Land Company Ltd v Kaapiti Coast District Council [2023] NZEnvC 056 (Waikanae) was appealed to the High Court and heard on 12 and 13 February 2024. A decision is now pending.*

² *Clearwater Resort Ltd v Christchurch City Council [2013] NZHC 1290 (Clearwater); Palmerston North City Council v Motor Machinists Ltd [2013] NZHC 1290 (Motor Machinists); Bluehaven Management Limited v Western Bay of Plenty District Council [2016] NZEnvC 191 (Bluehaven); and Albany North Landowners v Auckland Council [2017] NZHC 138 (Albany North).*

³ *Royal Forest and Bird Protection Society of New Zealand v Buller Coal Ltd [2012] NZRMA 552 (HC).*

increasing the length of this report. All key documents can also be found on the Council's website.⁴

8. We note that, per cl.99(2)(b) Schedule 1 RMA, we have not exercised that discretion to make recommendations beyond the scope of submissions – in large part because of the position we took and refer to above in paragraph 3.
9. Furthermore, as we are making recommendations on a variation to the proposed Waikato District Plan (PDP), which is before the court on appeal, a question arises as to whether the variation (once decided) merges in the normal way with the PDP under cl.16B of Schedule 1 or, rather, independently becomes operative under cl.103(2)(b)(ii), cl.104(2)(b)(ii) or cl.105(7)(b)(ii) as the case may be.
10. We understand that, to the extent Council accepts the Panel's recommendations on Variation 3 and those recommendations are not impacted by any live appeals on the PDP then, on notification of the Variation 3 decisions, those provisions will become operative pursuant to clause 103(2) of Schedule 1.
11. We are also aware of the recent indication by government of its intention to allow councils a discretion regarding the inclusion of the Medium Density Residential Standards (MDRS) requirement, subject to satisfying the requirement for sufficient housing for the long-term. That requires amending legislation that, at the time our recommendations are due, is not currently before the House. We are therefore unable to take that matter into account.
12. Finally the Panel wishes to thank all those who assisted in the smooth running of this process, as well as all those who participated - whether successful or not in terms of the relief sought. The issues were not easy and, indeed, not welcomed by many. The Panel has endeavoured to accommodate both concerns and aspirations where that was possible or practicable under the amending legislation, whilst making appropriate provision for the expected enablement of increased housing supply.

⁴ <https://www.waikatodistrict.govt.nz/your-council/plans-policies-and-bylaws/plans/waikato-district-plan/district-plan-review/variations/variation-3-enabling-housing-supply>.

1 Introduction

1.1 Intensification Planning Instrument & Intensification Streamlined Planning Process

1. The Council notified Var 3 on 19 September 2022. Appeals on the PDP were progressing through the Environment Court in parallel with this Intensification Special Planning Process (ISPP).
2. The Council is a Tier 1 territorial authority and Var 3 was notified in response to the Amendment Act. The Amendment Act required all Tier 1 territorial authorities to notify an IPI by 20 August 2022⁵ to amend their district plans to incorporate the MDRS and give effect to Policy 3 of the NPS-UD.
3. Var 3 as an IPI, is required to follow the ISPP. This process has a number of key differences to a 'standard' RMA plan change process. We provide a summary of the key features in **Appendix 2**. That summary should be read in conjunction with cls.96-108 of Sch.1 of the RMA to appreciate all relevant procedural matters and legal requirements.⁶

1.2 Appointment of IHP

4. As required under cls. 99-100 of Subpart 6, Sch.1 RMA, councils must appoint an IHP to consider submissions made on their IPIs using the ISPP.
5. This report makes recommendations on the submissions received, and the content of Var 3.
6. The IHP is made up of the following independent accredited RMA hearings commissioners:
 - (i) David Hill (Chairperson)
 - (ii) Vicki Morrison-Shaw
 - (iii) Dave Serjeant
 - (iv) Nigel Mark-Brown.

1.3 Powers and Functions of IHP

7. The IHP is acting under delegated authority from the Council⁷ in accordance with cl.96 of Sch.1 of the RMA, and has the duties and powers set out in cl.98 of Sch.1 of the RMA.
8. The Panel is required to provide its recommendations on the IPI in 1 or more written reports to the Council, after it has heard submissions, in accordance with the

⁵ The Minister for the Environment approved a notification delay of 1 month by letter dated 29 August 2023.

⁶ A summary of the process that the Council followed in the lead up to the Var 3 hearings is summarised in section 6.1 of the s.42A Report prepared for the hearings.

⁷ cl.93(3) of Sch.1 of the RMA required the Council to delegate all necessary functions to the IHP for the purpose of the ISPP.

provisions of cls.99-100 of Sch.1 of the RMA. For that purpose, submissions may be grouped by IPI provision or topic; must (among other things) identify any recommendations that are outside the scope of submissions made; include a s.32AA further evaluation if necessary; and may include alterations to the IPI arising from consideration of submissions or other relevant matters.

9. This report, together with its 5 Appendices, and the 24 Directions and 1 Minute we issued,⁸ have been prepared to discharge these requirements.
10. As noted above, since the PDP appeals have been proceeding in parallel with this IPI process, the Panel has (with the assistance of Council) attempted to keep abreast of developments in that arena in order to avoid, as much as possible, contradictory or overlapping findings. At the same time the Panel is cognisant that its mandate is distinct, and no appeal to its recommendations lies with that Court.

1.4 MDRS and NPS-UD Policy 3

11. The Amendment Act (ss.77G and 77N) requires Tier 1 territorial authorities to use the IPI and ISPP to:
 - a) incorporate MDRS into every relevant urban residential zone within the district plan; and
 - b) amend every residential and non-residential zone in any urban environment to give effect to Policy 3 of the NPS-UD to enable the specified heights and density of urban form or heights in specified centre zones and within an undefined walkable catchment.
12. It is important to note that these are mandatory requirements. The Council must take these steps, except to the extent that a qualifying matter (QM) applies (as noted in the next section).

1.4.1 MDRS

13. The provisions set out in Sch.3A (the MDRS Schedule) must be inserted into the district plan. In addition, there is discretion to include:
 - a) more lenient provisions (i.e., more enabling of development);⁹
 - b) less enabling provisions - but only if a relevant QM applies and then only to the extent necessary to accommodate that matter;¹⁰ and
 - c) “*related provisions*” that support or are consequential on the MDRS.¹¹

⁸ A copy of all of our Directions and Minute are available from the Council website: <https://www.waikatodistrict.govt.nz/your-council/plans-policies-and-bylaws/plans/waikato-district-plan/district-plan-review/variations/variation-3-enabling-housing-supply>.

⁹ RMA s.77H.

¹⁰ Refer ss.77I and s77O of the RMA.

¹¹ RMA, s.80E(1)(b)(iii).

14. The proposed medium density residential zone under the PDP covers the six towns of Huntly, Pookeno, Tuakau, Ngaaruawaahia, Raglan and Te Kauwhata. However, only the first four of those towns were deemed by Council to qualify as urban environments to which the MDRS is to be applied. Var 3 therefore introduced a separate MRZ2 applicable to the four towns. Except for minor consequential changes, no amendments were proposed to the Medium Density Residential 1 (MRZ1) zone, which continues to apply to Raglan and Te Kauwhata.

1.4.2 NPS-UD Policy 3

15. Policies 3(a)-(c) of NPS-UD impose height and density requirements for city centre zones, metropolitan centre zones, and areas located within a walkable catchment of existing and planned rapid transit stops, or on the edge of city centre or metropolitan centre zones. Policy 3(d) relates to areas within and adjacent to neighbourhood, local and town centre centres and requires the enablement of building heights and densities commensurate with the level of commercial activity and community services. The s.42A Report identified Policy 3(d) as the relevant NPS-UD policy that must be given effect to through Var 3.¹²
16. The Council is able to make the requirement to give effect to Policy 3(d) of the NPS-UD less enabling of development in relevant urban residential and non-residential zones via the QMs,¹³ provided specified evaluative requirements are met.¹⁴
17. Var 3 as notified proposed a number of QMs for specific reasons.¹⁵ These QMs were all classified as new QMs (and subject to assessment in ss.77J and 77L), since the PDP is not yet operative and existing QMs are limited to QMs in an operative district plan at the date the IPI was notified.¹⁶
18. Some submissions requested the creation of additional QMs which were not notified as part of Var 3.¹⁷
19. We also note that in response to concerns raised by submitters regarding the legality of the Council's proposed Urban Fringe QM,¹⁸ and our Interim Guidance,¹⁹ the Council subsequently removed the Urban Fringe as a QM and proposed additional QMs in its place.²⁰

¹² s.42A Report Version 2, 15 June 2023 (s.42A Report), at [30] – this report notes that it was reformatted and updated on 19 June 2023 (which is the reference date subsequently used by staff at Hearing).

¹³ RMA, ss.77G, 77I, 77O and 77R.

¹⁴ RMA, s.77L.

¹⁵ Refer s.32 Evaluation Report, 2 September 2022, Volume 2 - QMs, section 14, p.114 for a list of all of the QMs included in Var 3 as notified.

¹⁶ Council opening legal submissions, at [5.12] and referring to RMA s.77K(3).

¹⁷ Refer s.42A Report, s.6.8 for a list of the new QMs sought by submitters.

¹⁸ As noted in the s.42A Report, at [19].

¹⁹ [Interim Guidance #1, 14 March 2023](#), which concluded that the urban fringe was not a QM under s.77I(j) as it does not appear to satisfy the requirements of s.77L.

²⁰ As noted in the s.42A Report, at [22] these related to culturally significant landscapes, culturally significant viewshafts, natural hazards, mine subsidence, stormwater/flooding and reverse sensitivity.

20. Our discussion and recommendations on QMs are contained in sections 7 and 8 below.

1.5 Sections 80E and 80G Limitations

21. The scope of matters to be included in an IPI are specified in s.80E.²¹
22. There are some limitations on what a territorial authority can do with an IPI. In particular (as per s.80G), only one IPI can be notified, it cannot be withdrawn, it must progress using the ISPP, and it may not be used for any purpose other than those set out in s.80E.
23. The Council's position was that the scope of the matters it had included in the IPI and the use of the ISPP are in accordance with the limitations and requirements of ss.80E and 80G of the RMA. That was not disputed by submissions - other than in relation to the Urban Fringe QM which was subsequently removed (as noted in para 18 above). Some submitters did however argue that further matters fell within the bounds of scope established by those provisions and should be included in Var 3. We address those matters in later sections of this report.
24. While we note that unlike the 'standard' plan change process, the IHP is not limited in making its recommendations by the scope of submissions,²² as all legal submissions agreed, any recommendation must still fall within the permissible scope of an IPI. What is within the scope of the IPI was therefore an important fundamental to establish, and we received a range of submissions on that point. As we note later in this report, we are satisfied that all of our recommendations fall within the permissible scope of an IPI and, except for the limited consequential matters noted in section 9 below, we have not considered it necessary to make recommendations going beyond the scope of submissions.

1.6 Urban Environment and Relevant Residential and Non-Residential Zones

25. The Amendment Act required councils to identify their urban environments and then apply the MDRS and Policy 3 of the NPS-UD to the relevant residential and non-residential zones subject to QMs as necessary.
26. Council had determined that the four towns of Huntly, Pookeno, Tuakau and Ngaaruawaahia constituted urban environments as defined under s.77F RMA,²³ to which the requisite standards and policy were applied – including, subsequently, to those areas from which the notified Urban Fringe QM was “removed”.
27. The smaller settlements of Raglan and Te Kauwhata were not considered to meet the required threshold.

²¹ See Appendix 2 for the full text of this section.

²² RMA, Sch.1 cl.99(2)(b).

²³ s.42A Report, section 4.

28. Var 3 did not propose to change any non-residential zone provisions – with additional provisions relating to the Huntly Commercial Zone (COMZ) precinct being the one exception.
29. Var 3, as notified, did not change the spatial extent of the urban area or of MRZ1 in Raglan and Te Kauwhata. However, we note that following the later acceptance by Council that the rezoning request by Horotiu Farms Ltd (HFL) was within scope, the Council subsequently recommended rezoning 34 ha of HFL’s land from General Residential Zone to MRZ2.²⁴

1.7 Financial Contributions

30. Section 77E enables the Council to make rules requiring a financial contribution (FC) for any class of activity other than a prohibited activity, and s.77T and s.80E(1)(b)(i) provides a discretion that enables a council to include FC provisions or change existing provisions as part of its IPI.
31. As advised in the Joint Opening Legal Submissions²⁵ for Hearing 1,²⁶ the PDP does not currently include FCs, and the Council’s notified IPI did not propose to include them. As issues were raised as to whether Council could introduce FCs in response to submissions, we address this issue in the scope section (section 4) below.

1.8 Papakaainga

32. Section 80E(1)(b)(ii) of the RMA similarly provides a discretion that enables an IPI to amend or introduce provisions to enable papakaainga housing in the district.
33. At Hearing 1, Mr Jim Ebenhoh, the Planning and Policy Manager for the Council, advised that papakaainga housing and development is already provided for in the PDP regardless of the zoning.²⁷
34. Council therefore determined that there was no need to amend or introduce any further papakaainga housing provisions in Var 3.

1.9 Protected Customary Rights

35. In formulating our recommendations, we must be satisfied that ss.85A and 85B(2) of the RMA (which relate to protected customary rights) will be complied with.²⁸
36. No party identified any relevant protected customary right to us or addressed us on compliance with such rights. However, given the areas subject to Var 3 (Ngaaruawaahia, Huntly, Pookeno and Tuakau) are not located in the marine or

²⁴ Council legal submissions, 21 November 2023, at [3]-[28].

²⁵ Joint Opening Legal Submissions for the Councils, 8 February 2023, at [10.3].

²⁶ Being the joint combined opening strategic and procedural overview hearing for the three Waikato IPI councils held on 15-17 February 2023.

²⁷ Ebenhoh, Statement of evidence, 20 December 2022, at [56].

²⁸ RMA, Sch.1, cl.99(3).

coastal environment,²⁹ we are satisfied that the provisions we have recommended will not infringe ss.85A and 85B of the RMA.

1.10 Council Decision, Timing, Appeals and Judicial Review

37. Following the receipt of our recommendations, the Council is required to decide whether to accept each recommendation. The Council may provide an alternative recommendation for any recommendation that the Council does not agree with.³⁰ However, where the Council rejects a recommendation, it is required to refer this to the Minister for the Environment (Minister) together with:
- a) the Council's reasons for rejecting the IHP's recommendation; and
 - b) any alternative recommendation the Council has provided.³¹
38. When making its decisions on the IHP's recommendations, the Council must not consider any submission or other evidence unless it was made available to the IHP before the IHP made its recommendations. However, the Council may seek clarification from the IHP on a recommendation to assist in making any such decision.³²

1.10.1 If the Council accepts all recommendations

39. If all IHP recommendations are accepted by the Council, and those recommendations are not impacted by any live appeals on the PDP, then Var 3 is deemed to be approved and becomes operative upon Council publicly notifying its decisions.³³ Any recommendations that are impacted by live appeals cannot be treated as operative until those appeals have been resolved.

1.10.2 If the Council accepts some, or none, of the recommendations

40. If the Council does not agree with one or more of the IHP's recommendations it must follow the procedures set out in cls.104 to 106 of Sch.1. In summary, all affected parts of the plan change that are accepted and which are not impacted by any live appeals on the PDP are deemed approved and become operative upon public notification, and only those recommendations that are rejected (along with the reasons and any proposed alternative recommendation(s)) are referred to the Minister for decision.
41. Upon receipt of that information, the Minister must decide whether to accept or reject any or all of the (contested) IHP recommendations. For any IHP recommendation that the Minister rejects, the Minister must then decide whether

²⁹ *Being the areas for which protected customary rights can be issued under the Marine and Coastal Area (Takutai Moana) Act 2011.*

³⁰ *RMA, Sch.1, cl.101(1)(a) and (b).*

³¹ *cl.101(2)(a) and (b), Sch.1 RMA.*

³² *cl.101(4)(b) and (c), Sch.1 RMA.*

³³ *cl.103, Sch.1 RMA.*

to adopt any alternative recommendation referred to the Minister by the Council.³⁴ The Minister may make minor amendments to any recommendation. The Minister’s decision with reasons is then provided to the Council, which must then publicly notify it and the district plan as altered is deemed approved and becomes operative.

1.10.3 Timeframe for making a decision on Var 3

42. While there are no specified timeframes within which the Minister must make a decision, there is an overall date by which the IPI process must be completed. The Council is required to publicly notify its decisions on Var 3 by 31 March 2024.³⁵

1.10.4 Appeals and judicial review

43. Unlike a ‘standard’ plan change process, there is no right of appeal to the Environment Court against any decision of the Council or the Minister on Var 3, however the right of judicial review is retained.³⁶

2 Procedural Matters

2.1 Submissions, Further Submissions and Late Submissions

44. Council records that 117 submissions and 31 further submissions were lodged on Var 3.

45. Four late submissions were lodged. The Council recommended acceptance of those submissions as they were all received prior to the notification of, and included within, the summary of submissions – and therefore available for further submission. The Panel confirmed accepted of these late submissions in Direction #5.³⁷

46. The s.42A Report summarised submission themes as follows:³⁸

- fundamental opposition or support for the variation
- specific amendments to the MDRS provisions
- specific amendments to other PDP provisions
- the geographic extent of where the MDRS applies within the district
- the application of Policy 3(d) of the NPS-UD
- requests for rezoning of land
- implications of private covenants in Pookeno

³⁴ *cl.105(1)(a) and (b), Sch.1 RMA.*

³⁵ *NZ Gazette notice 2022-s/2034, 14 May 2022.*

³⁶ *cls.107- 108, Sch.1 RMA.*

³⁷ [Direction #5, 23 December 2022.](#)

³⁸ *s.42A Report, at [32].*

- capacity of the infrastructure network to accommodate growth
- financial contributions/inclusionary zoning
- issues of significance to Maaori
- historic heritage
- Te Ture Whaimana o te Awa o Waikato – Vision and Strategy (Te Ture Whaimana)
- natural hazards and climate change
- nationally significant infrastructure
- the urban fringe qualifying matter
- reverse sensitivity
- enabling provisions for other uses.

47. While these themes were refined and further developed as the hearing proceeded, the above provides sufficient context at this point.

2.2 Hearings and Directions

48. The Panel held three hearings on Var 3:

- Hearing 1 – Overview – combined with Hamilton City and Waipā District Councils: 15-17 February 2023.
- Hearing 2 – Substantive topics except Horotiu and some miscellaneous matters: 26 July – 2 August 2023.
- Hearing 3 – Horotiu and miscellaneous matters: 5 December 2023.

49. We received a significant number of legal submissions, expert evidence and submitter statements during the hearing process. A list of all of the submitters (and further submitters) is set out in s.42A Report.³⁹ A list of the persons appearing for submitters, and the persons appearing for the Council at each of the three hearing sessions is set out in **Appendix 3**.

50. In order to respond to matters arising both before and after each hearing session the Panel issued a total of 24 formal Directions.⁴⁰ The Panel wishes to record its appreciation to Council, submitters and their respective experts and counsel for the constructive and timely manner in which they responded to the Directions.

³⁹ s.42A Report, pp.3-8.

⁴⁰ All of our Directions are available on [Council's website](#).

2.3 Hearing Reports

51. A Joint Themes and Issues Report dated 15 December 2022 (Joint Opening Report) was prepared for the combined councils' Strategic issues Hearing 1. The Waikato District section was prepared by Fiona Hill (Principal Policy Planner at the Council) and reviewed the key issues raised under the following themes:
 - scope of Var 3 within the district
 - QMs
 - application and interpretation of Policy 3 of NPS-UD
 - betterment of Waikato River
 - effect of private covenants in Pookeno
 - infrastructure capacity.
52. The s.42A Report (dated 15 June 2023) was prepared by Fiona Hill, Karin Lepoutre (Planning Consultant) and Bessie Clarke (Policy Planner at the Council) for Hearing 2 and relied upon the following technical experts:
 - Susan Fairgray (Associate Director at Market Economics) in relation to population forecasts and property economic issues
 - Doug Johnson (Principal Consultant at Tonkin and Taylor) in relation to the Huntly mine subsidence risk area
 - Dr Ann McEwan (Heritage Consultant at Heritage Consultancy Services) in relation to heritage matters
 - Dave Mansergh (Landscape Architect, Recreation Planner and Director at Mansergh Graham Landscape Architects) in relation to viewshafts from Tuurangawaewae Marae
 - Andrew Boldero (Principal Stormwater Engineer at Te Miro Water Consultants Ltd) and Katja Huls (Senior Principal Planner at Stantec) in relation to stormwater matters
 - Keith Martin (Three Waters Manager for the Council), Mathew Telfer (Operations Manager – Waikato Contract for Watercare) and Katja Huls in relation to water and wastewater.
53. An Addendum to that s.42A Report dated 23 June 2023 (Addendum I) was issued by Ms Hill and Ms Lepoutre to address submission points that were not addressed (in whole or in part) in the earlier report. These points related to rezoning requests, retirement village provisions, issues of significance to Maaori, MRZ2 objectives and policies, supporting/opposing submissions, and towns to which the MDRS applies.

54. A s.42A Report Closing Statement (dated 5 September 2023) was prepared by Ms Hill and Ms Lepoutre in response to the evidence and submissions given at Hearing 2.
55. A further s.42A Report (dated 15 September 2023) was prepared by Ms Lepoutre for Hearing 3 with respect to the remaining matters of Horotiu, certain nationally significant infrastructure QMs, PDP appeals and flood mapping.
56. A s.42A Report entitled 'Rebuttal Evidence' was prepared by Ms Lepoutre on 14 November 2023 and addressed Horotiu West land, reverse sensitivity and ancillary Var 3 matters.
57. A final s.42A Report Closing Statement (dated 30 January 2024) was prepared by Ms Hill and Ms Lepoutre and contained a closing statement and update on issues that remained live following the earlier hearings.
58. The above reports were accompanied with a number of appendices and progressive provision revisions.

2.4 Preliminary Scope Issues

59. There were a number of preliminary scope issues raised, which we were required to address prior to the substantive hearings. These were:
 - a) the Urban Fringe QM;
 - b) inclusionary zoning / affordable housing; and
 - c) specific rezoning submission points.
60. We summarise these issues and our response to them in the next three sub-sections. Other scope issues are dealt with in section 4 of this decision report.

2.4.1 Urban Fringe QM

61. As already briefly noted, the notified Var 3 included an Urban Fringe QM, – which, by the time of the hearing, Council no longer supported. The effect of the Urban Fringe QM was that the MDRS would not apply in those areas.⁴¹
62. As we recorded in our Interim Guidance,⁴² we considered the Urban Fringe was not a QM under s.771(j) as it did not appear to satisfy the requirements of s.77L RMA. However, we left that matter on the table for the substantive hearing lest any party wished to dispute that interim position. In the event no party challenged that guidance, and we confirm our interim position on the matter.
63. As a consequence of that Interim Guidance and the Council not supporting the Urban Fringe QM, the MDRS was extended to apply to all the land zoned Medium

⁴¹ s.32 Evaluation Report, section 11.1.

⁴² [Interim Guidance #1, 14 March 2023](#).

Density Residential (MRZ) and General Residential within the four towns of Ngaaruawaahia, Pookeno, Tuakau and Huntly, subject to any additional QMs.

64. Additional QMs were subsequently identified by Council relating to:

- the protection of culturally significant landscapes with the Havelock Precinct
- the protection of culturally significant viewshafts from Tuurangawaewae Marae to Haakarimata and Taupiri
- the management of significant risks from natural hazards within the slope residential area of the Havelock Precinct
- the management of significant risks from natural hazards within the mine subsidence risk area in Huntly
- the management of significant risks from stormwater and flooding effects (related to natural hazards and giving effect to Te Ture Whaimana)
- minimising reverse sensitivity effects of residential activities on industrial operations within the Havelock Precinct.

65. These new QMs were only proposed to apply within the footprint (or parts of the footprint) of the former Urban Fringe QM. The new QMs propose more targeted (and therefore lesser) restrictions on the MDRS in those areas. On this basis the Council submitted there was scope for these new QMs.⁴³No party raised scope issues with the introduction of these new proposed QMs, although there were differing views on the merits of and proposed wording for these QMs. We address these matters in a later section of this decision report.

2.4.1.1 *Finding*

66. We are satisfied for the reasons stated in our Interim Guidance #1 and paragraph 62 above, that there is no scope to include the proposed Urban Fringe QM as it does not comply with the mandatory requirements of s.77L.

67. However we consider that there is scope to consider the new proposed replacement QMs as they all fall within the footprint of the former Urban Fringe QM and propose more targeted/lesser restrictions on MDRS in those areas. Accordingly, we assess the merits of these proposed new QMs in a later section of this decision.

2.4.2 Inclusionary zoning / affordable housing

68. Directions were sought by the Adare Company Ltd on the scope for relief related to inclusionary zoning / affordable housing and associated FC provisions sought by some submitters including:

⁴³ Council reply legal submissions, 29 September 2023, at [4].

- a) Waikato Community Lands Trust, Bridge Housing Charitable Trust, Waikato Housing Initiative, Habitat for Humanity Central Region, Momentum Waikato – submission #298.1; and
- b) Waikato Housing Initiative – submission points #287.2 to #287.6;
(together, Waikato Housing Initiative and others).

69. The Panel provided opportunity for written submissions on the matter through Directions #6 and #10.⁴⁴
70. Direction #11⁴⁵ records the Panel’s conclusion on the question following receipt of legal submissions on both sides of the question. In short, the Panel concluded that inclusionary zoning and affordable housing submission requests were out of scope⁴⁶ and the respective submission points were accordingly struck out under s.41D(1)(b) RMA. No objection was filed in respect of that decision.⁴⁷

2.4.3 Specific rezoning submission points

71. The Council identified the following submission points requesting rezoning as potentially out of scope and the Panel invited written submissions if any party took a contrary view through Directions #5 and #10:⁴⁸
- Halm Fan Kong (#13.1)
 - Greig Developments (#20)
 - Howard Lovell (#27.1)
 - Horotiu Farms Limited (HFL) (#49.1)
 - Kāinga Ora (#106.15).
72. In the event no party (other than HFL)⁴⁹ lodged submissions to the contrary. However, Council indicated that it no longer challenged the Greig Development submission,⁵⁰ and Kāinga Ora withdrew its particular submission point.⁵¹
73. Direction #12⁵² records that the Panel:

⁴⁴ [Direction #6, 18 January 2023](#); and [Direction #10, 3 March 2023](#).

⁴⁵ [Direction #11, 11 April 2023](#).

⁴⁶ *As they fell outside the ambit of the plan changes and their respective s.32 evaluations, were not reasonably and fairly raised by or in those notified documents, and not all potentially affected persons would have had the opportunity to make submissions.*

⁴⁷ *Noting that there is a right of objection under s.357(2) of the RMA.*

⁴⁸ [Direction #5, 23 December 2022](#); and [Direction #10, 3 March 2023](#).

⁴⁹ *HFL submissions on scope, 15 March 2023.*

⁵⁰ *Council submissions on scope, 24 March 2023, at [4].*

⁵¹ *Council submissions on scope, 24 March 2023, at [3] and Annexure A.*

⁵² [Direction #12, 11 April 2023](#).

- a) struck out the submission points of Halm Fan Kong and Howard Lovell under s.41D(1)(b) RMA (with no objection subsequently being received); and
- b) allowed the submission by HFL to continue through to a substantive hearing with both scope and merits to be considered as part of that process.

74. We address the merits of the HFL rezoning request later in this decision.

3 Legal Framework

3.1 Relevant Law

75. The Amendment Act sets out the key elements of the legal framework that we must apply in reaching a decision on Var 3.
76. The Amendment Act does not however stand alone. The standard RMA requirements for district plan changes (ss.75-76) continue to apply - unless and except to the extent they are altered by the Amendment Act.
77. Those requirements were helpfully set out in full in Appendix A to the Joint Opening Legal Submissions for the councils for Hearing 1 (8 February 2023).⁵³ We have reviewed and adopted that summary (as **Appendix 4**) for the purposes of this decision.

3.2 Relevant Policy and Planning Documents

78. The s.32 Evaluation Report identified the relevant RMA statutory and policy and plan documents and other relevant documents as comprising:⁵⁴
 - NPS-UD
 - National Policy Statement for Freshwater Management 2020 (NPS-FM)
 - National Policy Statement on Electricity Transmission 2008 (NPS-ET)
 - Te Ture Whaimana
 - National Planning Standards 2019 (NPStds)
 - Waikato Regional Policy Statement (WRPS)
 - Waikato Regional Land Transport Plan 2021
 - Waikato Tainui Environment Management Plan 2018
 - Maniapoto Iwi Environment Management Plan 2018
 - Future Proof Strategy 2022

⁵³ These requirements drew on and updated well known case law summaries such as that contained in *Colonial Vineyard Ltd v Marlborough District Council* [2014] NZEnvC 55.

⁵⁴ s.32 Evaluation Report, section 2.

- Waikato 2070 – Growth and Economic Development Strategy 2020 (Waikato 2070)
 - Local Area Blueprints.
79. The s.42A Report added the following documents to the list of relevant considerations:⁵⁵
- National Policy Statement for Highly Productive Land 2022 (NPS-HPL)
 - Waikato Raupatu River Trust Joint Management Agreement 2010
 - National Adaptation Plan 2022
 - National Emissions Reduction Plan 2022.
80. For completeness, we would add to these lists the Waikato Regional Plan, the provisions of the ODP, the PDP and the Housing and Business Development Capacity Assessment 2021 (HBA), which were referred to by the Council and other parties throughout the hearings process.
81. No party appeared to disagree that these documents, either specifically or generally, were relevant considerations – however views differed on the weight to be given to the respective documents. We address that aspect in more detail when considering specific submission issues later in this report.
82. We also note that after Hearing 2 and prior to Hearing 3 the government released the proposed NPS for Natural Hazard Decision-making for consultation. We did not seek submissions on this proposed NPS as it is at an early stage, it does not yet have any legal effect, and based on the current wording, it does not apply to IPI plan changes.⁵⁶
83. Further, and while we address aspects of the legal framework and the relevant policy and planning documents in the following subsections, we leave substantive discussion and assessment of Var 3 against these documents to later sections when we are considering the issues arising.

3.3 Amendment Act

84. The Amendment Act provides the Council with a discretion to include “*related provisions*”. In terms of what falls within the scope of that term, the Council submitted that:⁵⁷
- a) s.80E(b)(iii) defined related provisions as those that “*support or are consequential on*” the MDRS or policies 3, 4 or 5 of the NPS-UD; and

⁵⁵ s.42A Report, 15 June 2023, section 3.

⁵⁶ Proposed NPS for Natural Hazard Decision-making 2023, at [1.5].

⁵⁷ Council legal submissions, 21 July 2023, at [196]-[201].

- b) while “support” is not defined in the Amendment Act its usual meaning is “give assistance to”;
- c) in reliance on the guidance provided by the High Court in *Albany North Landowners*,⁵⁸ a consequential related provision is one that is:
 - i) necessary and desirable to achieve the incorporation of the MDRS or give effect to Policies 3 and 4 of the NPS-UD;
 - ii) foreseen as a direct or other logical consequence of incorporation of the MDRS or giving effect to Policies 3 and 4 of the NPS-UD;
- d) to determine whether a provision supports or is consequential requires consideration of the purpose of the MDRS and Policy 3(d):
 - i) the purpose of the MDRS is to enable housing supply (with no particular type of housing or group of people/communities prioritised); and
 - ii) the purpose of Policies 3 and 4 is focused on heights and densities of urban form.

85. In terms of the meaning of related provisions that “support or consequential”, we are also aware that the Environment Court in *Waikanae* found that where a change “precludes” the operation of MDRS, it is not a related provision, as it does not support or follow on from the requirement to incorporate the MDRS.⁵⁹

86. While no party appeared to disagree that related provisions included the matters identified by the Council and excluded changes which would preclude the operation of the MDRS, some submitters argued that a broader approach should be taken to what fell within the scope of a related provision as:⁶⁰

- a) the Council has an obligation to give effect to the NPS-UD as a whole (we address this issue in section 3.5.1 below); and
- b) s.80E(2) states that related provisions also include provisions that relate to various areas “without limitation”, clearly indicated Parliament’s intention to not unduly constrain scope.

3.3.1 Determination

87. In approaching this issue we are mindful that the meaning of legislation is required to be ascertained from its text and in light of its purpose and context.⁶¹ Taking those factors into account, we are satisfied that the Council’s approach appropriately

⁵⁸ *Albany North Landowners v Auckland Council* [2017] NZHC 138, at [107] and [135]. While this was not an IPI case, the Council submitted the meaning of consequential was equally applicable in the context of s.80E.

⁵⁹ *Waikanae Land Company Ltd v Kāpiti Coast District Council* [2023] NZEnvC 056, at [30].

⁶⁰ See for example: *Ara Poutama Aotearoa (Ara Poutama) legal submissions*, 9 June 2023, at [3.10]; *Kāinga Ora legal submissions*, 21 July 2023, at [3.6]; *Ryman/RVA legal submissions*, 21 July 2023, at [41.4]; and *Waikato Community Lands Trust, Waikato Housing Initiative, Habitat for Humanity and Bridge Housing Trust*, 31 March 2023, at[3].

⁶¹ *Legislation Act 2019*, s.10.

reflects the text, purpose and context of the legislation, and that related provisions should not actively preclude the implementation of the MDRS.

88. Further, while we acknowledge that there is requirement to give effect to higher order policy and plan documents (such as the NPS-UD), we consider this requirement is necessarily limited by the scope of a particular plan change. Were it otherwise, every plan change would effectively become a full plan review. There would then be little point in the RMA streamlined plan process provisions or for implementation timeframes being included in higher order policy and plan documents.
89. We also do not accept that the reference to “*without limitation*” can be read as meaning the scope of related provisions is effectively unlimited. We consider s.80E makes it clear that in order to be considered a related provision, the provision must support or be consequential on the MDRS and Policies 3, 4 and 5 of the NPSUD. If it passes that threshold, then it will be considered a related provision whether or not it specifically relates to district wide matters, earthworks, fencing, infrastructure, QMs, stormwater management, subdivision, or some other provision.

3.4 Te Ture Whaimana

90. Te Ture Whaimana is the vision and strategy for the Waikato River, and an important guiding document for the Waikato region. It forms part of the WRPS and prevails over any inconsistent provision within:
- a) the WRPS
 - b) any NPS
 - c) the New Zealand Coastal Policy Statement and
 - d) the NPStds.⁶²
91. The s.42A Report described the purpose, intent and what Te Ture Whaimana is trying to achieve as follows:⁶³

The overarching purpose and intent of Te Ture Whaimana is the restoration and protecting of the health and wellbeing of the Waikato River, as well as the enhancement of sites, fisheries, flora and fauna. In addition to the restoration of the Waikato River itself, and its associated catchments, Te Ture Whaimana also seeks to restore and protect iwi’s relationship with the river, the application of maatauranga Maaori, access to the river and adoption of a precautionary decision-making approach to avoid serious or irreversible damage.

92. The s.42A Report also advised that the Council and Waikato Tainui signed a joint management agreement in 2010 with the purpose of establishing an enduring

⁶² *Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, ss.11 and 12.*

⁶³ *s.42A Report, 15 June 2023, at [55].*

relationship to achieve the overarching purpose of the settlement – being the restoration and protection of the River.⁶⁴

93. Te Ture Whenua is also relevant in terms of QMs. Under ss.771(c) and s.770(c), QMs are defined as including any matters “*required to give effect to Te Ture Whenua*”.
94. While there was no dispute as to the important place that Te Ture Whaimana holds in the legal framework, there were different views on the scope and extent of QMs required to give effect to Te Ture Whenua. We address those in section 8 below.

3.5 NPS-UD Interpretation Issues

95. Two interpretation issues were raised at an early stage in relation to the NPS-UD. These were:
 - a) whether we are required to give effect to the NPS-UD in its entirety; and
 - b) the meaning of “*commensurate*” in Policy 3(d).

3.5.1 Giving effect to the NPS-UD

96. As we noted in our Minute dated 14 June 2023, there was general agreement between the parties that:⁶⁵
 - a) while the Amendment Act specifically referred to Policies 3, 4 and 5 of the NPS-UD, that did not mean those were the only policies or provisions that were relevant, or that those policies required differential weighting;
 - b) the Panel is instead required to give effect to the NPS-UD in its entirety to the extent that the matters are within scope of Var 3; and
 - c) the decision of the High Court in *Southern Cross*⁶⁶ reinforces the correctness of that approach.
97. It was also generally agreed that, for the Waikato District, Policy 3(d) was the applicable policy⁶⁷ that was required to be given effect to under the Amendment Act.⁶⁸

3.5.2 Meaning of commensurate

98. Policy 3(d) of the NPS-UD states:

Policy 3: In relation to tier 1 urban environments, regional policy statements and district plans enable:

⁶⁴ *s.42A Report, 15 June 2023, at [56].*

⁶⁵ Submissions filed by the three councils, Ara Poutama, Kāinga Ora, Ministry of Housing and Urban Development, Ryman Healthcare Ltd and Retirement Villages of NZ Incorporated (Ryman/RVA) were all generally aligned on this issue.

⁶⁶ *Southern Cross Healthcare Limited v Eden Epsom Residential Protection Society Inc* [2023] NZHC 948 (*Southern Cross*).

⁶⁷ *Out of policies 3, 4 and 5 of the NPS-UD.*

⁶⁸ *Joint Opening Legal Submissions for Hearing 1, 8 February 2023, at [7.5].*

(d) *within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and densities of urban form commensurate with the level of commercial activity and community services.*

99. The issue arose as to whether the term commensurate related to existing or anticipated future levels of commercial activities and community services.
100. Kāinga Ora submitted that the only feasible reading of the provision relates to anticipated future levels as:⁶⁹
- a) current levels of commercial activity and community services are by definition already accommodated in each centre; and
 - b) the NPS-UD has been drafted to enable more people to live in, and more businesses and community services to be located within, urban environments.
101. Kāinga Ora also submitted that as the level of commercial activity and community services increase so too should the heights and densities, but that those heights and densities should provide a development envelope “*well beyond*” what is required to accommodate all activities anticipated for the centre. This was on the basis that not all sites would be developed to the plan enabled level, and constraints on development space supply would increase prices.⁷⁰
102. The Council s.42A Report interpreted “*commensurate*” as “*corresponding or in proportion with*” and therefore concluded that building heights and densities had to be in proportion with the level of commercial activities and community services anticipated over the NPS-UD long term timeframe (i.e., up to 30 years).⁷¹ The legal submissions for the Council confirmed support for this view.⁷²

3.5.2.1 Finding

103. We accept that “*commensurate*” requires a forward-looking view over the long-term timeframe noted in the NPS-UD. We also accept that what is required are building heights and densities in “*proportion with*” those anticipated future levels of commercial activities and community services. While as noted earlier (paragraph 13 above), a local authority has a discretion to provide more enabling provisions, it is not required to do so. We leave discussion of the evidence on what heights and densities should be enabled to a later section of this decision.

3.6 Relationship between ODP, PDP appeals and Var 3

104. At the time Var 3 was notified, Waikato District had both an ODP (all the provisions

⁶⁹ Kāinga Ora legal submissions, 21 July 2023, at [4.6].

⁷⁰ Kāinga Ora legal submissions, 21 July 2023, at [4.8].

⁷¹ s.42A Report, 15 June 2023, at [642].

⁷² Council legal submissions, 21 July 2023, at [41]-[42].

of which were operative) and a PDP which was not operative.⁷³

105. This meant that the Council was required to notify a variation to its PDP (rather than a plan change to its ODP) to incorporate the MDRS and give effect to Policy 3 of the NPS-UD.⁷⁴
106. The Council advised us that unlike an IPI plan change, an IPI variation does not vary the provisions of the PDP upon notification,⁷⁵ and the Var 3 rules do not have legal effect until decisions on Var 3 are notified.⁷⁶
107. The Council noted that the Amendment Act is however “*largely silent*” as to how the two processes (PDP and IPI) are intended to work alongside each other when relief sought in an unresolved PDP appeal overlaps with the IPI.
108. In terms of the scale of the overlap the Council advised that:⁷⁷
- a) 19 of the 67 PDP appeals are impacted or potentially impacted by Var 3;
 - b) those 19 appeals related to four topics – rezoning requests, higher density requests, amendments to QMs, and deletion of QMs; and
 - c) all appellants (bar one) did not want their appeals placed on hold pending the outcome of Var 3.
109. In terms of jurisdiction on appeal issues the Council submitted that:⁷⁸
- a) it is for the Environment Court to determine:
 - i) the appropriate underlying zoning and rezoning requests raised in any PDP appeals and any site-specific QMs (or other non-density related controls) that would be necessary if residential rezoning is accepted;
 - ii) whether any High Density Zone (HDZ) or commercial zone should be established (where the appellant is not relying on Policy 3 of the NPS-UD); and
 - iii) the appropriateness of setbacks and other restrictions on development raised in appeals outside the relevant residential zones.
 - b) it is for the Panel to determine:
 - i) whether the areas zoned General Residential Zone (GRZ) should have the MDRS incorporated subject to QMs – the Council’s view being that

⁷³ Although some provisions were to be treated as operative (since appeals had been resolved) and other provisions where appeals remained unresolved had legal effect.

⁷⁴ RMA, Sch.12, cl.33(2).

⁷⁵ Largely because on Council’s interpretation cl.16B of Sch.1 does not apply to an IPI.

⁷⁶ Council opening legal submissions, 10 February 2023, at [8.3].

⁷⁷ Council opening legal submissions, 10 February 2023, at [8.7]-[8.10].

⁷⁸ Council opening legal submissions, 10 February 2023, at [8.14]-[8.28], and [8.33].

Huntly, Ngaaruawaahia, Tuakau and Pookeno are the only relevant residential zones which are required to incorporate the MDRS; and

- ii) the extent to which provisions can/should be less enabling of development in a relevant residential zone to accommodate a QM.

110. The Council further advised that:⁷⁹

- a) while the Panel had an ability to make recommendations beyond the scope of submissions, any recommendations still need to be 'on' Var 3; and
- b) the Panel has no ability to reserve any aspect of its recommendations on Var 3 pending the outcome of the PDP appeals - with all decisions on Var 3 required by 31 March 2024.

111. The Council also helpfully provided a table of appeals showing which aspects of the relief were considered within scope of the IPI and what parts remain to be considered by the Environment Court.⁸⁰

112. No parties substantially challenged this – other than in relation to scope for rezoning which we addressed earlier (section 2.4.3 above).

3.6.1 Finding

113. In the absence of any contrary submissions and based on our understanding of the scope of Var 3 (addressed elsewhere in this decision), we accept the Council's advice (paragraphs 109 and 110 above) on this issue and have used it to guide our consideration where overlapping issues have arisen.

3.7 NPS-IB

114. The NPS-IB was released part way through the hearings process and prior to the hearings being completed. The Panel sought comment from the parties as to how procedurally it could be best addressed – i.e., through inclusion in evidence and submissions for Hearing 2, or through a separate NPS-IB focused session.⁸¹ The Council indicated it would address through Hearing 2, and as no other party specifically requested any other approach,⁸² we were content to hear submissions and evidence as part of Hearing 2.

115. In its submissions for Hearing 2 the Council submitted that:⁸³

- a) the Panel was required to give effect to the NPS-IB where relevant within the scope of Var 3;

⁷⁹ Council opening legal submissions, 10 February 2023, at [8.33] and [8.35].

⁸⁰ Council opening legal submissions, 10 February 2023, Appendix 1.

⁸¹ [Direction #19, 11 July 2023](#).

⁸² Noting that WRC responded saying it was not opposed to a separate process but not specifically requesting such a process, refer: [WRC letter, 19 July 2023, at \[4\]-\[6\]](#).

⁸³ Council legal submissions, 21 July 2023, at [29]-[36].

- b) SNAs are a QM under Var 3;
- c) there were 42 residential zoned sites that included a mapped significant natural area (SNA) in the PDP;
- d) for these sites, the existing PDP provisions would continue to apply and any application for resource consent would also need to be assessed against cl.3.10 of the NPS-IB (which seeks to avoid particular effects on the indigenous biodiversity values of the SNA);
- e) for any SNAs not yet mapped, the NPS-IB directs that mapping occur as soon as reasonably practicable but at least within 5 years of the commencement date of the NPS-IB;
- f) the Panel has no scope to introduce new SNAs through the Var 3 process; and
- g) overall Var 3, when viewed in conjunction with the relevant PDP provisions and the application of cl.3.10 will give effect to the NPS-IB.

116. Ms Katrina Andrews, policy advisor for WRC, agreed with the Council points (a), (b) and (d) above, and expressed a preliminary view that the implications of the NPS-IB are limited (due to Var 3 applying within residential zones of four towns), and that it would be of greater relevance to the PDP appeals.

117. We received no other substantive comment or submissions on the NPS-IB.

3.7.1 Finding

118. We accept the submissions of the Council (summarised at paragraph 115 above) and confirm we have applied that approach when considering QMs later in this decision.

3.8 Private Covenants

119. The effect of private covenants in Pookeno and their inconsistency with the MDRS level of development was identified as an issue in the Joint Opening Report.⁸⁴

120. The Council opening legal submissions noted that:

- a) landowners were concerned that the application of the MDRS to the covenanted areas would undermine the character of the areas; and
- b) developers cognisant of the covenant restrictions were concerned about further constraints outside of those areas (through the then proposed Urban Fringe QM).

121. The Council submitted that:⁸⁵

⁸⁴ *Joint Opening Report, at [5.38] and [5.39].*

⁸⁵ *Council opening legal submissions, 10 February 2023, at [6.2]-[6.10].*

- a) the existence of the covenants does not prevent the Council from applying the MDRS subject to any QMs;
- b) the provisions of the district plan and any resource consents do not nullify the need to comply with any private covenants;
- c) landowners subject to the covenants are required to comply with their terms or risk liquidated damages for breach;
- d) enforcement of the covenants is a private matter between the parties subject to the covenant – it is not a matter to be addressed under the RMA;
- e) the private covenants are only relevant to Var 3 if the characteristics sought to be protected under the covenants constitute a QM under s.77i; and
- f) the private covenants do not satisfy any of the QMs in ss.77i(a) to (i) being matters of national importance and nor do they satisfy the additional requirements in s.77L to be an “*other*” QM under s.77(j).

122. We received no other legal submissions on this point.

3.8.1 Finding

123. We accept, for the reasons given by the Council (at paragraph 121 above), that private covenants are not QMs and are therefore not relevant considerations for us in reaching our decisions on Var 3. While we recognise that at a practical level the existence of such covenants may constrain intensification in the areas to which they apply, we received no evidence about the terms of the covenants or the properties to which they applied, we are therefore not able to take this issue further.

4 Scope Issues

124. During the hearing process, the Council and a number of submitters raised questions of scope. In particular, whether specific requested relief was within scope, and how any scope issues ought to be dealt with.

125. In determining those scope matters (and others subsequently arising), we were mindful that while the s.41D strike out powers have been expressly carried over as part of this IPI process,⁸⁶ strike out is a power which should be exercised sparingly and only in a clear case – particularly given the public participation provisions of the RMA.

126. We also paid careful attention to the line of relevant case authorities – being those colloquially referred to as *Clearwater*, *Motor Machinists*, *Bluewater* and *Albany North*⁸⁷ – and applied the conventional 2-limb test. That is, (in summary), a

⁸⁶ RMA, Sch.1, cl.98(1)(h).

⁸⁷ *Clearwater Resort Ltd v Christchurch City Council* [2013] NZHC 1290; *Palmerston North City Council v Motor Machinists Ltd* [2013] NZHC 1290; *Bluehaven Management Limited v Western Bay of Plenty District Council* [2016] NZEnvC 191; and *Albany North Landowners v Auckland Council* [2017] NZHC 138.

submission needs to be ‘on’ the plan change, and the plan change must not be appreciably amended without real opportunity for those potentially affected to participate.

127. We also received submissions on the effect and relevance of the Environment Court’s decision in *Waikanae* to issues of scope. There seemed to be general agreement that:
- a) while a territorial authority’s powers under an IPI may seem broad they are not unlimited; and
 - b) QMs and related provisions can reduce development to pre-MDRS levels but cannot remove or preclude existing permitted levels of development.
128. However, there were differing views on whether other changes to existing rights or provisions within the District Plan (such as a change to a more restrictive activity status) were out of scope.
129. We addressed some preliminary scope matters relating to the Urban Fringe QM, inclusionary zoning/affordable housing, and specific submission points in section 2.4 above.
130. The scope issues we address here and our findings on them are summarised in Table #1 below:

Table #1: Scope Issues and Findings

Section #	Scope Issue	Finding
4.1	MDRS - Raglan and Te Kauwhata	Out of scope
4.2	Financial contributions	Out of scope
4.3	Additional height in Huntly	Within scope
4.4	Gas transmission line setback	Out of scope
4.5	Historic heritage	Out of scope
4.6	Turangawaewae marae surrounds – Area D	Out of scope
4.7	Flood risk	Part out of scope Part within scope
4.8	Waterbodies buffer	Out of scope
4.9	Retirement villages in business zones	Out of scope
4.10	Residential definitions	Out of scope
4.11	Noise and vibration setbacks	Out of scope
4.12	Electricity line setbacks	Out of scope
4.13	Horotiu West rezoning	Within scope
4.14	Other rezoning	
	(i) Kainga Ora rezoning requests	Out of scope
	(ii) 23A Harrisville Road and Johnson/Oak Street	Within scope
	(iii) Tuakau Structure Plan and Waikato 2070 areas	Out of scope
	(iv) 40 and 45 Harrisville Road, Tuakau	Out of scope

Section #	Scope Issue	Finding
	(v) 14 and 16 Herschel Street, Ngaaruawaahia	Out of scope
	(vi) Greenfield land in Ngaaruawaahia	Out of scope
	(vii) King Street, Ngaaruawaahia	Part out of scope
	(viii) 2D Ellery Street, Ngaaruawaahia	Out of scope
	(ix) 99a Ngaaruawaahia Road and 18 Rangimarie Road, Ngaaruawaahia	Within scope
4.15	Pookeno special character as a QM	Out of scope

131. Matters that we determine as being clearly out of scope are not addressed further in this decision. Where the scope issue is not clear-cut, or there remains some uncertainty around scope (such as the *Waikanae* issue regarding activity status noted at paragraph 128 above), we have taken a conservative approach and ruled the matter within scope, so that the merits of the issue can be assessed in later parts of this decision.

4.1 MDRS - Raglan and Te Kauwhata

132. The Joint Opening Report identified that issues had been raised as to whether the Council had correctly applied the MDRS to all relevant towns.⁸⁸

133. In Var 3 as notified the Council had:

- a) applied the MDRS to the four towns of Huntly, Ngaaruawaahia, Pookeno and Tuakau through the creation of a new medium density residential zone (MRZ2); and
- b) not applied the MDRS to the towns of Raglan and Te Kauwhata, leaving these with the medium density zoning applied under the PDP but renaming the zone MRZ1.

134. There was generally no dispute that the towns of Huntly, Ngaaruawaahia, Tuakau and Pookeno⁸⁹ had been correctly identified as relevant residential zones.⁹⁰ However, Kāinga Ora and Ryman Healthcare Limited and Retirement Villages Association of New Zealand (Ryman/RVA) submitted that Raglan and Te Kauwhata also qualified as relevant residential zones. This was because, while both areas had a population of less than 5,000, they were areas that Council intended to become part of the “*urban environment*” as referenced in the Future Proof Strategy.⁹¹

⁸⁸ *Joint Opening Report*, at [5.4].

⁸⁹ Refer to the s.42A Report, 15 June 2023, at [89]-[96] for a summary of the reasons why these towns meet the definition of “*relevant residential zone*”.

⁹⁰ Acknowledging there were some lay submitters who opposed the MDRS being applied to each of the four towns.

⁹¹ Kāinga Ora (#106), RVA (#107) and Ryman (#108).

135. In their joint opening legal submissions,⁹² the councils noted that the MDRS is required to be applied to all “*relevant residential zones*”,⁹³ being all residential zones with the exception of:⁹⁴

- a) *a large lot residential zone:*
- b) *an area predominantly urban in character that the 2018 census recorded as having a resident population of less than 5,000, unless a local authority intends the area to become part of an urban environment:*
- c) *an offshore island:*
- d) *to avoid doubt, a settlement zone.*

136. The Council’s (individual) opening legal submissions did not address the specifics of this definition, but simply expressed the view that there was no scope for the Panel to include the MDRS in Raglan or Te Kauwhata as both of those towns had an MRZ1 zoning as a result of the PDP panel accepting a submission from Kāinga Ora.⁹⁵

137. The s.42A Report author did however subsequently provide a further explanation as to why the two towns did not qualify as “*relevant residential zones*”. In essence:

- a) Raglan and Te Kauwhata have populations less than 5,000;
- b) for areas with populations of less than 5,000 to qualify as “*urban environments*” they must meet both arms of the definition in s.77F;
- c) this requires that an area is or is intended to be:
 - i) predominantly urban in character; and
 - ii) part of a housing and labour market of at least 10,000 people;
- d) while both towns are intended to be predominantly urban in character:
 - i) they are not part of a housing and labour market of at least 10,000 people (both being located in hinterlands some distance from Auckland and Hamilton);
 - ii) neither town is predicted to reach a population of 10,000 over the short, medium or long-term timeframes in the NPS-UD; and
- e) the Future Proof Strategy classifies Raglan and Te Kauwhata as locations where urban development should be enabled but not as “*urban environments*” under the NPS-UD.

⁹² *Joint opening legal submissions for the councils, 8 February 2023, at [6.10]-[6.15].*

⁹³ *RMA, s.77G(1).*

⁹⁴ *RMA, s.2(1).*

⁹⁵ *Council opening submissions, 10 February 2023, at [6.1(a)].*

138. This matter was not addressed further by Kāinga Ora, Ryman/RVA or any other submitter in their legal submissions.

4.1.1 Finding

139. We accept, for the reasons given by the Council (and as summarised at paragraphs 135 to 137 above) that the MDRS is not required to be applied to Raglan and Te Kauwhata. Those areas are not currently relevant residential zones, and nor are they urban environments. Accordingly, substantive changes to those zones, fall outside the scope of PC33.

4.2 Financial Contributions

140. At the end of Hearing 1, the Council indicated it was considering submissions requesting the introduction of FCs by Waikato Housing Initiative and others as well as Waikato Regional Council (WRC).⁹⁶

141. Legal submissions were subsequently filed by Pookeno West Ltd and others challenging scope for the introduction of FC provisions and seeking an early determination of these matters.⁹⁷

142. The Council provided detailed submissions on the issue of scope and noted that *“similar issues of scope may arise if financial contribution provisions were introduced by the Council at the section 42A stage.”*

143. As noted in section 2.4.2 above, we struck out the submission points of Waikato Housing Initiatives and others having considered submissions from the parties.

144. However the issue of WRC’s related submission point (#42.5),⁹⁸ was not addressed at that time.

4.2.1 Finding

145. For completeness, we find that there is no scope for the WRC submission point (#42.5) for the same reasons we provided when striking out the submission points by Waikato Housing Initiative and others in our [Direction #11](#). In particular, the WRC submission point does not address the change to the status quo proposed by Var 3, and there is a real risk that people potentially affected by the submission would be denied an opportunity to participate. We therefore strike this WRC submission point (#42.5) out.

⁹⁶ Council legal submissions on inclusionary zoning, 24 March 2023, at [8].

⁹⁷ Pookeno West legal submissions, 28 February 2023.

⁹⁸ This submission point sought consideration of the use of FCs to address increased infrastructure costs or betterment activities to give effect to Te Ture Whaimana.

4.3 Additional Height in Huntly

146. Var 3 as notified did not propose any additional height for either the Huntly Town Centre Zone (TCZ) or the Commercial Zone (COMZ).
147. Kāinga Ora in its submission sought an increase in height from the existing 12m to 24.5m. It later modified this to 24.5m in the TCZ and 22m in the COMZ.
148. Kāinga Ora provided general legal submissions on scope which addressed the two-limb test set out in *Clearwater* and *Motor Machinists* and in support of its view that Var 3 provided a wide scope.⁹⁹
149. The Council provided brief legal submissions setting out why it considered there was scope for additional heights in Huntly as follows:¹⁰⁰
- (a) The additional height gives effect to policy 3(d) of the NPS-UD, as required by section 80E;*
 - (b) Despite the matter not being addressed in the section 32 report, the Council was required to give effect to Policy 3(d), and the assessment should have been undertaken;*
 - (c) The additional heights sought by Kāinga Ora were publicly notified in the summary of submissions, and members of the community had the opportunity to lodge a further submission supporting or opposing the relief.*
150. No other party expressly addressed the issue of scope for additional heights in Huntly.

4.3.1 Finding

151. We agree that there is scope for additional height in Huntly for the reasons given by the Council (as summarised at paragraph 149 above). Accordingly, we proceed to consider this issue on the merits in a later section of this decision.

4.4 Gas Transmission Line Setback

152. Var 3 as notified included a 6m setback from the centre of a gas transmission line through relevant residential zones in Tuakau.¹⁰¹ First Gas Ltd submitted seeking a larger setback in the MRZ2 as well as a related matter of discretion (#117.2). In a further submission, First Gas also sought to extend its relief sought beyond the MRZ2 to all relevant residential zones that the pipeline traversed.
153. The s.42A Report for the Council noted that both the setback proposed in Var 3 and that sought by First Gas are more restrictive than the PDP, and that if *Waikanae* is applied, then the setback could not be considered as part of Var 3.¹⁰²

⁹⁹ *Kāinga Ora legal submissions, 21 July 2023, at [5.4]-[5.11].*

¹⁰⁰ *Council legal submissions, 21 July 2023, at [58].*

¹⁰¹ *s.42A Report, 15 June 2023, at [564].*

¹⁰² *s.42A Report, 15 June 2023, at [567].*

154. The Council’s legal submissions agreed that *Waikanae* applied, and the setback should not be imposed. The submissions also noted that:
- a) a further submission cannot extend the relief sought in an original submission; and
 - b) the related PDP appeal on setbacks (in other areas) had been resolved with the effect that those setbacks could be treated as operative.
155. In those circumstances the Council submitted it was not necessary to consider whether the setback had the effect of modifying the MDRS or limiting development capacity to be assessed as a QM.¹⁰³

4.4.1 Finding

156. We accept the Council’s view on this issue (as summarised in paragraphs 153 and 154) above. We consider there is no scope to include the setbacks in the relevant residential zones through Var 3, and we therefore strike this submission point (#117.2) out. However, we note that this does not foreclose such setbacks being pursued through a separate plan change process should that be considered appropriate.

4.5 Historic Heritage

157. Var 3 as notified did not make any changes to the 22 scheduled heritage items. This was because they had already been reviewed as part of the PDP process. Two submitters requested buffer areas around heritage items (#75.5),¹⁰⁴ and one submitter sought that development be limited to single storey housing around the Queen’s Redoubt site (#115.1).¹⁰⁵
158. The s.42A Report did not directly address the scope issue for the buffer areas,¹⁰⁶ but in relation to the Queen’s Redoubt site noted that:¹⁰⁷
- a) the properties in the areas where the limitation was sought had already been zoned medium density in the PDP process;
 - b) the PDP medium density zone enabled 3 storey housing up to 11m in height as a permitted activity; and
 - c) if *Waikanae* applied, Council could not use its IPI process to remove or restrict development rights that already exist in the district plan.
159. The Council legal submissions clarified that:¹⁰⁸

¹⁰³ Council legal submissions, 21 July 2023, at [71]-[75].

¹⁰⁴ Being a submission point of Laura Kellaway and Bryan Windeatt.

¹⁰⁵ Being a submission point of the Queen’s Redoubt Trust relating to areas in Selby Street and Walters Road.

¹⁰⁶ But did address the merits of such buffers, refer: s.42A Report, 15 June 2023, at [443]-[444].

¹⁰⁷ s.42A Report, 15 June 2023, at [447].

¹⁰⁸ Council legal submissions, 21 July 2023, at [81]-[82].

- a) as there were still live appeals on the PDP which relate to the PDP medium density zone it could not be said that the standard was beyond challenge and therefore it was at least arguable that *Waikanae* may not apply;
- b) *Waikanae* was not however the only limitation on scope as plan amendments still had to meet the *Clearwater* tests;
- c) reducing the height limit in the proposed buffer areas and around the Queen's Redoubt site would not meet the second limb of the *Clearwater* test as there is a real risk landowners in the area have not had a reasonable opportunity to participate; and
- d) this concern was borne out by the lack of further submissions on these submission points (with only one further submission having been received).

4.5.1 Finding

160. We accept, for the reasons provided by the Council (paragraphs 158 and 159 above), that there is no scope for the relief sought by these submitters in this process. We therefore exercise our power under s.41D of the RMA and strike out submission points #115.1 and #75.5.

4.6 Tuurangawaewae Marae Surrounds – Area D

- 161. Submissions were lodged seeking to either rezone the land surrounding Tuurangawaewae marae or apply a QM to protect the cultural viewshafts from the marae to the Waikato awa, Haakarimata Range and Taupiri maunga.
- 162. Mr Mansergh assessed how the cultural viewshafts would be affected by Var 3 as well as the greater height previously (but no longer sought) by Kāinga Ora. Mr Mansergh recommended that to fully address the effects, development in areas close to the marae (referred to as Area D),¹⁰⁹ should be restricted to levels comparable to the GRZ in the ODP.¹¹⁰ That is, generally 7.5m height, 40% building coverage and height control plane of 37 degrees.¹¹¹ Mr Mansergh, acknowledging that there may be scope issues associated with his recommendation, provided an alternative (but less preferred) QM envelope to partly address effects.¹¹²
- 163. The s.42A Report acknowledged the importance of maintaining the relationship between Tuurangawaewae marae and the places of cultural significance, but considered a future variation or plan change would be necessary to reduce development levels below the levels set out in the PDP.¹¹³

¹⁰⁹ *Being the neighbourhood block bounded by Great South Road, Regent Street and River Road and properties adjoining River Road adjacent to the Marae.*

¹¹⁰ *Mansergh, Statement of evidence, 20 June 2023, at [151].*

¹¹¹ *Council legal submissions, 21 July 2023, at [92].*

¹¹² *Mansergh, Statement of evidence, 20 June 2023, at [152], [157] and [158].*

¹¹³ *s.42A Report, 15 June 2023, at [412].*

164. The legal submissions for the Council noted that:¹¹⁴

- a) similar to the position on the historic heritage issue (noted in paragraph 159 above) it was at least arguable that *Waikanae* did not apply given there were unresolved PDP appeals that addressed the same plan provisions;
- b) adopting Mr Mansergh's preferred recommendation for Area D would not meet the second limb of the *Clearwater* test as there is a real risk that landowners in the area have not had a reasonable opportunity to participate;
- c) the summary of submissions would not have put a potential submitter on notice that development controls could have reverted back to ODP standards; and
- d) the fact that only three further submissions were received across the five different submissions on these issues supported the view that potential submitters have been denied the opportunity to respond to Mr Mansergh's recommendation.

165. The Council did however later submit that there was scope for some additional assessment criteria in the TCZ and COMZ to require consideration of the impacts of additional height on the cultural viewshaft.¹¹⁵

166. No party took a contrary view on these scope issues.

4.6.1 Finding

167. We acknowledge the importance of Tuurangawaewae marae, Waikato awa, Haakarimata and Taupiri to Waikato Tainui. We agree that the protection of the viewshafts from the marae to these areas are matters of national importance under s.6(e). How those matters are appropriately provided for will be discussed in a later section.

168. However, the issue here, is whether there is scope for the Area D preferred relief as suggested by Mr Mansergh. Our view is that there is not, for the reasons provided by the Council (and summarised at paragraph 164 above). However, we note that Mr Mansergh has suggested alternative relief to which no scope issues have been raised, and the Council has also considered further changes in other areas (such as the TCZ and COMZ) to address these concerns, which we address later. To the extent concerns remain with the PDP level of development, these will need to be addressed either through PDP appeals (to the extent there is scope) or through a separate plan change process.

169. For completeness we note that as this issue arose in the context of a recommendation from Council's expert in response to submissions, our s.41D strike

¹¹⁴ Council legal submissions, 21 July 2023, at [105]-[107].

¹¹⁵ Council reply legal submissions, 22 September 2023, at [22].

out power is not relevant. Accordingly, we simply record our view here that the preferred relief of Mr Mansergh's for Area D is out of scope.

4.7 Flood Risk

170. The Council advised us that there were scope issues in seeking to take a comprehensive approach to flooding within Var 3. In particular the Council submitted that:¹¹⁶

- a) the *Waikanae* decision means that Council cannot disenable existing rights in the PDP, which enables 3 units as a permitted activity in the MRZ and one unit and a minor unit in the GRZ, except where a property in either zone is within a mapped high risk flood area;
- b) in terms of the *Clearwater* tests:
 - i) no additional flood hazard restrictions were included in Var 3 as notified or addressed in the s.32 Evaluation Report; and
 - ii) there is a real risk that members of the community would not be aware that changes were proposed to permitted development rights at this stage of Var 3;
- c) the existence of two PDP appeals (by WDC and Ms Noakes) means that the PDP provisions are not settled;
- d) there is no scope to disenable three residential units on properties rezoned from GRZ to MRZ2 in Var 3;
- e) there is no scope to amend district wide provisions that would have application beyond the relevant residential zone;
- f) but there is scope to limit density within the former proposed Urban Fringe QM area through the application of a stormwater constraints overlay (now referred to as the MRZ2 Flood Risk QM).

171. No party disagreed with these submissions on scope, although, as we address later, there were a number of submissions on the merits of such a QM.

4.7.1 Finding

172. We accept the Council's submissions on scope (as summarised in paragraph 170 above) and have approached our consideration of the merits of the proposed controls (section 8 below) with these constraints in mind.

¹¹⁶ Council legal submissions, 21 July 2023, at [149]-[150].

4.8 Waterbodies Buffer

173. Ngaati Naho requested the inclusion of a 1.2km buffer zone along the Waikato River, Lake Waikare, and the Whangamarino and Mangataawhiri wetlands to exclude any medium or high-density housing in those areas in order to better protect the waterways (submission point #83.5).
174. Council considered there was no scope for this specific change as it would make development less enabling than the existing PDP (contrary to *Waikanae*) and would be unfair from a natural justice and fair process perspective (contrary to *Clearwater*).¹¹⁷ The Council did however consider that there were other mechanisms within scope (such as smaller buffer areas from the river and other provisions) that they had recommended to protect waterbodies.
175. Mr Haydn Solomon appeared and gave oral evidence for Ngaati Naho at the hearing¹¹⁸ but did not specifically address the issue of scope.

4.8.1.1 Finding

176. We accept that there is no scope for a buffer of this breadth within Var 3 for the reasons given by the Council (as summarised in paragraph 174 above). We therefore exercise our power under s.41D and strike this submission point (#83.5) out. We address the merits of the other measures that Council is proposing to address effects on waterbodies in a later section of this decision report.

4.9 Retirement Villages in Business Zones

177. Ryman/RVA sought a variety of changes in their submissions which they considered were necessary to better provide for the ageing population and retirement villages in both the MRZ2 and business zones.
178. While initially scope issues were raised by the Council regarding all of these zones,¹¹⁹ the Council subsequently agreed that there was scope for changes sought in the MRZ2 zone. Council however maintained its view that the changes sought to the business zones - being the Local Centre Zone (LCZ), the TCZ and the COMZ - were outside scope.¹²⁰
179. Ryman/RVA accepted that the changes it had sought within the LCZ¹²¹ were not within the scope of Var 3 since there are no LCZ areas within the Waikato urban

¹¹⁷ s.42A Report, 15 June 2023, at [533], [534] and [537]; and Council legal submissions, 21 July 2023, at [170].

¹¹⁸ Remote appearance on 2 August 2023.

¹¹⁹ s.42A Report, 15 June 2023, at [213]; and s.42A Report Addendum 1, 23 June 2023, at [20]-[21].

¹²⁰ s.42A Report Addendum 1, 23 June 2023, at [23]-[28].

¹²¹ Being submission points #107.9 relating to the LCZ, #107.49 to #107.56, and related parts of #108.1.

environment.¹²² However, they maintained their view that the changes they had sought to the TCZ and COMZ¹²³ were within scope as:¹²⁴

- a) TCZ and COMZ areas were within the urban environments of the four towns;
- b) Policy 3(d) of the NPS-UD was required to be given effect to in those areas;
- c) Policy 3(d) should be interpreted broadly in light of the other objectives and policies of the NPS-UD (including Objective 3 and Policy 1);
- d) the changes they were seeking were required to give effect to Policy 3(d) as urban form included residential and commercial activities;
- e) the changes were also related provisions as they supported or were consequential on Policy 3;
- f) while Var 3 did not propose to materially change provisions in the business zones and the s.32 analysis did not deal with such changes, they should have;
- g) the Amendment Act was widely publicised;
- h) Var 3 was publicly notified and Ryman/RVA's submissions were publicly available;
- i) case law on scope needed to be applied with caution given the IPI context; and
- j) the tests in the Amendment Act should be the focus for scope.

180. The Council disagreed and submitted that:¹²⁵

- a) the TCZ and COMZ are not relevant residential zones and are not required to have the MDRS incorporated;
- b) residential use within the TCZ and COMZ is already a permitted activity;
- c) amendments to refer to the requirements of the ageing population are not related provisions as:
 - i) the amendments do not support and are not consequential on the MDRS or Policies 3, 4 or 5 of the NPS-UD; and
 - ii) Policy 3(d) is limited in its scope to heights and densities of urban form and within that form all residential uses should be equally provided for.

¹²² Ryman/RVA legal submissions, 21 July 2023, at [40]; and Ryman/RVA legal submissions, 22 August 2023, at [8].

¹²³ Being submission points #107.9 relating to the TCZ and COMZ, #107.57 to #107.60, #107.62 to #107.68, #107.70 to #107.72, and related parts of #108.1.

¹²⁴ Ryman/RVA legal submissions, 21 July 2023, at [41]-[42]; and Ryman/RVA legal submissions, 22 August 2023, at [10].

¹²⁵ s.42A Report, 15 June 2023, at [213], [220]; s.42A Report Addendum, 23 June 2023, at [26];

4.9.1 Finding

181. We accept, as did both Ryman/RVA and the Council, that changes to the LCZ are not within scope as they are not located within the Waikato urban environment. We therefore exercise our discretion under s.41D and strike out these submission points (being #107.9 relating to the LCZ, #107.49 to #107.56 and related parts of #108.1).
182. We also accept that changes to the TCZ and COMZ are not within scope as:
- a) the TCZ and COMZ are not relevant residential zones and are not required to have the MDRS incorporated;
 - b) the provisions of those zones were not materially amended by Var 3;
 - c) the changes were not assessed as part of the s.32 analysis;
 - d) the changes do not support and are not consequential on the MDRS or Policy 3(d);
 - e) the changes go beyond seeking changes to building heights and densities instead being directed at enabling a particular type of residential use; and
 - f) while the changes were clearly flagged in the submissions for Ryman/RVA, there may be potential submitters who would not have appreciated that Var 3 could give rise to such changes (given the absence of any material changes to those zones in the notified version of Var 3 and given the purpose of the Amendment Act being to enable more housing in relevant residential areas).
183. Accordingly, we also exercise our power under s.41D to strike out these submission points (#107.9 relating to the TCZ and COMZ, #107.57 to #107.60, #107.62 to #107.68, #107.70 to #107.72 and related parts of #108.1).

4.10 Residential Definitions

184. Two submitters sought changes to or the inclusion of new residential definitions:
- a) Ara Poutama sought the inclusion of a new definition of “*household*” and the amendment of the “*supported residential accommodation*” definition (#30.3 and #30.4); and
 - b) Ryman/RVA sought the inclusion of a new definition of “*retirement units*” (#107.11).
185. The Council considered there was no scope for such amendments since they are not required to implement the MDRS, and were not related provisions (i.e., they are not required to support and are not consequential on the MDRS or Policies 3 and 4 of the NPS-UD.¹²⁶

¹²⁶ s.42A Report, 15 June 2023, at [335], and [356]; and Council legal submissions, 21 July 2023 at [209]-[212].

186. Ara Poutama submitted that “*arguably*” its relief was within scope of s.80E because the purpose of Var 3 is to enable residential intensification in relevant residential zones and provide housing choice in line with the NPS-UD.
187. Ryman/RVA submitted that its relief was within scope as it gives effect to Policy 3 and is a related provision.
188. In reply submissions the Council maintained its view that there was no scope for the Ara Poutama relief through this IPI process and a separate plan change or variation would be required if they were to be introduced.¹²⁷ The Council took a different approach to the Ryman/RVA relief setting out the reasons it considered such relief was not required, rather than addressing scope issues.¹²⁸

4.10.1 Finding

189. We agree with the Council that there is no scope for the relief sought by Ara Poutama for the reasons summarised at paragraph 185 above. We also consider that there are scope issues with the relief sought by Ryman/RVA for similar reasons. Further, we are cognisant that as definitions apply across the district, any changes would potentially have implications beyond just those zones affected by PC33. We therefore exercise our discretion to strike out these submission points (#30.3, #30.4 and #107.11).

4.11 Noise and Vibration Setbacks

190. Var 3 proposed setbacks for sensitive land uses from the boundaries of national/regional arterials, the Waikato expressway, and the rail corridor based on the extent of setbacks included in the PDP.¹²⁹ Those setbacks were appealed by Waka Kotahi – New Zealand Transport Agency (Waka Kotahi) and KiwiRail Holdings Ltd (KiwiRail) and discussions on those appeals proceeded in parallel with the Var 3 process. Both Waka Kotahi and KiwiRail made submissions on the setbacks seeking alignment or similar relief to what was sought through the PDP appeal process (submission points #29.4, #54.2, #54.11 to #54.15). The parties subsequently reached an agreement through the PDP appeals process as to the appropriate extent of setbacks and associated provisions.¹³⁰
191. In terms of scope for the changes sought in submissions on Var 3, we were informed that the parties had agreed that:¹³¹
- a) the noise and vibration setbacks sought (to the rail corridor and state highways):

¹²⁷ Council reply submissions, 22 September 2023, at [82].

¹²⁸ Council reply submissions, 22 September 2023, at [79].

¹²⁹ s.42A Report, 15 June 2023, at [554].

¹³⁰ s.42A Report, 15 September 2023, at [56].

¹³¹ Council legal submissions, 21 November 2023, at [41]-[43].

- i) do not constitute a QM under s.77I as they do not affect density;
 - ii) do not constitute a related provision under s.80E as they do not support and are not consequential on the MDRS or Policy 3;
 - iii) are not required to be implemented through Var 3 as the changes agreed through the PDP process were district wide and would automatically apply to Var 3 zones once a consent order had been issued by the Court; and
- b) the 2.5m safety setback from the rail corridor is a QM under s.77I(e) and needed to be appropriately provided for under Var 3.

192. No party disagreed with this position on scope, although there was some disagreement between the parties as to the most appropriate wording for the 2.5m safety setback.¹³²

4.11.1 Finding

193. We accept, for the reasons summarised at paragraph 191 above, that there is no scope for the noise and vibration setbacks but that there is scope for the 2.5m safety setback. We therefore strike out submission points #29.4, #54.2, #54.11 to #54.15 to the extent they relate to noise and vibration setbacks. We proceed to consider the merits of the 2.5m setback in a later section of this decision.

4.12 Electricity Line Setbacks

194. WEL Networks Ltd's submission sought the inclusion of a new subdivision rule (#19.1) and an amendment to the MRZ2 setbacks rule (#19.3) to require compliance with the New Zealand Electrical Code of Practice NZECP 34 2001 (NZECP 34) which imposes mandatory setback distances from power lines.

195. The Council's legal submissions advised that as the provisions proposed by WEL Networks could be less enabling of development under the MDRS they would need to be supported by a QM. However the infrastructure QM under s.77I(e) only applied to nationally significant infrastructure, which according to the NPS-UD definition did not include WEL Network's assets.¹³³ Accordingly, the Council submitted that for the provisions to be included they would need to be assessed and meet the requirements of an 'other' QM in s.77(j) as well as the additional requirements in s.77L. As no such assessment had been provided the most that could be offered was an advice note to act as an alert to landowners and developers.¹³⁴

¹³² As noted in the Council legal submissions, 21 November 2023, at [47].

¹³³ Council legal submissions, 21 July 2023, at [213].

¹³⁴ Council legal submissions, 21 July 2023, at [71]-[73]; and s.42A Report, 15 June 2023, at [340].

196. WEL Networks disagreed and submitted that:¹³⁵

- a) the requirement to comply with NZECP 34 is mandatory and exists irrespective of the rules in Var 3 and it therefore cannot act to reduce capacity enabled by the MDRS;
- b) Council had a broad discretion under s.80E to introduce new or alter existing provisions as “*related provisions*” subject only to those provisions supporting or being consequential on the mandatory requirements;
- c) while the terms “*support*” or “*consequential*” are not defined, they must include provisions to manage the interface between intensification and infrastructure;
- d) provisions to mitigate the effects of intensification are both necessary and appropriate to support the implementation of the MDRS and NPS-UD as well as being consequential to greater intensification; and
- e) although it considered ss.77I(j) and 77L were not relevant to its relief, even if compliance with those provisions was required, the evidence of their in-house planner Sara Brown¹³⁶ satisfied those requirements.

4.12.1 Finding

197. We are not persuaded there is scope for the relief sought by WEL Networks for the reasons given by the Council (as summarised at paragraph 195 above).

198. We also disagree that ECP34’s mandatory status means it cannot be said to reduce MDRS capacity. Including the proposed restrictions in the plan would reduce plan enabled capacity, which is clearly captured by s.77I. Accordingly, the restriction could only be applied if it qualifies as an “*other*” QM under s.77I(j). Section 77L is clear that a matter is not a QM under s.77I(j) unless a s.32 evaluation has been undertaken that identifies the specific sites affected and evaluates the characteristics of those sites as well as an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS while managing the specific characteristics. Ms Brown’s evidence does not include such an evaluation, and nor was such an evaluation otherwise provided by WEL Networks.

199. We also consider that there are likely to be potentially affected people who have not been consulted nor had a reasonable opportunity to submit given the matter was requested through a submission and not supported by a s.77L evaluation identifying and assessing each site.

200. For these reasons we exercise our power under s.41D to strike out these submission points (#19.1 and #19.3). As a consequence, we have not included the advice note

¹³⁵ WEL Networks further legal submissions, 3 October 2023, at [4]-[9].

¹³⁶ Brown, Statement of evidence, 4 July 2023.

regarding compliance with ECP34 (which was suggested by Council in response to this submission point) in our recommended provisions. However, we note that this does not alter the requirement to comply with ECP34. Nor does it prohibit the issues being considered in a future plan change, or WEL Networks and/or the Council making further information available to the public in the meantime about the need for compliance with ECP34.

4.13 Horotiu West Rezoning

201. HFL filed a submission seeking to rezone 34 hectares of its land between Great South Road and State Highway 1C in Horotiu (Horotiu West) from GRZ to MRZ2 (#49.1).
202. While Council's initial position¹³⁷ was that the rezoning was out of scope - a position strongly contested by HFL¹³⁸ - by the time of Hearing 3 the Council had reversed its position. In particular, the Council submitted that:¹³⁹
 - a) the Horotiu West land met the definition of an urban environment in s.77F as:
 - i) the land is or is intended to be predominantly urban in character -with parts already residential, and other parts intended to have an urban character as shown on the development master plan; and
 - ii) Horotiu's location on the edge of Hamilton City and its role in the productive economic corridor meant it was part of a housing and labour market more than 10,000 people;
 - b) the GRZ in Horotiu is a relevant residential zone;
 - c) there were unlikely to be any natural justice and fairness issues as:
 - i) the Horotiu West land had been identified by the Council for residential zoning through the PDP process and no appeals had been filed contesting that zoning;
 - ii) the recent extensive Te Awa Lakes private plan change process had confirmed the area as being appropriate for mixed residential/commercial and industrial uses;
 - iii) there was an opportunity for further submissions through Var 3 and the existence of one further submission was evidence of that;
 - iv) the fact that there were no other further submissions may be due to the fact it had recently been rezoned through the PDP process;

¹³⁷ Council legal submissions, 24 March 2023, at [30]-[35].

¹³⁸ HFL legal submissions, 15 March 2023, HFL reply legal submissions, 30 March 2023, and HFL submissions 21 November 2023, at [5].

¹³⁹ Council legal submissions, 21 November 2023, at [3]-[27].

- v) the developer had undertaken consultation with key stakeholders¹⁴⁰ since 2017 regarding its Horotiu West masterplan, and more recently on its decision to seek MDRZ through Var 3 – including an invitation to a consultation session prior to the close of further submissions; and
- vi) the limitations of the IPI process meant that even if Var 3 had been notified to include Horotiu West, submissions could not prevent the application of the MDRS to the site (since it was a relevant residential zone).

203. In its final closing submissions, the Council confirmed that it remained of the view that the submission was within scope of Var 3 because it was both within the scope of an IPI under s.80E, and “on” the plan change in accordance with the bipartite *Clearwater* tests. The Council also noted that scope was not challenged by any party at Hearing 3.¹⁴¹

4.13.1 Finding

204. We are satisfied for the reasons given by the Council (and summarised at paragraph 202 above) that the submission and rezoning relief sought by HFL is within scope. We address the merits of the rezoning and the parties’ views on appropriate provisions later in this decision.

4.14 Other Rezoning

4.14.1 Kāinga Ora rezoning requests

205. Kāinga Ora requested the rezoning of a large number of sites across the towns of Tuakau, Pookeno, Huntly, Raglan and Te Kauwhata (submission points # 106.10 to #106.16).

206. The s.42A Report raised scope concerns with this relief on the basis that:

- a) for the large lot residential zoned land at Tuakau, the zone is not a relevant residential zone, the rezonings were not included in Var 3 as notified, and people may not be aware of the requests and therefore not have had a reasonable opportunity to participate,¹⁴²
- b) for the land at Pookeno:¹⁴³
 - i) Var 3 did not rezone any MR22 to COMZ, the surrounding land had not been rezoned in any material way by Var 3, and there was a potential lack of consultation;

¹⁴⁰ *Coventry, Statement of evidence, 7 November 2023, at [5.4] which referred to consultation with iwi, the tangata whenua working group, the Horotiu primary school and immediate neighbours.*

¹⁴¹ *Council final reply submissions, 1 February 2024, at [3]-[4].*

¹⁴² *s.42A Report, 15 June 2023, at [132]-[133].*

¹⁴³ *s.42A Report, 15 June 2023, at [126]-[129].*

- ii) the PDP had not rezoned land from General Rural to GRZ, the property was not rezoned in Var 3, and it was not clear whether any consultation had occurred; and
- c) for the General Rural zoned college site in Huntly, the land is not a relevant residential zone, is not a logical extension of a rezoning proposed in Var 3, and consultation may not have been undertaken.¹⁴⁴

207. The legal submissions for the Council expressed the view that these zoning requests would fail at least the second *Clearwater* test as:¹⁴⁵

The rezoning would impact a significant number of properties and there is a real risk that those owners are not aware that the zoning of their sites could be amended through Variation 3. As set out in Motor Machinists the fact that a summary of submissions was released does not automatically mean that owners should have been aware of the zoning request and the need to check the summary document, especially when there was no consideration of rezoning rural or LLRZ land in the section 32 report.

208. In response, Kāinga Ora submitted that:¹⁴⁶

- a) the existence of a current non-residential zoning did not render the relief out of scope of Var 3;
- b) there is no obligation on a submitter to consult with third parties on relief;
- c) the land at Tuakau is very close to the town centre and a logical location for intensive residential development; and
- d) the rezoning at Huntly will not affect the operation of the school, is consistent with the approach adopted in Auckland where public schools are subject to a zoning that reflects the adjacent land and is not opposed by education interests.

4.14.1.1 Finding

209. We have already addressed the reasons why we consider there is no scope for the MDRS to apply within Raglan and Te Kauwhata in section 4.1 above.

210. In relation to the rezoning requests in the other towns, we find that there is no scope for these changes for the reasons given by the Council (and as summarised in paragraphs 206 and 207 above). In particular we note that to be within scope such requests need to meet both limbs of *Clearwater*, and therefore even if some of the requests could be said to meet the first limb, they do not satisfy the second limb. Accordingly we exercise our discretion and strike out these submission points (# 106.10 to #106.16).

¹⁴⁴ s.42A Report, 15 June 2023, at [150].

¹⁴⁵ Council legal submissions, 21 July 2023, at [236(c)].

¹⁴⁶ Kāinga Ora legal submissions, 21 July 2023, at [5.13].

211. As an aside we note that even if we had not reached this finding on scope, Kāinga Ora provided no independent expert evidence in support of its rezoning requests,¹⁴⁷ meaning we were not able to assess the requests on the merits.

4.14.2 23A Harrisville Road and Johnson/Oak Street, Tuakau

212. Harrisville Twenty Three Ltd (Harrisville 23) and Greig Developments No 2 Ltd (Greig Developments) sought to have their respective pieces of land (at 23A Harrisville Road and the corner of Johnson/Oak Street in Tuakau) rezoned from large-lot residential under the PDP to MRZ2 under Var 3 (submission #20).

213. The Council's s.42A Report for Hearing 2 noted that:¹⁴⁸

- a) the land did not fall within a relevant residential zone (since it was zoned large lot residential);
- b) while Waikato 2070 identified additional residential land in this location, and the land was close to the town centre, any rezoning was at the discretion of the Council; and
- c) more evidence was necessary to support any such rezoning.

214. The Council's legal submissions advised that as Var 3 did not rezone any large lot residential land to MRZ2 it was necessary to consider whether the rezoning request was "on" Var 3 in accordance with the *Clearwater* tests. *Waikanae* was not relevant as the request related to enabling residential development as compared to the PDP.¹⁴⁹

215. The Council submitted that the *Clearwater* tests were satisfied in this case as:¹⁵⁰

- a) while the rezoning was not considered in the s.32 ER, it was an incidental extension to the MRZ2 which did not require substantial further analysis and was therefore permissible (as per *Motor Machinists*); and
- b) the rezoning was sought in the original submission, and the majority of adjoining properties are already adjoining or close to residential zoned land, potentially affected parties would have been on notice and therefore no natural justice issues arise.

216. Counsel for Harrisville 23 and Grieg Developments endorsed the Council's view that there was scope,¹⁵¹ and we received no submissions to the contrary.

¹⁴⁷ *The only evidence being provided by Mr Gurvinderpal Singh, the Team Leader of Development Planning at Kāinga Ora.*

¹⁴⁸ *s.42A Report, 15 June 2023, at [132]-[133].*

¹⁴⁹ *Council legal submissions, 21 July 2023, at [217].*

¹⁵⁰ *Council legal submissions, 21 July 2023, at [217].*

¹⁵¹ *Harrisville 23 / Grieg Developments legal submissions, 24 July 2023, at [1.3].*

4.14.2.1 *Finding*

217. We agree that there is scope for the relief sought by Harrisville 23 / Grieg Developments for the reasons given by the Council (summarised at paragraph 215 above). We therefore proceed to consider this rezoning on its merits in a later section of this decision.

4.14.3 Tuakau Structure Plan and Waikato 2070 areas

218. Brett Titchmarsh sought that Var 3 be amended to include all areas identified to accommodate residential growth in the Tuakau Structure Plan and Waikato 2070 (#21.1).

219. The s.42A Report author noted that some land had already been rezoned through the PDP and that further rezoning (from General Rural or Future Urban to residential) was beyond the scope of Var 3, as those zones were not relevant residential zones, the areas of land were not included in Var 3 as notified, and there are likely to be natural justice considerations.¹⁵²

220. No legal submissions directly addressed this submission point.

4.14.3.1 *Finding*

221. We accept, for the reasons given by the s.42A Report author (summarised at paragraph 219 above), that there is no scope to make such changes, and accordingly, we strike out this submission point (#21.1).

4.14.4 40 and 45 Harrisville Road, Tuakau

222. Nathan Harvey requested that the sites at 40 and 45 Harrisville Road in Tuakau, which had been rezoned MDRZ2 through Var 3, revert to GRZ (#34.3).

223. The s.42A Report noted that this submission could not be accepted given the mandatory directive in s.77G to incorporate the MDRS into every relevant residential zone.¹⁵³

4.14.4.1 *Finding*

224. We agree with the reporting officer that there is no scope for this change given the directive in s.77G and we therefore strike this submission point (#34.3) out.

4.14.5 14 and 16 Herschel Street, Ngaaruawaahia

225. Jeremy Duncan sought that 14 and 16 Herschel Street Ngaaruawaahia be rezoned from COMZ to MDRZ2 (#14.1).

¹⁵² s.42A Report, 15 June 2023, at [136]-[137].

¹⁵³ s.42A Report, 15 June 2023, at [144].

226. The s.42A Report author considered the submission was not within scope as:¹⁵⁴
- a) Var 3 did not rezone any properties from COMZ to MRZ2;
 - b) adjacent properties were not rezoned in Var 3; and
 - c) the adjacent owner/industrial zoned land could be denied the opportunity to participate given the change in zoning was not signalled in Var 3 as notified.
227. The s.42A Report author also provided reasons why the current zoning was more appropriate.¹⁵⁵
228. Mr Duncan, while appearing at the hearing, did not address this scope issue.

4.14.5.1 *Finding*

229. We accept, for the reasons given by the s.42A Report author (as summarised at paragraph 226 above), that there is no scope for this relief. We accordingly strike submission point #14.1 out.

4.14.6 Greenfield land in Ngaaruawaahia

230. Mr S Upton and Ms B Millar sought that extent of the greenfield residential zoning in Ngaaruawaahia under the PDP be reviewed in light of the greater density of housing that will be enabled in central Ngaaruawaahia by Var 3 (#32.1).
231. The s.42A Report author considered the request to be out of scope given the mandatory directive in s.77G to apply the MDRZ to relevant residential zones and because the property owners affected by this submission are wide ranging and have not been consulted.¹⁵⁶
232. Mr Eccles, (Principal Planner for Tonkin and Taylor) appeared and gave evidence for this submitter. In relation to scope, Mr Eccles opined that:¹⁵⁷
- a) if the geographic extent of residential zoning to which the MDRS applies is not yet resolved through the PDP process then there is scope for Var 3 to consider it; and
 - b) the Panel has the power to make recommendations going beyond the scope of submissions.
233. In response the s.42A Report author noted that determining the final extent of the residential zones in the PDP was for the Environment Court not this panel (for the reasons given by the Council in its February 2023 submissions).

¹⁵⁴ s.42A Report, 15 June 2023, at [154].

¹⁵⁵ s.42A Report, 15 June 2023, at [155].

¹⁵⁶ s.42A Report, 15 June 2023, at [159].

¹⁵⁷ Eccles, Statement of evidence, 27 July 2023, at [11]-[12].

234. The reply legal submissions of the Council also noted that the relief would be contrary to *Waikanae*¹⁵⁸ – presumably as it would go beyond what is included in the PDP.

4.14.6.1 Finding

235. We find that there is no scope for this relief for the reasons given by the Council (and summarised by us at paragraphs 231 and 233-234 above). The extent of the residential zoning in this area is a matter for the Environment Court under the PDP appeals. Accordingly, we strike out this submission point (#32.1) and do not consider it further in this decision.

4.14.7 King Street, Ngaaruawaahia

236. Dominion Developments Ltd sought a change of zoning for 26 King Street, and all the GRZ properties on King Street from GRZ to MDRZ2, or in the alternative a controlled activity process to enable MDRS in the GRZ (#66.1).

237. The s.42A Report author noted that the change of zoning related to the Urban Fringe QM and with the removal of that QM MDRZ2 would apply to those properties. In terms of the alternative relief the author considered it was outside the scope of Var 3 as it could apply to other locations within the GRZ.¹⁵⁹

4.14.7.1 Finding

238. We agree that the primary relief is addressed via the removal of the Urban Qualifying QM and no scope issue arises in that regard.

239. In terms of the alternative relief, we consider this goes beyond the scope of Var 3 since it would affect all GRZ – even those areas outside the defined urban environments. Accordingly, we strike out that part of the relief (#66.1).

4.14.8 2D Ellery Street, Ngaaruawaahia

240. Aaron Holland requested that all of 2D Ellery Street be rezoned from the current split MRZ/Industrial Zone to MDRZ2 (#104.1).

241. In response the s.42A Report author noted that:¹⁶⁰

- a) the property has had a split zoning in the ODP and the same zoning has been rolled over into the PDP;
- b) rezoning of industrial land is outside the scope of Var 3 as it is not a relevant residential zone and Var 3 did not rezone any such land; and
- c) natural fairness considerations arise for adjoining property owners.

¹⁵⁸ Council reply legal submissions, 22 September 2023, at [6(b)].

¹⁵⁹ s.42A Report, 15 June 2023, at [162]-[163].

¹⁶⁰ s.42A Report, 15 June 2023, at [168].

242. No party filed any submissions to the contrary.

4.14.8.1 Finding

243. We accept, for the reasons given by the Council (summarised at paragraph 241 above), that there is no scope for this relief, and we therefore strike out this submission point (#104.1).

4.14.9 99a Ngaaruawaahia Road and 18 Rangimarie Road, Ngaaruawaahia

244. Next Construction and others¹⁶¹ sought that their entire site, which was subject to a split zoning (half being General Rural Zone and half being GRZ), be zoned GRZ (#99.1).

245. The Council legal submissions noted that with the removal of the Urban Fringe QM, the part of the site zoned GRZ would become MRZ2.¹⁶² While Var 3 did not generally rezone any General Rural zone land, the Council acknowledged there was legal scope for the submission, for the same reasons as applied to the requested rezoning of 23A Harrisville Road (and summarised at paragraph 215 above).¹⁶³

246. No party contested this view.

4.14.9.1 Finding

247. We find that there is scope for this relief for the reasons given by the Council (and summarised at paragraphs 245 and 215 above). We therefore proceed to consider the merits of this request in a later section of our decision.

4.15 Pookeno Special Character as a QM

248. Pookeno Community Committee (#41.2) and Teresa Wine (#61.2) both sought that a new QM be added to recognise Pookeno's special character.

249. The s.42A Report author noted that special character did not fall within one of the QMs expressly referred to in s.77I(a)-s.77I(i) and that therefore it could only be a QM if it met the legal tests for a QM under s.77I(j) and s.77L. Those requirements had not been met and there was therefore no scope for such a QM to be imposed.¹⁶⁴

4.15.1 Finding

250. We agree with the Council. Section 77L is very clear that a matter is not an "other" QM (under s.77I(j)) unless a site-specific s.32 assessment has been undertaken in compliance with the requirements of s.77L. In the absence of such an assessment there is no scope to consider the relief. We therefore strike out these submission points (#41.2 and #61.2).

¹⁶¹ *Being 61 Old Taupiri Ltd, Swordfish Projects Ltd, 26 Jackson Ltd, 99 Ngaaruawaahia Ltd and Next Construction Ltd.*

¹⁶² *Council legal submissions, 21 July 2023, at [226].*

¹⁶³ *Council legal submissions, 21 July 2023, at [227].*

¹⁶⁴ *s.42A Report, 15 June 2023, at [624]-[626].*

5 Var 3 – Overview

251. The s.42A Report summarised notified Var 3 as follows:¹⁶⁵

- *Introduces a new zone (MRZ2) to the relevant residential zones within the Waikato. The relevant residential zones are located within Ngaaruawaahia, Pookeno, Tuakau and Huntly. MRZ2 is based on the MRZ zone of the decision version of the PDP with necessary amendments to incorporate the MDRS and associated objectives and policies.*
- *Amends the relevant planning maps to show the rezoning of the relevant residential zones to MRZ2.*
- *Amends the name of the MRZ to MRZ1 for the towns (Raglan and Te Kauwhata) outside Variation 3.*
- *Amends the strategic direction objectives and policies to incorporate a mandatory objective and policy relating to residential development.*
- *Amends the policies of the Subdivision chapter to provide for residential subdivision in accordance with the MDRS and incorporates the MDRS and consequential changes.*

252. The above overview description is sufficient for present purposes.

253. The s.32 Evaluation Report for Var 3 further noted a number of PDP matters that are not proposed to be amended by Var 3, including:¹⁶⁶

- a) the provisions for MRZ1 which will continue to apply to Raglan and Te Kauwhata;
- b) the spatial extent of MRZ1 in Raglan and Te Kauwhata;
- c) the provisions relating to District-wide overlays which are located in Part 2 of the PDP (other than updating references to zone names);
- d) the spatial extent of the urban area (which is not expanded); and
- e) properties will not be downzoned from their current zoning in the PDP decision.

254. For completeness we note that the s.32 Evaluation Report also identified that it was not proposed to amend the provisions of the GRZ because of the (then proposed but now abandoned), Urban Fringe QM.

255. In the Council’s Hearing 2 legal submissions, it was also noted that:¹⁶⁷

For clarification, Variation 3 does not:

- (a) Introduce any financial contributions provisions in the Proposed District Plan (PDP);*
- (b) Propose any amendments to the papakaainga provisions in the PDP. As explained at the Opening Strategic Hearing, papakaainga housing and development is already provided for in the PDP Decisions Version (PDP-DV) regardless of the zoning;*

¹⁶⁵ s.42A Report, 15 June 2023, section 2.2.

¹⁶⁶ s.32 Evaluation Report Volume 1, section 1.3.

¹⁶⁷ Council legal submissions, 21 July 2023, at [9].

- (c) *Rezone any land which was not already zoned residential in Taukau, (sic) Huntly and Ngaaruawaahia; or*
- (d) *Enable a greater level of development than provided for by the MDRS.*

6 Council approach to growth

6.1 The District

256. In his evidence for Hearing 1 Mr Ebenhoh, noted that the Waikato District had experienced stagnant or declining growth over many decades but that had changed over the past 10 years, with between 1.5% and 4% growth year-on-year.¹⁶⁸
257. Mr Ebenhoh noted that whilst the district is largely rural (90% rurally zoned), with its economy based around the primary sector, it has experienced high growth in parts of the district due to its proximity to Auckland and Hamilton and connection through the “*Golden Triangle*” with Tauranga. However, because of its rural base, Waikato towns are still predominantly characterised by lower-density, single storey, detached development and their commercial centres currently provide only limited employment opportunities, with many residents commuting to Hamilton or Auckland.
258. This is the context into which the present requirements must be applied – albeit anticipating and looking forward 30 years to the NPS-UD’s required long-term.

6.2 The PDP

259. Mr Ebenhoh emphasised that long-term growth has been taken into account in the PDP which, at the time of writing this decision, is still progressing through Environment Court appeals. He also noted that the PDP was prepared in light of the predecessor NPS-UDC (2016)¹⁶⁹ and introduced a medium density residential zone within the walkable catchments of town centres.¹⁷⁰
260. Mr Ebenhoh also noted that the PDP’s plan-enabling provisions already exceed the market feasible demand such that there is no urgent need for additional housing capacity. He records that at the time the PDP was notified, it provided for an additional 14,000 residential dwelling¹⁷¹ - the assessed demand for the entire District at that time was for 11,000 dwellings.¹⁷²
261. Under the provisions of Var 3 he noted that the additional feasible capacity in the four towns (of 21,600 dwellings) exceeds the long-term demand by almost seven times.¹⁷³

¹⁶⁸ Ebenhoh, *Statement of evidence, 20 December 2022, Executive Summary.*

¹⁶⁹ NPS *Urban Development Capacity 2016.*

¹⁷⁰ Ebenhoh, *Statement of evidence, 20 December 2022, at [37]-[38].*

¹⁷¹ Ebenhoh, *Statement of evidence, 20 December 2022, at [40].*

¹⁷² Ebenhoh, *Statement of evidence, 20 December 2022, at [65].*

¹⁷³ Ebenhoh, *Statement of evidence, 20 December 2022, at [94].*

6.3 Residential Capacity and Demand

262. Ms Susan Fairgray, Council’s urban economics consultant, gave evidence on the capacity and demand work she had undertaken as background to Var 3. That involved both residential capacity and QM effect modelling, and interpretation of different urban form scenarios arising.
263. In summary, since the modelled outputs were not subject to significant dispute, Ms Fairgray determined that in terms of capacity:¹⁷⁴
- a) plan-enabled capacity under the Council-proposed scenarios ranges from 5 to 12 times the level of long-term demand;
 - b) the proposed intensification provisions provide a wide development potential for the market to take up capacity;
 - c) Var 3 with no QM reduction results in a plan-enabled 71,700 additional dwelling units and long-term feasible capacity of 47,600 dwelling units;
 - d) Var 3 with the stormwater QM reduction results in 64,100 and 42,100 dwelling units respectively;
 - e) all of the Council-proposed modelled scenarios allow for and encourage intensification to occur around the commercial centres;
 - f) it is important to enable and encourage intensification to occur around inner areas surrounding commercial centres and reduce the potential for it to be diluted across wider outer urban areas;
 - g) most of the intensification around centres occurs in typologies such as terraced housing with very limited higher density vertically attached apartment development;
 - h) unfocussed provision for intensification would represent a less efficient urban form as it would dilute the intensification around centres thereby undermining the benefits that are generally associated with development around centres;
 - i) it is important for a well-functioning urban environment that the *medium-density provisions* are appropriately scaled to this context through sufficiently differentiating between areas surrounding centres and the wider general suburban areas;
 - j) it is important that the location, scale and spatial extent of intensification provisions are appropriate and relate to the level and nature of market demand within the local economic context; and

¹⁷⁴ Fairgray, *Statement of evidence*, 20 June 2023, at [5], [11], Table A, [36], [49], and [107]-[113].

- k) Huntly is likely to form the most appropriate location for higher density residential development but there is only a limited market size for higher density development, combined with low commercial feasibility.

264. On the demand side, Ms Fairgray concluded:¹⁷⁵

- a) there is a total projected short-term demand for an additional 1,000 urban dwellings within the district's four main urban towns, and an additional 1,400 urban dwellings within the district's urban areas overall;
- b) the projected medium-term demand is for an additional 2,700 urban dwellings in the four main towns, and 5,000 additional dwellings in the long-term (4,000 dwellings and 9,700 dwellings across the district's total urban areas in the medium and long-term respectively);
- c) with a margin applied, there is demand for capacity to accommodate an additional 5,800 urban dwellings in the long-term in the four main towns, and 11,200 urban dwellings across the district's total urban areas; and
- d) nearly two-thirds of the long-term growth is projected to occur within urban areas, increasing their share of the dwelling base from a current 40% to 48% in the long-term.

265. Ms Fairgray's overall conclusion is that commercially feasible capacity in Pookeno, Tuakau and Ngaaruawaahia substantially exceeds the projected demand across all scenarios. In short, demand for 5,800 urban dwelling units and feasible capacity for 42,100 urban dwelling units with the stormwater QM applied.¹⁷⁶

266. With respect to the proposal by Kāinga Ora for a HDZ around centres, Ms Fairgray concluded that the limited market size and lower levels of commercial feasibility in the Waikato towns mean that the centres are unable to sustain consistent density gradients of higher density development to the proposed spatial extent.¹⁷⁷ She saw little justification for imposing such a zone, but accepted that if one was proposed then Huntly centre may be appropriate – although not at the scale proposed by Kāinga Ora (600m – 800 m extent from the centre).¹⁷⁸

7 Qualifying Matters

7.1 QMs in the PDP

267. The s.42A Report notes that Part 2 of the PDP contains all the District-wide provisions which relate to matters in s.6 of the RMA (but only to the spatial extent

¹⁷⁵ Fairgray, Statement of evidence, 20 June 2023, at [23]-[25].

¹⁷⁶ Fairgray, Statement of evidence, 20 June 2023, at Table A, [23] and [50].

¹⁷⁷ Fairgray, Statement of evidence, 20 June 2023, at [83].

¹⁷⁸ Fairgray, Statement of evidence, 20 June 2023, at [93]-[95], and [113].

of the mapped overlays), such as:¹⁷⁹

- Historic heritage
- Sites and areas of significance to Maaori
- Notable trees
- Ecosystems and biodiversity
- Natural character.

268. As a corollary, new MRZ2 rules impose setbacks or other restrictions within close proximity to those features, including:

- a) setbacks from buildings, structures and sensitive land uses within the National Grid Yard;
- b) subdivision within the National Grid Subdivision Corridor;
- c) impermeable surface limits;
- d) building setbacks for new buildings or alteration to an existing building for a sensitive land use from the:
 - i) designated boundary of the railway corridor;
 - ii) designated boundary of the Waikato Expressway;
 - iii) boundary of the Alstra Poultry intensive farming activities located on River Road and Great South Road, Ngaaruawaahia;
 - iv) centreline of the gas transmission line; and
- e) setbacks from waterbodies including lake, wetland or rivers including the Waikato and Waipaa Rivers.

7.2 Other QMs

269. Other QMs proposed by Council following the decision not to pursue the notified Urban Fringe QM, include:¹⁸⁰

- a) Havelock Precinct QM¹⁸¹;
- b) Environmental Protection Area (EPA) QM;
- c) Tuurangawaewae surrounds QM;¹⁸²

¹⁷⁹ s.42A Report, 15 June 2023, section 4.4.

¹⁸⁰ s.42A Report, 15 June 2023, Appendices 5 and 6.

¹⁸¹ Noting that this QM includes the residential slope area (natural hazard), the industry buffer (reverse sensitivity) and ridgeline (cultural) QMs.

¹⁸² s.42A Closing Statement, 5 September 2023, section 14.

- d) Mine subsidence risk area QM;
- e) MRZ2 Flood Risk QM.¹⁸³

270. In addition, Council subsequently amended its earlier recommended acoustic Reverse Sensitivity QM for Havelock and Tuakau, which the s.42A Report authors decided should be considered “*related provisions*” under s.80E(2) rather than as a discrete QM.¹⁸⁴

271. A brief summary of those proposed QMs follows.

7.2.1 Havelock Precinct QM

272. As noted in the s.42A Report for Hearing 2,¹⁸⁵ Havelock Villages Ltd (HVL) and Hynds Pipe Systems Ltd (Hynds) had reached an agreed position regarding the management of Area 1 of the Havelock Precinct. The agreed position was for the removal of the EPA from Area 1 and a height restriction of 5m in that area instead. The reduction in height from the MDRS standard was justified due to reverse sensitivity. That was supported by expert evidence, and the proposed amended provisions generally accepted by Council. That position was subject to further refinement prior to Hearing 3 and subject to final determination by the Environment Court in terms of the live PDP appeals.

273. On 16 January 2024 the Environment Court issued a PDP consent order for Havelock Village. Advice about that order and which provisions should or could be adopted through Var 3 was provided in *Appendix C – Marked-up Consent Order* to the s.42A Report Closing Statement of 30 January 2024 – and those provisions were then incorporated in the Council’s recommended amendments. The authors of that closing statement also noted that the order contained PDP provisions (PREC33-O1 and PREC33-P1) that effectively rendered the reverse sensitivity amendments (to MRZ2-O6 and MRZ2-P11) sought by KiwiRail (and agreed with Kāinga Ora) redundant (since they were more specific). The authors therefore recommended¹⁸⁶ that reference to Havelock Precinct be deleted from the previously recommended amendment.

7.2.2 Environmental Protection Area (EPA) QM

274. The EPA QM was proposed because it is part of the suite of existing provisions related to the Havelock Precinct at Pookeno. By the end of the hearings it had been agreed that the EPA QM was no longer necessary as far as the residential component (and therefore MDRS) of the precinct is concerned. The 16 January 2024

¹⁸³ s.42A Report Closing Statement, 5 September 2023, at [70].

¹⁸⁴ s.42A Report, 15 September 2023, at [36].

¹⁸⁵ S.42A Report Closing Statement, 5 September 2023, at [6].

¹⁸⁶ S.42A Report Closing Statement, 30 January 2024, at [21].

HVL Consent Order effectively deals with that matter and the Panel has no need to pursue the matter any further.

7.2.3 Tuurangawaewae Marae Surrounds QM

275. There was no dispute that the Tuurangawaewae Marae is a significant site for a number of reasons (social, cultural, historic, etc) and the associated QM clearly falls under the s.6 matters of national importance as a mandatory QM. The issue to be determined by the Panel was more about the *extent* of any QM and the restrictive provisions that should apply. We addressed the issue of scope for one of the council expert's recommendations in section 4.6 above. However, by the end of the hearing this had largely been resolved and a single agreed suite of recommendations put before the Panel.

7.2.4 Mine Subsidence Risk QM

276. On the basis of expert geotechnical advice relating to the on-going risk of subsidence from the old Huntly East mine, the Council proposed not applying the MDRS but retaining the existing GRZ provisions over the area defined by that report.¹⁸⁷ In effect that meant restricting development to one residential unit per site and a minimum site size of 450m².

7.2.5 MRZ2 Flood Risk QM

277. This QM, was renamed (twice) from the notified Stormwater Constraints Overlay QM and the Flood Density QM to the MRZ2 Flood Risk QM.

278. This QM adopts the existing PDP's mapped floodplain hazards – including the Flood Plain Management Areas, the Flood Ponding Area, the High-Risk Flood Area, and the Defended Area (all of which indicate areas that are subject to riverine flooding modelled by the WRC). In addition, the Council has included provisions that it considers better meet the objectives of Te Ture Whaimana.

279. During the hearing process the flood model and associated maps continued to be refined in response to submissions made – and a revised set were made available for submitter evidence in advance of Hearing 3.

8 Key Issues Heard and Findings

280. By the end of Hearing 3 the following matters remained for the Panel to determine:

- a) PDP QMs;
- b) New QMs:
 - i) Havelock Precinct QM;
 - ii) EPA QM;
 - iii) Tuurangawaewae surrounds QM;

¹⁸⁷ s.42A Report, 15 June 2023, Appendix 10.

- iv) Mine subsidence risk area QM; and
- v) MRZ2 Flood Risk QM.
- c) Stormwater;
- d) Other matters comprising:
 - i) minimum vacant lot size, averaging and shape factor;
 - ii) Huntly Commercial Precinct – COMZ and TCZ;
 - iii) the railway safety setback; and
 - iv) retirement village provisions; and
- e) Rezoning requests comprising:
 - i) Horotiu West;
 - ii) 23A Harrisville Road;
 - iii) 111 Harrisville Road; and
 - iv) 99A Ngaaruawaahia Road and 18 Rangimarie Road.

281. We address each of these matters in turn in the sections that follow.

8.1 PDP QMs

282. With respect to the PDP’s QMs Mr Ebenhoh noted that:¹⁸⁸

For the majority of qualifying matters, V3 carries forward the standards developed through the PDP process. The Enabling Housing Act allows Waikato DC to vary the MDRS to reduce the level of enabled development to the extent necessary to accommodate a qualifying matter. These standards, which in most cases are a setback between an important feature (for example wetland) or infrastructure with reserve sensitivity concerns (for example wastewater facilities), have been thoroughly tested through the PDP Schedule 1 process.

283. However, Counsel for Council reminded us that because we are considering a proposed plan variation, all QMs are to be considered new QMs under s.77I as s.77K (existing QMs) only applies to operative plan provisions.¹⁸⁹ Counsel identified the following QMs that are proposed to be incorporated from the PDP-Decisions Version:¹⁹⁰

- a) Te Ture Whaimana, the Waikato River, other waterbodies and margins;
- b) Areas of significant indigenous vegetation and significant habitat of indigenous fauna;
- c) Sites and areas of significance to Maaori;
- d) Historic heritage;
- e) Natural hazards;
- f) Infrastructure;
- g) Reverse sensitivity; and
- h) Notable Trees.

¹⁸⁸ Ebenhoh, *Statement of evidence, 20 December 2022*, at [81].

¹⁸⁹ *Opening legal submissions, 10 February 2023*, at [5.12].

¹⁹⁰ *Opening legal submissions, 10 February 2023*, at [5.15 – 5.8 (sic)]

8.1.1 Finding

284. We agree with the Council and note that evidence on the above proposed QMs was subsequently produced.
285. For any of these QMs that we do not address further in subsequent sections, we confirm that we accept the Council's evidence and submissions on the necessity for and appropriateness of these QMs.¹⁹¹ We also accept, as the Council noted, that these QMs have been thoroughly tested through the PDP Schedule 1 process.

8.2 New / Additional QMs

8.2.1 Havelock Precinct QM

286. This matter was resolved through the 16 January 2024 consent order issued by the Environment Court as noted in section 7.2.1 above. We accept the Council's recommended provisions for the reasons noted in that section.

8.2.2 EPA QM

287. This matter was also resolved through the 16 January 2024 consent order issued by the Environment Court as noted in section 7.2.2 above. We accept that the EPA QM is no longer required for the reasons noted in that section.

8.2.3 Tuurangawaewae Marae Surrounds QM

288. The Tuurangawaewae Marae Surrounds QM was introduced in a submission by Council to protect the viewshafts from the Marae to areas which are matters of national importance under s.6(e) being Haakarimata Range and Taupiri Maunga. Mr Mansergh had analysed the effects of potential development provided for by Var 3, and the greater height proposed in submissions (but not pursued at the hearing) by Kāinga Ora. He recommended height, height in relation to boundary, and coverage standards to control these effects within a High Potential Effects Area close to the marae. He had also analysed the effects of individual buildings at greater distances from the Marae, within an area referred to as the Building Height Assessment Overlay Area.
289. The significance of the viewshafts between the matters of national importance and the Marae were emphasised in cultural evidence from Mr K Kukutai (cultural witness for Tuurangawaewae Marae) and Mr K Flavell (witness for Te Whakakitenga o Waikato) and supported by planning evidence from Mr G Boundy (principal consultant for GMD Consultants Ltd) for both parties. Mr Boundy acknowledged the scope issues with the principal relief sought detailed by Mr Mansergh but sought recognition of the Waikato awa as an equally important part of the cultural

¹⁹¹ As set out in the Council's s.32 Evaluation Report, s.42A Report relevant expert evidence and legal submissions.

viewshaft and considered that the assessment of the effects of height over the TCZ and COMZ to be important.

290. The final position of the Council, accepting that the introduction of more restrictive provisions for MRZ2 were out of scope, was to suggest that the PDP provisions for the GRZ would apply to the MRZ2 within the Tuurangawaewae Marae Surrounds QM area (Area D), and that for development requiring consent beyond the permitted activity limits within the TCZ and COMZ, assessment criteria would apply if the site was within the High Potential Effects Area or Building Height Assessment Overlay Area. The detail of these proposals is:

- a) objectives and policies in relation to the outlook from the Tuurangawaewae Marae within the High Potential Effects Area and Building Height Assessment Overlay Area in the MRZ2, TCZ and COMZ;
- b) the areas of cultural significance and matters of national importance under s.6(e) are the Haakarimata Range, Taupiri Maunga and the Waikato Awa;
- c) matters of discretion in relation to potential adverse effects on the outlook from Tuurangawaewae Marae as a result of non-compliances with height, height in relation to boundary and site coverage within the MRZ2, TCZ and COMZ; and
- d) the identification of the High Potential Effects Area and Building Height Assessment Overlay Area on Planning Maps 28 and 29.

8.2.3.1 *Finding*

291. We accept that the cultural viewshafts identified in the submissions and evidence from Tuurangawaewae Marae and Te Whakakitenga o Waikato are matters of national importance, and that it is appropriate to apply the Tuurangawaewae cultural surrounds QM to protect these viewshafts.

292. However, on reviewing the Council's proposed provisions we consider some amendments are necessary to better reflect the spatial relationship between the Marae and each of the three features of national importance. We therefore make the following amendments:

- a) reference to the Waikato awa is to be included in MRZ2-P14(2) as it is a matter of national importance under s.6(e) and part of the cultural viewshaft;
- b) references to Taupiri Maunga in the TCZ and COMZ are to be removed because we find that neither of these zones are situated directly between the Marae and the Taupiri Maunga. Consequently, development in those zones does not lie within the viewshaft and therefore cannot adversely affect that cultural relationship; and
- c) for consistency, the wording of the matters of discretion for each of the relevant rules in the MRZ2 are to have the same construction, as follows:

The potential to adversely affect the cultural connection between Tuurangawaeawae Marae to Hakarimata Range, Taupiri Maunga, and Waikato Awa as a result of changing the existing outlook.

8.2.4 Mine Subsidence Risk Area QM

293. The removal of the Urban Fringe QM would extend the application of the MDRS to all land zoned GRZ or medium density residential within Pookeno, Tuakau, Huntly and Ngaaruawaahia, subject to any additional QMs.
294. An additional QM was subsequently identified by the Council for the management of significant risks from natural hazards within the mine subsidence risk area in Huntly and circulated to Var 3 submitters.
295. The management of significant risks from natural hazards is recognised in the RMA as a matter of national importance under s.6(h) and is therefore a QM under s771(a). Volume 2 of the s.32A Evaluation Report specifically identifies the following existing relevant district wide rules in the PDP to manage the mine subsidence risk area: HG-R72, NH-R73, NH-R74.
296. Applying this QM aligns with the National Adaptation Plan 2022 by among other things, applying the appropriate QMs to areas with increased natural hazard risk. The Huntly mine subsidence area is a key natural hazard area near the Waikato River as identified in section 7.3 in Volume 2 of the s.32 Evaluation Report.
297. Parts of the mine subsidence area have an underlying GRZ. The Huntly mine subsidence risk area provisions are within the Natural Hazards (district wide) chapter of the PDP which imposes restrictions on development, earthworks and subdivision.
298. Doug Johnson, from Tonkin + Taylor was engaged by Council to provide advice regarding the implications of MDRS on the Huntly mine subsidence area. Mr Johnson concluded that:¹⁹²
- a) the current PDP policies and rules that control development within the mine subsidence area are appropriate to ensure the likelihood of future development triggering settlement remain low; and
 - b) while increased development enabled by MDRS is unlikely to increase subsidence, the additional number of dwellings would result in an increase in the risk of properties exposed to the risk of subsidence.
299. The s.42A Report recommended (on the basis of Mr Johnson's conclusions) that the existing exposure to subsidence should not be further increased by the application of the MDRS and that the existing provisions of the GRZ should be retained via a QM under s.771(a). The reporting officer's view was that it is not appropriate to expose

¹⁹² s.42A Report, Appendix 10 – Huntly mine subsidence risk, section 4; and as summarised in the s.42A Report, 15 June 2023, at [468].

further development and people to any level of risk, particularly when intensification in this area is not required for Council to meet its development capacity.

300. No other party made submissions disagreeing with these recommendations.

8.2.4.1 Finding

301. We agree, for the reasons given by Mr Johnson and the Council (paragraphs 298 and 299 above), that the existing zoning maps should be retained for the area covered by the new Mine Subsidence Risk Area QM. We have therefore included this QM in our recommended maps in **Appendix 5**.

8.2.5 MRZ2 Flood Risk QM

302. The management of significant risks from natural hazards is recognised in the RMA as a matter of national importance under s.6(h) and is therefore a QM under s.771(a). There are a number of district wide rules and associated layers in the PDP to manage natural hazard flood risks as follows:¹⁹³

- Flood plain management area NH-R10
- High risk flood area NH-R20, NH-R19
- Defended area NH-R25, NH-R24.

303. In general, the existing flood layers seek to manage floor levels, subdivision and establish permitted activity standards relating to earthworks. These current layers do not manage the density of residential units per site, the default rules in each zone apply. Under the MDRS, the default position is that all sites in the relevant residential zones will be allowed three units as a permitted activity.¹⁹⁴

304. Urban intensification can have adverse effects on water quality, erosion and stability, and flooding.¹⁹⁵ This is because increased impervious surfaces generate greater stormwater volumes that move at greater velocities. It is also because additional buildings and structures in areas that are affected by flooding can divert flood water onto other properties and create cumulative flooding effects associated with the loss of storage areas for flood water. Over time, flood plains in and downstream of developed areas will become larger. Effects will be exacerbated unless the effects of development are appropriately mitigated.

305. The current Natural Hazard rules enable filling in the flood plain to provide a building foundation that is raised above the expected flood level. If filling associated with new dwellings is carried out for denser development styles, the cumulative effects on flood storage may contribute to flooding effects, including causing

¹⁹³ s.42A Report, 15 June 2023, at [455].

¹⁹⁴ s.42A Report Closing Statement, 5 September 2023, at [64].

¹⁹⁵ s.42A Report, 15 June 2023, at [495].

flooding on sites that do not currently experience flooding.¹⁹⁶

306. It is good practice to take a risk-based approach and avoid development in the current and future (modelled) flood plain where there is a high risk of flooding, and to avoid, remedy and mitigate effects where there is a medium-low risk of flooding. This is to avoid adverse effects associated with flooding including loss of life and damage to property, erosion and damage to natural environments. This approach is also supported by the objectives, policies and methods of the RPS.¹⁹⁷

8.2.5.1 Introduction of MRZ2 Flood Risk QM

307. Given the scope limitations arising from both the *Waikanae* and *Clearwater* decisions, a flooding QM could only apply to the former Urban Fringe area (now referred to as the Outer Intensification Area) and the provisions could not be disabling of the rights established by the PDP.¹⁹⁸
308. Council identified that it is appropriate to manage intensification on sites that are subject to natural hazard risks within the Outer Intensification Area by a new flood density QM overlay, or as Council now proposes to call it, the “MRZ2 Flood Risk QM”.¹⁹⁹
309. The proposed overlay seeks to manage intensification within the scope available, acknowledging that there are sites within the existing PDP MRZ where three units are a permitted activity. In addition to the areas mapped in the PDP (flood plain management area, flood ponding area and the defended area) the modelling undertaken by Te Miro Water has identified other sites that are subject to the 1% AEP floodplain. Council’s reporting officer considers that density controls should also apply to these sites in the Outer Intensification Area where there is scope to do so.²⁰⁰
310. There were a number of submissions related to the management of flood hazards, including to the introduction of a flood density QM and associated provisions.
311. Kāinga Ora submitted that the inclusion of any new rules relating to natural hazard risk should be introduced through a later standard (i.e. Schedule 1) plan change or variation process.²⁰¹ Mr Jaggard, (Director/Infrastructure Specialist Consultant at MPS Ltd), on behalf of Kāinga Ora raised concerns about what he considered the *ad hoc* nature of the proposed rules arising from scope constraints, contending that it was illogical for properties subject to the same flood risk to be treated differently depending on whether they were in the Outer Intensification Area or not.

¹⁹⁶ s.42A Report, 15 June 2023, at [496].

¹⁹⁷ s.42a Report, 15 June 2023, at [497].

¹⁹⁸ Council reply legal submissions, 26 September 2023, at [6].

¹⁹⁹ s.42A Report Closing Statement, 30 January 2024, at [37].

²⁰⁰ s.42a Report Closing Statement, 5 September 2023, at [64].

²⁰¹ Jaggard, Statement of primary evidence, 4 July 2023, at [6.6].

312. Expert conferencing on flood hazard matters and possible use of a flood density QM resulted in the following key points:²⁰²

- a) agreement that flooding/natural hazards were an applicable QM under s.771(a) – management of significant risks from natural hazards;
- b) agreement that urban development within an identified flood plain should trigger a resource consent to evaluate the effects; and
- c) all experts, except Mr Jaggard, agreed it is inappropriate to provide for the permitted yield of MDRS (3 units per site) within an identified floodplain, and therefore a flooding hazard constraints overlay is appropriate.

313. Further expert conferencing on the use of a flood density QM resulted in the following recommendations:²⁰³

- a) to make all subdivision under rule SUB-R153 a restricted discretionary activity, and on wording for matters of discretion (although there was not complete agreement on the proposed wording of the latter); and
- b) to amend rule SUB-R153 by requiring the provision of a building platform outside the MRZ2 Flood Risk QM, and to amend the associated matters of discretion to require avoidance or mitigation of natural hazards within that QM area.

314. In response to a suggestion from submitters that implementation of the MRZ2 Flood Risk QM should not apply until a comprehensive variation or plan change is undertaken, the Council reporting officer considered this was not appropriate as:²⁰⁴

- a) it does not implement Policy 1(f) of the NPS-UD;
- b) one house in the wrong location can cause significant issues; and
- c) the QM is a ‘stop gap’ measure which is needed because the IPI has mandatory intensification standards that can only be varied through QMs.

315. Council’s legal submission was that:²⁰⁵

- a) the Panel must, to the extent possible, give effect to:
 - i) The WRPS including objective HAZ-O1 *“the effects of natural hazards on people, property and the environment are managed by reducing the risks from natural hazards to acceptable or tolerable levels...”*; and

²⁰² Joint Witness Statement (JWS) Var 3 and planning (4), 11 July 2023.

²⁰³ JWS Stormwater constraints overlay and planning, 13 July 2023.

²⁰⁴ s.42A Report Closing Statement, 5 September 2023, at [72] and [73].

²⁰⁵ Council reply legal submissions, 29 September 2023, at [8].

- ii) NPS-UD Objective 8 that urban environments are “*resilient to the current and future effects of climate change*”; and
- b) this is achieved through the introduction of the MRZ2 Flood Risk QM area and resource consent being required for intensification.

8.2.5.2 *Flood mapping and its method of use*

316. A significant issue canvassed during the hearing was whether the new flood hazard modelling:

- a) should be included within the PDP as a mapped overlay (statutory approach); or
- b) could be provided through definitions based on the 1% AEP floodplain, with supporting maps included in a non-statutory layer.

317. Concerns were expressed by some submitters regarding the accuracy of flood modelling which has been carried out by Te Miro Water to support the proposed new MRZ2 Flood Risk QM.

318. Mr Boldero, Principal Stormwater Engineer at Te Miro Water, explained the modelling approach, rationale and limitations as follows:²⁰⁶

- a) large scale urban models (such as the one Te Miro Water had undertaken) are not suitable for detailed design or determination of finished floor levels. They are suitable for identifying flood affected properties and undertaking catchment wide analysis for strategy assets planning (flood mitigation strategies) and zone planning;
- b) the developer is required to assess and accurately determine the flood levels on their site so they can design an appropriate development. Responsibility for this should not lie with Council as it is not practical to create a large scale hydraulic model accurate enough for this purpose;
- c) including smaller conveyance assets (<300mm piped network and catchpits) would have undiscernible impacts on the 100-year ARI flood levels due to the small percentage of flows this represents. This approach aligns with rapid flood modelling standard practice which excludes stormwater networks. The modelling provided is considered more accurate than rapid flood hazard mapping as it includes all critical culverts and critical pipe networks that are greater than 300mm diameter; and
- d) the model includes the most up to date LIDAR,²⁰⁷ hydrology data, climate change estimates, hydraulic modelling software and complies with the WRC modelling guidelines (2020) where appropriate.

²⁰⁶ Boldero, *Second statement of rebuttal evidence, 25 August 2023, at [19] and [22]*.

²⁰⁷ LIDAR means light detection and ranging and is a remote sensing method that uses light to measure distances.

319. Te Miro Water also subsequently undertook additional quality assurance work including sensitivity testing and comparing results to additional existing models, (such as the previous rapid flood models and WRC flood scheme maps). This work confirmed Mr Boldero’s earlier view that the model was fit for purpose for identifying properties impacted by flood risk.²⁰⁸

8.2.5.3 Including the flood mapping in the plan or using a non-statutory approach

320. In response to concerns raised by submitters about its non-statutory approach, the Council submitted that:²⁰⁹

- a) accuracy of flood information is more important than the potential for different rules to be applicable to a property over time;
- b) the updating of flood information will be accompanied by community engagement, and there will be a clear and transparent work plan developed; and
- c) protocols will be put in place to provide recourse for affected landowners to challenge site-specific identification of their properties.

321. The final position of the Council reporting officer on the matter of statutory versus a non-statutory approach was:²¹⁰

- a) Council has the capacity to host a non-statutory layer;
- b) the ‘out of plan approach’ is pragmatic and there are significant efficiency benefits in being able to update the maps without a plan change process; and
- c) the ‘out of plan’ approach is recommended to the Panel.

322. Council’s reply legal submissions provided a comprehensive discussion of the statutory versus non-statutory approach including its lawfulness.²¹¹ Council’s position is that the non-statutory approach should be adopted noting that to address the concerns of Council’s flood planning expert and reporting officer Council is:

- a) developing the necessary tools and systems to ensure a consistent experience for PDP users;
- b) planning internal training, in particular with the resource consents team; and
- c) developing protocols for the confirmation of the 1% AEP floodplain on a site-specific basis.²¹²

²⁰⁸ Boldero, *Second statement of rebuttal evidence*, 25 August 2023, at [24].

²⁰⁹ Council reply legal submissions, 29 September 2023, at [38].

²¹⁰ s.42A Report Closing Statement, 30 January 2024, at [30].

²¹¹ Council reply legal submissions, 29 September 2023, at [22] to [32].

²¹² Council reply legal submissions, 29 September 2023, at [34].

8.2.5.4 Provisions

323. A set of updated recommended provisions is included in the s.42A Report Closing Statement.²¹³ Changes are recommended to the Natural Hazard, MRZ and Subdivision chapters to assist with the implementation of Var 3.²¹⁴

324. The recommended provisions now include:

- a) the MRZ2 Flood Risk QM which:
 - i) identifies land in the MRZ2 where there is increased flood risk and where additional new residential rules NH-R26A to NH-R26E apply; and
 - ii) includes flood plain management areas, flood ponding areas, and the defended area;
- b) a requirement that any new buildings within these flood risk areas comply with a minimum freeboard requirement of 0.5m above the 1% AEP (referred to as Floodplain management area 2), with any non-compliance assessed as:²¹⁵
 - i) a non-complying activity in High risk flood area 2 - unless a detailed hydraulic analysis approved by Council determines that the site is not within the defined high risk flood area; and
 - ii) a restricted discretionary activity consent in other flood areas;
- c) rule NH-R26C which provides for a minor residential unit as a permitted activity subject to meeting the minimum freeboard requirement²¹⁶ (with any non-compliance requiring a discretionary activity consent);
- d) rule NH-R26D which enables subdivision creating one or more vacant lot as a restricted discretionary activity and provides related matters of discretion for vacant lots with a building platform outside the high risk flood area 2 and the 1% AEP (any non-compliance requires a full discretionary consent); and
- e) rule NH-R26E which requires a restricted discretionary consent for earthworks for two or more residential units (excluding a minor residential unit) within flood risk areas, and provides associated matters of discretion for flood effects, flood mitigation and the extent to which any application enhances or benefits the Waikato River and its tributaries.

8.2.5.5 Findings

325. We find that the MRZ2 Flood Risk QM is necessary to give effect to Objective HAZ-O1 of the Waikato RPS and NPS-UD Objective 8 and Policy 1(f). We also find that it is

²¹³ s.42 Report Closing Statement 30 January 2024, at Appendix A.

²¹⁴ s.42 Report Closing Statement 30 January 2024, at [35]-[47] and Appendix E.

²¹⁵ Rules NH-R26A and NH-R26B.

²¹⁶ And the other applicable permitted activity standards.

appropriate to manage intensification on sites that are subject to natural hazard risks within the Outer Intensification Area by implementation of the MRZ2 Flood Risk QM and amendments to a number of provisions as recommended by Council in paragraph 324 above.

326. We find that the flood mapping carried out by Te Miro Water is fit for purpose, noting that it is suitable for identifying flood affected properties and, further, that the developer is required to assess and accurately determine the flood levels on their site so that they can design an appropriate development.

327. In relation to flood mapping, we find that using a non-statutory (rather than a statutory) approach is appropriate as:

- a) Council has the capacity to host a non-statutory layer;
- b) it is pragmatic and there are significant efficiency benefits in being able to update the maps without the need for a Schedule 1 RMA plan change process;
- c) Council has committed to:
 - i) developing the necessary tools and systems to ensure a consistent experience for Plan users;
 - ii) planning internal training, in particular with the resource consents team; and
 - iii) developing protocols for the confirmation of the 1% AEP floodplain on a site-specific basis.

328. In relation to the provisions we find that:

- a) the provisions recommended by Council for managing flood hazard, particularly in relation to future intensification, are appropriate;
- b) the exception proposed by the Council reporting officer to rule NH-R26A in the existing Natural Hazard chapter of the PDP (and as noted at paragraph 324(b)(i) above) is appropriate for the reasons set out in the evidence of Ms Lepoutre and Mr Boldero. In particular, we agree there is a need to ensure that a robust and workable process is in place for Council to approve the hydraulic analysis given the potentially serious implications of waiving the rule; and
- c) We consider the recommended provisions only restrict development to the extent necessary to accommodate this QM.

8.3 Stormwater

329. This section of the decision describes matters relating to effects on stormwater management of urban development enabled by Var 3. The term 'stormwater management' as used in this decision includes addressing

environmental effects of discharges, potential effects of development on aquatic ecological aspects of waterways and capacity of infrastructure such as stormwater pipes. It excludes consideration of flooding which is addressed in section 8.2 of this decision.

330. The primary RMA statutory documents relevant for managing environmental effects of stormwater discharges on receiving environments and potential effects of development on aquatic ecology of waterways are:
- a) Te Ture Whaimana;
 - b) the NPS-FM which includes direction on how Te Mana o te Wai should be applied when managing freshwater;
 - c) the WRPS; and
 - d) the Waikato Regional Plan.
331. The effects the MDRS will have on stormwater management are described in the s.32AA Evaluation Report on three waters infrastructure.²¹⁷ This includes a report by Te Miro Water²¹⁸ which makes a number of recommendations on managing stormwater, including actions to meet the principles of Te Mana o te Wai. Some of these recommendations sit outside the legal scope of Var 3 and will require a separate plan change or variation if they are to be adopted.²¹⁹
332. Each town (Tuakau, Pookeno, Huntly, Ngaaruawaahia and Horotiu) has its own discharge consent issued by WRC. These consents contain conditions that outline the requirements for stormwater management. One of the recommendations of the Te Miro Report²²⁰ is that the Var 3 rules should ideally include standards or require a resource consent as additional development is undertaken, to ensure that the Council can comply with its stormwater discharge consents.
333. In relation to stormwater management, the approach in the PDP is to manage stormwater at the development stage with a permitted activity rule subject to a number of standards. The Te Miro Report indicated that assessing compliance with this permitted activity rule is difficult and requires an applicant to have engaged the appropriate experts.²²¹
334. There are a range of controls on building setbacks, earthworks and

²¹⁷ Huls, *Statement of evidence, 20 June 2020, Annexure 1 - s.32AA Evaluation Report, Further Investigation into three waters infrastructure.*

²¹⁸ *Technical Review: Stormwater Draft Tuakau, Pookeno, Huntly and Ngaaruawaahia, Te Miro Water 20 June 2023 (Te Miro Report).*

²¹⁹ *Council Legal submissions, 21 July 2023, at [144].*

²²⁰ *Te Miro Report, section 4.*

²²¹ *Huls, Statement of evidence, 20 June 2023, at [35].*

subdivision that overall assist to manage stormwater. Implementation of such controls by way of new provisions is restrained as new rules will be ultra vires if they remove the rights that presently exist under the district plan.²²² These scope constraints mean that the Council cannot impose a district-wide consent requirement for stormwater management purposes. Ms Huls recommended that the Council consider whether a further variation or plan change should be undertaken to address any out-of-scope matters.²²³

335. There were a number of matters that attracted submissions relevant to stormwater management. These comprised:

- a) Te Ture Whaimana;
- b) setbacks from waterways;
- c) impervious area standards;
- d) stormwater infrastructure servicing;
- e) green infrastructure and low impact development;
- f) downstream impacts due to alteration of volume, frequency and duration of stormwater; and
- g) miscellaneous issues.

8.3.1 Te Ture Whaimana

336. Section 771(c) identifies a matter required to give effect to Te Ture Whaimana as a QM. Volume 2 of the s.32 Evaluation Report identifies the significance of Te Ture Whaimana and the relevant existing district-wide rules as QMs. These comprise:²²⁴

- setbacks of buildings from waterbodies;
- impervious surface standards; and
- ensuring subdivisions, can be appropriately serviced for water, wastewater and stormwater.

337. Council advised that its Var 3 assessment had been done with the protection and restoration of the Waikato River in mind, including specifically providing for a matter or matters required to give effect to Te Ture Whaimana as a QM.²²⁵ The Council noted that the existing PDP already had some existing provisions, being the objectives and policies in the section MV - Maaori values and Maatauranga Maaori and the objectives and policies in the section TETW - Te Ture Whaimana – Vision and

²²² Council opening submissions, 21 July 2023, at [24].

²²³ Huls, Statement of evidence, 20 June 2023, at [37].

²²⁴ s.42A Report, 15 June 2023, at [516].

²²⁵ s.42A Report, 15 June 2023, at [58].

Strategy, intended to give effect to Te Ture Whaimana.²²⁶ As an example, TETW-P1 on implementing Te Ture Whaimana includes subparagraph (f) ‘recognising and providing for application of maatauranga Maaori’.

8.3.1.1 Finding

338. We find that Te Ture Whaimana has been given effect to in Var 3 by way of addressing the three key stormwater management issues as set out in paragraphs 336 and 337 above and as discussed further in the following three sections (8.3.2 to 8.3.4).

8.3.2 Setbacks from waterways

339. The PDP includes a requirement for both earthworks and buildings to be set back from waterways:

- a) earthworks require a resource consent when within 1.5m of a waterway, open drain or overland flow path, whether these are mapped or not;²²⁷ and
- b) buildings are required to be set back between 20m and 26.5m depending on the type of waterbody (MRZ2-S14).

340. In response to a submission from Waikato Tainui (#114.15), Council recommended amending policy TETW-P1 to include reference to ‘residential development’ as follows:

- (1) *To restore and protect the health and wellbeing of the Waikato River including by;*
 - (g) *Managing the effects of subdivision, use and development including those associated with:*
 - (v) Residential development

341. In response to submissions from Ngaati Naho (and others), the Council has recommended additional matters of discretion in MRZ2-S14 as follows:

- a) in the Waikato River catchment, the extent which the application enhances or benefits the Waikato River and its tributaries including groundwater resources;
- b) effects on cultural values identified in Maaori Values and Maatauranga Maaori Chapter; and
- c) the objectives and policies in Chapter 2-20 of the District Plan – Te Ture Whaimana - Vision and Strategy.

342. Council considered that items (a) and (b) in paragraph 341 above will promote a fuller consideration of principles raised in the Ngaati Naho submission.²²⁸ Item (c) in

²²⁶ s.42A Report, 15 June 2023, at [387].

²²⁷ s.42A Report, 15 June 2023, at [493].

²²⁸ s.42A Report 15 June 2023, at [389]-[390]

paragraph 341 above appears to have been recommended in response to the acknowledgement of the planning and engineering experts that Te Ture Whaimana is the direction setting document and provisions need to give effect to it.²²⁹

8.3.2.1 Finding

343. We find that the changes proposed by the Council in paragraphs 340 and 341 above have satisfactorily addressed issues raised in submissions regarding the health of downstream waterways and will (along with other measures in the PDP and Var 3) give effect to Te Ture Whaimana.

8.3.3 Impervious area standards

344. Var 3 as notified included a permitted activity standard (MR22-S11) that impervious surfaces on a site must not exceed 70%, with a restricted discretionary activity consent being required for any exceedance.

345. Submissions were filed by WRC and Ryman/RVA (and supported by others by way of further submission) in relation to these rules.

346. WRC 's submission supported the retention of the impervious surface standard of 70% in MR22-S10 but sought a new matter of discretion relating to effects on waterways and/or the use of low impact design technologies.²³⁰

347. Ryman/RVA sought to add a matter of discretion to this rule, acknowledging "*the effects of any on-site stormwater retention or detention devices.*"²³¹

348. In response, the Council recommended retention of the maximum impervious area of 70% in MR22-S11 and amendments to the matters of discretion as follows:

- (a) *Site design, layout and amenity; and*
- (b) *The effectiveness of the stormwater system to manage flooding (including safe access and egress), nuisance or damage to other infrastructure, buildings and sites, including the rural environment;*
- (c) *Stormwater management and the use of Low Impact Design methods; and*
- (d) *Whether there is sufficient space on site for a stormwater treatment device and infrastructure.*

349. Council noted that impervious surface control is important for stormwater management and that development proposals seeking to exceed the control need to assess the effects of the additional impervious surfaces in terms of stormwater management and the effects on waterways and flooding.²³² Council also noted that

²²⁹ Joint Witness Statement - Planning (4), 11 July 2023.

²³⁰ s.42A Report, 15 June 2023, at [484].

²³¹ s.42A Report, 15 June 2023, at [678].

²³² s.42A Report 15 June 2023, at [485].

onsite retention and detention is an important part of managing stormwater.²³³

8.3.3.1 Finding

350. We find that the impervious surface rule as amended by the Council will (along with other measures in Var 3 and the PDP) protect the health of downstream waterways as MDRS level intensification occurs.

8.3.4 Stormwater infrastructure servicing

351. Ensuring that subdivisions can be appropriately serviced for stormwater is addressed through Rule WWS-R1 “*Stormwater systems for new development or subdivision*”.

352. Var 3 proposes a new rule WWS-R1A which requires preparation of a Stormwater Management Plan for development of four or more residential units, or subdivision of four or more lots in the MR22 zone. Council recommended this new rule to ensure that minimum stormwater quality standards set in the Council’s relevant discharge consents will be achieved.²³⁴

353. Proposed new rule WWS-R1B is recommended in response to a request by Mr Telfer for Watercare that infill site developments provided for by Var 3 as a permitted activity are able to be serviced appropriately (including for stormwater).²³⁵ Council recommended this rule based on the expert engineering advice of Mr Telfer.

8.3.4.1 Finding

354. We find that the provisions with the changes proposed by the Council (WWS-R1, WWS-R1A and WWS-R1B), will ensure stormwater servicing for new development and subdivision is appropriately provided for, while constraining MDRS development to the least possible extent.

8.3.5 Green infrastructure and low impact design

355. Ngaati Naho Trust’s submission included a request to amend Var 3 by including requirements for green infrastructure and low impact design. WRC also sought a similar amendment to add a new matter of discretion relating to the use of low impact design technologies.

356. The s.42A Report author agreed that the principles of low impact design, which include the use of green infrastructure, contribute positively to Te Ture Whaimana, the management of flood risk and stormwater outcomes among other things.²³⁶ The Council therefore recommended new matters of discretion as follows:

²³³ s.42A Report 15 June 2023, at [487].

²³⁴ s.42A Rebuttal Evidence 19 July 2023, at [68].

²³⁵ Telfer, Statement of evidence, 21 June 2023, at [78]-[81].

²³⁶ s.42A Report, 15 June 2023, at [486].

- a) Rules WWS-R1A, SUB-R152, SUB-153 and MRZ S5: “the extent to which low impact design principles and approaches are used for stormwater management”; and
- b) for Rules MRZ2-S5a Building coverage at Tuurangawaewae and MRZ2-S11 Impervious surfaces: “Stormwater management and Low Impact design methods” and “whether there is sufficient space on site for a stormwater treatment device and infrastructure”.

8.3.5.1 Finding

357. We find the changes proposed by the Council (as summarised in paragraph 356 above) appropriate. We agree with the s.42A Report author that provision for green infrastructure and low impact design for stormwater management will contribute positively to Te Ture Whaimana, flood risk and stormwater management.

8.3.6 Downstream impacts due to alteration of volume, frequency, and duration of stormwater

358. Ms Noakes, the owner of a general rural zoned property, in Tuakau was concerned about the impacts that upstream residential development on an adjacent greenfield property had had on her land, as well as the potential effects of further residential development enabled by Var 3.

359. Mr Davis, a civil engineer with significant experience in water, environment and infrastructure matters, gave evidence about the hydrological features and recent changes on Ms Noakes property. Mr Davis’ evidence was that urban development (Dines Stage S) currently being constructed upstream of Ms Noakes property is altering stormwater runoff and adversely affecting the economic viability of the Noakes Property due to stormwater ponding limiting access and the ability to undertake farming activities on the full property.²³⁷ Ms Noakes, in her written evidence, also noted the beginning of damage (erosion) to farm drainage and infrastructure on her property.²³⁸

360. Mr Davis’ expectation is that additional stormwater discharge from more intense development enabled under Var 3 will exacerbate the current urban stormwater runoff situation on the Noakes Property.²³⁹ Mr Davis added that in his opinion, the Council/WRC assessments to date (consenting of Dines Stage 5, s.42A Report, s.32AA Evaluation Report, and supporting stormwater technical documentation) inadequately address current and anticipated effects due to alteration of volume, frequency, and duration of stormwater runoff on the Noakes Property and more generally other downstream farms and land uses.²⁴⁰ Mr Davis considered that

²³⁷ Davis, Statement of evidence, 7 July 2023, at [9].

²³⁸ Noakes, Statement of evidence, 4 July 2023, at Annexure 5.

²³⁹ Davis, Statement of evidence, 7 July 2023, at [13].

²⁴⁰ Davis, Statement of evidence, 7 July 2023, at [16].

additional plan amendments were required to address those effects.²⁴¹

361. Discussion of Mr Davis' evidence about potential stormwater impacts on downstream rural land and his suggested changes to provisions occurred through expert conferencing. While some changes to provisions were agreed between the experts, complete agreement was not achieved at the conferencing.²⁴²
362. Mr Boldero considered that the remainder of the issues raised by Mr Davis are adequately covered within the WRC stormwater guidelines. Mr Boldero agreed with Mr Davis that additional provisions would be beneficial if added to the PDP and Var 3 to assist in compliance with the guidelines and to minimise effects.²⁴³
363. Mr Davis presented a number of revised provisions at the hearing, adding "remedy and mitigate" to the effects management hierarchy. In response to the request for additional provisions requested by Mr Davis, Council has recommended changes to rules WWS-R1A, SUB-R152 and SUB-R153 to include reference to the WRC stormwater guidelines and to address downstream environmental effects of stormwater discharges.

8.3.6.1 *Finding*

364. We find that the changes proposed by the Council and in particular to rules WWS-R1A, SUB-R152 and SUB-R153 will appropriately manage anticipated effects due to alteration of volume, frequency, and duration of stormwater runoff from MDRS development on downstream farms and other land uses. We agree with Mr Boldero that the WRC Stormwater Guidelines, properly implemented, can and should address these issues.
365. Our observation from the evidence of a number of stormwater engineers who gave evidence for submitters is that they were not conversant with the WRC guidelines and how they can be used to avoid such effects. They were also not cognisant of the potential effects on downstream land due to alteration of volume frequency and duration of stormwater runoff for the smaller more frequent events. We also note that the WRC guidelines methods for addressing these issues are complex and that a simpler approach, such as that provided for in the Auckland Council Unitary Plan may be more effective to address this issue. We recommend that the Council considers providing training for consultants and Council staff on the effects and management of volume frequency and duration of stormwater runoff for the smaller more frequent events.
366. Overall, we find that the Council's recommendations address these issues to the extent possible given the scope of Var 3.

²⁴¹ *Davis, Statement of evidence, 7 July 2023, at [24].*

²⁴² *JWS constraints overlay and planning (5), 13 July 2023, at [3.5] and [3.6].*

²⁴³ *Boldero, Statement of rebuttal evidence, 19 July 2023, at [9(i)].*

8.3.7 Miscellaneous issues

367. There were three other issues raised in submissions that have not been covered above (or elsewhere in this decision).
368. Firstly, WRC sought that a matter of discretion be included in SUB-R153 related to stormwater management (#42.20). The provisions recommended by Council now include assessment criteria (m), (n) and (o) which address the stormwater system, potential for adverse effects from stormwater, and the extent to which low impact design principles and approaches are used for stormwater management.
369. Secondly, Ngaati Naho's submission included a request to add Te Mana o te Wai principles relating to the roles of tangata whenua and other New Zealanders in the management of freshwater (#83.3).
370. The Council reporting officer opined that there is existing policy direction that goes some way to achieve the matters raised by the Ngaati Naho submission.²⁴⁴ This includes existing provisions in the PDP - being the objectives and policies in the section MV - Maaori values and Maatauranga Maaori and the objectives and policies in the section TETW - Te Ture Whaimana – Vision and Strategy.
371. Thirdly, Ngaati Naho (#83.21-83.23) requested provisions to mitigate the impact of existing roads and new roads. Council understood this to relate to the increase in private vehicle use from intensification resulting in increased contaminant loads entering the stormwater system.²⁴⁵
372. Council commented that for larger subdivisions proposing new roads, these effects are assessed through the subdivision process. For smaller developments and potentially permitted intensification, Council must comply with the conditions of its comprehensive stormwater discharge consent, which includes water quality standards from road surfaces discharging to the environment.²⁴⁶
373. Council will need to apply for replacement comprehensive stormwater consents in the next year or two and this matter will be considered through that process. WWS-R1 contains stormwater treatment requirements for all new developments, which the Te Miro Water review recommended for revision.²⁴⁷
374. As noted earlier above, proposed rule WWS-R1A requires the preparation of a Stormwater Management Plan for development of four or more residential units or subdivision of four or more lots in the MRZ2 zone. Also as noted earlier, new matters of discretion are proposed in Rules WWS-R1A, SUB-R152, SUB-153 and MRZ

²⁴⁴ s.42A Report, 15 June 2023, at [387].

²⁴⁵ s.42A Report, 15 June 2023, at [543].

²⁴⁶ s.42A Report, 15 June 2023, at [543].

²⁴⁷ s.42A Report, 15 June 2023, at [544].

S5: including “the extent to which low impact design principles and approaches are used for stormwater management”.

8.3.7.1 Findings

375. We accordingly find that the proposed provisions discussed in this section have appropriately addressed the issues arising.

8.3.8 Overall Findings

376. We find that overall, given the legal scope constraints, the amendments proposed by the Council to address stormwater management issues arising from the proposed implementation of MDRS through Var 3, are appropriate.

377. We note that some of the principles of Te Mana o te Wai which have not been able to be incorporated within this plan change will require a separate plan change or variation.

8.4 Other Matters

8.4.1 Minimum vacant lot size, averaging and shape factor

378. Having withdrawn the Urban Fringe QM, the question arose as to whether there should be a minimum vacant²⁴⁸ lot size (with or without averaging or shape factors) in order to ensure that subsequent site redevelopment for a more intensive housing typology was not precluded. It was generally agreed that the existing 450m² lot size would not secure that outcome.

379. In particular this was a matter between Council (Mead, Fairgray and Hill) and several submitter parties including Kāinga Ora (Messrs Campbell and Wallace), HVL (Mr Tollemache), and Pookeno West (Messrs Munro and Oakley).

380. This question had also been addressed by the respective planning witnesses in expert conferencing (JWS 18 July 2023), which rehearsed the various arguments, but a number of participants reserved their right to consider the issues raised further and to present their conclusions later in filed evidence.

381. From an economic perspective, in her first statement on the issue, Ms Fairgray noted that the vacant minimum lot size has an important influence on how an urban area develops.²⁴⁹ She considered that a lot size greater than the 200m² – 240m² initially favoured by Kāinga Ora and Mr Tollemache (and later revised to 300m²), provided greater long-term flexibility for re-development to the intensification sought - given currently assessed demand across the typology spectrum. She also favoured a mechanism to ensure that sufficient lots are created and agreed that an averaging metric could perform that role. She agreed that the 450m² as proposed by

²⁴⁸ *Subdivision of vacant lots, in the absence of a concurrent land use consent application, requires resource consent and is not exempt under MDRS subdivision standard 8, Schedule 3A RMA.*

²⁴⁹ *Fairgray, Statement of rebuttal evidence, 19 July 2023, at [24]-[30].*

Council might be appropriate subject to further analysis. Ms Fairgray also noted that different minimum vacant lot sizes would be appropriate depending on the distance from the main urban and commercial centres in order to better focus intensification.

382. The position of the respective planning experts is accurately summarized in section 11 of the s.42A Report Closing Statement. This records, the submitter witnesses generally (though not all), favoured a variation of shape factor ranging from 8m x 15m to 13m x 19.5m, with minimum road frontage (9m) and garage and access restrictions depending on whether they were front or rear lots. Minimum vacant lot sizes between 250m² and 350m² were proposed. Kāinga Ora initially supported a shape factor only approach based on architectural testing of an 8m x 15m rectangle, which enables a 2-storey, 2 bedroom, dwelling of 94m² on a 120m² site.²⁵⁰
383. For Council, Mr Mead concluded in favour of a 300m² minimum vacant lot size in the proposed Minimum Lot Size Restriction Area (MLSR Area).²⁵¹ Whilst Mr Mead considered that he was unable to recommend a shape factor size for scope reasons,²⁵² he did express the opinion that a minimum 15m x 20m would be necessary to accommodate an 11m tall building.²⁵³ However, he noted that the PDP has provision in the GRZ requiring:²⁵⁴
- a) a circle with a diameter of at least 18m exclusive of yards; or
 - b) a rectangle of at least 200m² with a minimum dimension of 12m exclusive of yards.
384. In her second rebuttal statement, Ms Fairgray changed her position slightly having considered the evidence further. She tested a range of potential average vacant lot sizes in the developmental context of the Pookeno and Tuakau property markets. She concluded that both a minimum and an average lot size would be required to ensure a mix of housing / dwelling typologies at different price points over time. That led her to conclude that a 300m² minimum net vacant lot size with an average of 375m² should apply in the MLSR Area for subdivisions of 5 or more lots.²⁵⁵
385. In her closing statement, Ms Hill agreed with Mr Mead and Ms Fairgray that a minimum lot size should be set *net* of any other constraints (e.g. outside of floodplains). Having reviewed all the evidence on this matter she concluded that in the Outer Intensification Area (by which we presume she meant the MLSR Area) we should:²⁵⁶

²⁵⁰ Campbell, *Statement of evidence*, 4 July 2023, at [7.21].

²⁵¹ That is, the GRZ land that was previously to be subject to the Urban Fringe QM, and which was proposed to remain at the operative plan 450m² vacant lot size.

²⁵² Noting that no party addressed us on this scope issue.

²⁵³ Mead, *Rebuttal evidence*, 19 July 2023, at [82].

²⁵⁴ Mead, *Rebuttal evidence*, 19 July 2023, at [89].

²⁵⁵ Fairgray, *Further rebuttal statement*, 25 August 2023, at [28]-[29].

²⁵⁶ S.42A Report – Closing Statement, 5 September 2023, at [62].

- a) retain the 300m² minimum net lot area;
- b) decrease the average lot area to 375m²;
- c) increase the number of lots required to 9, before the average net lot area rule applies;
- d) increase the area of the lot to be excluded from the average calculation to 5,000m²;
- e) include a building platform requirement for rear lots of a rectangle of at least 200m² with a minimum dimension of 12m excluding setback;
- f) amend assessment criterion (3) to insert the word “all” to make it clear that all lots are required to accommodate a practical building platform including geotechnical stability; and
- g) amend SUB-R158 to increase the minimum frontage area requirement to 11m as recommended by Mr Mead and to require a single driveway width for lots with a minimum frontage between 11m and 12.5m.

8.4.1.1 Finding

386. The Panel accepts that for an urban area in which demand is likely to accelerate over the longer-term, consideration needs to be given as to how development will transition from present market preferences for single, one-storey dwellings to more intensified forms. In other words, to set vacant lot subdivision rules that best enable that transition to occur once the market matures. The expert discussion, whilst occurring at quite a late stage, has been extremely helpful in teasing out the options and we find the summary position advanced by Ms Hill persuasive in terms of capturing a sensible way forward. We therefore adopt her proposal, as indicated above, for present purposes. We were initially attracted to a shape-factor requirement but think that this is no longer necessary with the suite of provisions now proposed by Council. However, should that conclusion prove unduly optimistic in practice, Council may choose to introduce such a requirement by way of subsequent plan change.

8.4.2 Huntly Commercial Precinct – COMZ and TCZ

387. The PDP had increased the maximum building heights for Huntly’s TCZ and COMZ from 10m to 12m (with some additional allowance for structures such as chimneys and hose drying towers). Those provisions were maintained by the notified Var 3. But, in response to submissions, a new Huntly Commercial Precinct provision (PREC5-SX) was proposed within the COMZ. This introduced a maximum building height of 22m (and allied provisions including side and rear boundary setbacks above 12m and outlook and acoustic controls) as a restricted discretionary activity. No change was proposed for Huntly TCZ.

388. The maximum height (and associated provisions) for buildings in the Huntly Commercial Precinct and Town Centre were matters of disagreement – particularly between Council (Fairgray, Mead and Hill) and Kāinga Ora (Wallace, Campbell and Osborne).
389. Kāinga Ora sought a 24.5m height maximum in the Huntly TCZ²⁵⁷ and some amendments to the ancillary provisions in the Huntly COMZ – such as deletion of the height plane setback requirement for buildings over 12m and reliance instead on the outlook control for residential units. Kāinga Ora agreed with the amended 22m maximum height for the Huntly COMZ. Kāinga Ora considered that a graduated height from the town centre gave better effect to the NPS-UD non-residential zone Policy 3 requirement. Kāinga Ora was also concerned about the risk to the economic viability of Huntly town centre from providing a significant height differential in favour of the COMZ.
390. Council’s justification for its position on the Huntly TCZ was based on two matters – the question as to what “*commensurate*” means in that context, and how to give effect to the proximity of the Waikato River and the planned intention to focus the township on the River.
391. NPS-UD Policy 3(d) requires *building heights and densities of urban form commensurate with the level of commercial activity and community services*. Ms Fairgray’s analysis had underlined the somewhat static nature of Huntly but, while she agreed with Mr Osborne (and others) that a 30-year planning horizon is required, saw no immediate merit in providing for more than the 12m height proposed in the TCZ (and by the PDP). Indeed, from the Panel’s site visit it is very obvious that 1 and 2-storey retail or commercial developments are the norm with very few 3-storey developments. Furthermore, Ms Fairgray pointed out that additional height would primarily serve a residential purpose, retail essentially being a ground floor activity, and there is no market demand (or immediately foreseeable demand) for apartments in Huntly.
392. Allied to that response, Mr Mead²⁵⁸ considered the potentially adverse effect that greater height along Main Street would have on the character and amenity of the town centre, and on the relationship with the Waikato River (itself a Te Ture Whaimana consideration). He also underscored the important public and community values associated with the centre. It is those considerations that led him to support higher building provisions in the adjacent COMZ – in summary because more “*housing*” can be accommodated there without risk to those existing amenity and community values but still well within a walkable proximity to the town centre. Mr Mead also responded to the risk that the COMZ would adversely affect the retail viability of the TCZ. He noted that the COMZ provides permitted activity status only to retail tenancies with a minimum 350m² GFA (i.e., much larger than typically found

²⁵⁷ Campbell, *Statement of evidence*, 4 July 2023, at [5.4] and Appendix A.

²⁵⁸ Mead, *Statement of rebuttal*, 19 July 2023.

in the Huntly town centre) and that the TCZ is likely to be inherently more attractive for retail because of its location on the main road and being in the centre of its catchment.²⁵⁹

393. It is also important to note, as Ms Hill does in her Closing Statement that:²⁶⁰

... the amended provisions submitted as part of this reply only apply the additional height to multi-unit development which is a defined term in the PDP and relates to residential development only. For any commercial development, the same standards as currently exist in the PDP will continue to apply.

394. In other words, an assessment of potential effects on the town centre will be required.

395. In passing we note that in the s.42A Report Closing Statement, the authors recommended²⁶¹ a minor amendment to the previously recommended COMZ-R17(1)(g),²⁶² which included the term “*height plane*”. They note that term is not used in the PDP in the context of the height in relation to boundary control and recommend clarification for consistency with the PDP. We agree that would be helpful and have included the proposed wording in the final COMZ-R17(1)(g).

8.4.2.1 Finding

396. The Panel accepts that context, market feasibility and what is reasonably expected to be realised are particularly relevant considerations under the NPS-UD (and indeed are requirements of its HBA process). That consideration has been carefully analysed and presented by Ms Fairgray and Mr Mead and runs counter to the more ‘in principle’ argument for height and density in the town centre put forward by Kāinga Ora. While we acknowledge that in much larger town centres one would expect to find the taller buildings, in line with Kāinga Ora’s argument, we agree with Mr Mead that is not necessarily the case in smaller towns – or even necessarily required since the walkable catchment covers a higher proportion of the overall area in such instances. The proposition that Huntly’s COMZ can better absorb taller buildings than the TCZ aligns with that reasoning – which we find both persuasive and, indeed, commensurate.

397. We find that the existing PDP Huntly TCZ height provisions are appropriate and require no material amendment through this process.

8.4.3 Railway safety setback

398. As noted at paragraph 191(b) above, Council, KiwiRail and Kāinga Ora had agreed that the rail corridor was a QM per s.77I(e) and that a 2.5m safety setback from the corridor was appropriate.

²⁵⁹ Mead, Second statement of rebuttal, 25 August 2023, at [14].

²⁶⁰ s.42A Report Closing Statement, 5 September 2023, at [39].

²⁶¹ s.42A Report Closing Statement, 30 January 2024, at [34].

²⁶² s.42A Report Closing Statement, 5 September 2023, at [43].

399. The only remaining issue was whether the setback should be a separate standard (Ms Butler for KiwiRail) or included as a matter of discretion in *MRZ2-S15 Building setback – sensitive land use* (Council). Ms Butler suggested²⁶³ that this should follow similar examples under the PDP, and that as it was intended as a general setback it needed to apply to all buildings and structures, not merely sensitive land uses.
400. In the final set of recommended provisions provided with the 30 January 2024 s.42A Report Closing Statement, the authors propose a new standard MRZ2-S17 which is specific for the rail corridor and not confined to sensitive land uses. That would appear to resolve the matter.

8.4.3.1 Finding

401. We find the proposed new standard MRZ2-S17 is an appropriate QM response.

8.4.4 Retirement village provisions

402. There was no dispute regarding the importance and relevance of the retirement sector, its demographics, accommodation and health needs, as argued in the detailed evidence of the Ryman/RVA witnesses and legal submissions from Mr Hinchey.
403. The two key issues related to scope and the wording of the relevant Var 3 provisions. We addressed the issue of scope in sections 4.9 and 4.10 above.
404. In terms of the relevant provision wording, while the retirement village provisions had undergone significant discussion and amendment throughout the Var 3 process – particularly between Council (Hill and Lepoutre) and Ryman/RVA (Ms Williams) – agreement on the detailed provisions was not reached. The nub of the disagreement was over whether the plan should have generic provisions (Council) or a more nuanced, and therefore detailed, set of provisions (Ryman/RVA)²⁶⁴. A full, detailed, set of alternative provisions was provided by Ms Williams along with her summary s.32AA evaluation.²⁶⁵
405. While accepting a number of the amendments proposed by Ms Williams to the MDRZ2,²⁶⁶ the s.42A Report authors' maintained the overall position that most of the provisions sought by Ryman/RVA did not support or were not consequential on the MDRS or Policies 3-5 of the NPS-UD, as is required.²⁶⁷ This was particularly true for the proposed amendments to the business zones which we found to be out of scope in section 4.9 above.

²⁶³ Butler, *Statement of evidence, 20 October 2023, at [4.13]*.

²⁶⁴ See, for example, *Addendum 1 to the s.42A Report, 23 June 2023, at [section 3.2]*.

²⁶⁵ Williams, *Statement of evidence, 7 July 2023, Appendix C*.

²⁶⁶ See for example, Hill and Lepoutre, *s.42A Report Closing Statement, 5 September 2023, section 4*.

²⁶⁷ *s.42A Report Addendum 1, 23 June 2023, at [20] and section 3.2*.

406. As noted by the s.42A Report authors:²⁶⁸

- (x) MRZ2-O1 seeks to provide for a variety of housing types that respond to housing needs and demands -this includes housing for the elderly and retirement villages.
- (xi) MRZ2-P3 relates to housing design that meets the day-to-day needs of residents - this is relevant to retirement villages and the range of needs of its residents.
- (xii) New retirement villages or alterations to existing retirement villages are provided for as a permitted activity subject to a range of standards. Where these standards are not met, retirement villages become a restricted discretionary activity.

407. Those MRZ2 provisions were considered to provide an appropriate balance between enabling retirement village establishment and discretion to consider external resource management effects.

408. The two amendments proposed by RVA that Council did accept were:²⁶⁹

- a) the exclusion of the MRZ2 minimum residential unit size standard for retirement villages; and
- b) the inclusion of the MRZ2 impervious surfaces standard for retirement villages.

8.4.4.1 *Finding*

409. The Panel acknowledges the substantial effort made by Ryman/RVA in pursuing its IPI submissions across NZ with the objective of facilitating the more efficient planning and delivery of retirement facilities through district plans. The detailed consideration and presentation of what Ryman/RVA considers appropriate and effective regulatory provisions is clearly evident.

410. However, at the end of the day, we are constrained by the scope of Var 3 (as noted in sections 4.9 and 4.10 above). We accept that the changes proposed by the Council to Var 3 (as summarised at paragraph 408 above) together with the other provisions of Var 3 do appropriately provide for retirement villages within the permitted scope of this IPI. Accordingly, we have included these changes in our recommended provisions in **Appendix 5**.

8.5 Rezoning requests

411. In the sections that follow we address the remainder of the rezoning requests where we have determined there is scope for the relief sought (refer section 4 above).

412. For completeness we also note that there were a number of other rezoning requests that were subsequently resolved by the withdrawal of the Urban Fringe QM, and accordingly we do not address those further in this decision report.

²⁶⁸ *Addendum 1 to the s.42A report, 23 June 2023, at [31].*

²⁶⁹ *s.42A Report Closing statement, 5 September 2023, at [15].*

8.5.1 Horotiu West

413. As already noted, HFL lodged a submission seeking to rezone 34 ha of its Horotiu West land from GRZ to MRZ2. That land forms part of the wider Te Awa Lakes master-planned development at Horotiu.
414. The s.42A Report noted that the Horotiu West land is subject to PDP overlays / features as follows:²⁷⁰
- a) GRZ;
 - b) Acoustic area – Horotiu;
 - c) Flood plain management area and high risk flood area (both limited to the northern-most part of the site);
 - d) Gas transmission line;
 - e) Outstanding natural landscape (limited to the northern-most part of the site – the Waikato River); and
 - f) Designations: MEDU-21 (Horotiu Primary School), NZTA-1 (State Highway 1), NZTA-6 (Waikato Expressway - State Highway 1 (Ngaaruawaahia section)), NZTA-7 (Waikato Expressway – State Highway 1 (Te Rapa section)).
415. The Council after satisfying itself there was scope for the submission (which we addressed at section 4.13 above), considered there was merit in the rezoning as:²⁷¹
- a) the land is location within a relevant residential zone;
 - b) the land is intended to become part of an urban environment (WRPS Policy UFDF-P11 and proposed Change 1); and
 - c) Future Proof 2022 shows Horotiu as an “urban enablement area”.
416. There was general agreement between the Council and HFL on the amendments required to give effect to the rezoning of Horotiu West. The only exception being the treatment of high risk flood areas at Horotiu West.
417. As noted earlier (in section 8.2 above), the PDP includes maps of high risk flood areas, with Te Miro having undertaken additional high risk flood area mapping through the Var 3 process. In the final flood maps (dated November 2023), areas of high flood risk were identified within the Horotiu West land.
418. Mr Aaron Collier, Consultant Planner and Director of Collier Consultants Ltd, gave planning evidence on behalf of HFL. He stated that:²⁷²

²⁷⁰ S.42A Report, 15 September 2023, at [12].

²⁷¹ S.42A Report, 15 September 2023, at [23].

²⁷² Collier, Statement of evidence, 7 November 2023, at [6.3], [6.4], [6.6] and [6.7].

- Var 3 does not define high risk flood areas and such areas can be remedied through filling;
- he does not support the non-complying activity status for subdivision, earthworks and development within the high risk flood areas on the Horotiu West Land; and
- a new rule should be included that assigns a restricted discretionary activity status for development within the Horotiu West high risk flood areas with no requirement for an approval by Council, subject to an appropriate report being prepared by a suitably qualified person.

419. To respond to the matters raised by Mr Collier, the Council reporting officer recommended an exception to rules NH-R19, NH-R20 and NH-R21 in the existing Natural Hazard chapter of the PDP as follows:²⁷³:

This rule does not apply where a detailed hydraulic analysis undertaken by suitable qualified person, and approved by Council, determines that the site is not within the definition of a High Risk Flood Area.

420. HFL and Council did not reach agreement on the wording of this proposed exemption. Mr Collier, sought to remove the requirement that the hydraulic analysis be “*approved by Council*” and replace it with a requirement that the analysis instead be “*prepared by a suitably qualified person*”.²⁷⁴

421. Ms Lepoutre did not support this change for the detailed reasons outlined in paragraphs 10 and 11 of the s.42A Closing Statement dated 30 January 2024. Ms Lepoutre’s position is supported by Council’s Stormwater Expert, Mr Boldero, who was of the view that a non-complying activity for residential development within the higher flood risk areas reflects the seriousness of such an activity. The Council further submitted that it is appropriate, and indeed effective and efficient, that any exemption from the non-complying status be properly considered and approved by Council.²⁷⁵

422. The Council reporting officer has also advised that Rules NH-R19, NH-R20 and NH-R21 are the incorrect location for the exemption, which should instead be applied to NH-R26A. This is because the exemption can only affect MRZ2 land and NH-R26A relates to the high risk flood areas identified through Var 3. This correction is included in the Council’s final set of recommended provisions.²⁷⁶

8.5.1.1 Finding

423. We are not persuaded that the mere filing of a qualified hydraulic analysis is sufficient in every conceivable instance without any consideration by Council. While

²⁷³ s.42A Report Rebuttal Evidence, 14 November 2023, at [15].

²⁷⁴ Reporting Officer Summary Statement –Horotiu and ancillary matters, 30 November 2023, at [6].

²⁷⁵ Council reply legal submissions, 1 February 2024, at [7].

²⁷⁶ s.42A Report Closing Statement, 30 January 2024, at [12].

we accept that there will be many instances where this is clear cut, it is those that are not that create potential problems downstream. We therefore prefer Council's exemption and adopt the proposed exemption wording for rule NH-R26A.

8.5.2 23A Harrisville Road, Tuakau

424. The s.42A Report authors changed their opinion on the appropriateness of rezoning this 2.6ha of land from Large Lot Residential in the PDP to MRZ2. In the s.42A Report Closing Statement the authors indicated that they could support the rezoning in principle for the reasons detailed in paragraph 133 of that Report, subject to following three matters being addressed:

- a) infrastructure capacity;
- b) a QM related to the geotechnical constraints on the site; and
- c) consultation with Ngaati Tamaoho on the rezoning of the site.

425. Those matters were subsequently discussed between Ms Addy and Council and a Joint Statement submitted noting that:²⁷⁷

- a) the matters were satisfactorily resolved;
- b) the rezoning to MRZZ2 was recommended;
- c) provided there was an addition of a geotechnical hazard QM on the planning map and a consequential amendment to MRZ-R12.

8.5.2.1 Finding

426. The Panel agrees with the conclusion that the identified land should be rezoned to MRZ2 with the QM amendment recommended (in paragraph 425 above).

8.5.3 111 Harrisville Road

427. GDP Developments Ltd requested that 111 Harrisville Road be rezoned from General Rural Zone to MDRZ2 or GRZ, and sites accessed off Percy Graham Drive and Gordon Paul Place be rezoned from GRZ to MDRZ2 (#100.1).

428. The s.42A Report author noted that:²⁷⁸

- a) the relief in relation to 111 Harrisville Road had been sought through the PDP process and was the subject of an appeal being considered by the Environment Court; and
- b) the other sites had already been zoned GRZ through the PDP.

²⁷⁷ Joint Statement of Fiona Hill and Vanessa Addy, 5 December 2023, and at [15].

²⁷⁸ s.42A Report, 15 June 2023, at [140]-[141].

429. The Council submitted that the rezoning of 111 Harrisville Road was more appropriately addressed by the Environment Court,²⁷⁹ but agreed with a subsequent request from GDP Developments²⁸⁰ that the hearing should remain open for a further period to allow an update on that appeal to be provided.²⁸¹ We subsequently issued Direction #24 confirming that the hearing would remain open pending a further report from the parties on 26 February 2024.
430. On 27 February 2024, we were advised that a consent order had issued on 19 February 2024, rezoning the site residential, together with controls to address potential reverse sensitivity effects on the neighbouring Harrisville Motorcross Track.
431. As a result of this rezoning, Ms Hill had also determined that the following applied:²⁸²
- a) the Flood Density QM area and Higher Risk flood area;
 - b) the Outer Intensification Area overlay; and
 - c) the new noise rule NOISE-R46 and associated Noise control boundary areas.
432. We were also advised that GDP Developments confirmed that they accepted those QMs.

8.5.3.1 Finding

433. The Panel accepts that with the consent order rezoning the site to residential, it is appropriate to rezone the land at 111 Harrisville Road, Tuakau to MRZ2 with the QM and related provisions identified.

8.5.4 Corner of Johnson and Oak Street, Tuakau

434. This Greig Development land is subject to a PDP rezoning appeal to GRZ; MRZ2 is sought under Var 3.
435. We were told that Council supported the rezoning in principle but that this was subject to the Court agreeing to the rezoning.²⁸³ While the Council's recommendation was to reject the relief sought as the Court had yet to determine the matter (and was the appropriate decision-maker on this matter), Mr Fuller sought that we "parked" the matter until the final hearing (Hearing 3) in 2023.

²⁷⁹ Council legal submissions, 21 July 2023, at [232]-[233].

²⁸⁰ GDP Developments Memo dated 30 January 2024, at [1] and [7].

²⁸¹ Council final reply submissions, 1 February 2023, at [13].

²⁸² Planning memo to Var 3, 27 February 2024, at [13].

²⁸³ Fuller, Legal submissions, 24 July 2023, at [2.2].

8.5.4.1 Finding

436. As at the time of writing, this matter remains unsettled before the Environment Court, we accept Council’s position and find that this rezoning submission should be rejected.

8.5.5 99A Ngaaruawaahia Road and 18 Rangimarie Road

437. Next Construction and others sought MRZ2 for its two land parcels (approximately 6.7 ha) for residential subdivision purposes. The parcels are currently zoned rural in the ODP but have a split rural / residential zoning under the PDP.

438. Council’s response was that:²⁸⁴

- a) while the land was identified for urban development in the 2017 Structure Plan for Ngaaruawaahia, the timing for that development was indicated as 2036-2046, outside the 10-year period provided for;
- b) the land was not identified in any Future Proof maps (which do not provide that level of detail); and
- c) the land is subject to the NPS-HPL, for which no assessment had been provided;

439. The Council therefore submitted that the rezoning must be rejected.²⁸⁵

8.5.5.1 Finding

440. While Next Construction and others contested Council’s position, the Panel does not consider it appropriate at this time to anticipate the Court’s decision on the zoning. In addition, and for the reasons identified by Council in paragraph 438 above, we find that the proposed rezoning to MRZ2 should be rejected.

9 Consequential

441. Council identified a small number of consequential amendments to the Subdivision (**SUB**) and Water, wastewater and stormwater (**WWS**) chapters that flow logically from the decisions and provisions recommended. Those are as follows:

- **SUB-R152(1)** – include the term “or where 1(b) and 1(c) are complied with” in the preamble to the rule and include “and” at the end of 1(b); and delete the term “provided that other standards in the district plan are met” from 1(l) and include the phrase in 1(j) and 1(k) instead – for greater clarity.
- **SUB-R153(1)** – delete reference to “Ngaaruawaahia, Huntly, Tuakau and Pookeno and Horotiu” in 1(a)i. The reference to the towns is not needed as the MRZ2 only applies within those areas.

²⁸⁴ s.42A Closing statement, 5 September 2023, at [section 21].

²⁸⁵ Hearing 2 reply legal submissions, 22 September 2023, at [87].

- **SUB-R157(1)** – use brackets instead of commas in the activity standard to provide greater clarity of the exceptions to this rule.
- **WWS-R1A 1(d)** – include the term “*stormwater flow rate*” as a matter of discretion relating to potential adverse stormwater effects. While stormwater volume is generally provided for, differentiating between volume and flow rates is appropriate as the effects of these differ.
- **WWS-R1B 2(a)** – include an ability for Council to consider the “location” of infrastructure in addition to the provision of infrastructure generally. This could circumvent instances where infrastructure is provided in a manner that could restrict future subdivision (i.e. directly across allotments).

442. We have accepted those relatively minor changes in the interest of greater consistency and clarity and are satisfied that these fall within the scope of consequential changes authorised by cl.100(3) of Sch.1 of the RMA, and that no prejudice arises therefrom.

10 Statutory Assessment

443. The RMA sets out a range of matters that must be addressed when considering a plan change or variation. These matters have been identified, correctly in our view, in both the s.32 ER and the relevant s.42A Reports and Addenda. A summary of those requirements is attached as **Appendix 4**. We note that Var 3 was considered to satisfy those requirements.

444. We also note that s.32 clarifies that the analysis of efficiency and effectiveness is to be at a level of detail that corresponds to the scale and significance of the effects that are anticipated from the implementation of the proposal.

445. Having considered the evidence, submissions, legal advice, and relevant background documents, we are satisfied that, overall, Var 3 has been developed in accordance with the relevant statutory and policy matters with regard to the Council’s s.31 functions and the Amendment Act. Var 3 incorporates the MDRS, gives effect to Policy 3(d) of the NPS-UD, and only reduces such development to the extent necessary to provide for QMs.

11 Summary of Conclusions and Recommendations

11.1 Introduction and Scope

446. The full text of our recommendations is attached as **Appendix 5**.

447. While as previously noted, the Panel has the power to make recommendations going beyond the matters raised in submissions provided they were within the

scope of IPI itself,²⁸⁶ we found that we had no need to do so, and accordingly, confirm we have not made any such recommendations.

11.2 Conclusion on Var 3 Provisions

448. For the reasons given earlier in this report, we have largely accepted the Council's final version of the Var 3 proposed provisions. The further amendments made by the Panel are therefore primarily editorial.

11.3 Recommendation

449. Having considered all of the submissions, presentations, evidence and legal submissions before us, and for the reasons we have set out above, we recommend (pursuant to cl.99 of Sch.1) that the Council:

- a) accept our recommendations on Var 3;
- b) accept, accept in part, or reject the submissions on Var 3 consistent with our recommendations; and
- c) approve Var 3 to the PDP as set out in **Appendix 5**.

450. The reasons for the decision are that Var 3 to the PDP:

- a) will assist the Council in achieving the purpose of the RMA;
- b) is consistent with the provisions of Part 2 of the RMA;
- c) will give effect to the Amendment Act, Policy 3 and the other relevant provisions of the NPS-UD, as well as other relevant higher order RMA policy and plans;
- d) is supported by necessary evaluation in accordance with s.32;
- e) accords with s.18A of the RMA; and
- f) will better assist the effective implementation of the (proposed) Waikato District Plan.



David Hill
Chairperson

22 March 2024

and on behalf of:

Commissioners Vicki Morrison-Shaw, Dave Serjeant and Nigel Mark-Brown.

²⁸⁶ RMA, cl.99(2)(b) of Sch.1.

Appendix 1 – Glossary of Abbreviations

1% AEP means there is a 1% chance in any given year of an event occurring.

100-year ARI means a flood that will occur on average once every 100 years.

AEP means the annual exceedance probability.

Amendment Act means the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.

Area D means the neighbourhood block in Ngaaruawaahia bounded by Great South Road, Regent Street and River Road and properties adjoining River Road adjacent to Tuurangawaewae Marae.

ARI means the average time period between floods of a certain size.

Cl. means clause.

COMZ means the Commercial zone.

Council means the Waikato District Council.

ECP 34 means the New Zealand Electrical Code of Practice for Electrical Safe Distances – NZECP 34:2001.

EPA means the Environmental Protection Area.

ER means the Evaluation Report required under s.32 and ss.77J & 77P RMA.

FC means a financial contribution.

Forest and Bird means the Royal Forest and Bird Protection Society Incorporated.

Future Proof means the Future Proof Strategy 2022.

Grieg Developments means Grieg Developments No 2 Ltd.

GRZ means the General Residential Zone.

Harrisville 23 means Harrisville Twenty Three Ltd.

HBA means the Housing and Business Development Capacity Assessment 2021 required by subpart 5 of the NPS-UD.

HDZ means the proposed High Density Zone originally sought by Kāinga Ora.

Hearing 1 means the combined opening strategic and procedural overview hearing with Waikato District, Hamilton City and Waipā District Councils held on 15-17 February 2023.

Hearing 2 means the substantive hearing for topics other than Horotiu and some miscellaneous matters which was held on 26 July-2 August 2023.

Hearing 3 means the substantive hearing for Horotiu and other miscellaneous matters held on 5 December 2023.

HFL means Horotiu Farms Ltd.

Horotiu West means a 34 hectare block of land between Great South Road and State Highway 1C in Horotiu owned by HFL.

HVL means Havelock Villages Ltd.

Hynds means Hynds Pipe Systems Ltd.

IHP or Panel means the Independent Hearing Panel.

IPI means the Intensification Planning Instrument.

ISPP means Intensification Streamlined Planning Process.

Joint Opening Report means the Waikato Region Intensification Planning Instruments Themes and Issues Report for the Joint Opening Hearing, dated 15 December 2022.

JWS means a Joint Witness Statement of experts following expert conferencing.

KiwiRail means KiwiRail Holdings Ltd.

LCZ means the Local Centre Zone.

LGA means the Local Government Act 2002.

MDRS means the Medium Density Residential Standards.

Minister means the Minister for the Environment.

MLSR Area means the proposed Minimum Lot Size Restriction Area.

MRZ1 means the Medium Density Residential 1 Zone that applies to Raglan and Te Kauwhata.

MRZ2 means the Medium Density Residential 2 Zone that applies to Huntly, Pokeno, Tuakau, and Ngaaruawaahia.

Next Construction and others means 61 Old Taupiri Ltd, Swordfish Projects Ltd, 26 Jackson Ltd, 99 Ngaaruawaahia Ltd and Next Construction Ltd.

NPS means National Policy Statement.

NPSstds means the National Planning Standards 2019.

NPS-ET means the National Policy Statement for Electricity Transmission 2008.

NPS-FM means the National Policy Statement for Freshwater Management 2020.

NPS-HPL means the National Policy Statement for Highly Productive Land 2022.

NPS-IB means the National Policy Statement for Indigenous Biodiversity 2023.

NPS-UD means the National Policy Statement for Urban Development 2020.

NZCEP 34 means the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZCEP 34:2001).

ODP means the Operative Waikato District Plan.

Outer Intensification Area means the area in which the former Urban Fringe QM applied.

PDP means the Proposed Waikato District Plan.

QM means a qualifying matter under s.77I or s.77O of the RMA.

RER means reasonably expected to be realised development.

RITS means the Regional Infrastructure Technical Standards.

RMA means Resource Management Act 1991.

Ryman/RVA means Ryman Healthcare Limited and Retirement Villages Association of New Zealand.

s.32 Evaluation Report or **s.32 ER** means the evaluation reports dated September 2022 prepared by the Council to fulfil their obligations under s.32 of the RMA for Var 3.

Sch. means Schedule.

TCZ means the Town Centre Zone.

Te Ture Whaimana means Te Ture Whaimana o te Awa o Waikato – the Vision and Strategy for the Waikato River.

Var 3 means Variation 3 – Enabling Housing Supply to the proposed Waikato District Plan.

Waikato 2070 means the Waikato District Council Growth and Economic Development Strategy 2020.

Waka Kotahi means Waka Kotahi – New Zealand Transport Agency.

Waikato Housing Initiative and others means Waikato Housing Initiative, Waikato Community Lands Trust, Bridge Housing Charitable Trust, Habitat for Humanity Central Region, and Momentum Waikato.

WRC means Waikato Regional Council.

WRPS means the Waikato Regional Policy Statement.

Appendix 2 – Summary of IPI and ISPP

Scope of an IPI

451. *The scope of matters to be included in an IPI are specified in s.80E of the RMA as follows:*

80E Meaning of intensification planning instrument

- (1) *In this Act, **intensification planning instrument** or IPI means a change to a district plan or a variation to a proposed district plan—*
- (a) *that must—*
 - (i) *incorporate the MDRS; and*
 - (ii) *give effect to,—*
 - (A) *in the case of a tier 1 territorial authority, policies 3 and 4 of the NPS-UD; or*
 - (B) *in the case of a tier 2 territorial authority to which regulations made under section 80I(1) apply, policy 5 of the NPS-UD; or*
 - (C) *in the case of a tier 3 territorial authority to which regulations made under section 80K(1) apply, policy 5 of the NPS-UD; and*
 - (b) *that may also amend or include the following provisions:*
 - (i) *provisions relating to financial contributions, if the specified territorial authority chooses to amend its district plan under section 77T:*
 - (ii) *provisions to enable papakāinga housing in the district:*
 - (iii) *related provisions, including objectives, policies, rules, standards, and zones, that support or are consequential on—*
 - (A) *the MDRS; or*
 - (B) *policies 3, 4, and 5 of the NPS-UD, as applicable.*
- (2) *In subsection (1)(b)(iii), **related provisions** also includes provisions that relate to any of the following, without limitation:*
- (a) *district-wide matters:*
 - (b) *earthworks:*
 - (c) *fencing:*
 - (d) *infrastructure:*
 - (e) *qualifying matters identified in accordance with section 77I or 77O:*
 - (f) *storm water management (including permeability and hydraulic neutrality):*
 - (g) *subdivision of land.*

452. Section 80G of the RMA sets out the limitations on IPIs and the ISPP as follows:

80G Limitations on IPIs and ISPP

IPIs

- (1) *A specified territorial authority must not do any of the following:*
- (a) *notify more than 1 IPI:*

- (b) *use the IPI for any purpose other than the uses specified in section 80E:*
- (c) *withdraw the IPI.*

ISPP

- (2) *A local authority must not use the ISPP except as permitted under section 80F(3).*

Appendix 3- List of Submitters and Other Appearances

Organisation	Represented by:
Waikato District Council	Bridget Parham & Jill Gregory Jim Ebenhoh Fiona Hill Karin Lepoutre Bessie Clarke Susan Fairgray Dave Mansergh Dr Ann McEwan Matthew Telfer Keith Martin Andrew Boldero Katja Huls
Ara Poutama - Department of Corrections	Heather Phillip Monique Thomas Andrea Millar Sean Grace
J&P Boyson	Nathan Harvey
CSL Trust / Top End Properties / Pokeno West	Peter Fuller Adam Thompson Jijnesh Patel James Oakley Ian Munro
Dominion Developments	James Whetu
	Jeremy Duncan
Greig Group & Harrisville 23	Peter Fuller Duncan McNaughton Adam Thompson Warren Boag Kelly Hayhurst Vanessa Addy Sally Peake Robert Tilsley Dougal Tilsley
GDP Development	Sarah Nairn
Havelock Village Ltd	Matthew Gribben & Vanessa Evitt Mark Tollemache Bridget Gilbert Ryan Pitkethly Jon Styles Leo Hills
Horotiu Farms	Thomas Gibbons Kate Barry-Piceno Richard Coventry Justin Adamson

	Aaron Collier
Hynds Pipe Systems	Warren Bangma Sarah Nairn
Kainga Ora	Douglas Allen Brendon Liggett Philip Osbourne Philip Jaggard Cam Wallace Michael Campbell Gurv Singh Claire Moore
Kiwirail	Taylor Mitchell Taylor Power Pam Butler
Ngati Naho	Hayden Solomon Jeremy Duncan
Next Construction and others	Charlotte Muggeridge Andrew Wood
Anna Noakes & MSNCA Fruhling	Joanna Beresford Anna Noakes Matthew Davis
Queens Redoubt	Jennifer Hayman Dr Neville Ritchie
Pokeno Village Ltd	Steph Macdonald Melissa McGrath
RVA / Ryman Healthcare	Luke Hinchey Matthew Brown John Collyns John Kyle Prof Ngaire Kerse Nicola Williams
Synlait Ltd	Jamie Robinson Yves Dencourt Jake Deadman Nicola Rykers
S Upton & B Miller	Grant Eccles
Te Whakakitenga O Waikato	Kahurimu Flavell Giles Boundy
Tuurangawaewae Marae	Hinerangi Raumati Karu Kukutai Giles Boundy
Waikato Regional Council	Katrina Andrews Hannah Craven
WEL Energy	Daniel Minhinnick & Kristen Gunnell Sara Brown

Appendix 4 – Summary of Plan Change Requirements

A. General requirements - district plan (change)

1. A district plan (change) should be designed to accord with¹ — and assist the territorial authority to carry out — its functions² so as to achieve the purpose of the Act³.
2. The district plan (change) must also be prepared in accordance with any national policy statement, New Zealand Coastal Policy Statement*, a national planning standard,⁴ regulation⁵ and any direction given by the Minister for the Environment⁶.
3. When preparing its district plan (change) the territorial authority must give effect to⁷ any national policy statement (including Policies 3 and 4 of the NPS-UD), New Zealand Coastal Policy Statement*, and national planning standard.⁸
4. When preparing its district plan (change) the territorial authority shall:
 - (a) have regard to any proposed regional policy statement (change);⁹
 - (b) give effect to any operative regional policy statement.¹⁰
5. In relation to regional plans:
 - (a) the district plan (change) must not be inconsistent with an operative regional plan for any matter specified in section 30(1) or a water conservation order*;¹¹ and
 - (b) the district plan (change) must have regard to any proposed regional plan (change) on any matter of regional significance etc.¹²
6. When preparing its district plan (change) the territorial authority must also:
 - have regard to any relevant management plans and strategies under other Acts, and to any relevant entry in the New Zealand Heritage List/Rārangī Kōrero and to various fisheries regulations* and to any relevant project area and project objectives (if section 98 of the Urban

¹ RMA, section 74(1).

² As described in section 31 of the RMA.

³ RMA, sections 72 and 74(1).

⁴ RMA, section 74(1)(ea).

⁵ RMA, section 74(1).

⁶ RMA, sections 74(1)(c) and 80L.

⁷ RMA, section 75(3).

⁸ The reference to "any regional policy statement" in the Rosehip list here has been deleted since it is included in (4) below which is a more logical place for it.

⁹ RMA, section 74(2)(a)(i).

¹⁰ RMA, section 75(3)(c). Section 77G(8) provides that the requirement in section 77G(1) to incorporate the MDRS into a relevant residential zone applies irrespective of any inconsistent objective or policy in a regional policy statement.

¹¹ RMA, section 75(4).

¹² RMA, section 74(2)(a)(ii).

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Development Act 2020 applies)*¹³ to the extent that their content has a bearing on resource management issues of the district; and to consistency with plans and proposed plans of adjacent territorial authorities¹⁴ and to any emissions reduction plan and any national adaptation plan made under the Climate Change Response Act 2002*¹⁵;

- take into account any relevant planning document recognised by an iwi authority;¹⁶ and
 - not have regard to trade competition or the effects of trade competition.¹⁷
7. The formal requirement that a district plan (change) must¹⁸ also state its objectives, policies and the rules (if any) and may¹⁹ state other matters.
- B. Objectives [the section 32 test for objectives]
8. Examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the Act.²⁰
- C. Policies and methods (including rules) [the section 32 test for policies and rules]
9. The policies are to implement the objectives, and the rules (if any) are to implement the policies;²¹
10. Whether the provisions (the policies, rules or other methods) are the most appropriate way to achieve the purpose of the district plan change and the objectives of the district plan by:²²
- (a) identifying other reasonably practicable options for achieving the objectives;²³ and
 - (b) assessing the efficiency and effectiveness of the provisions in achieving the objectives, including by:²⁴
 - i. identifying and assessing the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for:
 - economic growth that are anticipated to be provided or reduced;²⁵ and

¹³ RMA, section 74(2)(b).

¹⁴ RMA, section 74(2)(c).

¹⁵ RMA, section 74(2)(d) and (e).

¹⁶ RMA, section 74(2A).

¹⁷ RMA, section 74(3).

¹⁸ RMA, section 75(1).

¹⁹ RMA, section 75(2).

²⁰ RMA, section 74(1) and section 32(1)(a).

²¹ RMA, section 75(1)(b) and (c).

²² See summary of tests under section 32 of the RMA for 'provisions' in *Middle Hill Limited v Auckland Council* Decision [2022] NZEnvC 162 at [30].

²³ RMA, section 32(1)(b)(i).

²⁴ RMA, section 32(1)(b)(ii).

²⁵ RMA, section 32(2)(a)(i).

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- employment that are anticipated to be provided or reduced;²⁶
- ii. if practicable, quantifying the benefits and costs;²⁷ and
- iii. assessing the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions;²⁸
 - Summarising the reasons for deciding on the provisions;²⁹
 - If a national environmental standard applies and the proposed rule imposes a greater prohibition or restriction than that, then whether that greater prohibition or restriction is justified in the circumstances.³⁰

D. Rules

11. In making a rule the territorial authority must have regard to the actual or potential effect of activities on the environment.³¹
12. Rules have the force of regulations.³²
13. Rules may be made for the protection of property from the effects of surface water, and these may be more restrictive³³ than those under the Building Act 2004.
14. There are special provisions for rules about contaminated land.³⁴
15. There must be no blanket rules about felling of trees³⁵ in any urban environment.³⁶

E. Other statutes:

16. Finally territorial authorities may be required to comply with other statutes (which within the Waikato Region includes the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010).

F. Requirements relating to Medium Density Residential Standards (MDRS)

17. Every residential zone of a specified territorial authority must have the MDRS incorporated into that zone except to the extent that a qualifying matter is accommodated.³⁷

G. Specific requirements relating to Policy 3 and Policy 5 of the NPS-UD

18. Every residential zone in an urban environment of a specified territorial authority must give effect to policy 3 or policy 5, as

²⁶ RMA, section 32(2)(a)(ii).

²⁷ RMA, section 32(2)(b).

²⁸ RMA, section 32(2)(c).

²⁹ RMA, section 32(1)(b)(iii).

³⁰ RMA, section 32(4).

³¹ RMA, section 76(3).

³² RMA, section 76(2).

³³ RMA, section 76(2A).

³⁴ RMA, section 76(5).

³⁵ RMA, section 76(4A).

³⁶ RMA, section 76(4B).

³⁷ RMA, section 77G(1).

the case requires, in that zone,³⁸ and every tier 1 specified territorial authority must ensure that the provisions in its district plan for each urban non-residential zone within the authority's urban environment give effect to the changes required by policy 3 or policy 5, as the case requires, except to the extent that a qualifying matter is accommodated.³⁹

H. Additional requirements for qualifying matters⁴⁰

19. In relation to a proposed amendment to accommodate a qualifying matter,⁴¹ the specified territorial authority must:

(a) demonstrate why the territorial authority considers—

- (i) that the area is subject to a qualifying matter;⁴² and
- (ii) in residential zones that the qualifying matter is incompatible with the level of development permitted by the Medium Density Residential Standards (MDRS) (as specified in Schedule 3A of the RMA) or policy 3 for that area⁴³ or in non-residential zones that the qualifying matter is incompatible with the level of development as provided for by policy 3 for that area;⁴⁴ and

(b) assess the impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity;⁴⁵ and

(c) assess the costs and broader impacts of imposing those limits.⁴⁶

(d) describe in relation to the provisions implementing the MDRS—

- (i) how the provisions of the district plan allow the same or a greater level of development than the MDRS;⁴⁷
- (ii) how modifications to the MDRS as applied to the relevant residential zones are limited to only those modifications necessary to accommodate qualifying matters and, in particular, how they apply to any spatial layers relating to overlays, precincts, specific controls, and development areas, including—
 - any operative district plan spatial layers; and
 - any new spatial layers proposed for the district plan.⁴⁸

I. Alternative process for existing qualifying matters

³⁸ RMA, section 77G(2).

³⁹ RMA, section 77N(2).

⁴⁰ The evaluation report for an IPI may, for the purpose of section 77J(4), describe any modifications to the requirements of section 32 necessary to achieve the development objectives of the MDRS.

⁴¹ As defined in section 77I(a)-(i)/77O(a)-(i) of the RMA.

⁴² RMA, section 77J(3)(a)(i)/77P(3)(a)(i).

⁴³ RMA, section 77(3)(a)(ii).

⁴⁴ RMA, section 77J(3)(a)(ii)/77P(3)(a)(ii).

⁴⁵ RMA, section 77J(3)(b)/77P(3)(b).

⁴⁶ RMA, section 77J(3)(c)/77P(3)(c).

⁴⁷ RMA, section 77J(4)(a).

⁴⁸ RMA, section 77J(4)(b).

20. When considering existing qualifying matters,⁴⁹ the specified territorial authority may:
- (a) identify by location (for example, by mapping) where an existing qualifying matter applies;⁵⁰
 - (b) specify the alternative density standards proposed for the area or areas identified;⁵¹
 - (c) identify why the territorial authority considers that 1 or more existing qualifying matters apply to the area or areas;⁵²
 - (b) describe in general terms for a typical site in those areas identified the level of development that would be prevented by accommodating the qualifying matter, in comparison with the level of development that would have been permitted by the MDRS and policy 3 in residential zones⁵³ and by policy 3 in non-residential zones.⁵⁴
- J. Further requirements for 'other' qualifying matters under section 77I(j)/77O(j)
21. A matter is not a qualifying matter under section 77I(j)/77O(j) unless an evaluation report:
- (a) identifies for residential zones the specific characteristic that makes the level of development provided by the MDRS (as specified in Schedule 3A or as provided for by policy 3) inappropriate in the area⁵⁵ or for non-residential zones identifies the specific characteristic that makes the level of urban development required within the relevant paragraph of policy 3 inappropriate;⁵⁶ and
 - (b) justifies why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD;⁵⁷ and
 - (c) includes a site-specific analysis that—
 - (i) identifies the site to which the matter relates;⁵⁸ and
 - (ii) evaluates the specific characteristic on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter;⁵⁹ and
 - (iii) evaluates an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS (as

⁴⁹ Being a qualifying matter referred to in sections 77I(a)-(i)/77O(a)-(i) that is operative in the relevant district plan when the IPI is notified.

⁵⁰ RMA, section 77K(1)(a) / 77Q(1)(a).

⁵¹ RMA, section 77K(1)(b) / 77Q(1)(b).

⁵² RMA, section 77K(1)(c) / 77Q(1)(c).

⁵³ RMA, section 77K(1)(d).

⁵⁴ RMA, section 77Q(1)(d).

⁵⁵ RMA, section 77L(a).

⁵⁶ RMA, section 77R(a).

⁵⁷ RMA, sections 77L(b)/77R(b).

⁵⁸ RMA, sections 77L(c)(i)/77R(c)(i).

⁵⁹ RMA, sections 77L(c)(ii)/77R(c)(ii).

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specified in Schedule 3A)⁶⁰ or as provided for by policy 3⁶¹ while managing the specific characteristics.

⁶⁰ RMA, section 77L(c)(iii).

⁶¹ RMA, section 77L(c)(iii)/77R(c)(iii).

Appendix 5 – Variation 3 Recommended Provisions

Independent Hearing Panel Recommendation Tracked Changes to Proposed Waikato District Plan

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Interpretation

Definitions

Term	Definition
<u>Active transport</u>	<p>Has the same meaning as in the National Policy Statement on Urban Development 2020 (as set out in the box below).</p> <p>Means forms of transport that involve physical exercise, such as walking or cycling, and includes transport that may use a mobility aid such as a wheelchair.</p>
<u>Flood plain management area 2</u>	<p>Identifies the 1% Annual Exceedance Probability (AEP)* floodplain and has been developed though predominantly 'rain on grid' modelling. This includes both 1D and 2D modelling of upstream catchments where appropriate. The modelling is based on 2022 lidar and includes critical pipes and culverts.</p> <p>*includes climate change RCP 6.0 (Hirds v4)</p>
<u>High risk flood area 2</u>	<p>Identifies areas within the floodplain where the depth of flood water in a 1% AEP* flood event exceeds 1 metre and the speed of flood water exceeds 2 metres per second, or the flood depth multiplied by the flood speed exceeds one.</p> <p>*includes climate change RCP 6.0 (Hirds v4)</p>
<u>Landscaped area</u>	<p>Means any part of the site that has is grassed and/or planted in and can include the canopy of trees regardless of the ground treatment below them, shrubs, or ground cover and may include ancillary water, rocks, paved areas or amenity features.</p>

Part 1: Introduction and general provisions / Interpretation

Term	Definition
<u>MDRS</u>	<p data-bbox="488 241 1350 309"><u>Has the same meaning as in section 2 of the Resource Management Act 1991 (as set out in the box below).</u></p> <div data-bbox="488 338 1390 412" style="border: 1px solid black; padding: 2px;"> <p data-bbox="501 342 1377 405"><u>Means the requirements, conditions, and permissions set out in Schedule 3A.</u></p> </div>
<u>MRZ2 flood risk</u>	<p data-bbox="488 432 1377 533"><u>The QM is identified on the planning maps and identifies land in the MRZ2 where there are increased flood risks and additional residential development rules apply.</u></p> <p data-bbox="488 566 852 600"><u>The MRZ2 flood risk includes:</u></p> <ul data-bbox="539 607 959 779" style="list-style-type: none"> <li data-bbox="539 607 948 640">• <u>Flood plain management areas</u> <li data-bbox="539 645 815 678">• <u>Flood ponding area</u> <li data-bbox="539 683 772 716">• <u>Defended areas</u> <li data-bbox="539 721 959 754">• <u>Flood plain management area 2</u> <li data-bbox="539 759 847 792">• <u>High risk flood area 2</u>
<u>Qualifying matters</u>	<p data-bbox="488 784 1350 851"><u>Has the same meaning as in section 2 of the Resource Management Act 1991 (as set out in the box below).</u></p> <div data-bbox="488 880 1390 954" style="border: 1px solid black; padding: 2px;"> <p data-bbox="501 884 1302 947"><u>Means a matter referred to in section 77I or 77O of the Resource Management Act 1991.</u></p> </div>
<u>Servicing area</u>	<p data-bbox="488 974 1377 1034"><u>Means the use of land for services, storage or waste management to serve a dwelling or residential activity.</u></p>

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Interpretation

Abbreviations

Abbreviation	Full term
CPTED	Crime prevention through environmental design
GFA	Gross floor area
<u>MDRS</u>	<u>Medium Density Residential Standards</u>
NES	National environmental standard
NESETA	Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009
NESF	National Environmental Standards for Freshwater 2020
NESTF	Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016
NPS	National policy statement
NZCPS	New Zealand Coastal Policy Statement
NZECP	New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663
RMA	Resource Management Act 1991

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SD – Strategic directions

Introduction

This chapter:

- (a) Provides the overarching direction for the District Plan, including for developing the other chapters within the Plan, and its subsequent implementation and interpretation; and
- (b) Has primacy over the objectives and policies in the other chapters of the Plan, which must be consistent with the strategic objectives in this chapter.

The strategic objectives in this chapter are provided in no order of priority.

Objectives

SD-O1 Socio-economic advancement.

The District has a thriving economy.

SD-O2 Tangata whenua.

Tangata whenua's relationships, interests, including commercial interests, and associations with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes, and other taonga are recognised and provided for.

SD-O3 Growth targets.

The following growth targets are planned for:

	Minimum targets (number of dwellings)		
	2017-2026	2027-2046	Total
Waikato District	7,100	12,300	19,400

Part 2: District-wide matters / Strategic direction / SD – Strategic directions

- SD-O4 Housing variety.
A variety of housing types are available to meet the community's housing needs.
- SD-O5 Integration of infrastructure and land use.
New development is integrated with the provision of infrastructure.
- SD-O6 Hamilton's urban expansion area.
Land uses within Hamilton's Urban Expansion Area do not compromise its future urban development.
- SD-O7 Regionally significant infrastructure and industry.
Recognise the importance of regionally significant infrastructure and regionally significant industry.
- SD-O8 Highly productive soils.
High quality soils are protected from urban development, except in areas identified for future growth in the District Plan.
- SD-O9 Rural activities.
The rural environment provides for a range of rural activities, including primary production and food supply.
- SD-O10 Reverse sensitivity.
Existing activities are protected from reverse sensitivity effects.
- SD-O11 Historic heritage.
Historic heritage contributes to the district's sense of place and identity.
- SD-O12 Natural environment.
Outstanding natural features and landscapes, and significant indigenous terrestrial flora and fauna are protected.
- SD-O13 Climate change.
Land use is planned to recognise, and avoid, remedy or mitigate the potential adverse effects of climate change induced weather variability and sea level rise.
- SD-O14 Well-functioning urban environment.
A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

Policy

- SD-PI Activities within Hamilton's urban expansion area.
Avoid subdivision, use and development within Hamilton's urban expansion area to ensure that future urban development is not compromised.

SD-P2 Medium Density Residential Standards

Apply the MDRS across all relevant residential zones in the district plan except in circumstances where the qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Maaori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga).

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EGEN – Electricity generation

Rules

EGEN-RI	Small-scale electricity generation	
All zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <ul style="list-style-type: none"> (a) Small-scale electricity generation and community-scale electricity generation that comply with each of the following standards, where applicable: <ul style="list-style-type: none"> (i) Is not located within an Identified Area; (ii) Is not located on unformed road; (iii) Maximum one wind turbine per site in the GRZ – General residential zone, <u>MRZ1 – Medium density residential zone 1</u>, <u>MRZ2 – Medium density residential zone 2</u>, RPZ - Rangitahi Peninsula zone, LLRZ – Large lot residential zone and SETZ – Settlement zone; (iv) Freestanding wind turbines must not exceed the building height limit of the zone in which they are located by more than 3m; 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) The functional and operational needs of, and benefits derived from, the infrastructure; (b) Visual, landscape, streetscape and amenity effects, including noise; (c) Shadow flicker effects; (d) The risk of hazards affecting public or individual safety, and risk of property damage; (e) Effects on the values, qualities and characteristics of any Identified Area; and (f) Ecology and biodiversity effects.

	<ul style="list-style-type: none"> (v) Freestanding wind turbines have a maximum blade diameter of 2.5m; (vi) Roof-mounted wind turbines must not exceed the building height limit of the zone in which they are located by more than 3m; (vii) Roof-mounted wind turbines have a maximum blade diameter of 2.5m; (viii) Any wind turbine on a site adjoining GRZ – General residential zone, MRZ1 – Medium density residential zone 1, <u>MRZ2 – Medium density residential zone 2</u>, RPZ - Rangitahi Peninsula zone, LLRZ – Large lot residential zone or SETZ – Settlement zone must meet the height in relation to boundary limits on the boundary with that adjoining zone; (ix) Solar panels on the roof of a building must not exceed 1.5m in height above the existing roof; or attached to a ground mounted frame; (x) Wind turbine noise must: <ul style="list-style-type: none"> (1) Not exceed the background sound level (L95) by more than 5dBA, or a level of 40dBA (L95), whichever is the greater, when measured at operational wind speeds, and for properties located adjacent to the facility when measured at: <ul style="list-style-type: none"> (a) Any existing building or structure for sensitive land uses; and (b) Any potential building site where a building or structure for sensitive land uses could be located as a permitted activity; and (2) Be measured and assessed in accordance with NZS6808: 2010 	
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	<p>Acoustics – Wind Farm Noise; and</p> <p>(xi) All other structures not listed above must not be higher than the maximum building height limit of the zone in which they are located.</p>	
EGEN-R2	Community-scale electricity generation	
GRUZ – General rural zone	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) Small-scale electricity generation and community-scale electricity generation that comply with each of the following standards, where applicable:</p> <p>(i) Is not located within an Identified Area;</p> <p>(ii) Is not located on unformed road;</p> <p>(iii) Maximum one wind turbine per site in the GRZ – General residential zone, MRZ1 – Medium density residential zone 1, MRZ2 – <u>Medium density residential zone 2</u>, RPZ - Rangitahi Peninsula zone, LLRZ – Large lot residential zone and SETZ – Settlement zone;</p> <p>(iv) Freestanding wind turbines must not exceed the building height limit of the zone in which they are located by more than 3m;</p> <p>(v) Freestanding wind turbines have a maximum blade diameter of 2.5m;</p> <p>(vi) Roof-mounted wind turbines must not exceed the building height limit of the zone in which they are located by more than 3m;</p> <p>(vii) Roof-mounted wind turbines have a maximum blade diameter of 2.5m;</p> <p>(viii) Any wind turbine on a site adjoining GRZ – General residential zone, MRZ1 – Medium density residential zone 1, MRZ2 – <u>Medium density residential zone 2</u>,</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) The functional and operational needs of, and benefits derived from, the infrastructure;</p> <p>(b) Visual, landscape, streetscape and amenity effects, including noise;</p> <p>(c) Shadow flicker effects;</p> <p>(d) The risk of hazards affecting public or individual safety, and risk of property damage;</p> <p>(e) Effects on the values, qualities and characteristics of any Identified Area; and</p> <p>(f) Ecology and biodiversity effects.</p>

	<p>RPZ - Rangitahi Peninsula zone, LLRZ – Large lot residential zone or SETZ – Settlement zone must meet the height in relation to boundary limits on the boundary with that adjoining zone;</p> <p>(ix) Solar panels on the roof of a building must not exceed 1.5m in height above the existing roof; or attached to a ground mounted frame;</p> <p>(x) Wind turbine noise must:</p> <p>(1) Not exceed the background sound level (L95) by more than 5dBA, or a level of 40dBA (L95), whichever is the greater, when measured at operational wind speeds, and for properties located adjacent to the facility when measured at:</p> <p>(a) Any existing building or structure for sensitive land uses; and</p> <p>(b) Any potential building site where a building or structure for sensitive land uses could be located as a permitted activity; and</p> <p>(2) Be measured and assessed in accordance with NZS6808: 2010 Acoustics – Wind Farm Noise; and</p> <p>(xi) All other structures not listed above must not be higher than the maximum building height limit of the zone in which they are located.</p>	
<p>EGEN-R3</p>	<p>Research and exploratory-scale investigations for renewable electricity generation activities</p>	
<p>All zones</p>	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) Research and exploratory-scale investigations for renewable electricity generation activities</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p>

	<p>that comply with all of the following:</p> <p>(i) The noise limits that are applicable to the zone;</p> <p>(ii) The height of any equipment must not exceed the building height limit of the zone in which they are located by more than 3m, or within the GRUZ – General rural zone must not exceed 20m total height measured from the natural ground level immediately below the structure;</p> <p>(iii) The size and location of any equipment must not exceed height in relation to boundary relevant to the zone in which it is located;</p> <p>(iv) Setbacks relevant to the zone in which it is located;</p> <p>(v) Is not located within an identified area; and</p> <p>(vi) Is not located on a road, or unformed road.</p>	<p>(a) The functional and operational needs of, and benefits derived from, the infrastructure;</p> <p>(b) Visual, landscape, streetscape and amenity effects, including noise;</p> <p>(c) Shadow flicker effects;</p> <p>(d) The risk of hazards affecting public or individual safety, and risk of property damage;</p> <p>(e) Effects on the values, qualities and characteristics of any Identified Area; and</p> <p>(f) Ecology and biodiversity effects.</p>
EGEN-R4	Temporary diesel-fuelled electricity generation activities	
All zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>Nil.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
EGEN-R5	Electricity generation within the Huntly Power Station site in the HIZ – Heavy industrial zone	
HIZ – Heavy industrial zone	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) Electricity generation within the Huntly Power Station site in the HIZ – Heavy industrial zone that complies with the HIZ – Heavy industrial zone rules.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) The extent of effects associated with the HIZ – Heavy industrial zone rules that the activity does not comply with.</p>
EGEN-R6	<p>Large-scale wind farms located within the GRUZ – General rural zone, not within an Identified Area.</p> <p>Wind turbine noise must be measured and assessed in accordance with NZS6808:2010 Acoustics – Wind Farm Noise</p>	
GRUZ – General rural zone	(1) Activity status: DIS	
EGEN-R7	Large-scale wind farms located in a zone other than the GRUZ – General rural zone.	

Part 2: District-wide matters / Energy, infrastructure and transport / EGEN – Electricity generation

	Wind turbine noise must be measured and assessed in accordance with NZS6808:2010 Acoustics – Wind Farm Noise
All zones	(I) Activity status: NC
EGEN-R8	Large-scale wind farm located within any Identified Area in the GRUZ – General rural zone. Wind turbine noise must be measured and assessed in accordance with NZS6808:2010 Acoustics – Wind Farm Noise
GRUZ – General rural zone	(I) Activity status: NC

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TEL – Telecommunications and radiocommunications

Rules

Advice note: +¹ Means activities not provided as a permitted activity under the Resource Management (National Environmental Standards for Telecommunication Facilities (“NESTF”)) Regulations 2016.

TEL-R1	Ancillary equipment	
All zones	(1) Activity status: PER Activity-specific standards: (a) Ancillary equipment that complies with the following: (i) It is not connected to an area, façade or item specifically listed in SCHED 1 – Historic heritage items. (ii) Not exceed 10m ² in area above-ground; and (iii) Not exceed 2.5m in height measured from the natural ground level immediately below the structure.	(2) Activity status where compliance not achieved: CON Council’s control is reserved over the following matters: (a) The size, colour and design of the proposed facility, equipment or structure; (b) The location of the proposed facility, equipment or structure; (c) The ability to provide screening or landscaping; and (d) Effects on the values, qualities and characteristics of the site and/or items in SCHED 1 – Historic heritage items.
TEL-R2	Below ground telecommunications and radiocommunications facilities, lines, cables and ducts	
All zones	(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
TEL-R3	Cabinets+ ¹	

All zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) Cabinets that comply with the following standards:</p> <p>(i) Are not located within an Identified Area.</p> <p>(ii) Not exceed 10m² in area above-ground; and</p> <p>(iii) Not exceed 2.5m in height measured from the natural ground level immediately below the structure.</p>	<p>(2) Activity status where compliance not achieved: CON</p> <p>Council’s control is reserved over the following matters:</p> <p>(a) The size, colour and design of the proposed facility, equipment or structure;</p> <p>(b) The location of the proposed facility, equipment or structure;</p> <p>(c) The ability to provide screening or landscaping; and</p> <p>(d) Effects on the values, qualities and characteristics of the site and/or items in SCHED I – Historic heritage items.</p>
TEL-R4	Antennas and lines attached to retaining walls, tunnels, bridges and other structures located within the road+ ¹	
All zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) Antennas that comply with all of the following standards:</p> <p>(i) Do not connect to an area, façade or item specifically listed in SCHED I – Historic heritage items;</p> <p>(ii) Panel antenna do not exceed 0.7m in width;</p> <p>(iii) Dish antenna do not exceed 0.6m in diameter within the GRZ – General residential zone, and MRZ1 – Medium density residential zone <u>1</u> and the MRZ2 – Medium density residential zone <u>2</u>; and</p> <p>(iv) Within the GRZ – General residential zone, and MRZ1 – Medium density residential zone <u>1</u>, and the MRZ2 – Medium density residential zone <u>2</u>, the maximum number of antennas per site is 4.</p> <p>(b) Rule TEL-R4(1)(a) does not apply a face-mounted panel antenna located within the fascia and below the roof line of an existing building, except where the area, façade or item is specifically listed in SCHED I – Historic heritage items.</p>	<p>Activity status where compliance not achieved: DIS</p>
TEL-R5	Antennas+ ¹ attached to a building and/or structure	

<p>All zones</p>	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) Antennas attached to a building and/or structure that comply with all of the following conditions standards:</p> <p>(i) Do not connect to an area, façade or item specifically listed in SCHED I – Historic heritage items;</p> <p>(ii) The building and/or structure is not located within:</p> <p>(1) GRZ – General residential zone;</p> <p>(2) <u>MRZ1</u> – Medium density residential zone 1;</p> <p>(3) LLRZ – Large lot residential zone; and</p> <p>(4) SET – Settlement zone; <u>and</u></p> <p>(5) <u>MRZ2</u> – <u>Medium density residential zone 2.</u></p> <p>(iii) The face of the antenna does not exceed 1.5m² or 1.2m in diameter for dish antennas, or 1.6m in length for Yagi antenna on an existing pole.</p> <p>(b) Rule TEL-R5(1)(a) does not apply to private television antennas and satellite dishes +1</p>	<p>(2) Activity status: CON</p> <p>Where:</p> <p>(a) Antennas attached to a building that do not comply with the standards of Rule TEL-R4(1) and are located not within:</p> <p>(i) GRZ – General residential zone;</p> <p>(ii) MRZ1 – Medium density residential zone 1;</p> <p>(iii) LLRZ – Large lot residential zone; and</p> <p>(iv) SET – Settlement zone; <u>and</u></p> <p>(v) <u>MRZ2</u> – <u>Medium density residential zone 2</u></p> <p>Council’s control is reserved over the following matters:</p> <p>(b) The size, colour and design of the proposed facility, equipment or structure;</p> <p>(c) The location of the proposed facility, equipment or structure;</p> <p>(d) The ability to provide screening or landscaping; and</p> <p>(e) Effects on the values, qualities and characteristics of the site and/or items in SCHED I – Historic heritage items.</p> <p>(3) Activity status: RDIS</p> <p>Where:</p> <p>(a) Antennas attached to a building and/or structure that comply with all of the following standards:</p> <p>(i) Are located within:</p> <p>(1) GRZ – General residential zone;</p> <p>(2) <u>MRZ1</u> – Medium density residential zone 1;</p> <p>(3) RPZ – Rangitahi Peninsula zone;</p> <p>(4) LLRZ – Large lot residential zone;</p> <p>(5) SETZ – Settlement zone; or</p> <p>(6) Road and unformed road; <u>or</u></p>
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		<p>(7) <u>MRZ2 – Medium density residential zone 2</u></p> <p>(ii) The face of the antenna does not exceed 1.5m² or 1.2m in diameter for dish antennas.</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(b) The functional and operational needs of, and benefits derived from, the infrastructure;</p> <p>(c) The bulk, form, scale, location of the structure;</p> <p>(d) Visual, landscape, streetscape and amenity effects;</p> <p>(e) Where located within a road, the operation and function of road network activities; and</p> <p>(f) Effects on the values, qualities and characteristics of the site, heritage item or area.</p> <p>(4) Activity status: DIS</p> <p>Where:</p> <p>(a) Antennas attached to a building and/or structure do not comply with TEL-R5(3)(a)</p>
TEL-R6	Antennas inside new or existing buildings	
All zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
TEL-R7	Other antennas	
All zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) Antennas that comply with all of the following standards are excluded from any height standards in Rules TEL-R4(1), TEL-R5(1), and TEL-R9(1):</p> <p>(i) GPS Antennas that do not exceed the following dimensions:</p> <p>(1) 300mm high: and</p> <p>(2) 130mm in diameter.</p> <p>(ii) Omni-directional 'whip' or di-pole type antennas that do not exceed the following dimensions:</p> <p>(1) 1.6m high;</p>	<p>(2) Activity status: CON</p> <p>Where:</p> <p>(a) Antennas located within an Identified Area that comply with the following:</p> <p>(i) GPS antennas that do not exceed the following dimensions:</p> <p>(1) 300mm high: and</p> <p>(2) 130mm in diameter.</p> <p>(ii) Omni-directional 'whip' or di-pole type antennas that do not exceed the following dimensions:</p> <p>(1) 1.6m high;</p> <p>(2) 1.5m horizontal length whip or rod; or</p>

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	<p>(2) 1.5m horizontal length whip or rod; or</p> <p>(3) Cross section element no more than 60mm in diameter.</p> <p>(iii) Are not located within an Identified Area; and</p> <p>(iv) Do not connect to an area, façade or item specifically listed in SCHED I – Historic heritage items.</p>	<p>(3) Cross section element no more than 60mm in diameter.</p> <p>Council’s control is reserved over the following matters:</p> <p>(b) The size, colour and design of the proposed facility, equipment or structure;</p> <p>(c) The location of the proposed facility, equipment or structure;</p> <p>(d) The ability to provide screening or landscaping; and</p> <p>(e) Effects on the values, qualities and characteristics of the site and/or items in SCHED I – Historic heritage items.</p>
TEL-R8	Small cell units exceeding the permitted volumetric dimension of 0.1 l m ³ regulated in the NESTF	
All zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) Small cell units exceeding the permitted volumetric dimension of 0.1 l m³ regulated in the NESTF that comply with all of the following standards:</p> <p>(i) Do not exceed a maximum volume of 0.25m³;</p> <p>(ii) Are not located within an Identified Area; and</p> <p>(iii) Do not connect to an area, façade or item specifically listed in SCHED I – Historic heritage items.</p>	<p>(2) Activity status: CON</p> <p>Where:</p> <p>(a) Small cell units are located in an Identified Area exceeding the maximum volumetric dimension volume of 0.1 l m³ regulated in the NESTF, up to a maximum volume of 0.25m³.</p> <p>Council’s control is reserved over the following matters:</p> <p>(a) The size, colour and design of the proposed facility, equipment or structure;</p> <p>(b) The location of the proposed facility, equipment or structure;</p> <p>(c) The ability to provide screening or landscaping; and</p> <p>(d) Effects on the values, qualities and characteristics of the site and/or items in SCHED I – Historic heritage items.</p>
TEL-R9	Poles, antennas and headframes+ ¹	
All zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) Any poles and attached antenna that comply with the following standards:</p> <p>(i) Are not located within an Identified Area;</p> <p>(ii) Do not connect to an area, façade or item specifically</p>	<p>(2) Activity status: RDIS</p> <p>Where:</p> <p>(a) Poles, antennas and headframes located in an Identified Area that comply with Rule TEL-R9(1).</p> <p>Council’s discretion is restricted to the following matters:</p>

	<p>listed in SCHED I – Historic heritage items;</p> <p>(iii) Comply with the height in relation to boundary limits for the zone in which it is located; and</p> <p>(iv) Not exceed the height limits set out in the following table:</p> <table border="1" data-bbox="416 521 885 1868"> <thead> <tr> <th data-bbox="416 521 651 725">Zone</th> <th data-bbox="651 521 885 725">Permitted height measured from the natural ground level immediately below the structure</th> </tr> </thead> <tbody> <tr> <td data-bbox="416 725 651 819">GRUZ – General rural zone; RLZ - Rural lifestyle zone</td> <td data-bbox="651 725 885 819">25m (and 30m for co-location of at least two operators)</td> </tr> <tr> <td data-bbox="416 819 651 999">GIZ – General industrial zone; HIZ – Heavy industrial zone and MSRZ – Motor sport and recreation zone</td> <td data-bbox="651 819 885 999">25m (and 30m for co-location of at least two operators)</td> </tr> <tr> <td data-bbox="416 999 651 1234">COMZ – Commercial zone; TCZ – Town centre zone; LCZ – Local centre zone; BTZ – Business Tamahere zone; TKAZ – Te Kowhai airpark zone</td> <td data-bbox="651 999 885 1234">20m</td> </tr> <tr> <td data-bbox="416 1234 651 1301">OSZ – Open space zone</td> <td data-bbox="651 1234 885 1301">20m</td> </tr> <tr> <td data-bbox="416 1301 651 1800">GRZ – General residential zone; MRZ1 – Medium density residential zone 1, MRZ2 – Medium density residential zone 2, RPZ – Rangitahi Peninsula zone; LLRZ – Large lot residential zone; SETZ – Settlement zone and Special purpose zones not otherwise listed.</td> <td data-bbox="651 1301 885 1800">15m</td> </tr> <tr> <td data-bbox="416 1800 651 1868">Road or unformed road</td> <td data-bbox="651 1800 885 1868">That of the adjoining zone</td> </tr> </tbody> </table> <p>(b) Headframes that comply with the following conditions standards:</p>	Zone	Permitted height measured from the natural ground level immediately below the structure	GRUZ – General rural zone; RLZ - Rural lifestyle zone	25m (and 30m for co-location of at least two operators)	GIZ – General industrial zone; HIZ – Heavy industrial zone and MSRZ – Motor sport and recreation zone	25m (and 30m for co-location of at least two operators)	COMZ – Commercial zone; TCZ – Town centre zone; LCZ – Local centre zone; BTZ – Business Tamahere zone; TKAZ – Te Kowhai airpark zone	20m	OSZ – Open space zone	20m	GRZ – General residential zone; MRZ1 – Medium density residential zone 1, MRZ2 – Medium density residential zone 2, RPZ – Rangitahi Peninsula zone; LLRZ – Large lot residential zone; SETZ – Settlement zone and Special purpose zones not otherwise listed.	15m	Road or unformed road	That of the adjoining zone	<p>(b) The functional and operational needs of, and benefits derived from, the infrastructure;</p> <p>(c) The bulk, form, scale, location of the structure;</p> <p>(d) Visual, landscape, streetscape and amenity effects;</p> <p>(e) Where located within a road, the operation and function of road network activities; and</p> <p>(f) Effects on the values, qualities and characteristics of the site, heritage item or area.</p> <p>(3) Activity status: DIS</p> <p>Where:</p> <p>(a) Poles, antennas and headframes located in an Identified Area that do not comply with the regulations 26-35 of the NESTF or Rule TEL-R9(1).</p>
Zone	Permitted height measured from the natural ground level immediately below the structure															
GRUZ – General rural zone; RLZ - Rural lifestyle zone	25m (and 30m for co-location of at least two operators)															
GIZ – General industrial zone; HIZ – Heavy industrial zone and MSRZ – Motor sport and recreation zone	25m (and 30m for co-location of at least two operators)															
COMZ – Commercial zone; TCZ – Town centre zone; LCZ – Local centre zone; BTZ – Business Tamahere zone; TKAZ – Te Kowhai airpark zone	20m															
OSZ – Open space zone	20m															
GRZ – General residential zone; MRZ1 – Medium density residential zone 1, MRZ2 – Medium density residential zone 2, RPZ – Rangitahi Peninsula zone; LLRZ – Large lot residential zone; SETZ – Settlement zone and Special purpose zones not otherwise listed.	15m															
Road or unformed road	That of the adjoining zone															

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	<ul style="list-style-type: none"> (i) Comply with the height in relation to boundary limits for the zone in which it is located; (ii) Within the GRZ – General residential zone, and MRZ1 – Medium density residential zone 1 and the MRZ2 – <u>Medium density residential zone 2</u> do not exceed 1.0m diameter; or (iii) Within all other zones and unformed roads do not exceed 6.0m diameter; and (iv) Within the road do not exceed 0.7m diameter. <p>(c) Rule TELR9(1)(a) does not apply to lightning rods and GPS antennas, omni directional whip antenna, ancillary telecommunication devices and earth peaks.</p>	
TEL-R10	Externally-mounted telecommunication satellite dishes and ancillary components	
All zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <ul style="list-style-type: none"> (a) Externally-mounted telecommunication satellite dishes and ancillary components that comply with the following standards: <ul style="list-style-type: none"> (i) Do not exceed 1.0m in diameter, or 1.8m in diameter in GIZ – General industrial zone, HIZ – Heavy industrial zone, RLZ – Rural lifestyle zone and GRUZ – General rural zone; (ii) Are attached to existing buildings; and/or including a pole or structure other than a building when located in the RLZ – Rural lifestyle zone and GRUZ – General rural zone; (iii) Do not connect to an area, façade or item specifically listed in SCHED I – Historic heritage items; and (iv) Are not located within an Identified Area 	<p>(2) Activity status: CON</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Externally-mounted telecommunication satellite dishes and ancillary components that: <ul style="list-style-type: none"> (i) Do not exceed 1.0m in diameter; (ii) Are attached to existing buildings; and (iii) Are not located within an Identified Area. <p>Council’s control is reserved over the following matters:</p> <ul style="list-style-type: none"> (b) The size, colour and design of the proposed facility, equipment or structure; (c) The location of the proposed facility, equipment or structure; (d) The ability to provide screening or landscaping; and (e) Effects on the values, qualities and characteristics of the site. <p>(3) Activity status: RDIS</p> <p>Where:</p>

		<p>(a) Externally-mounted telecommunication satellite dishes and ancillary components that</p> <p>(i) Are located within an Identified Area.</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(b) The functional and operational needs of, and benefits derived from, the infrastructure;</p> <p>(c) The bulk, form, scale, location of the structure;</p> <p>(d) Visual, landscape, streetscape and amenity effects;</p> <p>(e) Where located within a road, the operation and function of road network activities and</p> <p>(f) Effects on the values, qualities and characteristics of Identified Area.</p>
<p>TEL-RI I</p>	<p>Telecommunication kiosk</p>	
<p>All zones</p>	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) Telecommunication kiosks that comply with all of the following standards:</p> <p>(i) Are not located within road or unformed road located adjacent to an Identified Area;</p> <p>(ii) Do not connect to an area, façade or item specifically listed in SCHED I – Historic heritage items; and</p> <p>(iii) Are not located within an Identified Area; and</p> <p>(iv) Not exceed 10m² in area above-ground; and</p> <p>(v) Not exceed 2.5m in height measured from the natural ground level immediately below the structure.</p>	<p>(2) Activity status: CON</p> <p>Where:</p> <p>(a) Telecommunication kiosks, located within road or unformed road adjacent to an Identified Area, that comply with the standards for a new infrastructure activity and associated structures under Rule AINF-RI.</p> <p>Council’s control is reserved over the following matters:</p> <p>(b) The size, colour and design of the proposed facility, equipment or structure;</p> <p>(c) The location of the proposed facility, equipment or structure;</p> <p>(d) The ability to provide screening or landscaping; and</p> <p>(e) Effects on the values, qualities and characteristics of the site.</p> <p>(3) Activity status: RDIS</p> <p>Where:</p> <p>(a) Telecommunication kiosks that do not comply with one or</p>

		<p>more standards of Rules TEL-RI1(1) or TEL-RI1(2).</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (b) The functional and operational needs of, and benefits derived from, the infrastructure; (c) The bulk, form, scale, location of the structure; (d) Visual, landscape, streetscape and amenity effects; (e) Where located within a road, the operation and function of road network activities; and (f) Effects on the values, qualities and characteristics of the site, heritage item or area.
TEL-RI2	Self-contained power units	
All zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <ul style="list-style-type: none"> (a) Self-contained power units that comply with all of the following conditions standards: <ul style="list-style-type: none"> (i) Do not connect to an area, façade or item specifically listed in SCHED1 – Historic heritage items; (ii) Are not located within an Identified Area. (iii) Not exceed 10m² in area above-ground; and (iv) Not exceed 2.5m in height measured from the natural ground level immediately below the structure. 	<p>(2) Activity status: RDIS</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Self-contained power units that do not comply with the standards for a new infrastructure activity and associated structures under Rule under Rule AINF-RI. <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) The functional and operational needs of, and benefits derived from, the infrastructure; (b) The bulk, form, scale, location of the structure; (c) Visual, landscape, streetscape and amenity effects; (d) Where located within a road, the operation and function of road network activities; and (e) Effects on the values, qualities and characteristics of the site, heritage item or area. <p>(3) Activity status: DIS</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Self-contained power units are located within an Identified Area
TEL-RI3	Aerial telecommunication lines and associated support structures, including those not complying with regulations 41-42 of the NESTF	

All zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) Aerial telecommunication lines and associated support structures, including those not complying with regulations 41-42 of the NESTF, that comply with all of the following conditions standards:</p> <p>(i) Do not exceed 20m in height measured from the natural ground level immediately below the structure; and</p> <p>(ii) Are located within the GRUZ – General rural zone; or</p> <p>(iii) Are located within road or unformed road located adjacent to the GRUZ – General Rural Zone.</p>	<p>(2) Activity status: RDIS</p> <p>Where:</p> <p>(a) Aerial telecommunication lines and associated support structures, including those not complying with regulations 41-42 of the NESTF, that:</p> <p>(i) Do not comply with one or more standards of Rule TEL-R13(1); and</p> <p>(ii) Are not located within an Identified Area.</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(b) The functional and operational needs of, and benefits derived from, the infrastructure;</p> <p>(c) The bulk, form, scale, location of the structure;</p> <p>(d) Visual, landscape, streetscape and amenity effects;</p> <p>(e) Where located within a road, the operation and function of road network activities; and</p> <p>(f) Effects on the values, qualities and characteristics of the site, heritage item or area.</p>
TEL-R14	Lightning rods	
All zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) Lightning rods that comply with all of the following conditions standards:</p> <p>(i) Do not exceed 1.8m in height;</p> <p>(ii) Do not connect to an area, façade or item specifically listed in SCHED 1 – Historic heritage items.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
TEL-R15	<p>Cabinets not meeting the NESTF regulations 19, 20, and 21 that are not located within:</p> <p>(a) GRZ – General residential zone;</p> <p>(b) MRZ1 – Medium density residential zone 1;</p> <p>(a) RPZ – Rangitahi Peninsula zone;</p> <p>(b) LLRZ – Large lot residential zone;</p> <p>(c) SETZ – Settlement zone; or</p> <p>(d) Road and unformed road; or</p> <p>(e) MRZ2 – Medium density residential zone 2</p>	

All zones	<p>(1) Activity status: CON</p> <p>Activity-specific standards: Nil.</p> <p>Council’s control is reserved over the following matters:</p> <ul style="list-style-type: none"> (a) The size, colour and design of the proposed facility, equipment or structure; (b) The location of the proposed facility, equipment or structure; (c) The ability to provide screening or landscaping; and (d) Effects on the values, qualities and characteristics of the site and/or items in SCHED I – Historic heritage items. 	<p>(2) Activity status where compliance not achieved: n/a</p>
TEL-R16	Antennas attached to an existing pole in the road reserve that do not comply with Regulations 26 and 27 of the NESTF and antennas attached to an existing pole in unformed road	
All zones	<p>(1) Activity status: CON</p> <p>Activity-specific standards: Nil.</p> <p>Council’s control is reserved over the following matters:</p> <ul style="list-style-type: none"> (a) The size, colour and design of the proposed facility, equipment or structure; (b) The location of the proposed facility, equipment or structure; (c) The ability to provide screening or landscaping; and (d) Effects on the values, qualities and characteristics of the site and/or items in SCHED I – Historic heritage items. 	<p>(2) Activity status where compliance not achieved: n/a</p>
TEL-R17	<p>Dish antennas not complying with regulations 26-35 of the NESTF that are not located within:</p> <ul style="list-style-type: none"> (f) GRZ – General residential zone; (g) MRZ1 – Medium density residential zone 1; (h) RPZ – Rangitahi Peninsula zone; (i) LLRZ – Large lot residential zone; (j) SETZ – Settlement zone; or (k) Road and unformed road, or (l) MRZ2 – Medium density residential zone 2 	
All zones	<p>(1) Activity status: CON</p> <p>Activity-specific standards: Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>

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	<p>Council’s control is reserved over the following matters:</p> <ul style="list-style-type: none"> (a) The size, colour and design of the proposed facility, equipment or structure; (b) The location of the proposed facility, equipment or structure; (c) The ability to provide screening or landscaping; and (d) Effects on the values, qualities and characteristics of the site and/or items in SCHED I – Historic heritage items. 	
TEL-R18	<p>Cabinets not meeting the NESTF regulations 19, 20, and 21 that are located within:</p> <ul style="list-style-type: none"> (m) GRZ – General residential zone; (n) MRZ<u>1</u> – Medium density residential zone <u>1</u>; (o) RPZ – Rangitahi Peninsula zone; (p) LLRZ – Large lot residential zone; (q) SETZ – Settlement zone; or (r) Road and unformed road; <u>or</u> (s) MRZ<u>2</u> – Medium density residential zone <u>2</u> 	
All zones	<p>(1) Activity status: RDIS</p> <p>Activity-specific standards: Nil.</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) The functional and operational needs of, and benefits derived from, the infrastructure; (b) The bulk, form, scale, location of the structure; (c) Visual, landscape, streetscape and amenity effects; (d) Where located within a road, the operation and function of road network activities; and (e) Effects on the values, qualities and characteristics of the site, heritage item or area. 	<p>(2) Activity status where compliance not achieved: n/a</p>
TEL-R19	<p>Dish antennas not complying with regulations 26-35 of the NESTF that are located within:</p> <ul style="list-style-type: none"> (a) GRZ – General residential zone; (b) MRZ<u>1</u> – Medium density residential zone <u>1</u>; (c) RPZ – Rangitahi Peninsula zone; (d) LLRZ – Large lot residential zone; (e) SETZ – Settlement zone; or 	

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	<p>(f) Road and unformed road; <u>or</u> (g) <u>MRZ2 – Medium density residential zone 2</u></p>	
All zones	<p>(1) Activity status: RDIS Activity-specific standards: Nil.</p> <p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) The functional and operational needs of, and benefits derived from, the infrastructure; (b) The bulk, form, scale, location of the structure; (c) Visual, landscape, streetscape and amenity effects; (d) Where located within a road, the operation and function of road network activities; and (e) Effects on the values, qualities and characteristics of the site, heritage item or area. 	<p>(2) Activity status: n/a</p>
TEL-R20	<p>Poles, antennas and headframes not complying with regulations 26-35 of the NESTF</p>	
All zones	<p>(1) Activity status: RDIS Activity-specific standards: Nil.</p> <p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) The functional and operational needs of, and benefits derived from, the infrastructure; (b) The bulk, form, scale, location of the structure; (c) Visual, landscape, streetscape and amenity effects; (d) Where located within a road, the operation and function of road network activities; and (e) Effects on the values, qualities and characteristics of the site, heritage item or area. 	<p>(2) Activity status: n/a</p>
TEL-R21	<p>Poles, antennas and headframes not complying with regulations 26-35 of the NESTF</p>	
All zones	<p>(1) Activity status: RDIS Activity-specific standards: Nil.</p> <p>Council's discretion is restricted to the following matters:</p>	<p>(2) Activity status: n/a</p>

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	<ul style="list-style-type: none"> (a) The functional and operational needs of, and benefits derived from, the infrastructure; (b) The bulk, form, scale, location of the structure; (c) Visual, landscape, streetscape and amenity effects; (d) Where located within a road, the operation and function of road network activities; and (e) Effects on the values, qualities and characteristics of the site, heritage item or area. 	
TEL-R22	Cabinets not meeting the NESTF regulations 19, 20, and 21 that are located within an Identified Area	
All zones	(I) Activity status: DIS	
TEL-R23	Antennas attached to a building and/or structure located within an Identified Area	
All zones	(I) Activity status: DIS	
TEL-R24	Dish antennas not complying with regulations 26-35 of the NESTF that are located within an Identified Area.	
All zones	(I) Activity status: DIS	
TEL-R25	Poles, antennas and headframes located within an Identified Area not complying with regulations 26-35 of the NESTF	
All zones	(I) Activity status: DIS	
TEL-R26	Aerial telecommunication lines and associated support structures located within an Identified Area	
All zones	(I) Activity status: DIS	

Independent Hearing Panel Recommendation Tracked Changes to Proposed Waikato District Plan

The amendments to Variation 3 to the Proposed Waikato District Plan as recommended by the Independent Hearing Panel are set out below.

Key

Text additions proposed by Council, the s42A authors or submitters that the Panel has accepted are shown underlined.

Text deletions proposed by Council, the s.42A authors or submitters that the Panel has accepted are shown ~~strikethrough~~.

Further text additions or deletions that the Panel has made following the hearing of evidence and submissions are identified with **grey shading**.

Text that is not underlined or struck through is original Proposed Waikato District Plan text.

TRPT – Transportation

Rules

TRPT-RI	Vehicle access for all activities	
All zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) All activities must comply with the following vehicle access standards:</p> <p>(i) The site has legal physical access to a formed road that is maintained by a road controlling authority;</p> <p>(ii) The site has a vehicle access that is constructed to comply with the relevant requirements of Table 1 – Separation distances, Figure 6 – Separation distances, Table 2 – Minimum sight distances and Figure 8 – Minimum sight distances, Tables 12 and 13 except:</p> <p>(1) Rule TRPT-RI (1)(a)(ii) does not apply where the separation distance requirements of Table 1 – Separation distances and Figure 6 – Separation distances cannot be achieved on a site’s road</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Traffic generation by the activities to be served by the access;</p> <p>(b) Location, design, construction and materials of the vehicle access;</p> <p>(c) Safety for all users of the access and/or intersecting road including but not limited to vehicle occupants or riders and pedestrians;</p> <p>(d) Road network safety and efficiency;</p> <p>(e) Mitigation to address safety and/or efficiency, including access clearance requirements for firefighting purposes;</p> <p>(f) The foreseeable needs for access by emergency services and their vehicles;</p> <p>(g) The extent to which the safety and efficiency of rail and road</p>

	<p>frontage due to existing vehicle accesses on adjacent sites;</p> <p>(iii) No new vehicle access shall be created from Newell Road (south of Birchwood Lane);</p> <p>(iv) No access, access leg or right-of-way shall run parallel to any road within 30m of the road, except:</p> <p>(1) Rule TRPT-RI(1)(a)(iv) does not apply to farm races, or unsealed internal rural accesses in sites within the Rangitahi Peninsula Structure Plan Area and Oporuru Road;</p> <p>(v) On a site with legal access to two roads, the activity only accesses the road with the lower classification in the road hierarchy in Table 4 – Functions of roads within the Road Hierarchy and Table 5 – Road Hierarchy list (where the roads have the same classification, access is only to the road with the lower average daily traffic movements) except in the KLZ – Kimihia Lakes zone where this rule does not apply;</p> <p>(vi) New vehicle accesses/entrances are not to be constructed to any site from the following roads:</p> <p>(1) Main Street, Huntly;</p> <p>(2) Jesmond Street, Ngaruawahia;</p> <p>(3) Bow Street, Raglan (James Street to Cliff Street);</p> <p>(4) George Street, Tuakau (Gibson Road to Liverpool Street);</p> <p>(5) Great South Road, Pokeno (Selby Street to Market Street); and</p>	<p>operations will be adversely affected, including:</p> <p>(h) The outcome of any consultation with KiwiRail; NZTA; Waikato District Council, as the rail or road controlling authority; and</p> <p>(i) Any characteristics of the proposed use that will make compliance unnecessary; and</p> <p>(i) Management of effects on the values of the Identified Area.</p>
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	<p>(6) Main Street, Te Kauwhata (Saleyard Road to Baird Avenue); and</p> <p>(vii) No new vehicle access shall be created within 30 metres of a railway level crossing;</p> <p>(viii) All existing and new accesses and roads that cross an operational rail network via a level crossing must be maintained in accordance with the sight line triangles provided in Table 14 – Required restart sight distances for Figure 18; and</p> <p>(ix) New vehicle access shall not be located within an Identified Area, with the exception of a Significant Natural Area which is addressed in the ECO – Ecosystems and indigenous biodiversity chapter.</p> <p>Advice note:</p> <p>Any new vehicle access (or additional land use utilising an existing vehicle entrance) on a highway will require the approval of the NZTA, as the road controlling authority, and on a limited access road will require the approval of the road controlling authority.</p>	
<p>TRPT-R2</p>	<p>On-site parking and loading</p>	
<p>All zones</p>	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) All activities must comply with the following on-site parking and loading standards:</p> <p>(i) The loading space requirements, manoeuvring and parking space dimensions in Table 6 – Required loading bays, and Table 9 – Car manoeuvring and parking space dimensions, noting:</p> <p>(1) When calculating the requirements for loading on the basis of the prescribed floor area, the area for parking, loading</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) The area, type, location and marking of parking spaces;</p> <p>(b) The area, design, gradient, stormwater management, construction and materials of parking and loading spaces,</p> <p>(c) Accessibility of parking areas from on-site activities;</p> <p>(d) Safety for all users of the access and/or intersecting road including but not limited to vehicle occupants, vehicle riders and pedestrians;</p>

	<p>and manoeuvring shall be excluded;</p> <p>(2) If the calculation results in a fraction, then that figure shall be rounded to the nearest whole number;</p> <p>(3) 90 percentile car dimensions in Figure 9 – 90th Percentile car tracking curve minimum radius apply;</p> <p>(4) The requirements of Table 6 – Required loading bays do not apply to residential and rural activities;</p> <p>(5) Accessible parking spaces must comply with the New Zealand Building Code DI/ASI New Zealand Standard for Design for Access and Mobility – Buildings and Associated Facilities (NZS: 4121-2001) and Table 7 – Accessible parking spaces; and</p> <p>(ii) On-site bicycle space requirements in Table 8 – Required bicycle spaces, except:</p> <p>(1) The requirements of Table 8 – Required bicycle spaces do not apply to residential and rural activities;</p> <p>(iii) Where parking is provided any on-site car parking spaces for non-residential activities within the GRZ – General residential zone, and <u>MRZ1 – Medium density residential zone 1</u>, and <u>the MRZ2 – Medium density residential zone 2</u>, must be set back at least 3m from the road boundary of the site and screened by planting or fencing from being viewed from the road;</p> <p>(iv) On-site car parking spaces (where provided) and loading</p>	<p>(e) Mitigation to address amenity and connectivity.</p> <p>(f) The foreseeable needs for access by emergency services and their vehicles; and</p> <p>(g) Management of effects on the values of the Identified Area.</p>
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	<p>bays comply with the requirements of Table 9 – Car manoeuvring and parking space dimensions and Figure 9 – 90th Percentile car tracking curve minimum radius and be located on the same site as the activity;</p> <p>(v) On-site car parking spaces and loading bays are to be sealed if five or more parking spaces are provided;</p> <p>(vi) On-site car parking spaces and loading bays are to be permanently marked if five or more parking spaces are provided;</p> <p>(vii) On-site car parking spaces and loading bays are not to be located on any shared access or residential living court;</p> <p>(viii) Vehicles occupying any on-site car parking or loading spaces must have ready access to the road (or relevant access or right of way) at all times, without needing to move any other vehicle occupying other on-site car parking or loading spaces;</p> <p>(ix) Loading bays are not required on sites with sole frontages to the following:</p> <ol style="list-style-type: none"> (1) Main Street, Huntly; (2) Jesmond Street, Ngaruawahia; (3) Bow Street, Raglan (James Street to Cliff Street); (4) George Street, Tuakau (Gibson Road to Liverpool Street); (5) Great South Road, Pokeno (Selby Street to Market Street); or (6) Main Street, Te Kauwhata (Saleyard Road to Baird Avenue); and <p>(x) New on-site parking and loading bays shall not be</p>	
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	located within an Identified Area, with the exception of a Significant Natural Area which is addressed in the ECO – Ecosystems and indigenous biodiversity chapter.	
TRPT-R3	On-site manoeuvring and queuing	
All zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) All activities must comply with the following on-site manoeuvring and queuing standards:</p> <p>(i) On-site manoeuvring space shall be provided to ensure that no vehicle is required to reverse onto from or to a road except;</p> <p>(I) Rule TRPT-R3(1)(a)(i) does not apply to Local Roads within the GRZ – General residential zone, MRZ1 – Medium density residential zone 1, <u>MRZ2 – Medium density residential zone 2</u>, LLRZ – Large lot residential zone and SETZ – Settlement zone with a posted speed limit of less than 60 km/h;</p> <p>(ii) A 90th percentile car, as defined in Figure 9 – 90th Percentile car tracking curve minimum radius, can enter and exit all parking spaces without making more than one reverse movement, excluding spaces required for a dwelling;</p> <p>(iii) On-site manoeuvring space for any heavy vehicle shall comply with the tracking curve (relevant for the type of activities to be carried out on the site and the largest combination standard configuration heavy vehicle permitted on the road(s) to which the site has frontage trucks to be used)</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Location, area, design, construction and materials of the manoeuvring and queuing space;</p> <p>(b) Type and frequency of use;</p> <p>(c) The design of features intended to ensure safety for all users of the access site, and/or intersecting road including but not limited to vehicle occupants, vehicle riders and pedestrians;</p> <p>(d) Road network safety and efficiency; and</p> <p>(e) Management of effects on the values of the Identified Area.</p>

	<p>(iv) On-site manoeuvring space shall be formed;</p> <p>(v) On-site queuing space shall be provided in accordance with Table 10 – Queuing space for vehicles entering and exiting any on-site car parking, loading or manoeuvring space, where:</p> <p>(1) Length is measured from the road boundary where vehicles first enter the site; and</p> <p>(2) On-site queuing above must not encroach into the required on-site manoeuvring area;</p> <p>(vi) On-site manoeuvring and queuing spaces are not required on sites with vehicle accesses/entrances to the following:</p> <p>(1) Main Street, Huntly;</p> <p>(2) Jesmond Street, Ngaruawahia;</p> <p>(3) Bow Street, Raglan (James Street to Cliff Street);</p> <p>(4) George Street, Tuakau (Gibson Road to Liverpool Street);</p> <p>(5) Great South Road, Pokeno (Selby Street to Market Street);</p> <p>(6) Main Street, Te Kauwhata (Saleyard Road to Baird Avenue); and</p> <p>(vii) New on-site manoeuvring shall not be located within an Identified Area, with the exception of a Significant Natural Area which is addressed in the ECO – Ecosystems and indigenous biodiversity chapter.</p>	
TRPT-R4	Traffic generation	
All zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) Where any site gains access from an arterial or regional arterial (including state highway) road, there is a maximum of 50</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p>

	<p>Equivalent Car Movements (ECM) per day.</p> <p>Note: 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.</p> <p>Any other site must comply with the following traffic generation conditions standards:</p> <p>(i) Within the GRZ – General residential zone, MRZ1 – Medium density residential zone 1, MRZ2 – Medium density residential zone 2, or RLZ – Rural lifestyle zone there is a maximum of 100 vehicle movements per site per day, and no more than 15% of these vehicle movements are heavy vehicle movements; or</p> <p>(ii) Within the RPZ – Rangitahi Peninsula zone there is a maximum of 200 vehicle movements per site per day, and no more than 5% of these vehicle movements are heavy vehicle movements; or</p> <p>(iii) Within the BTZ – Business Tamahere zone, COMZ – Commercial zone, TCZ – Town centre zone or LCZ – Local centre zone there is a maximum of 300 vehicle movements per site per day, and no more than 15% of these vehicle movements are heavy vehicle movements; or</p> <p>(iv) Within the GRUZ – General rural zone:</p> <p>(1) There is maximum 200 vehicle movements per site per day and no more than 15% of these vehicle movements are heavy vehicle movements;</p> <p>(2) For activities directly associated with horticulture harvesting, a</p>	<p>(a) The trip characteristics of associated with the proposed activity;</p> <p>(b) The design of features intended to ensure safety for all users of the access site, and/or intersecting road including but not limited to vehicle occupants, vehicle riders and pedestrians;</p> <p>(c) Land transport network safety and efficiency, particularly at peak traffic times (of both the activity and road network); and</p> <p>(d) Mitigation to address adverse effects, such as:</p> <p>(i) Travel planning;</p> <p>(ii) Providing alternatives to private vehicle trips; including accessibility to public transport;</p> <p>(iii) Staging development; and</p> <p>(iv) Contributing to improvements to the road network.</p>
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	<p>maximum of 300 vehicle movements per site per day for up to a month, once in a 12-month period and no more than 33% of these vehicle movements are heavy vehicle movements; or</p> <p>(3) Within the Agricultural Research Centres identified on the planning maps as a specific controls there is maximum 3000 vehicle movements per site per day; or</p> <p>(v) Within the GIZ – General industrial zone and HIZ – Heavy industrial zone (excluding the Huntly Power Station and Huntly Quarry site):</p> <p>(1) Maximum 250 vehicle movements per site per day and no more than 15% of these vehicle movements are heavy vehicle movements; or</p> <p>(vi) From the Huntly Power Station site as shown as the HIZ – Heavy industrial zone on the planning maps:</p> <p>(1) All vehicle movements generated from all activities on the site combined (including those movements which were lawfully established prior to 5 December 2012), there is a maximum 750 vehicle movements per site per day; and</p> <p>(2) Maximum 300 of these vehicle movements are heavy vehicle movements; or</p> <p>(vii) From the Huntly Quarry site:</p> <p>(1) All vehicle movements generated from all activities on the site combined (excluding those movements which</p>	
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	<p>were lawfully established prior to 5 December 2012), there is maximum 350 vehicle movements per site per day; and</p> <p>(2) No more than 150 of these vehicle movements are heavy vehicle movements, increasing to 200 once the Huntly Bypass section of the Waikato Expressway is open for public use. Or</p> <p>(viii) Within PREC27 and PREC28 of the TKAZ – Te Kowhai airpark zone there is a maximum 250 vehicle movements per site per day and no more than 15% of these vehicle movements are heavy vehicle movements; or</p> <p>(ix) Within PREC29 and PREC30 of the TKAZ – Te Kowhai airpark zone there is a maximum of 30 vehicle movements per site per day and no more than 4 of these vehicle movements are heavy vehicle movements except:</p> <p>(x) Movement restrictions do not apply if the activity is an event or promotion (including temporary events) in PREC29 or a community facility in PREC29; or</p> <p>(xi) From the Horotiu Industrial Park does not exceed 15.4 trips/ha gross land area/peak hour;</p> <p>(xii) Within the KLZ – Kimihia Lakes zone there is a maximum of 850 vehicle movements per hour and no more than 15% of these vehicle movements are heavy vehicle movements</p> <p>Advice Note:</p> <p>Where the likely vehicle movement rates or the actual generation rates of the actual activity are unknown, Table 11 – Vehicle movement rates provides</p>	
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	indicative traffic generation rates for various activities.	
TRPT-R5	Operation, maintenance and minor upgrading of existing public roads, State Highways and associated road network activities	
All zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) Operation, maintenance and minor upgrading of existing public roads, State Highways, rail corridors and associated rail network and road network activities must comply with the following standards:</p> <p>(i) The works occur within the road reserve or railway corridor;</p> <p>(ii) Works within the road or railway corridor must be for the purpose of:</p> <p>(1) Maintaining or improving effectiveness or efficiency consistent with the function of the existing public road or railway corridor; or</p> <p>(2) Maintaining or improving safety for road users or adjacent properties; and</p> <p>(iii) Lighting shall be designed and located to comply with the Australia New Zealand Roadway Lighting Standard 1158, (series) – Lighting for Roads and Public Spaces: 2005; and</p> <p>(iv) Any earthworks must comply with Rule AINF-R8.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Adverse effects on amenity values, including construction effects such as vibration and noise;</p> <p>(b) Adverse operational effects, particularly on residential or other sensitive land uses, including effects of vibration, noise, glare and vehicle emissions;</p> <p>(c) Severance and changes to drainage patterns;</p> <p>(d) The benefits provided by the activity, including safety and efficiency of the road network;</p> <p>(e) Management of sediment and dust, including the staging of works;</p> <p>(f) The volume, extent and depth of the earthworks activities; and</p> <p>(g) The location of the earthworks activities, taking into account any effects on the values, qualities and characteristics of the site.</p>
TRPT-R6	New public roads, including where the road has been identified on the planning maps as an indicative road, and associated road network activities	
All zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) New public roads, including where the road has been identified on the planning maps as an indicative road, and associated road network</p>	<p>(2) Activity status: RDIS</p> <p>Where:</p> <p>(a) New public roads, including where the road has been identified on the planning maps as an indicative road, and associated road network activities that</p>

	<p>activities must comply with the following standards:</p> <ul style="list-style-type: none"> (i) The public road is located within road or unformed road as shown on the planning maps; (ii) The public road is not located within an Identified Area; (iii) The design requirements of Tables 12 or 13 based on their function within the Road Hierarchy as set out in Table 4 – Functions of roads within the Road Hierarchy, except: <ul style="list-style-type: none"> (1) Any National routes or Regional arterial roads shall be subject to Rule TRPT-R6(2); (2) The specified minimum Road/right of way reserve widths in Tables 12 or 13 do not include any additional width required for a turning head; (3) Any private access, right of way or access allotment over 70m in length must be constructed to be in accordance with the highest dimensions required for an access allotment in Tables 12 or 13; and (4) The requirements of Tables 12 or 13 shall not apply to taxiways within the TKAZ – Te Kowhai airpark zone; (iv) Within road or unformed road located within the Tamahere RLZ – Rural lifestyle zone, all roads must: (v) Comply with the minimum widths specified in Figure 12; and (vi) Have swale drains on both sides of the carriageway capable of collecting all road runoff and overland flow towards the road or right of 	<ul style="list-style-type: none"> (i) Are not located within an Identified Area; and (ii) Do not comply with one or more of the standards of Rule TRPT-R6(1) <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (b) Adverse effects on amenity values, including construction effects such as vibration and noise; (c) Adverse operational effects, particularly on residential or other sensitive land uses, including effects of vibration, noise, glare and vehicle emissions; (d) Severance and changes to drainage patterns; (e) The benefits provided by the activity, including safety and efficiency of the road network; (f) Management of sediment and dust, including the staging of works; (g) The volume, extent and depth of the earthworks activities; and (h) The location of the earthworks activities, taking into account any effects on the values, qualities and characteristics of the site <p>(3) Activity status: DIS</p> <p>Where:</p> <ul style="list-style-type: none"> (a) New public roads, including where the road has been identified on the planning maps as an Indicative road, and associated road network activities that are located within an Identified Area
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	<p>way from a 20% Annual Exceedance Probability event; and</p> <p>(vii) In areas of poorly-drained soils, either the stormwater is to be directed to areas with higher infiltration, or infiltration systems are to be constructed.</p> <p>(viii) Within road or unformed road located within the RPZ – Rangitahi peninsula zone, the relevant access and road requirements of the Rangitahi Structure Plan take priority over the standards in Table 12 or 13 in the event of any conflict;</p> <p>(ix) The road connection between Wayside Road and Travers Road comprising the extension of Bragato Way, Te Kauwhata:</p> <p>(x) All roads and vehicle accesses shall be constructed in accordance with Table 12 and Figures 14, 15 and 16; and</p> <p>(xi) Stormwater collection must be through grassed swales prior to reaching reticulated systems; and</p> <p>(xii) Any earthworks must comply with Rule AINF-R8.</p> <p>Advice note:</p> <p>Where the standards of Table 12 or 13 do not specify a specific dimension and instead state this aspect is subject to a specific design; this aspect of the road is considered to be exempt when determining a permitted activity under Rule TRPT-R6(1). The design of that specific aspect of the road is therefore subject to a separate certification process by the relevant road controlling authority.</p>	
TRPT-R7	Access and new roads in the TKAZ – Te Kowhai airpark zone	
TKAZ – Te Kowhai airpark zone	(1) Activity status: PER Activity-specific standards:	(2) Activity status where compliance not achieved: RDIS

	<p>(a) Airpark roads which are to be vested in Council must comply with the following conditions standards:</p> <p>(i) The design requirements of Table 12 or 13, based on their function within the Road Hierarchy as set out in Table 4 – Functions of roads within the Road Hierarchy, except:</p> <p>(I) The requirements of Table 12 or 13 shall not apply to taxiways within Te Kowhai airpark.</p> <p>(ii) Road alignment and the taxiway network within the TKAZ – Te Kowhai airpark zone shall be in general accordance with APP10 – Te Kowhai Aerodrome.</p> <p>(iii) The western boundary of the TKAZ – Te Kowhai airpark zone shall provide for future connectivity options (vehicular and / or pedestrian) in general accordance with the location identified in APP10 – Te Kowhai Aerodrome.</p> <p>(iv) Any earthworks must comply with Rule AINF-R8.</p>	<p>Council’s discretion is restricted to the following matters:</p> <p>(a) The extent to which the Te Kowhai airpark zone Framework Plan is not complied with;</p> <p>(b) The extent to which connectivity can safely and practically be achieved between Te Kowhai aerodrome and Te Kowhai village;</p> <p>(c) Adverse effects on amenity values, including construction effects such as vibration and noise;</p> <p>(d) Adverse operational effects, particularly on residential or other sensitive land uses, including effects of vibration, noise, glare and vehicle emissions;</p> <p>(e) Severance and changes to drainage patterns;</p> <p>(f) The benefits provided by the activity, including safety and efficiency of the road network;</p> <p>(g) Management of sediment and dust, including the staging of works;</p> <p>(h) The volume, extent and depth of the earthworks activities;</p> <p>(i) The location of the earthworks activities, taking into account any effects on the values, qualities and characteristics of the site or area; and</p> <p>(j) adverse effects on the safety and efficiency of the land transport network.</p>
<p>TRPT-R8</p>	<p>Off-road pedestrian walkways and cycleways, being sections of the public walkway and cycleway network that are not located within the road network</p>	
<p>All zones</p>	<p>(1) Activity status: PER Activity-specific standards:</p> <p>(a) Off-road pedestrian walkways and/or cycleways, that comply with all of the following standards:</p> <p>(i) Have a minimum 2.0m width or 2.5m where alongside an arterial road or forming a shared path;</p> <p>(ii) Are formed;</p>	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <p>(a) Design, construction and materials;</p> <p>(b) Safety for cyclists and pedestrians;</p> <p>(c) Connectivity with other off-road pedestrian and cycle facilities and the road network; and</p>

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	<p>(iii) Any earthworks must comply with Rule AINF-R8; and</p> <p>(iv) Are not located within an Identified Area.</p>	<p>(d) Visual and amenity effects; and</p> <p>(e) The location of the earthworks activities, taking into account any effects on the values, qualities and characteristics of the site or area</p>
TRPT-R9	Stock underpasses located within:	
	<p>(a) Road and unformed road;</p> <p>(b) GRUZ – General rural zone</p>	
GRUZ – General rural zone, road and unformed road	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) Stock underpasses in the GRUZ – General rural zone located in the road and unformed road that comply with all of the following standards:</p> <p>(i) Any earthworks must comply with Rule AINF-R8; and</p> <p>(ii) Are not located within an Identified Area.</p>	<p>(2) Activity status: DIS</p> <p>Where:</p> <p>(a) Stock underpasses not provided for under Rule TRPT-R9(1)</p>
TRPT-R10	Esplanade reserves and strips where a road is stopped	
All zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) Where land comprising a stopped road or any part of a stopped road adjoins:</p> <p>(i) The mark of mean high water springs of the sea; or</p> <p>(ii) The bank of any river with an average width of 3m or more; or</p> <p>(iii) The margin of any lake with an area of 8 hectares or more Section 345(3) of the Local Government Act 1974 and section 118 of the Public Works Act 1981 will apply only where the land comprising the stopped road or part of the stopped road is identified:</p> <p>(iv) In APP7 – Esplanade priority areas; or</p> <p>(v) On the planning maps as requiring an esplanade reserve, esplanade strip or access strip to be set aside.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
TRPT-R11	Buildings and structures within a road/rail level crossing sight triangle	
All zones	<p>(1) Activity status: RDIS</p> <p>Activity-specific standards:</p>	<p>(2) Activity status where compliance not achieved: n/a</p>

	<p>Nil.</p> <p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none">(a) The extent to which the safety and efficiency of rail and road operations will be adversely affected;(b) The outcome of any consultation with KiwiRail; and(c) Any characteristics of the proposed use that will make compliance unnecessary.	
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Table I – Separation distances

Separation distance of an access onto a road from an intersection or between accesses									
Posted speed	Design speed	Distance (m)							
		P		K		M		N	
		National Regional Arterial and Arterial	Collector Road and Local Road	National Regional Arterial and Arterial	Collector Road and Local Road	National Regional Arterial and Arterial	Collector Road and Local Road	National Regional Arterial and Arterial	Collector Road and Local Road
100 km/h	110 km/h	800	500	500	100	60		200	100
80 km/h	100 km/h	550	305	305	80			100	80
70 km/h	80 km/h	220	200	220	30		45	40	30
60 km/h	70 km/h						20	20	
50 km/h or less	60 km/h						20	15	

Advice note: The references P, K, M and N are illustrated in Figure 6 – Separation distances

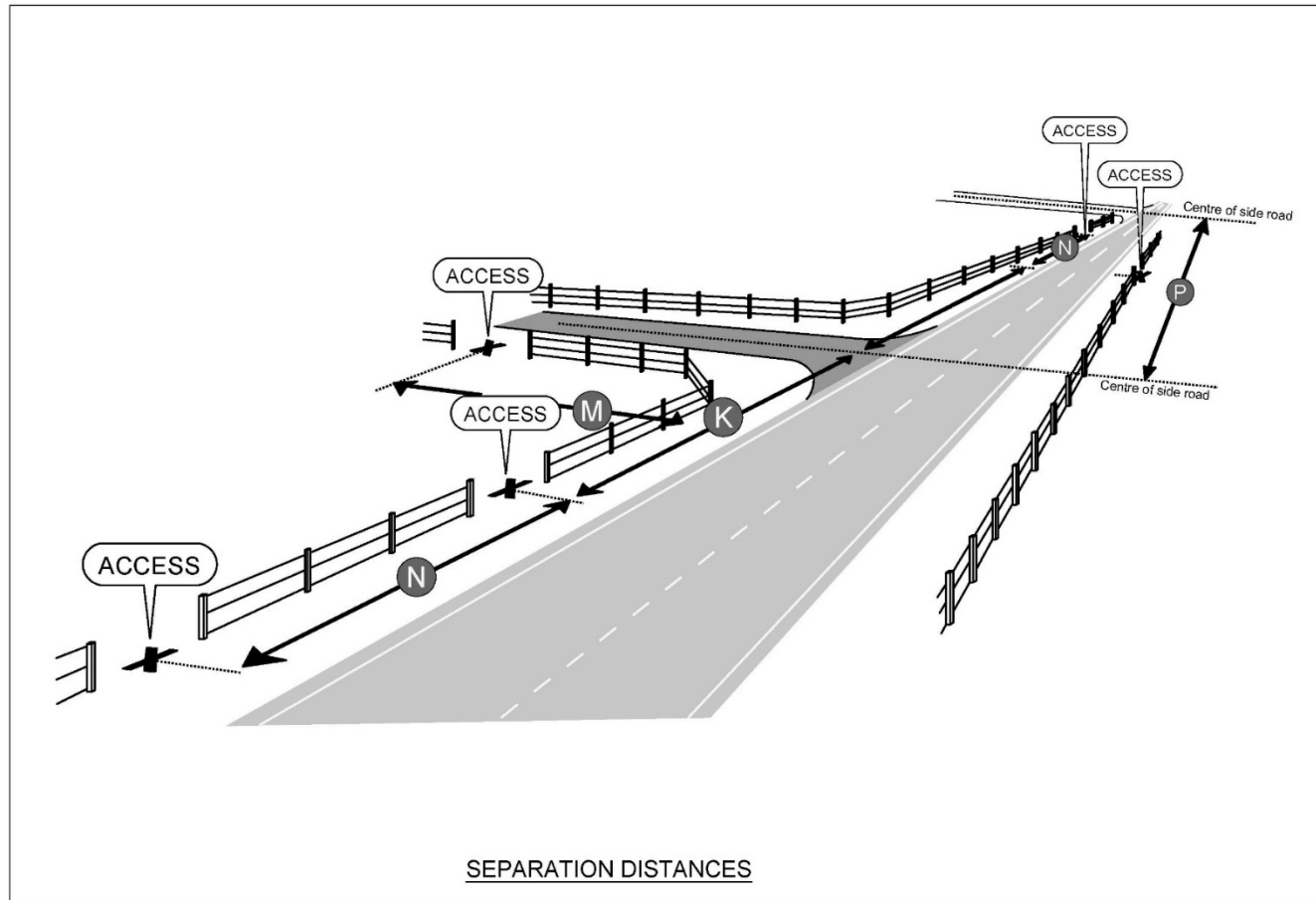


Figure 6 – Separation distances

Table 2 – Minimum sight distances

Design speed (km/h)	From a vehicle entrance generating up to and including 40 vehicle movements per day	From a vehicle entrance generating more than 40 vehicle movements per day	
		Rural areas	Urban areas
40	65m	75m	65m
50	90m	100m	90m
60	115m	125m	115m
70	140m	150m	140m
80	180m	180m	170m
90	215m	215m	-
100	250m	250m	-
110	290m	290m	-

Advice notes:

(1) Sight distances are measured as illustrated in Figure 8 – Minimum sight distances

(2) Urban areas being those with a posted speed limit of 70 km/h or below.

Table 3 – Road centreline radius

Road centreline Radius	Approx. design speed
0 – 45m	50 km/h
45 – 60m	60 km/h
60 – 80m	65 km/h
80 – 100m	70 km/h
100 – 120m	75 km/h
120 – 150m	80 km/h

150 – 200m	85 km/h
200 – 300m	95 km/h
300 – 400m	100 km/h
>400m	110km/h

Advice note: curve radius can be determined using the following formula in Figure 7 – Curve radius formula.

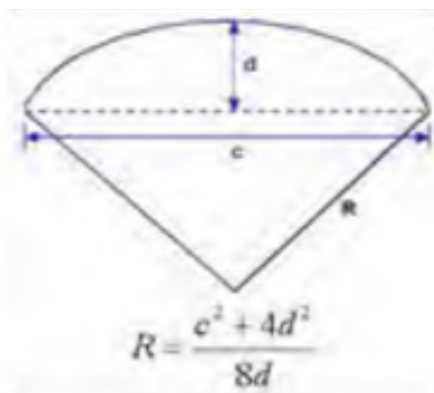


Figure 7 – Curve radius formula

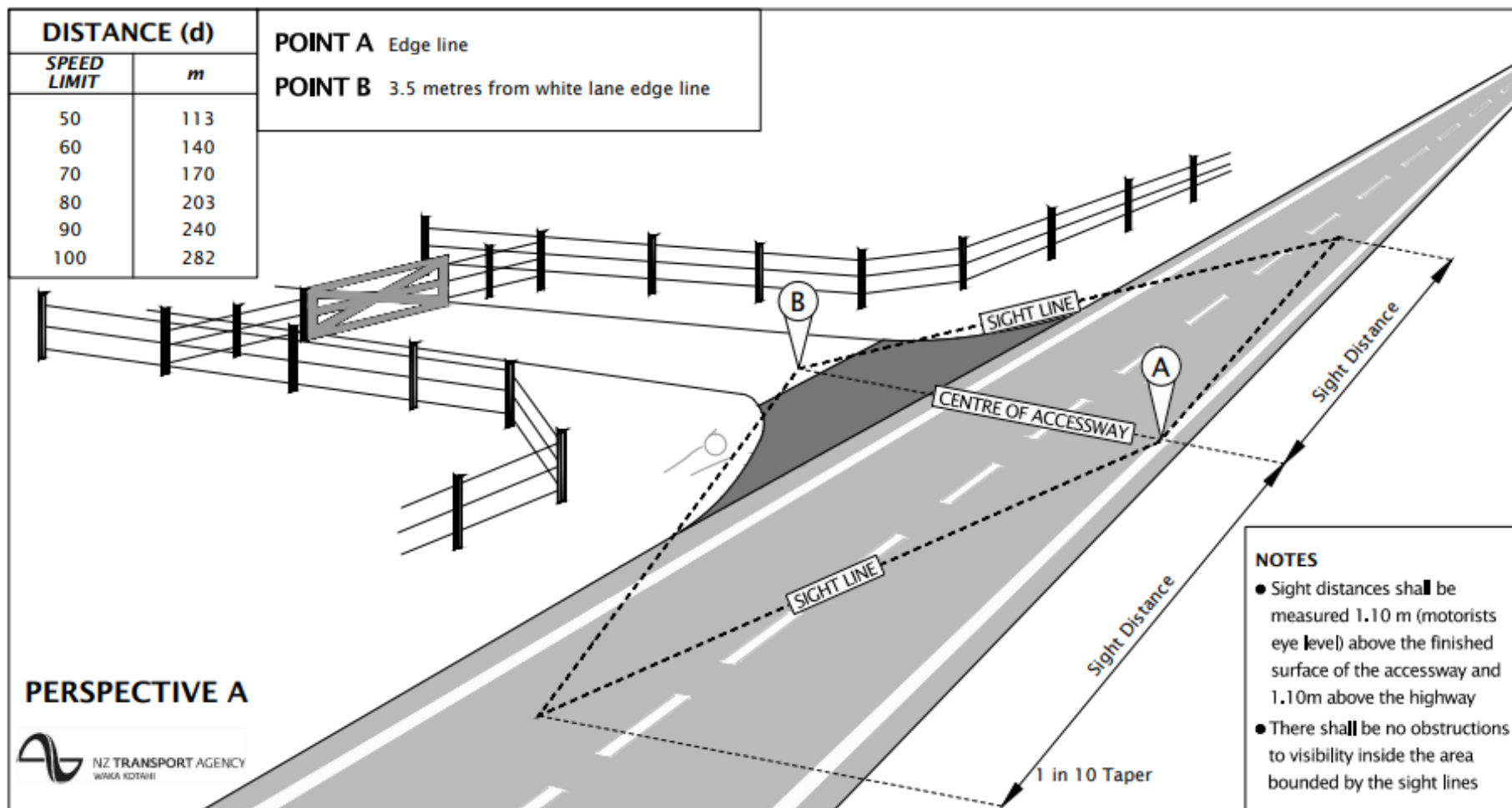


Figure 8 – Minimum sight distances

Table 4 – Functions of roads within the Road Hierarchy

Category	Function
National routes	Motorways, expressways and state highways that: <ul style="list-style-type: none"> • form a strategic network of national importance • provide for the collection and distribution of goods significant to the national economy • the through traffic function predominates.
Regional arterial roads: <ul style="list-style-type: none"> • state highways not included in National Routes category • roads giving access to important tourist areas or centres of large populations • roads linking different transport modes • roads providing significant intra-urban links. 	State highways and roads that: <ul style="list-style-type: none"> • form a strategic network of regional importance • provide for the collection and distribution of goods significant to the regional economy • rural roads that typically provide for more than 6,000 vehicle movements per day (vmpd) • include rest areas • the through-traffic function predominates.
Arterial roads: <ul style="list-style-type: none"> • links between residential, commercial, industrial or recreational land use activities • provide alternative links between centres of population or are significant for the movement of goods or produce within the district. 	Roads that: <ul style="list-style-type: none"> • form a strategic network of district importance • provide for the collection and distribution of goods significant to the district's economy • rural roads that typically provide for less than 6,000 vehicle movements per day (vmpd) • the through traffic function needs to be balanced against the property access function.
Collector roads: <ul style="list-style-type: none"> • provide links between local roads and arterials. 	Roads that: <ul style="list-style-type: none"> • provide locally-preferred routes between or within areas of population or activities • provide alternative routes to arterials • are sealed and are of road geometry aligned with operational safety standards required for the traffic volumes on each section

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	the through traffic function needs to be balanced against the property access function.
Local roads	Roads whose primary function is property access.
Cul-de-sacs and no-exit roads	Roads that do not provide a vehicular thoroughfare between roads, and whose primary function is property access.

Advice note: Corridor widths, road standards and the location of structures and services will vary for each road category, in accordance with Tables 12 and 13.

Table 5 – Road Hierarchy list

National Routes		
<i>Road Name</i>	<i>Start</i>	<i>Finish</i>
State Highway 1	North district boundary	Hamilton City boundary
State Highway 1	Hamilton City boundary	South district boundary
State Highway 2	State Highway 1	East district boundary
State Highway 26	Hamilton City boundary	East district boundary

Regional Arterial		
<i>Road Name</i>	<i>Start</i>	<i>Finish</i>
State Highway 1B (Gordonton Road)	State Highway 1	Taylor Road
State Highway 1B (Taylor Road)	Gordonton Road	Puketaha Road
State Highway 1B (Puketaha Road)	Taylor Road	Telephone Road
State Highway 1B (Telephone Rd)	Puketaha Road	Holland Road
State Highway 1B (Marshmeadow Road)	Holland Road	State Highway 26
State Highway 1B (Hoeka Road)	State Highway 26	Tauwhare Road

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Regional Arterial		
<i>Road Name</i>	<i>Start</i>	<i>Finish</i>
State Highway 1B (Marychurch Road)	Tauwhare Road	Southeast district boundary
Gordonton Road	Taylor Road	Hamilton City boundary
State Highway 23	Hamilton City boundary	Manukau Road, Raglan
State Highway 21 (Airport Road)	Tamahere interchange	West district boundary
State Highway 39 (Koura Drive)	State Highway 1	State Highway 39 (Limmer Road)
State Highway 39 (Te Kowhai Road)	State Highway 39 (Koura Drive)	State Highway 39 (Limmer Road)
State Highway 39 (Limmer Road)	State Highway 39 (Limmer Road)	State Highway 39 (Horotiu Road)
State Highway 39 (Horotiu Road)	State Highway 39 (Limmer Road)	State Highway 39 (Whatawhata Road)
State Highway 39 (Kakaramea Road)	State Highway 23	South district boundary
Great South Road	Gordonton Road	State Highway 1 (Waikato Expressway)

Arterial		
<i>Road Name</i>	<i>Start</i>	<i>Finish</i>
Buckland Road	Tuakau Road	George Street
George Street (Tuakau)	Buckland Road	Whangarata Road
Glen Murray Road	Te Ohaki Road	Marshall Road
Gordonton Road	Borman Road/Hamilton City boundary	State Highway 1B/Taylor Road
Great South Road	Gordonton Road	State Highway 1 (Waikato Expressway)

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Arterial		
<i>Road Name</i>	<i>Start</i>	<i>Finish</i>
Hetherington Road	Te Ohaki Road	State Highway 22
Holland Road	Ruakura Road	Waverley Road
Horotiu Bridge Road	River Road	Great South Road
Horotiu Road	Ngaruawahia Road	State Highway 39
Ngaruawahia Road	Havelock Road	Horotiu Road
Okaeria Road	Cozen Road	State Highway 2
Piako Road	State Highway 1B	Valentine Road
Puketaha Road	Gordonton Road	Piako Road
River Road (Ngaruawahia)	Kay Road	Great South Road
River Road (Tuakau)	Whangarata Road	Tuakau Bridge
Ruakura Road	State Highway 26	District boundary
Tahuna Road	Ohinewai South Road	District boundary
Tauwhare Road	State Highway 21	State Highway 26
Te Kauwhata Road	State Highway 1	Mahi Road
Victoria Road	Tauwhare Road	Bellevue Road
Waerenga Road	Wira Street	Cozen Road
Waverley Road	Holland Road	Piako Road
Whatawhata Avenue	Ellery Street	Havelock Road
Whitikahu Road	State Highway 1B	Orini Road

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Collector		
<i>Road Name</i>	<i>Start</i>	<i>Finish</i>
Aka Aka Road	Waiuku Road	Otaua Road
Bankier Road	Horsham Downs Road	State Highway 1B/Gordonton Road
Dean Road	Great South Road	State Highway 1
George Street (Tuakau)	Dominion Road	Buckland Road
Great South Road (Huntly)	State Highway 1	Rayner Road
Great South Road (Pokeno)	State Highway 1	State Highway 1
Hakanoa Street	Onslow Street	Fletcher Street
Harris Street	Rotowaro Road	Te Ohaki Road
Harrisville Road	Mill Road	Dominion Road
State Highway 22	Tuakau Bridge	Hetherington Road
Horace Russell Road	Riverbank Road	State Highway 1
Kaiaua Road	Mangatangi Road	District boundary
Lake Road	River Road	State Highway 1B
Lyons Road	Mangatawhiri Road	Paparimu Road
Mangatangi Road	Mangatawhiri Road	Kaiaua Road
Mangatawhiri Road	State Highway 2	Mangatangi Road
Matangi Road	District boundary	Tauwhare Road
Mercer Ferry Road	Riverbank Road	Murray Road
Mile Bush Road	State Highway 22	Murray Road
Newell Road	State Highway 1	Devine Road
Onewhero-Tuakau Bridge Road	State Highway 22	Speed restriction
Onslow Street	Cul-de-sac west end	William Street

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Collector		
<i>Road Name</i>	<i>Start</i>	<i>Finish</i>
Otaua Road	Aka Aka Road	Waiuku-Otaua Road
Paparimu Road	Lyons Road	District boundary
Platt Road	State Highway 26	Tauwhare Road
Pokeno Road	Great South Road	Ridge Road
Rawiri Road	Mangatangi Road	State Highway 2
Rayner Road	Main Street	William Street
Rotowaro Road	Harris Street	Waingaro Road
State Highway 22	Tuakau Bridge	Hetherington Road
Tainui Bridge Road	State Highway 1	Harris Street
Te Mata Road	State Highway 23	Ruapuke Road
Te Pahu Road	State Highway 23	District boundary
Tuakau Bridge-Port Waikato Road	State Highway 22	Maunsell Road
Waingaro Road	Great South Road	Ohautira Road
Wainui Road	Bow Street	Whaanga Road
Wainui Road/Bankart Street	Wainui Road (north)	Wainui Road (north)
Waiuku-Otaua Road	Otaua Road	Misa Road
Wallis Street	Bow Street	End of kerb and channel
Whangarata Road	River Road	Ridge Road
William Street	Rayner Road	Onslow Street

Table 6 – Required loading bays

Activity	Minimum Required Loading Bays
Bulk retail and car yards	1 heavy goods vehicle
Early childhood education and day care facility	Nil
Clubrooms at sports facilities	1 heavy goods vehicle
Community facilities, conference facilities and place of assembly	1 heavy goods vehicle
Marae complex	1 heavy goods vehicle
Papakaainga building	Nil
Dairies, takeaway food, bottle stores	1 heavy goods vehicle, except that in the RPZ – Rangitahi Peninsula zone 1 heavy goods vehicle per 1000m ² of GFA of Rangitahi commercial activity is required
Minor residential unit	Nil
Residential unit	Nil
Retirement village	Nil
Te Kauwhata Lakeside Retirement Village Retirement villages located within the Lakeside Te Kauwhata Precinct	Nil
Multi-unit development	Nil
Boarding houses / boarding establishments	Nil
Emergency service facilities	Nil
Garden centres	1 heavy goods vehicle
Health facility, veterinary and personal services	Nil
Home businesses	Nil
Hospitality services (e.g. cafés, taverns)	1 heavy goods vehicle, except that in the RPZ – Rangitahi Peninsula zone 1 heavy goods vehicle per 1000m ² GFA of Rangitahi commercial activity is required.
Housing for the elderly/ residential care	Nil

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Activity	Minimum Required Loading Bays
Indoor sports facilities	Nil
Industrial activity	1 heavy goods vehicle
Infrastructure sites and activities	Nil
Office	Nil
Outdoor sports field	Nil
Hospital or care facilities associated with retirement village	1 heavy goods vehicle
Retail activity	Nil
School	1 bus space per 200 students where school bus services are provided
Service stations	Nil
Supermarket activity	Under 2500m ² GFA – 1 heavy goods vehicle Over 2500m ² GFA – 2 heavy goods vehicles
Tertiary education facilities	1 heavy goods vehicle
Visitor accommodation	1 heavy goods vehicle

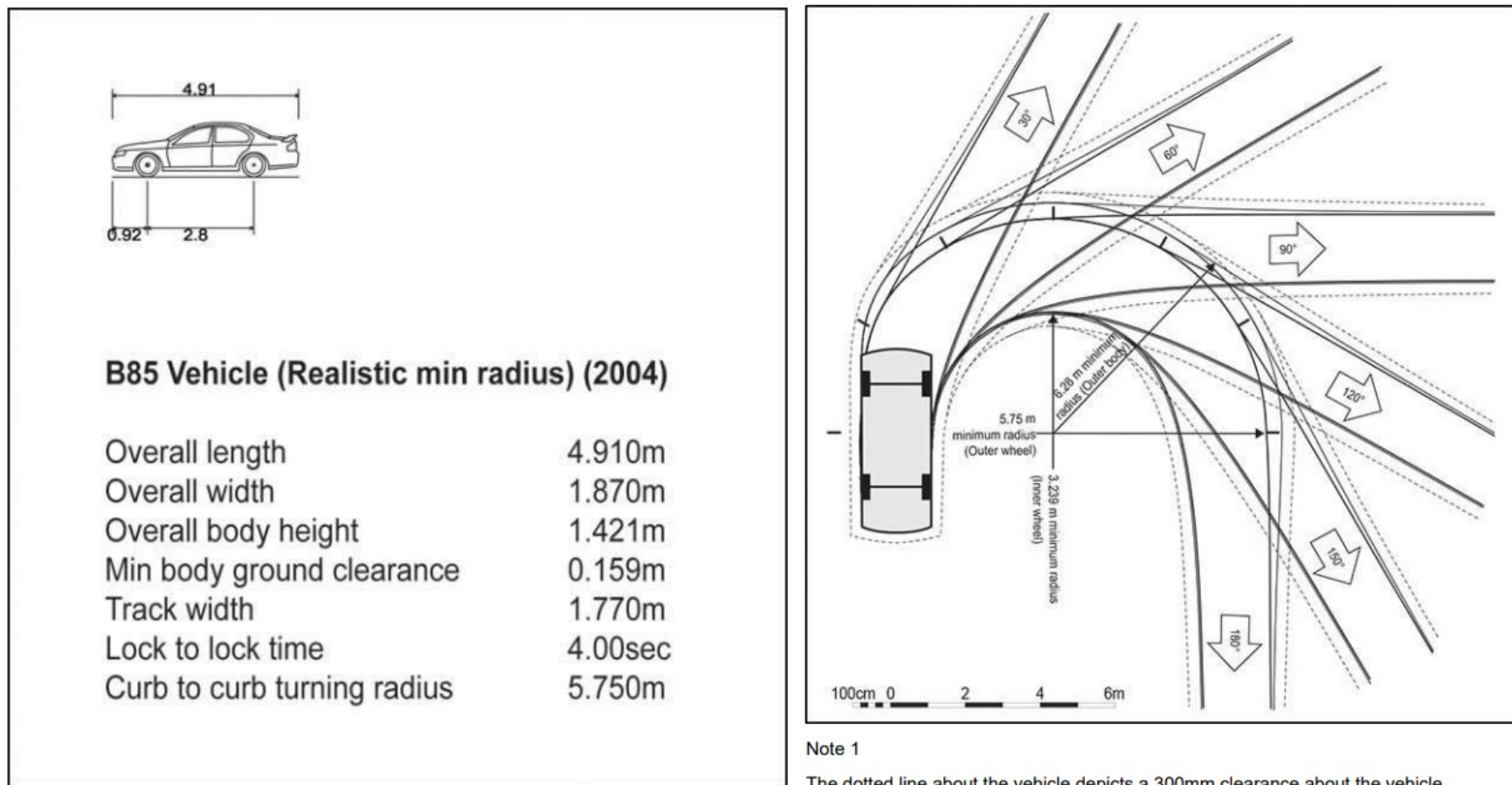


Figure 9 – 90th Percentile car tracking curve minimum radius

Table 7 – Accessible parking spaces

Parking spaces are to be provided for people with disabilities and accessible routes from the parking spaces to the associated activity or road as required by the New Zealand Building Code D1/AS1. The dimensions and accessible route requirements are detailed in the New Zealand Building Code D1/AS1 New Zealand Standard for Design for Access and Mobility – Buildings and Associated Facilities (NZS: 4121- 2001).

Table 8 – Required bicycle spaces

Activity	Required number of bicycle spaces
Bulk retail and car yards	GFA less than or equal to 1,500 m ² = No bicycle space required; For GFA greater than 1,500 m ² = 1 bicycle space for every 1,500m ² GFA or part thereof
Early Childhood Education and day care facility	Less than or equal to 4 classroom equivalents = No bicycle space required; Greater than 4 classroom equivalents = 1 bicycle space for every 4 classroom equivalents or part thereof
Clubrooms and sports facilities	GFA less than or equal to 3,500 m ² = No bicycle space required; For GFA greater than 3,500 m ² = 1 bicycle space for every 3,500 m ² GFA or part thereof
Community facilities, conference facilities and place of assembly	GFA less than or equal to 1,500 m ² = No bicycle space required; For GFA greater than 1,500 m ² = 1 bicycle space for every 1,500m ² GFA or part thereof
Marae complex	GFA less than or equal to 1,500 m ² = No bicycle space required; For GFA greater than 1,500 m ² = 1 bicycle space for every 1,500m ² GFA or part thereof
Papakaainga building	GFA less than or equal to 3,000 m ² = No bicycle space required; For GFA greater than 3,000 m ² = 1 bicycle space for every 3,000 m ² GFA or part thereof
Dairies, takeaway food, bottle stores	GFA less than or equal to 3,000 m ² = No bicycle space required; For GFA greater than 3,000 m ² = 1 bicycle space for every 3,000 m ² GFA or part thereof

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Activity	Required number of bicycle spaces
	Except that in the RPZ – Rangitahi Peninsula zone the following applies: GFA less than or equal to 5,000 m ² = No bicycle space required; For GFA greater than 5,000 m ² = 1 bicycle space for every 5,000 m ² GFA or part thereof
Minor residential unit	Less than or equal to 10 minor residential units = No bicycle space required; For greater than 10 minor residential units = 1 bicycle space for every 10 minor residential units or part thereof
Residential unit	Less than or equal to 10 residential units = No bicycle space required; For greater than 10 residential units = 1 bicycle space for every 10 residential units or part thereof
Retirement village	Less than or equal to 10 residential units = No bicycle space required; For greater than 10 residential units = 1 bicycle space for every 10 residential units or part thereof
Multi-unit development	Less than or equal to 10 residential units = No bicycle space required; For greater than 10 residential units = 1 bicycle space for every 10 residential units or part thereof
Boarding houses / boarding establishments	Less than or equal to 30 units = No bicycle space required; For greater than 30 units = 1 bicycle space for every 30 units or part thereof
Emergency service facilities	Less than or equal to 10 on-duty staff = No bicycle space required; For greater than 10 on-duty staff = 1 bicycle space for every 10 on-duty staff or part thereof
Garden centres	GFA less than or equal to 1,000 m ² = No bicycle space required; For GFA greater than 1,000 m ² = 1 bicycle space for every 1,000m ² GFA or part thereof
Health facility, veterinary and personal services	Less than or equal to 4 on-duty staff = No bicycle space required; For greater than 4 on-duty staff = 1 bicycle space for every 4 on-duty staff or part thereof
Home occupations	In addition to residential requirements: Less than or equal to 10 employees = No bicycle space required; For greater than 10 employees = 1 bicycle space for every 10 employees or part thereof

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Activity	Required number of bicycle spaces
Hospitality services (e.g. cafés, taverns)	<p>Net public floor area less than or equal to 100 m² = No bicycle space required; Net public floor area greater than 100 m² = 1 bicycle space for every 100m² net public floor area or part thereof</p> <p>Except that in the RPZ – Rangitahi Peninsula zone the following applies: Net public floor area less than or equal to 150 m² = No bicycle space required; Net public floor area greater than 150 m² = 1 bicycle space for every 150m² net public floor area or part thereof</p>
Housing for the elderly / residential care	<p>Less than or equal to 40 occupants = No bicycle space required; For greater than 40 occupants = 1 bicycle space for every 40 occupants or part thereof</p>
Indoor sports facilities	<p>Less than or equal to 40 persons provided for in the design = No bicycle space required; For greater than 40 persons provided for in the design = 1 bicycle space for every 40 persons provided for in the design or part thereof</p>
Industrial activity	<p>GFA less than or equal to 1,000 m² = No bicycle space required; For GFA greater than 1,000 m² = 1 bicycle space for every 1,000m² GFA or part thereof</p>
Infrastructure sites and activities	<p>Less than or equal to 10 on-duty staff = No bicycle space required; For greater than 10 on-duty staff = 1 bicycle space for every 10 on-duty staff or part thereof</p>
Office	<p>GFA less than or equal to 350 m² = No bicycle space required; For GFA greater than 350 m² = 1 bicycle space for every 350m² GFA or part thereof</p>
Outdoor sports field	<p>Less than or equal to 6,600 m² of sports field = No bicycle space required; Greater than 6,600 m² of sports field = 1 bicycle space for every 6,600 m² of sports field or part thereof</p>
Hospital or care facilities associated with retirement village	<p>Less than or equal to 20 full-time staff equivalents = No bicycle space required; For greater than 20 full-time staff equivalents = 1 bicycle space for every 20 full-time staff equivalents or part thereof</p>
Retail activity	<p>GFA (including indoor and outdoor retail area) less than or equal to 300 m² = No bicycle space required;</p>

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Activity	Required number of bicycle spaces
	For GFA (including indoor and outdoor retail area) greater than 300 m ² = 1 bicycle space for every 300 m ² GFA (including indoor and outdoor retail area) or part thereof
School	Less than or equal to 10 full-time staff equivalents = No bicycle space required; For greater than 10 full-time staff equivalents = 1 bicycle space for every 10 full-time staff equivalents or part thereof
Service stations	GFA (excluding car washes and canopies over petrol pumps) less than or equal to 450 m ² = No bicycle space required; For GFA (excluding car washes and canopies over petrol pumps) greater than 450 m ² = 1 bicycle space for every 450m ² GFA (excluding car washes and canopies over petrol pumps) or part thereof
Supermarket activity	GFA less than or equal to 250 m ² = No bicycle space required; For GFA greater than > 250 m ² = 1 bicycle space for every 250m ² or part thereof
Tertiary education facilities	Less than or equal to 10 full-time staff equivalents = No bicycle space required; For greater than 10 full-time staff equivalents = 1 bicycle space for every 10 full-time staff equivalents or part thereof
Visitor accommodation	Less than or equal to 40 persons to be accommodated = No bicycle space required; For greater than 40 persons to be accommodated = 1 bicycle space for every 40 persons to be accommodated or part thereof

Table 9 – Car manoeuvring and parking space dimensions

Type of parking		Stall width (a)	Stall depth		Aisle width (d)	Total depth (c)	
Parking angle	Type		From wall (b)	From kerb (c)		One row	Two rows
All measurements are in metres							
0°	Parallel	2.5	See Note 1		3.5	5.9	8.3
30°	Nose in	2.5	4.2	4.0	3.5	7.7	11.9
45°	Nose in	2.5	4.9	4.5	3.5	8.4	13.3
60°	Nose in	2.5	5.4	4.9	4.1	9.5	14.9
		2.6			3.5	8.9	14.3
		2.7			3.5	8.9	14.3
75°	Nose in	2.5	5.4	4.9	6.3	11.7	17.1
		2.6			5.2	10.6	16.0
		2.7			4.6	10.0	15.4
90°	Nose in	2.5	5.1	4.6	7.7	12.8	17.9
		2.6			7.0	12.1	17.2
		2.7			6.8	11.9	17.0

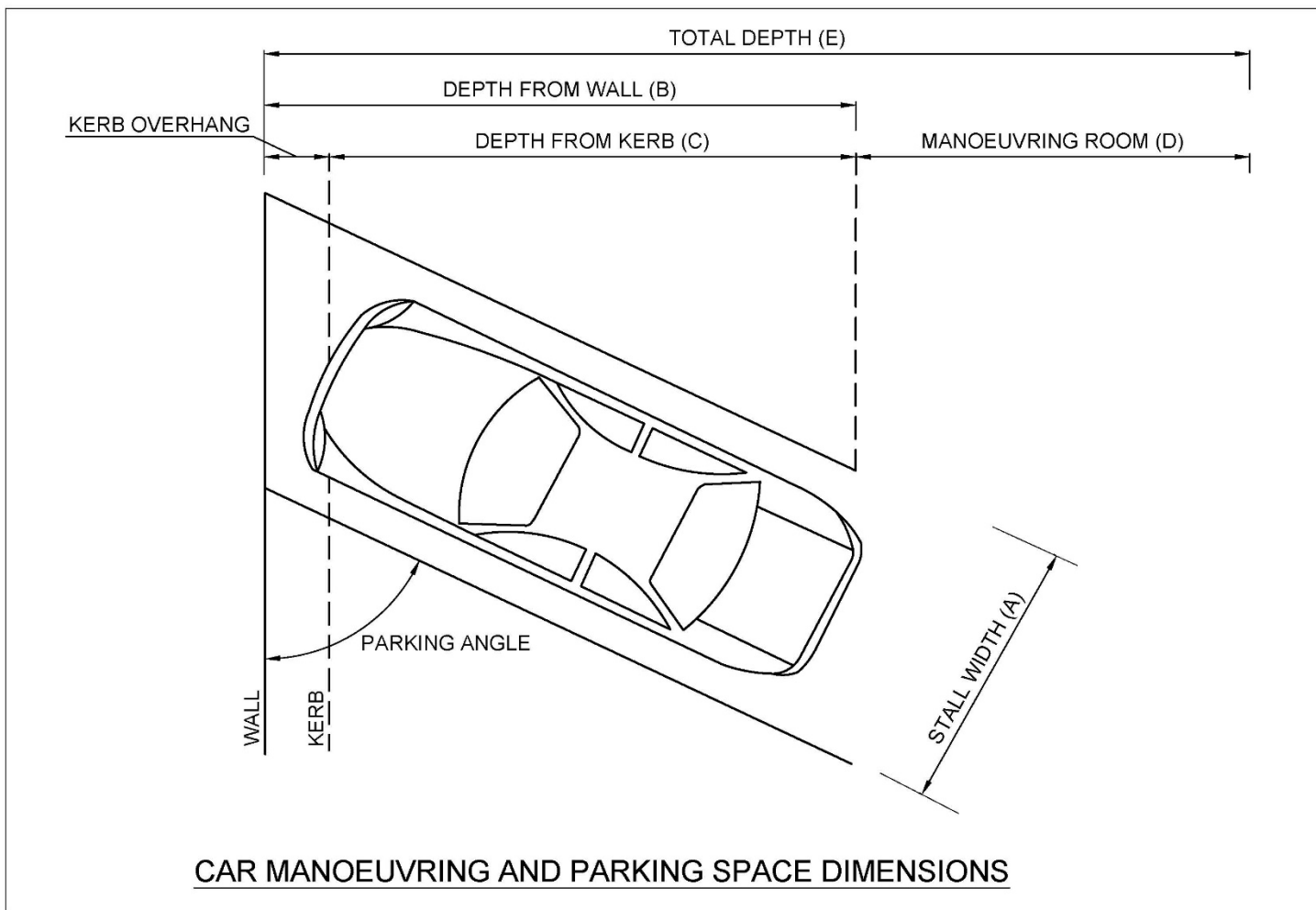


Figure 10 – Car manoeuvring and parking space dimensions

Table 10 – Queuing space

Number of parking spaces	Minimum queuing length at each vehicle entrance
Less than 3	No queuing space required.
Residential activities	
3 – 20	5.5m
21 – 50	10.5m
51 – 100	15.5m
101 – 150	20.5m
151 or over	25.5m
Drive-through facilities with access from an arterial road	50m

Table 11 – Vehicle movement rates

Activity	Indicative daily vehicle movements*
Bulk retail and car yards	45 per 100m ² gross floor area (GFA)
Early childhood education and day care facility	4 per child the facility is designed to accommodate
Dairies, bottle stores	100 per 100m ² GFA
Takeaway food	360 per 100m ² GFA
Residential units	10 per residential unit
Garden centres	100 per 100m ² GFA
Health facility veterinary, and personal services	79.4 per professional the facility is designed to accommodate
Hospitality services (e.g. cafés, bars)	90 per 100m ² GFA

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Activity	Indicative daily vehicle movements*
Housing for the elderly/residential care	2 per resident the facility is designed to accommodate
Industrial activities	Manufacturing 30 per 100m ² GFA Warehouse 2.4 per 100m ² GFA
Offices	25 per 100m ² GFA
Hospital	15 per patient bed the facility is designed to accommodate
Retail activity	130 per 100m ² GFA
School	2 per student the primary school is designed to accommodate, or 1 per student the secondary school is designed to accommodate
Service stations	700 per 100m ² GFA
Supermarket activity	130 per 100m ² GFA
Tertiary education facilities	2 per student the facility is designed to accommodate
Visitor accommodation	3 per bed the facility is designed to accommodate

*Advice note: * Based on Trips and parking related to land use - NZ Transport Agency research report 453, November 2011*

Table 12 – Access and road standards (GRZ – General residential zone, MRZ1 – Medium density residential zone 1, MRZ2 – Medium density residential zone 2, LLRZ – Large lot residential zone, SETZ – Settlement zone, LCZ – Local centre zone, COMZ – Commercial zone, TCZ – Town centre zone, GIZ – General industrial zone, HIZ – Heavy industrial zone, TKAZ – Te Kowhai Airpark zone, RPZ – Rangitahi Peninsula zone and MSRZ – Motorsport and recreation zone)

	General				Seal Width				Berms		General	
Road Type	Number of Allotments or Activities	Design Speed (km/h)	Design Vehicle (RTS 18 Vehicle)	*Minimum Road/ROW Reserve Width (m)	Minimum Trafficable Carriageway (m)	Minimum Median Provision (m)	Parking Provision	Minimum Total Seal Width (m) Does not include concrete kerb width	Minimum Services (m)	Minimum Footpath / Shared path (m)	Kerb and Channel / Water-table	Turning Area for no exit roads (RTS 18 Vehicle)
Access and road standards (GRZ – General residential zone, MRZ1 – Medium density residential zone 1, MRZ2 – Medium density residential zone 2, LLRZ – Large lot residential zone, SETZ – Settlement zone, LCZ – Local centre zone, COMZ – Commercial zone, TCZ – Town centre zone, GIZ – General industrial zone and HIZ – Heavy industrial zone)												
Access leg to an allotment (GRZ – General residential zone, MRZ1 – Medium density residential zone 1, MRZ2 – Medium density residential zone 2, LLRZ – Large lot residential zone, SETZ – Settlement zone)	1	N/A	8m Rigid	4	N/A							
Access leg to an allotment (LCZ – Local centre zone, COMZ – Commercial zone, TCZ – Town centre zone, GIZ – General industrial zone and HIZ – Heavy industrial zone)	1	N/A		6	N/A							
Private access, including ROWs and access allotments (GRZ – General residential zone, MRZ1 – Medium density residential zone 1, MRZ2 – Medium density residential zone 2, LLRZ – Large lot residential zone, SETZ – Settlement zone)	2 to 4	N/A		8	5	N/A	N/A	4	Unsealed 1.2m on at least one side	N/A	Nib on one side, mountable on other	Subject to specific design that has been certified
Private access, including ROWs and access allotments (LCZ – Local centre zone, COMZ – Commercial zone, TCZ – Town centre zone, GIZ – General industrial zone and HIZ – Heavy industrial zone)	2 to 8	N/A		10	6		N/A	6			Mountable	Subject to specific design that has been certified
Access allotment (GRZ – General residential zone, MRZ1 – Medium density residential zone 1, MRZ2 – Medium density residential zone 2, LLRZ – Large lot residential zone, SETZ – Settlement zone)	5 to 8	N/A		8	5		Optional	5			Mountable	Yes
Service Lane (LCZ – Local centre zone, COMZ – Commercial zone, TCZ – Town centre zone, GIZ – General industrial zone and HIZ – Heavy industrial zone)	N/A	N/A	Subject to specific design that has been certified	8	6		No parking	6	Subject to specific design that has been certified	Optional	Non-mountable	Subject to specific design that has been certified
Local Road (GRZ – General residential zone, MRZ1 – Medium density residential zone)	>8	50	8m Rigid	20	6	None	1m on each side	8		1.8m on each side		8m Rigid

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residential zone 1, MRZ2 – Medium density residential zone 2, LLRZ – Large lot residential zone, SETZ – Settlement zone)												
Local Road (LCZ – Local centre zone, COMZ – Commercial zone, TCZ – Town centre zone, GIZ – General industrial zone and HIZ – Heavy industrial zone)			19m Semi		9		Optional	9				19m Semi
Collector Road (GRZ – General residential zone, MRZ1 – Medium density residential zone 1, MRZ2 – Medium density residential zone 2, LLRZ – Large lot residential zone, SETZ – Settlement zone)	>100	50	8m Rigid	22	6	Subject to specific design that has been certified	2.5m on each side	11		1.8m on each side		8m Rigid
Collector Road (LCZ – Local centre zone, COMZ – Commercial zone, TCZ – Town centre zone, GIZ – General industrial zone and HIZ – Heavy industrial zone)			19m Semi		7			12				19m Semi
Arterial Road (GRZ – General residential zone, MRZ1 – Medium density residential zone 1, MRZ2 – Medium density residential zone 2, LLRZ – Large lot residential zone, SETZ – Settlement zone)	N/A	60	19m Semi	30	10	3	Recessed 2.5m on each side	13		1.8m on each side		N/A
Arterial Road (LCZ – Local centre zone, COMZ – Commercial zone, TCZ – Town centre zone, GIZ – General industrial zone and HIZ – Heavy industrial zone)												
Local roads in Lorenzen Bay Structure Plan Area	>8	50-80 (max)	N/A	17 (Complies with Figure 13)	6		2.5 metres on alternative sides	11	Subject to specific design that has been certified	1.5 metres on one side of the road	Subject to specific design that has been certified	Yes
Roads in Te Kauwhata Structure Plan area	>1	50-80 (max)	N/A	20	Refer to Figures 14 -16 (cross-sections)							

Advice notes:

The Regional Infrastructure Technical Specifications May 2018 contains further details on road width/design requirements.

Figure 11 illustrates the various parts of the road (seal width, berm etc.) defined in Tables 12 and 13.

*Accesses shall have a minimum height clearance of 4.0m and a maximum gradient of 1 in 5 (with minimum 4.0m transition ramps of 1 in 8) except where the access terminates less than 135m from the nearest road that has reticulated water supply (included hydrants).

Table 13 – Access and road standards (GRUZ – General rural zone and RLZ – Rural lifestyle zone)

Road Type	General				Seal Width				Berms		General	
	Number of Allotments or Activities	Design Speed (km/h)	Design Vehicle (RTS 18 Vehicle)	*Minimum Road/ROW Reserve Width (m)	Minimum Trafficable Carriageway (m)	Minimum Median Provision (m)	Parking Provision	Minimum Total Seal Width (m) Does not include concrete kerb width	Minimum Services (m)	Minimum Footpath / Shared path (m)	Kerb and Channel / Water-table	Turning area for no exit roads (RTS 18 Vehicle)
GRUZ – General rural zone and RLZ – Rural lifestyle zone												
Access leg to an allotment	1	N/A	8m Rigid	6	N/A							
Private access, including ROWs and access allotments	2 to 3	N/A		6	3	N/A	N/A	3	Subject to specific design that has been certified	N/A	Optional	Subject to specific design that has been certified
Access allotment	4 to 8	N/A		10	5		5	Yes				
Local	>8	Subject to specific design	Subject to specific design that has been certified	20	6	No	6	Subject to specific design that has been certified			RLZ – Rural lifestyle zone - nibs along seal edge. All others to specific design that has been certified.	8m Rigid
Collector <1000 adt	>100		19m Semi	20	7	Subject to specific design that has been certified	8.5					
Collector >1000 adt or Arterial	N/A	110	20	7	10		N/A					

Advice note: *Accesses shall have a minimum height clearance of 4.0m and a maximum gradient of 1 in 5 (with minimum 4.0m transition ramps of 1 in 8)

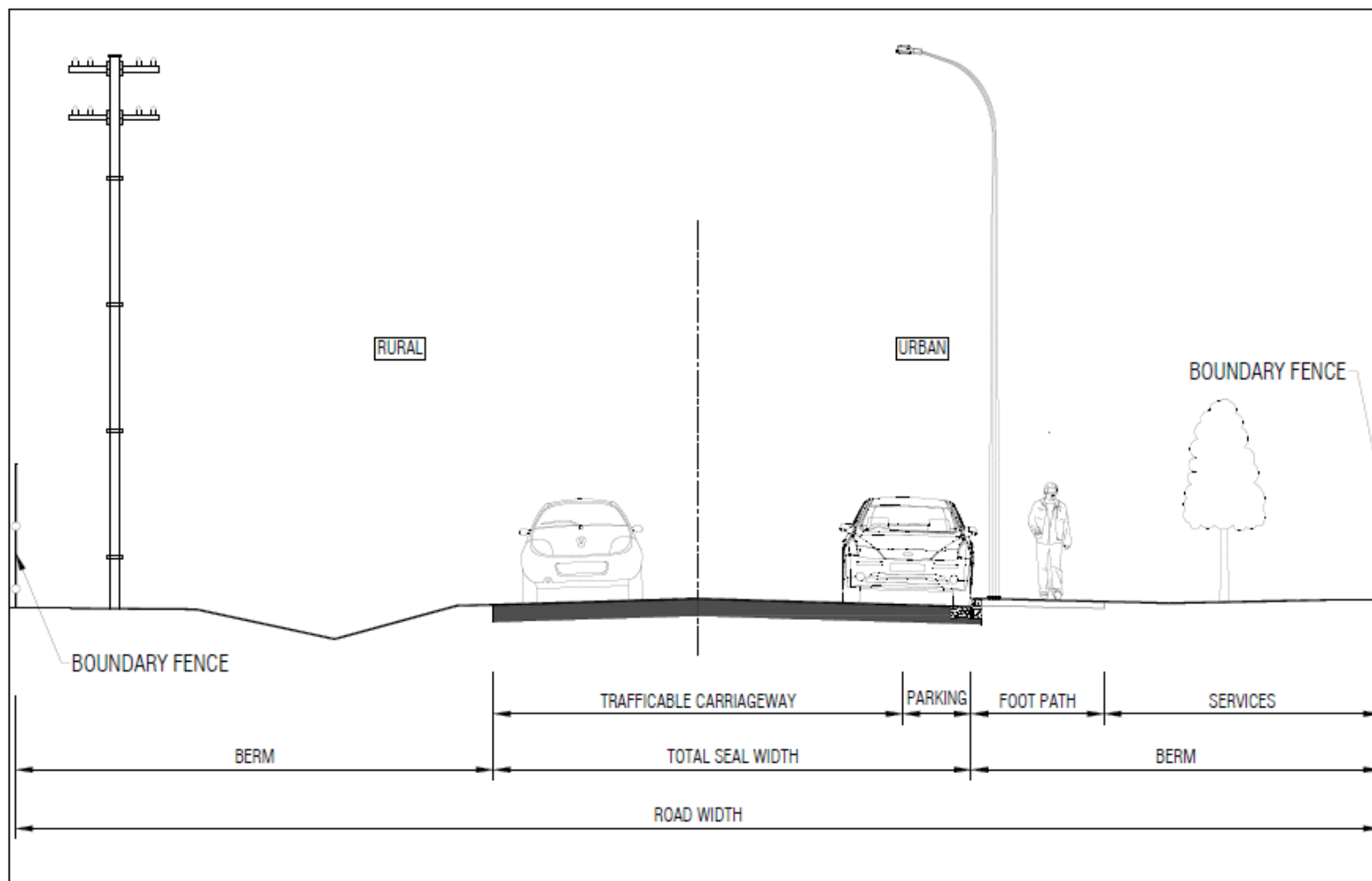
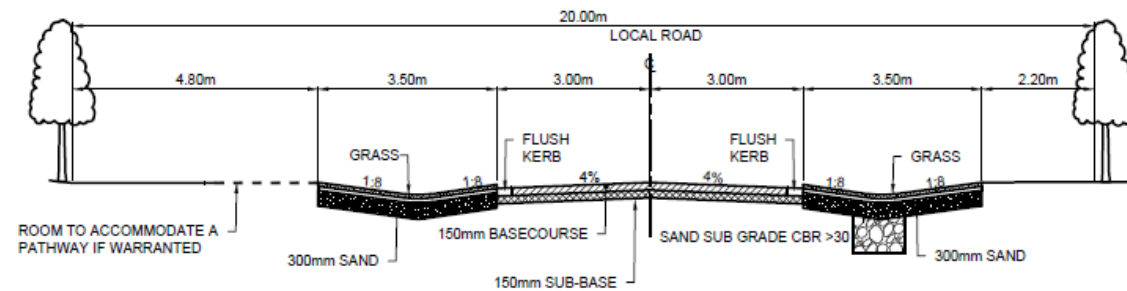


Figure 11 – Attachment to Tables 12 and 13

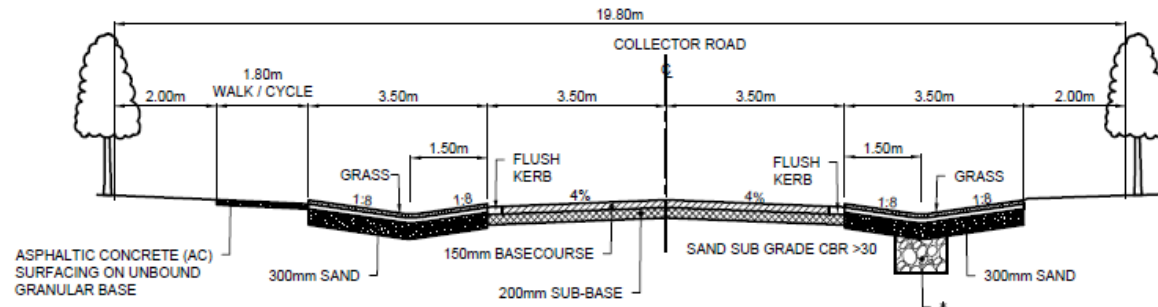
Advice note: The purpose of Figure 11 is to define the various aspects of the road as set out in Tables 12 and 13. Figure 11 is not intended to prescribe a preferred road layout.

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CROSS SECTION OF LOCAL ROAD - TAMAHERE COUNTRY LIVING ZONE

SCALE : 1:50



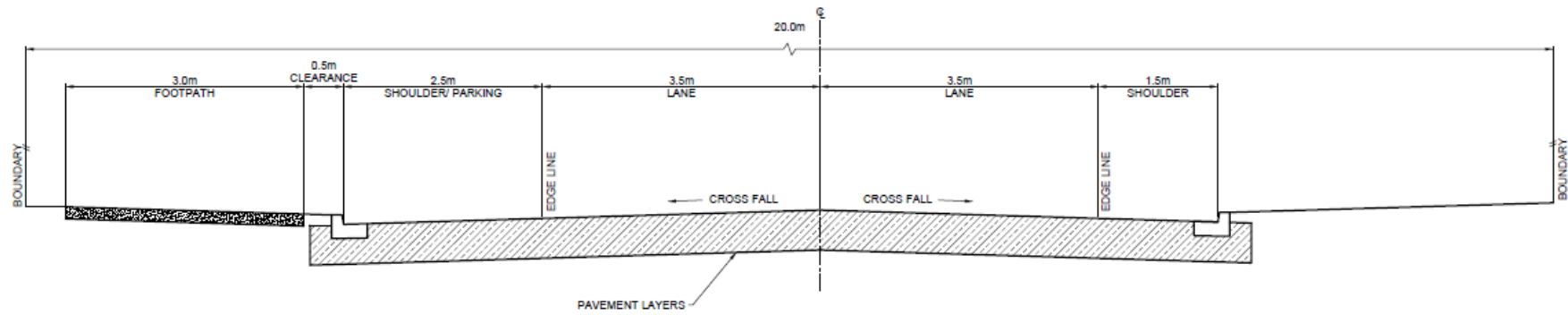
CROSS SECTION OF COLLECTOR ROAD - TAMAHERE COUNTRY LIVING ZONE

SCALE : 1:50

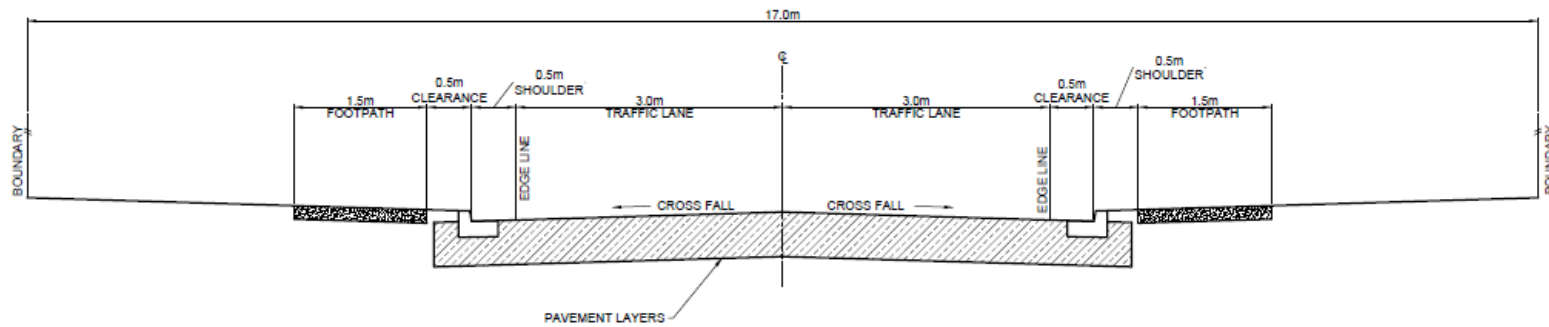


Figure 12 – Tamahere RLZ – Rural lifestyle zone – road cross sections

Part 2: District-wide matters / Energy, infrastructure and transport / TRPT – Transportation



CROSS SECTION THROUGH COLLECTOR ROAD - LORENZEN BAY
SCALE : 1:25

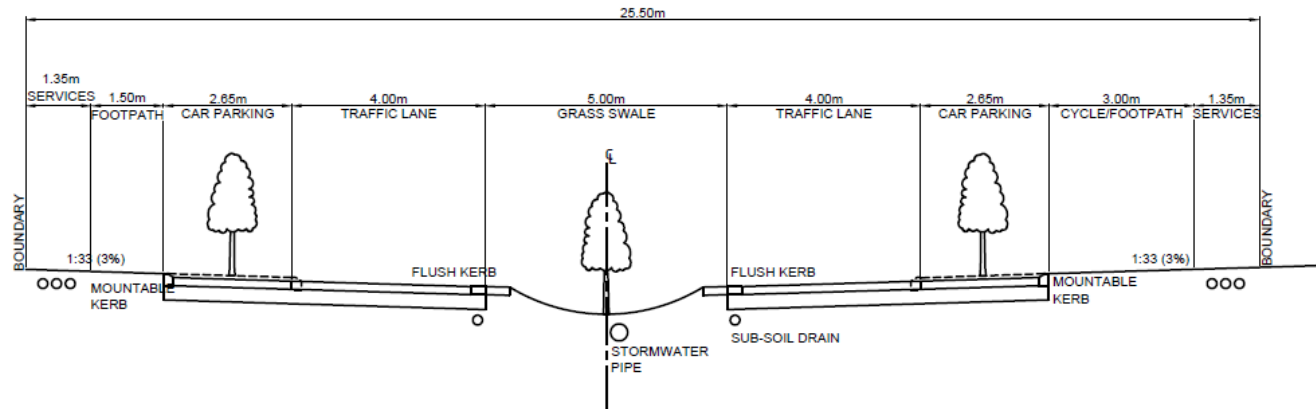


CROSS SECTION THROUGH MINOR ROAD - LORENZEN BAY
SCALE : 1:25



Figure 13 – Lorenzen Bay Structure Plan - road cross sections

Part 2: District-wide matters / Energy, infrastructure and transport / TRPT – Transportation



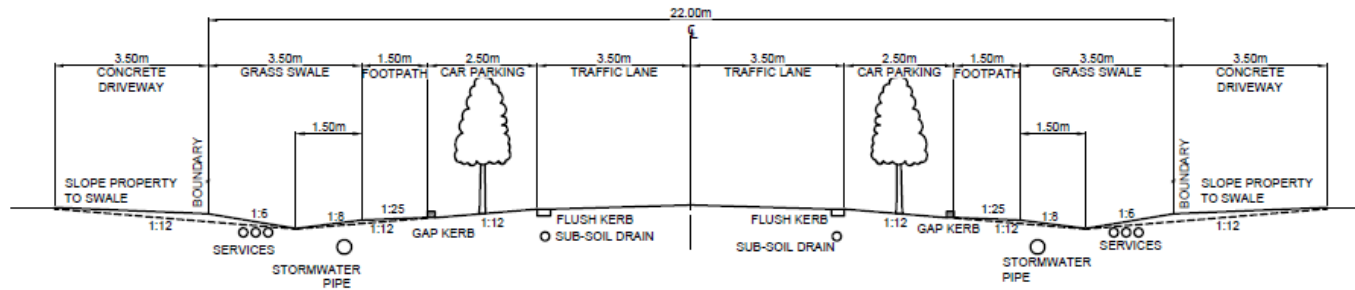
NOTE:
1. SWALE DESIGN TO INCLUDE ANTI-SCOUR MECHANISMS WHERE REQUIRED.

CROSS SECTION THROUGH COLLECTOR ROAD 25.5m (vpd>1500)
SCALE 1:50
TE KAUWHATA STRUCTURE PLAN



Figure 14 – Te Kauwhata Structure Plan – road cross sections – collector roads

Part 2: District-wide matters / Energy, infrastructure and transport / TRPT – Transportation



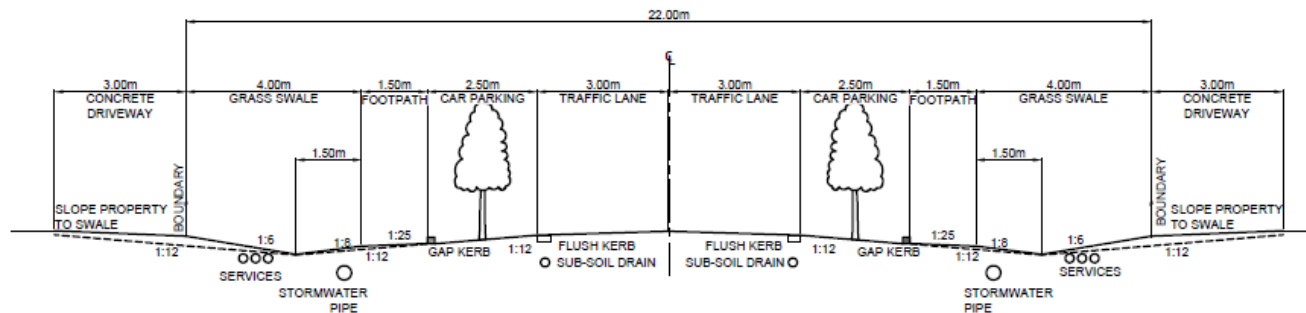
CROSS SECTION THROUGH LOCAL ROAD A (500<vpd<1500)

SCALE : 1:50

TE KAUWHATA STRUCTURE PLAN

NOTE:

1. SWALE DESIGN TO INCLUDE ANTI-SCOUR MECHANISMS WHERE REQUIRED.



CROSS SECTION THROUGH LOCAL ROAD B (vpd<500)

SCALE : 1:50

TE KAUWHATA STRUCTURE PLAN

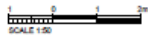
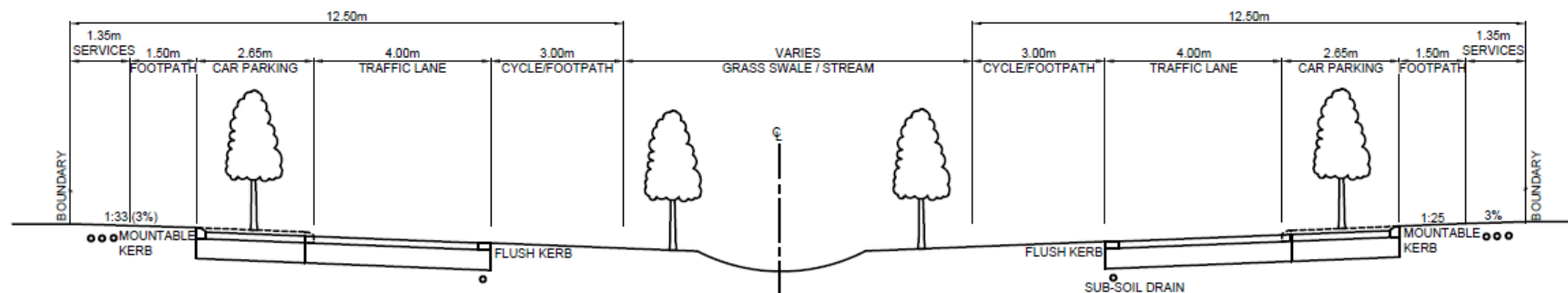


Figure 15 – Te Kauwhata Structure Plan – road cross sections – local roads

Part 2: District-wide matters / Energy, infrastructure and transport / TRPT – Transportation

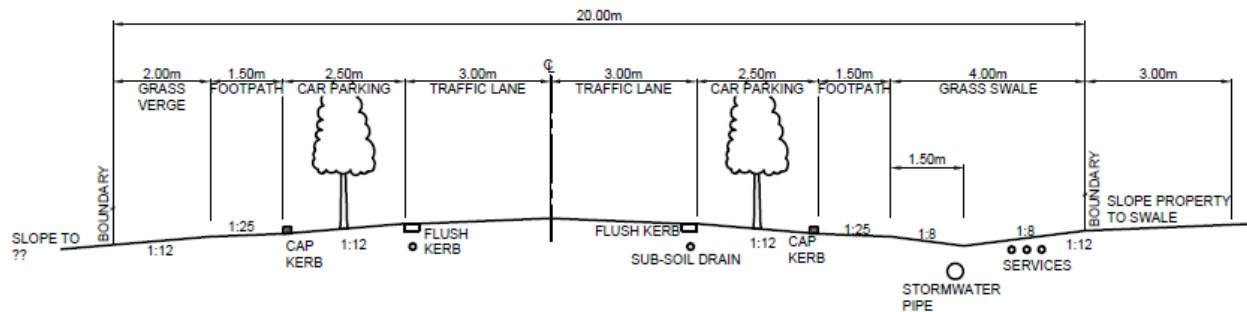


CROSS SECTION THROUGH GREENWAY CORRIDOR 25m

SCALE : 1:50

TE KAUWHATA STRUCTURE PLAN

NOTE:
SWALE DESIGN TO INCLUDE
ANTI-SCOUR MECHANISMS
WHERE REQUIRED



CROSS SECTION THROUGH WHANGAMARINO MARGIN (vpd<500)

SCALE : 1:50

TE KAUWHATA STRUCTURE PLAN



Figure 16 – Te Kauwhata Structure Plan – road cross sections – greenway corridor and Whangamarino margin roads

Railway Level Crossing Sight Explanations

Developments near Existing Level Crossings

It is important to maintain clear visibility around level crossings to reduce the risk of collisions. All the conditions set out in this standard apply during both the construction and operation stages of any development.

Approach sight triangles at level crossings with Give Way signs.

On sites adjacent to rail level crossings controlled by Give Way signs, no building, structure or planting shall be located within the shaded areas shown in Figure 17. These are defined by a sight triangle taken 30 metres from the outside rail and 320 metres along the railway track.

APPROACH SIGHT TRIANGLES AT RAILWAY LEVEL CROSSINGS

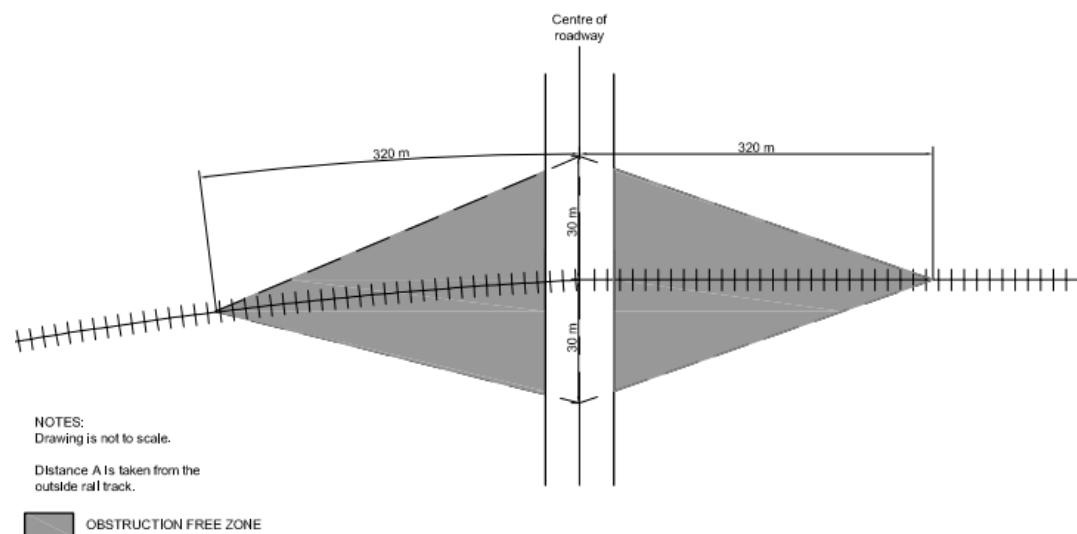


Figure 17 – Approach sight triangles for level crossings with “Give Way” signs

Part 2: District-wide matters / Energy, infrastructure and transport / TRPT – Transportation

Advice notes: The approach sight triangles ensure that clear visibility is achieved around rail level crossings with Give Way signs so that a driver approaching a rail level can either:

- See a train and stop before the crossing: or*
- Continue at the approach speed and cross the level crossing safely.*

Of particular concern are developments that include shelter belts, tree planting, or series of building extensions. These standards apply irrespective of whether any visual obstructions already exist.

No approach sight triangles apply for level crossings fitted with alarms and/or barrier arms. However, care should be taken to avoid developments that have the potential to obscure visibility of these alarm masts. This is particularly important where there is a curve in the road on the approach to the level crossing, or where the property boundary is close to the edge of the road surface and there is the potential for vegetation growth.

Restart sight triangles at level crossings

On sites adjacent to all rail level crossings, no building, structure or planting shall be located within the shaded areas shown in Figure 18. These are defined by a sight triangle taken 5 metres from the outside rail and distance A along the railway track. Distance A depends on the type of control (Table 14).

RESTART SIGHT TRIANGLES AT RAILWAY LEVEL CROSSINGS

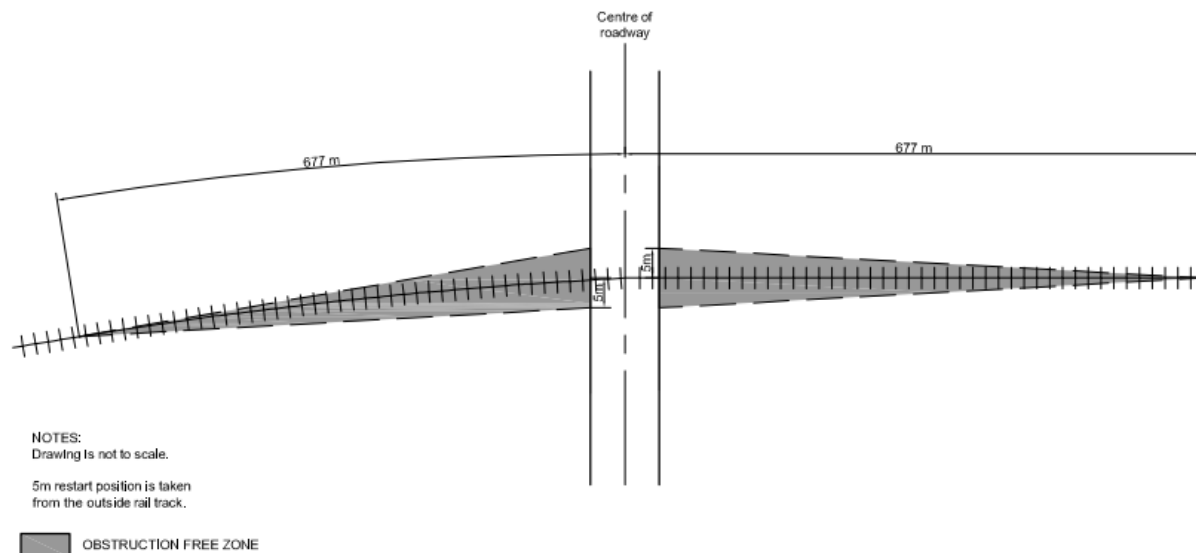


Figure 18 – Restart sight triangles for all level crossings (except those fitted with train activities barriers)

Table 14 – Required restart sight distances for Figure 18

Required approach visibility along tracks A (m)		
Signs only	Alarms only	Alarms and barriers
677 m	677 m	60m

Refer to next page for advice notes.

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Advice notes:

The restart sight line triangles ensure that a road vehicle driver stopped at a level crossing can see far enough along the railway to be able to start off, cross and clear the level crossing safely before the arrival of any previously unseen train. Of particular concern are developments that include shelter belts, tree planting or series of building extensions. These standards apply irrespective of whether any visual obstructions already exist.

Figures 17 and 18 show a single set of rail tracks only. For each additional set of tracks add 25 m to the along-track distance in Figure 17, and 50 m to the along-track distance in Figure 18.

All figures are based on the sighting distance formula used in NZTA Traffic Control Devices Manual 2008, Part 9 Level Crossings. The formulae in this document are performance based; however, the rule contains fixed parameters to enable easy application of the standard. Approach and restart distances are derived from a:

- Train speed of 110 km/h*
- Vehicle approach speed of 20 km/h*
- Fall of 8 % on the approach to the level crossing and a rise of 8 % at the level crossing*
- 25 m design truck length*
- 90° angle between road and rail*

Independent Hearing Panel Recommendation Tracked Changes to Proposed Waikato District Plan

The amendments to Variation 3 to the Proposed Waikato District Plan as recommended by the Independent Hearing Panel are set out below.

Key

Text additions proposed by Council, the s42A authors or submitters that the Panel has accepted are shown underlined.

Text deletions proposed by Council, the s.42A authors or submitters that the Panel has accepted are shown ~~strikethrough~~.

Further text additions or deletions that the Panel has made following the hearing of evidence and submissions are identified with grey shading.

Text that is not underlined or struck through is original Proposed Waikato District Plan text.

WWS – Water, wastewater and stormwater

Rules

WWS-RI	Stormwater systems for new development or subdivision	
All zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) New development or subdivision must have a stormwater system that complies with all of the following standards:</p> <p>(i) Operates by gravity;</p> <p>(ii) Manages stormwater through a Stormwater Management Plan in the following manner:</p> <p>(1) Primary systems detain or retain runoff from all impervious surfaces during a 10% Annual Exceedance Probability storm event to ensure that the rate of any stormwater discharge off-site is at or below pre-development rates; and</p> <p>(2) Secondary overflows are conveyed to a system or drainage path designed to collect concentrated stormwater during events</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) The likely effectiveness of the system to avoid flooding, nuisance or damage to other buildings and sites;</p> <p>(b) The capacity of the system and suitability to manage stormwater;</p> <p>(c) The potential for adverse effects to the environment in terms of stormwater quantity and stormwater quality effects; and</p> <p>(d) Extent to which low impact design principles and approaches are used.</p>

	<p>up to and including a 1% Annual Exceedance Probability; or</p> <p>(3) A controlled discharge to a network or receiving environment that will have equivalent capacity (as in (i) and (ii) above) once the catchment is fully developed.</p> <p>(iii) Stormwater management measures must be in place and operational upon the completion of subdivision and/or development;</p> <p>(iv) Systems must be designed using rainfall data specific to the area in which the property is located and be adjusted for a climate change temperature increase of 2.1 °C;</p> <p>(v) Stormwater management measures, including low impact design measures, must be implemented as appropriate in accordance with the following drainage hierarchy:</p> <ol style="list-style-type: none"> (1) Retention of rainwater/stormwater for reuse; (2) Soakage techniques; (3) Infiltration rate of a minimum of 7mm/hour; (4) Treatment, detention and gradual release to a watercourse; (5) Treatment, detention and gradual release to a piped stormwater system. (6) Stormwater treatment shall address water quality; downstream erosion and scour effects; and cumulative volume effects. <p>(vi) Where land is subject to instability, stormwater discharges directly to ground occurs only where the ground conditions have been</p>	
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Part 2: District-wide matters / Energy, infrastructure and transport / WWS – Water, wastewater and stormwater

	<p>identified as being suitable to absorb such discharges without causing, accelerating or contributing to land instability and downstream effects either on the site or on neighbouring properties;</p> <p>(vii) Connection of new development to any existing stormwater drainage system must not result in the minimum level of service not being met or the minimum level of capacity being exceeded. Alteration of the existing receiving stormwater network drainage system to achieve minimum level of service or additional onsite detention volume to ensure existing capacity will be required.</p> <p>Advice notes:</p> <p>Acceptable means of compliance for the provision, design and construction of stormwater infrastructure, including low impact design features, are contained within the Regional Infrastructure Technical Specifications (RITS). Refer also to Waikato Stormwater Management Guideline and Waikato Stormwater Run-off Modelling Guideline.</p> <p>A stormwater discharge consent may also be required from the Waikato Regional Council.</p>	
<u>WWS-RIA</u>	<u>Stormwater Management Plan for development of 4 or more residential units or subdivision of 4 or more lots in the MRZ2</u>	
<u>MRZ2</u>	<p><u>(1) Activity Status: RDIS</u></p> <p><u>Activity specific standards:</u></p> <p>(a) <u>A stormwater management plan must be prepared by a suitably qualified expert to demonstrate how the development or subdivision will comply with:</u></p> <p>(i) <u>The relevant Waikato District Council</u></p>	<p><u>(2) Activity status where compliance not achieved: DIS</u></p>

	<p><u>Comprehensive Stormwater Discharge Consent and Catchment Management Plan for the applicable catchment; and</u></p> <p>(ii) <u>Waikato Regional Council Stormwater Guidelines.</u></p> <p>(b) <u>The stormwater management plan must:</u></p> <p>(i) <u>Include the location, size and type of any stormwater treatment devices and infrastructure, any proposed ponds or wetlands;</u></p> <p>(ii) <u>Demonstrate how the stormwater treatment devices and infrastructure can be accommodated within the subdivision or development layout;</u></p> <p>(iii) <u>Include an operations and maintenance plan describing how any stormwater treatment devices will be regularly maintained and serviced; and</u></p> <p>(iv) <u>Identify the location of hydrological features including: groundwater (where relevant to stormwater management), rivers and streams overland flow paths and 1% AEP floodplain within or adjoining the development or subdivision.</u></p> <p><u>Council's discretion is restricted to the following matters:</u></p> <p>(a) <u>In the Waikato River catchment, the extent to which the application enhances or benefits the Waikato River, and its tributaries.</u></p>	
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Part 2: District-wide matters / Energy, infrastructure and transport / WWS – Water, wastewater and stormwater

	<p>(b) <u>The effectiveness of the stormwater system to manage flooding (including safe access and egress), nuisance or damage to other infrastructure, buildings and sites, including the rural environment;</u></p> <p>(c) <u>The capacity of the stormwater system and ability to manage stormwater;</u></p> <p>(d) <u>The potential for adverse effects to the environment in terms of stormwater volume including downstream channel erosion, stormwater flow rate and stormwater quality, taking into account the requirements or recommendations of the relevant Comprehensive Stormwater Discharge Consent, Catchment Management Plan and Waikato Regional Council Stormwater Guidelines; and</u></p> <p>(e) <u>The extent to which low impact design principles and approaches are used for stormwater management.</u></p>	
WWS-R1B	<u>Services for more than one residential unit per site in the MRZ2.</u>	
<u>MRZ2 (Area 2)</u>	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p><u>Where more than one residential unit (excluding minor residential units) is developed on a site, all services shall be provided to each additional unit as if the site was being subdivided to create separate titles for each serviced unit.</u></p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) <u>The provision and location of infrastructure.</u></p>
WWS-R2	Wastewater servicing for new development or subdivision	

All zones	<p>(1) Activity status: PER Activity-specific standards:</p> <p>(a) New development or subdivision must have a wastewater system that complies with the following standards:</p> <p>(i) Is connected to public, reticulated wastewater network; or</p> <p>(ii) Is connected to a community-scale wastewater system; or</p> <p>(iii) Is provided with a site-contained, alternative method of wastewater disposal that complies with AS/NZS 1547:2012.</p>	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <p>(a) Health and safety of the occupants;</p> <p>(b) Capacity of the system;</p> <p>(c) Infiltration capacity of the soil;</p> <p>(d) Location, including proximity to waterways and effects on habitats; and</p> <p>(e) Contamination of downstream properties by wastewater.</p>
WWS-R3	Below ground pipelines for the conveyance of water, wastewater and stormwater	
All zones	<p>(1) Activity status: PER Activity-specific standards:</p> <p>(a) Pipelines for the conveyance of water, wastewater and stormwater that comply with all of the following:</p> <p>(i) Any aboveground section of a pipeline must comply with the following:</p> <p>(1) Not exceed 25m in length, and</p> <p>(2) Not exceed 300mm in diameter.</p> <p>(3) Is not located within an Identified Area and .</p> <p>(b) The maximum dimensions in Rule WWS-R3(1)(a)(i) do not apply to any above-ground section of pipeline which is attached to or contained within the superstructure of a bridge.</p>	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <p>(a) The functional need and operational need of, and benefits derived from, the infrastructure;</p> <p>(b) Visual, streetscape and amenity effects;</p> <p>(c) Road network safety and efficiency;</p> <p>(d) The risk of hazards to public or individual safety, and risk of property damage; and</p> <p>(e) Effects on the specific values, qualities and characteristics of any Identified Area.</p>
WWS-R4	Below ground pipelines for the conveyance of water, wastewater and stormwater located within an Identified Area	
All zones	<p>(1) Activity status: PER Activity-specific standards:</p> <p>(a) Below ground pipelines for the conveyance of water, wastewater and stormwater located within an Identified Area that comply with all of the following:</p>	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <p>(a) The functional need and operational need of, and benefits derived from, the infrastructure;</p>

Part 2: District-wide matters / Energy, infrastructure and transport / WWS – Water, wastewater and stormwater

	<ul style="list-style-type: none"> (i) There are no aboveground sections of pipeline within an Identified Area; and (ii) Are not within a site or area in SCHED1 – Historic heritage items or SCHED3 – Sites and areas of significance to Maaori. 	<ul style="list-style-type: none"> (b) Visual, streetscape and amenity effects; (c) Road network safety and efficiency; (d) The risk of hazards to public or individual safety, and risk of property damage; and (e) Effects on the specific values, qualities and characteristics of any Identified Area.
WWS-R5	Pump stations for the conveyance of water, wastewater and stormwater	
All zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <ul style="list-style-type: none"> (a) Pump stations for the conveyance of water, wastewater and stormwater that complies with the following standards : <ul style="list-style-type: none"> (i) Is not located within an Identified Area. (ii) Not exceed 10m² in area above-ground; and (iii) Not exceed 3m in height measured from the natural ground level immediately below the structure. 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) The functional need and operational need of, and benefits derived from, the infrastructure; (b) Visual, streetscape and amenity effects; (c) Road network safety and efficiency; (d) The risk of hazards to public or individual safety, and risk of property damage; and (e) Effects on the specific values, qualities and characteristics of any Identified Area.
WWS-R6	Stormwater treatment, detention and retention facilities or devices	
All zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <ul style="list-style-type: none"> (a) Stormwater treatment, detention and retention facilities or devices, excluding stormwater wetlands or ponds. 	<p>(2) Activity status where compliance not achieved: n/a</p>
WWS-R7	Stormwater ponds or wetlands	
All zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <ul style="list-style-type: none"> (a) Stormwater ponds or wetlands that comply with the following: <ul style="list-style-type: none"> (i) The area of the pond or wetland does not exceed the equivalent site building coverage standards applicable to the zone. 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) The functional need and operational need of, and benefits derived from, the infrastructure; (b) Visual, streetscape and amenity effects; (c) Road network safety and efficiency; (d) The risk of hazards to public or individual safety, and risk of property damage; and

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		(e) Effects on the specific values, qualities and characteristics of any Identified Area.
WWS-R8	Ventilation facilities, drop shafts and manholes	
All zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) Ventilation facilities, drop shafts and manholes that comply with the following:</p> <p>(i) Are not located within an Identified Area.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) The functional need and operational need of, and benefits derived from, the infrastructure;</p> <p>(b) Visual, streetscape and amenity effects;</p> <p>(c) Road network safety and efficiency;</p> <p>(d) The risk of hazards to public or individual safety, and risk of property damage; and</p> <p>(e) Effects on the specific values, qualities and characteristics of any Identified Area.</p>
WWS-R9	Below ground reservoirs	
All zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) Below ground reservoirs that comply with all of the following:</p> <p>(i) Are not located within an Identified Area; or</p> <p>(ii) Are not located within road or unformed road.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) The functional need and operational need of, and benefits derived from, the infrastructure;</p> <p>(b) Visual, streetscape and amenity effects;</p> <p>(c) Road network safety and efficiency;</p> <p>(d) The risk of hazards to public or individual safety, and risk of property damage; and</p> <p>(e) Effects on the specific values, qualities and characteristics of any Identified Area.</p>
WWS-R10	Water supply servicing for new development or subdivision	
All zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) New development or subdivision must have a water supply system that complies with the following standards:</p> <p>(i) For the GRUZ – General rural zone, RLZ – Rural lifestyle zone, LLRZ – Large lot residential zone and SETZ – Settlement zone, potable</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Health and safety of the occupants; and</p> <p>(b) Sufficiency of supply for fire-fighting.</p>

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	<p>water supply must be provided;</p> <p>(b) For all other zones:</p> <p>(i) Be connected to any available public, reticulated water supply system nearby; and</p> <p>(ii) In addition to connection to reticulated supply for potable water, may also use rainwater harvesting (installation of rain storage tanks for water conservation) to supplement water supply, but not for potable uses.</p>	
WWS-RI I	The construction of new regional flood management infrastructure in close proximity to existing flood management infrastructure, undertaken by or on behalf of the public authority responsible for the regional flood management infrastructure	
All zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) All activities must comply with the following standards:</p> <p>(i) Activities are carried out:</p> <p>(ii) Within 20m of the landward toe of a stopbank (See Figure 5 below);</p> <p>(iii) On a stopbank;</p> <p>(iv) Within the flood channel (between a stopbank and river bank); and</p> <p>(v) Within a 20m radius of a pump station or floodgate.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

STOPBANK DIAGRAM

Legend

- | | |
|-----------------------------|---|
| 1. Design flood level (DFL) | 10. Stopbank |
| 2. Low water channel | 11. Land within 20m of the landward toe of a stopbank |
| 3. Flood Channel | |
| 4. Riverside stopbank toe | |
| 5. Riverside batter | |
| 6. Stopbank crest level | |
| 7. Landside batter | |
| 8. Landward stopbank toe | |
| 9. Riverside land | |

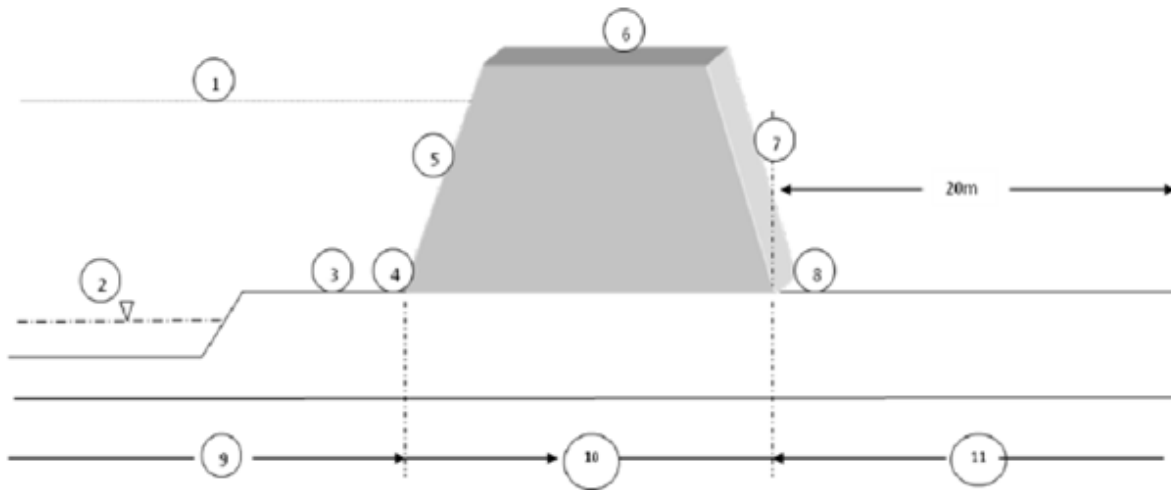


Figure 5 – Stopbank diagram

WWS-R12	Flood control, renewal, maintenance, unscheduled, and storm response works undertaken by or on behalf of the public authority responsible for the regional flood management infrastructure	
All zones	(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
WWS-R13	In close proximity to existing flood management infrastructure: (a) The maintenance of existing stock-proof fences; (b) Grazing of animals; (c) Any farming activity other than the grazing of animals; (d) Planting of trees; (e) The construction of any road or race for the passage of stock or vehicles; (f) The erection of any new fence, shelter, building or structure; (g) The excavation or the digging of any drain; and (h) A network utility or private infrastructure including underground pipes and cables with written approval from the public authority responsible for the regional flood management infrastructure.	
All zones	(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
WWS-R14	Stormwater ponds or wetlands, that serve more than one site, located within:	

Part 2: District-wide matters / Energy, infrastructure and transport / WWS – Water, wastewater and stormwater

	<p>(a) GRZ – General residential zone; (b) MRZ – Medium density residential zone; (c) RPZ – Rangitahi Peninsula zone; (d) SETZ – Settlement zone; (e) LLRZ – Large lot residential zone; (f) RLZ – Rural lifestyle zone; (g) Road and unformed road; and (h) Identified Areas.</p>	
All specified in rule	<p>(1) Activity status: RDIS Activity-specific standards: Nil.</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) The functional need and operational need of, and benefits derived from, the infrastructure; (b) Visual, streetscape and amenity effects; (c) Road network safety and efficiency; (d) The risk of hazards to public or individual safety, and risk of property damage; and (e) Effects on the specific values, qualities and characteristics of any Identified Area.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
WWS-R15	Outfall structures located within an Identified Area	
All zones	<p>(1) Activity status: RDIS Activity-specific standards: Nil.</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) The functional need and operational need of, and benefits derived from, the infrastructure; (b) Visual, streetscape and amenity effects; (c) Road network safety and efficiency; (d) The risk of hazards to public or individual safety, and risk of property damage; and (e) Effects on the specific values, qualities and characteristics of any Identified Area.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>

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WWS-R16	New capital works relating to regional flood management infrastructure, including but not limited to flood control dams, flood gates, stopbanks, channels, and culverting of waterways	
All zones	<p>(1) Activity status: RDIS</p> <p>Activity-specific standards: Nil.</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) The extent to which adverse effects are avoided, remedied or mitigated.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
WWS-R17	Any other activity that is not permitted under Rules WWS-R11 – WWS-R13 but complies with the activity specific standards in Rule WWS-R11(1)	
All zones	<p>(1) Activity status: RDIS</p> <p>Activity-specific standards: Nil.</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) The extent to which the activity will affect the integrity of the flood control asset;</p> <p>(b) The extent to which the activity will impede maintenance access;</p> <p>(c) Methods to avoid, remedy, or mitigate adverse effects on the integrity of the flood control assets; and</p> <p>(d) Methods to avoid, remedy, or mitigate adverse effects on maintenance access.</p> <p>Non-notification:</p> <p>Applications utilising Rule WWS-R17 that do not simultaneously trigger other consent requirements shall not be publicly notified and shall not be served on any party other than Council and the public authority responsible for the regional flood management infrastructure.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
WWS-R18	Water treatment plants not located within road or unformed road	
All zones	(1) Activity status: DIS	
WWS-R19	Wastewater treatment plants located within the following:	
	<p>(a) GIZ – General industrial zone;</p> <p>(b) HIZ – Heavy industrial zone;</p> <p>(c) MSRZ – Motor sport and recreation zone;</p> <p>(d) GRUZ – General rural zone;</p>	

Part 2: District-wide matters / Energy, infrastructure and transport / WWS – Water, wastewater and stormwater

	(e) RLZ – Rural lifestyle zone; (f) OSZ – Open space zone
As specified in rule	(I) Activity status: DIS
WWS-R20	Above ground reservoirs
All zones	(I) Activity status: DIS
WWS-R21	Water treatment plants located within the road and or unformed road
All zones	(I) Activity status: NC
WWS-R22	Wastewater treatment plants located within the following: (a) GRZ – General residential zone; (b) MRZ – Medium density residential zone; (c) RPZ – Rangitahi Peninsula zone; (d) LLRZ – Large lot residential zone; (e) SETZ – Settlement zone; (f) COMZ – Commercial zone; (g) TCZ – Town centre zone; (h) LCZ – Local centre zone; (i) BTZ – Business Tamahere zone; (j) Road and unformed road; or (k) Identified Area;
As specified in rule	(I) Activity status: NC

Independent Hearing Panel Recommendation Tracked Changes to Proposed Waikato District Plan

The amendments to Variation 3 to the Proposed Waikato District Plan as recommended by the Independent Hearing Panel are set out below.

Key

Text additions proposed by Council, the s42A authors or submitters that the Panel has accepted are shown underlined.

Text deletions proposed by Council, the s.42A authors or submitters that the Panel has accepted are shown ~~strikethrough~~.

Further text additions or deletions that the Panel has made following the hearing of evidence and submissions are identified with **grey shading**.

Text that is not underlined or struck through is original Proposed Waikato District Plan text.

HAZS – Hazardous substances

The relevant area specific zone chapter provisions apply in addition to this chapter.

Overview

The use of hazardous substances in New Zealand is primarily managed by the Hazardous Substances and New Organisms Act 1996 (HSNO Act), the Health and Safety at Work Act 2015 (HSW Act) and relevant regulations.

Because the District Plan seeks to avoid duplication of requirements and obligations that arise under other legislation and regulations, the provisions of this chapter are designed to manage the effects of use, storage, or disposal of hazardous substances, only to the extent that those effects are not within the ambit of existing legislation and regulations.

Objectives

HAZS-O1 Manufacture, use and storage of hazardous substances.

To protect the community and natural environment from the adverse effects associated with the manufacture, use and storage of hazardous substances.

HAZS-O2 Use of hazardous substances.

To enable activities to utilise hazardous substances where necessary for their operations, in appropriate locations.

Policies

HAZS-PI Reverse sensitivity.

Ensure that activities are able to utilise hazardous substances in compliance with relevant regulation as necessary to their operation, without being compromised by

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'reverse sensitivity' (that is, by residential or other sensitive activities moving closer and seeking higher amenity levels, including reduced risks from hazardous substances).

HAZS-P2 Significant hazardous facilities.

Ensure that significant hazardous facilities are appropriately sited and managed in order to reduce risks to the environment and community to acceptable levels.

HAZS-P3 Duplication of regulation.

Avoid any unnecessary duplication of regulation between the Hazardous Substances and New Organisms Act 1996, the Health and Safety at Work Act 2015 and relevant regulations, and the District Plan.

Rules

Land use – activities (zones specified in first column)

HAZS-R1	The storage, handling or use of hazardous substances except where Rule HAZS-R2, HAZS-R3 or HAZS-R4 apply	
All zones	(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
HAZS-R2	The storage, handling or use of hazardous substances in a Significant Hazard Facility	
All zones	<p>(1) Activity status: DIS</p> <p>For discretionary activities, the following criteria identify those matters which Council may assess the activity against. However, for discretionary activities Council's assessment is not restricted to these matters:</p> <ul style="list-style-type: none"> (a) Risk assessment comprising: <ul style="list-style-type: none"> (i) The probability and potential consequences of an accident leading to the release or loss of control of hazardous substances; (ii) Potential risks and effects on people and neighbouring activities, with an emphasis on sensitive activities such as residential activities, educational facilities and community facilities; (iii) Potential risks and effects on natural ecosystems and the life supporting capacity of land and water, waterbodies and sources of potable water; (iv) Potential risks and effects on sites of significance to tangata whenua, sites of historical or archaeological significance and Outstanding Natural Features and Landscapes; (v) The potential for natural hazards to impact on the operation of the hazardous facility; and (vi) The potential for cumulative adverse effects of hazardous substances. (b) Alternative locations: <ul style="list-style-type: none"> (i) An assessment of alternative locations, having particular regard to locations both within the site and outside the site; (c) Records for existing activity: <ul style="list-style-type: none"> (i) The record of compliance and acceptable risk management of any existing activity where expansion of an existing activity is proposed. 	

Note: Land use activities continue on the next page.

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HAZS-R3	Significant hazard facility
<ul style="list-style-type: none"> • LLRZ – Large lot residential zone; • GRZ – General residential zone; • MRZ1 – Medium density residential zone 1; • MRZ2 – Medium density residential zone 2; • RLZ – Rural lifestyle zone; • SETZ – Settlement zone; or • RPZ – Rangitahi Peninsula zone 	(1) Activity status: NC
HAZS-R4	Any new storage or use of hazardous substances with explosive or flammable intrinsic properties within 12m of the centre line of a National Grid Transmission Line
All zones	(1) Activity status: NC

Independent Hearing Panel Recommendation Tracked Changes to Proposed Waikato District Plan

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Key

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NH – Natural hazards and climate change

The relevant area specific zone chapter provisions apply in addition to this chapter.

Overview

- (1) The NH – Natural hazards and climate change chapter identifies risks associated with natural hazards and manages land use in areas subject to risk from natural hazards. It identifies areas where certain types of new development will be avoided because of the natural hazards present, but also recognises that there is existing development, including infrastructure, already located on land subject to natural hazards. These areas will require management through mitigation and adaptation to ensure that the risk of damage to property, or injury or loss of lives is not increased.
- (2) This chapter sets out a two-tiered approach where natural hazard risk from subdivision, use and development is to be avoided within the following identified high risk natural hazard areas:
 - (a) High Risk Flood Area;
 - (b) High Risk Coastal Inundation Area; and
 - (c) High Risk Coastal Erosion Area.
- (3) Outside of these areas, subdivision, use and development is provided for where natural hazard risk can be adequately avoided, remedied or mitigated and the risk is not exacerbated or transferred to adjoining sites.
- (4) The following natural hazards areas have been identified and mapped in the District Plan:

Overlay	Description
Flood hazards	
High flood risk area	Identifies areas within the floodplain where the depth of flood water in a 1% AEP flood event exceeds 1 metre

	and the speed of flood water exceeds 2 metres per second, or the flood depth multiplied by the flood speed exceeds one.
<u>High risk flood area 2</u>	Identifies areas within the floodplain where the depth of flood water in a 1% AEP* flood event exceeds 1 metre and the speed of flood water exceeds 2 metres per second, or the flood depth multiplied by the flood speed exceeds one. *includes climate change RCP 6.0 (Hirds v4)
Flood plain management area	Identifies the 1% Annual Exceedance Probability (AEP) floodplain and has been developed through both 1D and 2D modelling, depending on the level of information available.
<u>Flood plain management area 2</u>	Identifies the 1% Annual Exceedance Probability (AEP)* floodplain and has been developed through predominantly 'rain on grid' modelling. This includes both 1D and 2D modelling of upstream catchments where appropriate. The modelling is based on 2022 lidar and includes critical pipes and culverts. *includes climate change RCP 6.0 (Hirds v4)
Flood ponding area	Identifies areas that experience floodwater ponding in a 1% AEP rainfall event.
Residual risk areas / Defended areas	Identifies areas of land that would be at risk from a natural hazard event if it were not for a structural defence such as a stop bank.
<u>Flood density QM-MRZ2 flood risk</u>	The QM is identified on the planning maps and includes mapped areas in Flood plain management areas, Flood ponding area, and Defended areas. It identifies land in the MRZ2 where there are increased flood risks and additional residential development rules apply. It also includes other areas of 1% Annual Exceedance Probability (AEP) floodplain identified by Council. The QM contains its own Higher risk area, being areas within the QM that meet the definition of a High risk flood area. The MRZ2 flood risk includes: <ul style="list-style-type: none"> • Flood plain management areas • Flood ponding area • Defended areas • Flood plain management area 2 • High risk flood area 2
Coastal hazards	
High risk coastal inundation area / High risk coastal erosion area	Identify land where there is significant risk from either coastal inundation or coastal erosion with existing sea level and coastal processes.
Coastal sensitivity area (Erosion) / Coastal sensitivity area (Inundation)	Identify land that is potentially vulnerable to either coastal erosion or coastal inundation over a 100 year period to 2120, assuming a sea level rise of 1.0 metre.
Subsidence risk	

Mine subsidence risk area	Identifies an area where subsidence has occurred at Huntly due to former underground coal mining.
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Objectives

- NH-O1 High risk natural hazards areas.
In an identified high risk natural hazards area, the risks associated with natural hazards on people, property and infrastructure from subdivision, use and development of land are avoided.
- NH-O2 Areas at risk from natural hazards.
Subdivision, use and development within areas at risk from natural hazards are managed so that natural hazard risks on people, property and infrastructure are avoided, remedied or mitigated.
- NH-O3 Awareness of natural hazard risks.
Ensure communities respond effectively and efficiently to natural hazards.
- NH-O4 Climate change.
Communities are well-prepared to adapt to the effects of climate change.

Policies

- NH-P1 New development in areas at high risk from natural hazards.
- (1) Avoid subdivision, use and new development in the following high risk natural hazard areas:
- (a) High risk flood area;
 - (b) High risk coastal inundation area;
 - (c) High risk coastal erosion area,
- where there is an increase in risk to people and property.
- NH-P2 Changes to existing land use activities and development in areas at high risk from natural hazards.
In areas of High risk flood, High risk coastal erosion and High risk coastal inundation, ensure that when changes to existing land use activities and development occur, a range of risk reduction options are assessed, and development that would increase risk to people's safety, well-being and property is avoided.
- NH-P3 Small scale non-habitable structures in areas subject to high risk from natural hazards.
Enable small scale accessory and farm buildings to be located within areas at high risk from natural hazards, including High risk flood, High risk coastal inundation and High risk coastal erosion, provided the risks to people, property and the environment beyond the site are managed to acceptable levels.

- NH-P4 New emergency services and hospitals in areas at significant high risk from natural hazards.
- Avoid locating new emergency service facilities and hospitals in areas which are at high risk from natural hazards, including High risk flood, High risk coastal inundation and High risk coastal erosion, unless, considering engineering and technical constraints or functional and operational requirements, they cannot be reasonably located elsewhere and will not increase the risk to or vulnerability of people or communities.
- NH-P5 New and upgrading of infrastructure and utilities in areas subject to high risk from natural hazards.
- (I) Enable the construction of new infrastructure, utilities and ancillary activities and upgrading of existing infrastructure and utilities, in areas at high risk from natural hazards, including High risk flood, High risk coastal inundation and High risk coastal erosion areas only where:
- (a) The infrastructure and utilities are technically, functionally or operationally required to locate in areas subject to natural hazards, or it is not reasonably practicable to be located elsewhere; and
 - (b) Any increased risks to people, property and the environment are mitigated to the extent practicable; and
 - (c) The infrastructure and utilities are designed, maintained and managed, including provision of hazard mitigation works where appropriate, to function to the extent practicable during and after natural hazard events.
- NH-P6 Existing infrastructure and utilities in all areas subject to natural hazards.
- Provide for the operation, maintenance and minor upgrading of existing infrastructure and utilities in all areas subject to natural hazards.
- NH-P7 Managing natural hazard risk generally.
- (I) Outside of high risk natural hazard areas, provide for subdivision, use and development where:
- (a) Natural hazard risk has been appropriately identified and assessed;
 - (b) The risk can be adequately avoided, remedied or mitigated;
 - (c) The risk does not transfer to adjoining sites; and
 - (d) The risk is not exacerbated.
- NH-P8 Protection from risks of coastal hazards.
- Recognise the importance of natural features and buffers, and soft hazard protection works, and prefer them wherever practicable over hard protection structures, where new hazard mitigation measures and/or works are required to protect people, property infrastructure and the environment from the risks of coastal hazards.
- NH-P9 Limitations on hard protection works for coastal hazard mitigation.
- (I) Ensure that where hard protection structures and works are proposed to protect existing development on public or privately-owned land from coastal hazards that the following is achieved:

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- (a) The structures have primarily a public and/or environmental benefit when located on public land;
 - (b) The structures are effective considering a range of coastal hazard events including the effects of climate change and the activities or development they are designed to protect;
 - (c) The economic, social and environmental benefits outweigh costs;
 - (d) Risk to people, property, infrastructure, the natural environment, historic heritage or Sites and Areas of Significance to Maaori is not transferred or increased;
 - (e) Structures are located as far landward as practicable; and
 - (f) Public access both to and along the coastal area and to the coastal marine area are provided for where the structure is located on public land
- (2) Ensure that when new hard protection structures are to be located in an area where an adaptive management strategy has been prepared to manage coastal hazards, they are consistent with that strategy.
- (3) Where adaptive management strategies have been prepared, plan change or resource consent processes should have regard to these strategies.

NH-PI0 Natural features and buffers providing natural hazard protection.

- (1) Protect, maintain and, where appropriate, enhance the integrity of natural features and buffers which provide a natural defence against the effects of natural hazards and sea level rise, including natural ponding areas, coastal dunes, intertidal areas, wetlands, waterbody margins, riparian/coastal vegetation and floodways.
- (2) Enable natural systems to adapt and respond to natural coastal processes including the effects of climate change.

NH-PI1 Areas defended by stopbanks adjacent to the Waikato River.

- (1) Control subdivision, use and development in areas identified as Defended Areas adjacent to the Waikato River by:
 - (a) Assessing the potential risk of overtopping or structural failure of the stopbanks, and overwhelming of associated flood protection structures, before subdivision, use and development occurs; and
 - (b) Requiring that consideration be given to appropriate mitigation to reduce any residual risk identified to acceptable levels; and
 - (c) Ensuring that any residual risk is not transferred to neighbouring sites; and
 - (d) Recognising the functional needs and operational needs of the National Grid.
- (2) Specify minimum setbacks for buildings and earthworks from stopbanks to:
 - (a) Protect the structural integrity of the stopbanks; and
 - (b) Provide a buffer to reduce the potential risk to life and damage to property from deep and fast-flowing flood waters in the event of a breach.

- NH-P12 New development that creates demand for new protection structures and works.
Avoid locating new subdivision, use and development in High risk flood, High risk coastal inundation and High risk coastal erosion areas where a demand or need for new structural protection works will be required to reduce the risk from natural hazards to acceptable levels.
- NH-P13 Reduce potential for flood damage to buildings located on the floodplains and flood ponding areas.
- (I) Reduce the potential for flood damage to buildings located on floodplains and flood ponding areas by ensuring that the minimum floor level of building development is above the design flood levels/ponding levels in a 1% AEP flood event, plus an allowance for freeboard, unless:
- (a) The building is of a type that is not likely to suffer material damage during a flood; or
 - (b) The building is a small-scale addition to an existing building; or
 - (c) The risk from flooding is otherwise avoided, remedied or mitigated.
- NH-P14 Control filling of land within the 1% AEP floodplain and flood ponding areas.
Control filling of land within the 1% AEP floodplain and flood ponding areas to ensure that the potential adverse effects on flood storage capacity, overland flows, run-off volumes on surrounding properties or infrastructure, are avoided or mitigated.
- NH-P15 Managing flood hazards through integrated catchment management.
- (I) Manage flood hazards by requiring new subdivision and development within floodplains, flood ponding areas and overland flow paths to adopt integrated catchment plan-based management methods which:
- (a) Maintain the function of natural floodplains, wetlands and ponding areas including flood storage capacity; and
 - (b) Retain the function and capacity of overland flow paths to convey stormwater run-off; and
 - (c) Do not transfer or increase risk elsewhere within the catchment; and
 - (d) Promote best practice stormwater management with reference to the Waikato Stormwater Management Guideline and the Regional Infrastructure Technical Specifications (RITS); and
 - (e) Minimise impervious surfaces.
- NH-P16 Development in the coastal sensitivity areas.
- (I) In coastal sensitive areas, control subdivision, use and development by ensuring that the subdivision, use and development is:
- (a) Supported by a detailed site specific risk assessment, which includes measures to address the effects of climate change; and
 - (b) Designed, constructed and located to minimise the level or risk to people, property and the environment.

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- NH-P17 Setbacks from the coast.
- Avoid increasing the risk from coastal hazards by requiring new built development to be set back from the coastal edge, unless there is a functional or operational need for facilities to be located at or near the coast.
- NH-P18 Residential development and subdivision potentially subject to fire risk.
- (I) In areas assessed or identified as being potentially subject to elevated fire risk, ensure that an appropriate design and layout, including a buffer area or setback, is provided around for new residential subdivision and development, and the following matters are considered:
- (a) Access for emergency service vehicles;
 - (b) Provision of and access to emergency firefighting water supply;
 - (c) Separation and management of vegetation (with regard to slope, aspect, management regimes and use of less flammable vegetation); and
 - (d) The design and materials of any buildings.
- NH-P19 Development on land subject to instability or subsidence.
- Avoid locating new subdivision, use and development, including rezoning, on land assessed as being subject to, or likely to be subject to, instability or subsidence, unless appropriate mitigation is provided and the activity does not increase the risk to people, property or infrastructure.
- NH-P20 Development of land in the Mine subsidence risk area
- (I) On land identified within the Mine subsidence risk area, ensure that:
- (a) An assessment by an appropriately qualified engineer occurs before subdivision, use or development takes place to confirm that the land is suitable for development; and
 - (b) Buildings are designed and constructed, and uses appropriate materials, to effectively minimise the risk of damage to the buildings from ground subsidence.
- NH-P21 Stormwater management in areas subject to risk of land instability or subsidence.
- (I) Avoid discharge of stormwater directly to ground on land that is potentially at risk of land instability or subsidence unless:
- (a) An assessment has been undertaken by an appropriately qualified geotechnical specialist, indicating that the site is suitable for the proposed discharges; and
 - (b) Any adverse effects on the site and receiving environment can be appropriately mitigated.
- NH-P22 Liquefaction susceptible land risk assessment.
- (I) On land assessed as potentially susceptible to liquefaction, ensure that:
- (a) An assessment by a geotechnical specialist occurs before new subdivision, use or development takes place; and

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- (b) The level of assessment reflects the type and scale of the subdivision, use or development and the overall vulnerability of the activity to the effects of liquefaction; and
- (c) The assessment confirms that the land is suitable for the proposed development.

NH-P23 Control activities on land susceptible to damage from liquefaction

Control subdivision, use and development on land assessed as being susceptible to liquefaction induced ground damage, to ensure that appropriate mitigation is provided so that the level of risk to people, property, infrastructure.

NH-P24 Natural hazard risk information.

- (I) Enable people to be informed and have access to information on the natural hazards affecting their properties and surrounding area, including through:
 - (a) Provision of Land Information Memoranda;
 - (b) Natural hazard technical information, including the projected effects of climate change, risk registers and mapping on the Council's website, the Waikato Regional Council Hazards Portal, this district plan and accompanying planning maps;
 - (c) Education, provision of information and community engagement; and
 - (d) Alignment with the work of other agencies including iwi and the Waikato Regional Council.

NH-P25 Awareness of Community Response Plans.

Improve response to and recovery from natural hazard events by encouraging community awareness and use of information and methods contained in Community Response Plans.

NH-P26 Effects of climate change on new subdivision and development.

- (I) Ensure that adequate allowances are made for the projected effects of climate change in the design and location of new subdivision and development including new urban zoning throughout the District, including undertaking assessments where relevant that provide for:
 - (a) The projected increase in rainfall intensity, as determined by national guidance, assuming a temperature increase of not less than 2.3°C by 2120;
 - (b) The projected increase in sea level, where relevant, as determined by national guidance and the best available information, but being not less than 1m by 2120;
 - (c) In respect to new urban zoning, stress testing under the RCP 8.5 scenario for rainfall¹ and RCP 8.5H+ for sea level rise²;

¹ Stress testing under the RCP 8.5 scenario for rainfall, see Ministry for the Environment, 2018: Climate Change Projections for New Zealand. September 2018. Publication No. MFE 1385.

² Stress testing under the RCP 8.5H+ scenario for sea level rise, see Ministry for the Environment, 2017: Coastal Hazards and Climate Change – Guidance for Local Government. December 2017. Publication No. ME 1341.

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- (d) In respect to the coastal environment, increases in storm surge, waves and wind; and
- (e) The ability for natural systems to respond and adapt to the projected changes included in (a) to (d) above.

NH-P27 Future land use planning and climate change.

- (1) Increase the ability of the community to adapt to the effects of climate change when undertaking future land use planning by:
 - (a) Ensuring the potential environmental and social costs of climate change, including effects on indigenous biodiversity (inland migration), historic heritage, Sites and areas of Significance to Maaori, mahinga kai, public health and safety, public access to the coast and waterway margins, and the built environment are addressed;
 - (b) Encouraging the incorporation of sustainable design measures within new subdivision, land use and development, including:
 - (i) Low impact, stormwater management, urban design and green infrastructure;
 - (ii) Of relocatable buildings and structures in areas potentially at risk due to sea level rise or increased flood levels;
 - (iii) Efficient water storage;
 - (iv) Provision of renewable energy generation; and
 - (v) Transferring to activities with lower greenhouse gas emissions.
 - (c) Providing ongoing monitoring of changes to the environment due to climate change; and
 - (d) Facilitating community discussion on adaptive pathways to manage the risks associated with climate change and incorporating them, where appropriate, into the district plan through plan changes.

NH-P28 Precautionary approach for dealing with uncertainty.

In areas throughout the district likely to be affected by climate change over the next 100 years, adopt a precautionary approach towards new subdivision, use and development which may have potentially significant or irreversible adverse effects, but for which there is incomplete or uncertain information.

NH-P29 Provide sufficient setbacks for new development.

- (1) Protect people, property and the environment from the projected adverse effects of climate change, including sea level rise, by providing sufficient setbacks from water bodies and the coast when assessing new development.
- (2) Ensure that, in establishing development setbacks for new development, adequate consideration is given to:
 - (a) The protection of natural ecosystems, including opportunities for the inland migration of coastal habitats;
 - (b) The vulnerability of the community;

- (c) The maintenance and enhancement of public access to the coast and public open space;
- (d) The requirements of infrastructure; and
- (e) Natural hazard mitigation provision, including the protection of natural defences.

NH-P30 Assess the impact of climate change on the level of natural hazard risks.

- (1) For all new subdivision, use and development requiring rezoning or a resource consent, ensure that account is taken of the projected effects of climate change over the next 100 years when assessing any identified risks from natural hazards, and their effects on people, property, infrastructure and the environment.
- (2) Ensure that, when assessing the effects of climate change on the level of natural hazard risk in accordance with Policy NH-P30(1) above, the allowances in Policy NH-26(1)(a)-(d) are applied.
- (3) Where the assessment required by Policy NH-P30(1) indicates that natural hazards are likely to be exacerbated by climate change, ensure that subdivision and development are designed and located so that any increased and cumulative risk from natural hazards is managed to acceptable levels and any intolerable risks are avoided or reduced to tolerable or acceptable levels.

Rules

- (1) The rules in this chapter apply alongside the National Environmental Standards for Electricity Transmission 2010 (NESETA).
- (2) The rules in this chapter do not apply to:
 - (a) Any activity which is a regulated activity under the National Environmental Standards for Telecommunication Facilities 2016 (NESTF);
 - (b) Plantation forestry activities regulated under the National Environmental Standards for Plantation Forestry (NESPF).

Flood plain management area and Flood ponding area

Additional rules apply to sites located within the Flood density QM MRZ2 flood risk (see NH-R26A-E)

NH-RI	Construction of a new building, or reconstruction of or an addition to an existing building, unless specified in Rules NH-R2 – NH-R6	
Flood plain management area and Flood ponding area across all zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <ul style="list-style-type: none"> (a) The minimum floor level is at least 0.5m above the 1% AEP flood level; and (b) Compliance with Standard NH-RI(1)(a) shall be demonstrated by a suitably qualified engineer with experience in hydrology. 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Assessment of risk from the 1% AEP flood event; (b) Alternative locations within the site outside of the 1% AEP floodplain or flood ponding area; (c) The type of building development proposed and

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		<p>whether it is likely to suffer material damage during a flood;</p> <p>(d) Ability to manage risk through building materials, structural or design work, engineering solutions or other appropriate measures; and</p> <p>(e) Other mitigation measures to reduce the potential for flood damage to buildings.</p>
NH-R2	Additions to an existing building that does not increase the ground floor area of the building by more than 15m ²	
Flood plain management area and Flood ponding area across all zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>Nil</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
NH-R3	Standalone garage with a gross floor area not exceeding 40m ²	
Flood plain management area and Flood ponding area across all zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>Nil</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
NH-R4	Construction of an accessory building without a floor	
Flood plain management area and Flood ponding area across all zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>Nil</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
NH-R5	Construction of a farm building without a floor	
Flood plain management area and Flood ponding area across all zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>Nil</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
NH-R6	Construction, replacement, repair, maintenance, minor upgrading or upgrading of utilities	
Flood plain management area and Flood ponding area across all zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>Nil</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
NH-R7	Earthworks associated with construction, replacement, repair, maintenance, minor upgrading or upgrading of utilities, including the formation and maintenance of access tracks.	

<p>Flood plain management area and Flood ponding area across all zones</p>	<p>(1) Activity status: PER Activity-specific standards: Nil</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
<p>NH-R8 Earthworks to create a building platform for residential purposes</p>		
<p>Flood plain management area and Flood ponding area across all zones</p>	<p>(1) Activity status: PER Activity-specific standards: (a) Filling height is only to the extent necessary to achieve compliance with Rule NH-RI(1)(a).</p>	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters: (a) Timing, location and scale of earthworks; (b) Adverse effects on: (i) Existing overland flow paths and surface drainage patterns; (ii) Flood storage capacity; (iii) Runoff volumes; (iv) Adjoining properties, including the transfer of risk; (v) Infrastructure and flood protection works; (vi) Consideration of soil types and potential for erosion; and (c) Mitigation including compensatory storage, or other flood management measures proposed.</p>
<p>NH-R9 Earthworks not provided for under Rules NH-R7 or NH-R8</p>		
<p>Flood plain management area and Flood ponding area across all zones</p>	<p>(1) Activity status: PER Activity-specific standards: (a) In the GRZ – General residential zone, MRZ – Medium density residential zone, LLRZ – Large lot residential zone, SETZ – Settlement zone and RLZ – Rural lifestyle zone, a maximum volume of filling above natural ground level of 10m³ per site, and a maximum cumulative volume of filling and excavation of 20m³; or (b) In the GRUZ – General rural zone – a maximum volume of filling above natural ground level of 100m³ per site, and a maximum cumulative volume of</p>	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters: (a) Timing, location and scale of earthworks; (b) Adverse effects on: (i) Existing overland flow paths and surface drainage patterns; (ii) Flood storage capacity; (iii) Runoff volumes; (iv) Adjoining properties, including the transfer of risk; (v) Infrastructure and flood protection works;</p>

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	<p>filling and excavation of 200m³ per site; or</p> <p>(c) All other zones – a maximum volume of filling above natural ground level of 20m³ per site, and a maximum cumulative volume of filling and excavation of 50m³ per site; and</p> <p>(d) Height and depth of earthworks in all zones:</p> <p>(i) A maximum height of 0.2m of filling above natural ground level; and</p> <p>(ii) a maximum depth of excavation of 0.5m below natural ground level.</p> <p>Advice note: where a site is located partly within the flood plain management area or flood ponding area this rule only applies to that part of the site within the flood plain management area or flood ponding area.</p>	<p>(vi) Consideration of soil types and potential for erosion; and</p> <p>(c) Mitigation including compensatory storage, or other flood management measures proposed.</p>
NH-R10	Subdivision to create one or more additional vacant lot(s) other than a utility allotment, access allotment or subdivision to create a reserve allotment.	
Flood plain management area and Flood ponding area across all zones	(1) Activity status: DIS	

High risk flood area

NH-R11	Repair, maintenance or minor upgrading of existing utilities	
High risk flood area across all zones	(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
NH-R12	Construction, replacement or upgrading of telecommunication lines, poles, cabinets and masts/poles supporting antennas	
High risk flood area across all zones	(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
NH-R13	Construction, replacement or upgrading of electricity lines, poles, cabinets, and supporting structures	
High risk flood area across all zones	(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
NH-R14	Construction of an accessory building without a floor;	

High risk flood area across all zones	(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
NH-R15	Construction of a farm building without a floor.	
High risk flood area across all zones	(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
NH-R16	New utilities not provided for in Rules NH-R12 or NH-R13	
High risk flood area across all zones	(1) Activity status: RDIS Activity-specific standards: Nil. Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> (a) Functional and operational requirements to be located in the High risk flood area; (b) The adverse effects on people and property from establishing or upgrading the utility in the High risk flood area; (c) The potential for the development to transfer/increase flood risk to neighbouring properties; (d) Consideration of alternative locations; (e) Consideration of the projected effects of climate change; (f) Any mitigation measures to reduce the risk to people's safety, well-being and property. 	(2) Activity status where compliance not achieved: n/a
NH-R17	Upgrading of existing utilities not provided for in Rule NH-R11	
High risk flood area across all zones	(1) Activity status: RDIS Activity-specific standards: Nil. Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> (a) Functional and operational requirements to be located in the High risk flood area; (b) The adverse effects on people and property from establishing or upgrading the utility in the High risk flood area; (c) The potential for the development to 	(2) Activity status where compliance not achieved: n/a

	<p>transfer/increase flood risk to neighbouring properties;</p> <p>(d) Consideration of alternative locations;</p> <p>(e) Consideration of the projected effects of climate change;</p> <p>(f) Any mitigation measures to reduce the risk to people's safety, well-being and property.</p>	
NH-R18	One addition to a lawfully established building existing at 17 January 2022, where the addition does not increase the ground floor area of the existing building by more than 15m ² , unless provided for in Rules NH-R17 or NH-R18	
High risk flood area across all zones	<p>(1) Activity status: RDIS</p> <p>Activity-specific standards:</p> <p>Nil.</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) The ability to manage flood risk through appropriate building materials, structural or design work or other engineering solutions;</p> <p>(b) The setting of an appropriate floor level for the addition, taking into consideration the location of the addition and the floor level of the existing building;</p> <p>(c) Any mitigation measures to reduce the risk to people's safety, well-being and property.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
NH-R19	<p>Subdivision that creates one or more additional vacant lot(s) where:</p> <p>(a) The additional lot(s) are located entirely outside the High risk flood area; or</p> <p>(b) The additional lot(s) are partially within the High risk flood area and each additional lot(s) contains an area capable of containing a complying building platform entirely outside the High risk flood area.</p> <p>This rule does not apply to subdivision for a utility allotment, access allotment or subdivision to create a reserve allotment.</p>	
High risk flood area across all zones	(1) Activity status: DIS	
NH-R20	Construction of a new building or additions to an existing building, not provided for in Rules NH-R11 – NH-R18	

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High risk flood area across all zones	(1) Activity status: NC
NH-R21	Subdivision that does not comply with Rule NH-R19 This rule does not apply to subdivision for a utility allotment, access allotment or subdivision to create a reserve allotment.
High risk flood area across all zones	(1) Activity status: NC
NH-R22	Emergency service facilities and hospitals
High risk flood area across all zones	(1) Activity status: NC

Defended area (Residual risk)

Additional rules apply to sites located within the ~~Flood density QM MRZ2~~ flood risk (see NH-R26A-E)

NH-R23	Activities are permitted activities within the Defended area identified on the planning maps, unless specified in Rules NH-R24 to NH-R26 below, or as otherwise specified in the relevant zone chapter or the Part 2 – District-wide matters chapters	
Defended area across all zones	(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
NH-R24	Subdivision that creates one or more additional vacant lot(s). This rule does not apply to subdivision for a utility allotment, an access allotment or subdivision to create a reserve allotment.	
Defended area across all zones	(1) Activity status: RDIS Activity-specific standards: Nil. Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> (a) The actual level of service provided by the structural defence and associated flood protection works, including any change in the level of service anticipated due to climate change and sea level rise; (b) The impact of any planned improvements, maintenance or upgrading on the residual risk; (c) The effect of groundwater levels and variability in ground conditions on stop-bank security at and adjacent to the site to be subdivided; 	(2) Activity status where compliance not achieved: n/a

	<ul style="list-style-type: none"> (d) The likely depth and duration of flooding as a result of a breach or overtopping event or flood ponding; (e) The location of the subdivision, including services such as wastewater, water supply and roading/access (including escape routes), in relation to potential breakout points (failure zone); (f) The adverse effects on: <ul style="list-style-type: none"> (i) People and property, (ii) Historic heritage and Sites and Areas of Significance to Maori, and (iii) Overall vulnerability from potential failure or overwhelming of the structural defences and associated flood protection works relevant to the proposed new lot(s); (g) Potential for the development to transfer/increase flood risk/residual risk to neighbouring properties; (h) Any additional mitigation measures proposed or site features which reduce residual risk (e.g., natural high ground; evacuation plan). 	
NH-R25	Construction of a new building, or reconstruction of, or new accessory building, located within 50m of the toe of a stop-bank where the stop-bank is under the responsibility of the Council, the Waikato Regional Council or the Crown.	
Defended area across all zones	(I) Activity status: DIS	
NH-R26	Earthworks located within 50m of the toe of a stop-bank where the stop-bank is under the responsibility of the Council, the Waikato Regional Council or the Crown. This rule does not apply to earthworks associated with utilities where the written approval of the authority managing the stop-bank has been obtained.	
Defended area across all zones	(I) Activity status: DIS	

~~Flood density QM-MRZ2 flood risk~~

~~Except for NH-R26D, the following Flood density QM rules apply in addition to any relevant rules under the Flood plain management area, Flood ponding area, High flood risk area and Defended area.~~

NH-R26A	Residential unit
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<p>Flood density OM (Higher risk area) in the MRZ (Area 2) High risk flood area 2</p>	<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) One residential unit within a site; and (b) The minimum floor level is at least 0.5m above the 1% AEP flood level; and (c) buildings must be set back a minimum of: <ul style="list-style-type: none"> (i) 23m from the margin of any lake; (ii) 23m from the margin of any wetland; (iii) 23m from the bank of any river (other than the Waikato and the Waipa River); (iv) 28m from the margin of either the Waikato or the Waipa River. <p><i>This rule does not apply where Council approves a detailed hydraulic analysis that demonstrates that the site is not within the definition of a High Risk Flood Area 2.</i></p>	<p>(2) Activity status where compliance not achieved: NC</p>
<p>NH-R26B</p>	<p>Residential unit</p>	
<p>Flood density OM (outside the Higher risk area) in the MRZ (Area 2)</p> <p>Flood plain management areas Flood ponding area Defended Areas Flood plain management area 2.</p>	<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) One residential unit within a site; and (b) The minimum floor level is at least 0.5m above the 1% AEP flood level; and (c) buildings must be set back a minimum of: <ul style="list-style-type: none"> (i) 23m from the margin of any lake; (ii) 23m from the margin of any wetland; (iii) 23m from the bank of any river (other than the Waikato and the Waipa River); (iv) 28m from the margin of either the Waikato or the Waipa River. 	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is limited to the following matters:</p> <ul style="list-style-type: none"> (a) In the Waikato River Catchment the extent to which the application enhances or benefits the Waikato River and its tributaries; (b) Flooding effects including safe access and egress and displacement of stormwater; (c) Stormwater management and Low Impact Design methods; (d) Effects on the landscape, ecological, cultural and recreational values of the adjacent water body; (e) Adequacy of erosion and sediment control measures; (f) The functional or operational need for the building to be located close to the waterbody;

		<p>(g) Effects on public access to the waterbody;</p> <p>(h) Effects on the amenity of the locality; and</p> <p>(i) Effects on natural character values.</p>
NH-R26C	Minor residential unit	
<p>Flood density QM in the MRZ (Area 2).</p> <p>Flood plain management areas</p> <p>Flood ponding area</p> <p>Defended areas</p> <p>Flood plain management area 2</p>	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) One minor residential unit contained within a site must comply with all of the following standards:</p> <p>(i) The net site area is 600m² or more; and</p> <p>(ii) The gross floor area shall not exceed 70m²; and</p> <p>(b) The minimum floor level is at least 0.5m above the 1% AEP flood level.; and</p> <p>(c) buildings must be set back a minimum of:</p> <p>(i) 23m from the margin of any lake;</p> <p>(ii) 23m from the margin of any wetland;</p> <p>(iii) 23m from the bank of any river (other than the Waikato and the Waipa River);</p> <p>(iv) 28m from the margin of either the Waikato or the Waipa River.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
NH-R26D	Subdivision that creates one or more vacant lot other than a utility allotment, access allotment or subdivision to create a reserve allotment.	
<p>Flood density QM (excluding the Flood plain management area, Flood ponding area, and Defended area) in the MRZ (Area 2)</p> <p>High risk flood area 2 and Floodplain</p>	<p>(1) Activity status: RDIS</p> <p>Activity specific standards:</p> <p>(a) each vacant lot includes an area capable of containing a building platform of 8m x 15m (exclusive of setbacks) entirely outside the Flood density QM high risk flood area 2 and the 1% AEP.</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) Avoidance or mitigation of natural hazards;</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

<p><u>management area 2</u></p>	<p>(b) <u>In the Waikato River Catchment the extent to which the application enhances or benefits the Waikato River and its tributaries;</u></p> <p>(c) <u>The effectiveness of the stormwater system to manage flooding (including safe access and egress), nuisance or damage to other infrastructure, buildings and sites, including the rural environment;</u></p> <p>(d) <u>The capacity of the stormwater system and ability to manage stormwater;</u></p> <p>(e) <u>The potential for adverse effects to the environment in terms of stormwater volume including downstream channel erosion and stormwater quality, taking into account the requirements or recommendations of the relevant Comprehensive Stormwater Discharge Consent, Catchment Management Plan and Waikato Regional Council Stormwater Guidelines; and</u></p> <p>(f) <u>Extent to which low impact design principles and approaches are used for stormwater management.</u></p>	
<p>NH-R26E</p>	<p><u>Earthworks for two or more residential units (excluding a minor residential unit)</u></p>	
<p><u>Flood density QM in the MRZ (Area 2).</u></p> <p><u>High risk flood area 2</u></p> <p><u>Flood plain</u></p> <p><u>management areas</u></p> <p><u>Flood ponding area</u></p> <p><u>Defended areas</u></p> <p><u>Floodplain management</u></p>	<p><u>(1) Activity status: RDIS Council's discretion is restricted to the following matters:</u></p> <p>(a) <u>Timing, location and scale of earthworks;</u></p> <p>(b) <u>Adverse effects on:</u></p> <p>(i) <u>Existing overland flow paths and surface drainage patterns;</u></p> <p>(ii) <u>Flood storage capacity;</u></p> <p>(iii) <u>Runoff volumes;</u></p> <p>(iv) <u>Adjoining properties, including the transfer of risk; and</u></p>	<p><u>(2) Activity status where compliance not achieved: DIS</u></p> <p><u>N/A</u></p>

<p><u>area 2.</u></p>	<p>(v) <u>Infrastructure and flood protection works;</u></p> <p>(c) <u>Consideration of soil types and potential for erosion;</u></p> <p>(d) <u>Mitigation including compensatory storage, or other flood management measures proposed; and</u></p> <p>(e) <u>In the Waikato River Catchment the extent to which the application enhances or benefits the Waikato River and its tributaries.</u></p>	
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Coastal sensitivity areas

<p>NH-R27</p> <p>Coastal sensitivity area (Erosion) and the Coastal sensitivity area (Inundation) across all zones</p>	<p>Additions to an existing lawfully established building</p>	
	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) The gross floor area of all additions to the building from 17 January 2022 do not exceed a total of 15m².</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) The ability to manage coastal hazard risk through appropriate building materials, structural or design work, engineering solutions, and other appropriate mitigation measures, including the ability to relocate the building;</p> <p>(b) The setting of minimum floor levels where appropriate;</p> <p>(c) The application of mitigation through natural features and buffers where appropriate;</p> <p>(d) The ability to impose time limits or triggers to determine when the building and services to be removed or relocated;</p> <p>(e) The degree to which coastal hazard risk, including the effects of climate change over a period to 2120, has been assessed in a site specific coastal hazard risk assessment;</p> <p>(f) Suitability of the site for the proposed use, including the provision for servicing such as access, wastewater, stormwater, and water supply;</p> <p>(g) Adverse effects to people and property and overall</p>

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		<p>vulnerability from the establishment of the new building or additions to an existing building</p> <p>(h) Any mitigation measures to reduce risk; and</p> <p>(i) Whether there is any suitable alternative location for the activity to locate within the site.</p>
NH-R28	Construction of an accessory building without a floor	
Coastal sensitivity area (Erosion) and the Coastal sensitivity area (Inundation) across all zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>Nil</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
NH-R29	Construction of a farm building without a floor	
Coastal sensitivity area (Erosion) and the Coastal sensitivity area (Inundation) across all zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>Nil</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
NH-R30	Construction, upgrading, minor upgrading, replacement, repair or maintenance of utilities excluding hard protection structures.	
Coastal sensitivity area (Erosion) and the Coastal sensitivity area (Inundation) across all zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>Nil</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
NH-R31	Maintenance or repair of an existing lawfully established hard protection structure	
Coastal sensitivity area (Erosion) and the Coastal sensitivity area (Inundation) across all zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>Nil</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
NH-R32	Construction of a new building, or reconstruction of, or additions to existing buildings in the RPZ – Rangitahi Peninsula zone and Coastal sensitivity area (Erosion) on a certificate of title which was created by subdivision consent granted between 28 September 2015 and 17 January 2022	

<p>Coastal sensitivity area (Erosion) and the Coastal sensitivity area (Inundation) across all zones</p>	<p>(1) Activity status: PER Activity-specific standards: (a) Compliance with the requirements of any consent notice for the certificate of title pursuant to section 221 of the Resource Management Act 1991 containing specific design or location requirements for buildings.</p>	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: (a) The ability to manage coastal hazard risk through appropriate building materials, structural or design work, engineering solutions, and other appropriate mitigation measures, including the ability to relocate the building; (b) The setting of minimum floor levels where appropriate; (c) The application of mitigation through natural features and buffers where appropriate; (d) The ability to impose time limits or triggers to determine when the building and services to be removed or relocated; (e) The degree to which coastal hazard risk, including the effects of climate change over a period to 2120, has been assessed in a site specific coastal hazard risk assessment; (f) Suitability of the site for the proposed use, including the provision for servicing such as access, wastewater, stormwater, and water supply; (g) Adverse effects to people and property and overall vulnerability from the establishment of the new building or additions to an existing building (h) Any mitigation measures to reduce risk; and (i) Whether there is any suitable alternative location for the activity to locate within the site.</p>
<p>NH-R33</p>	<p>Construction of a new building or additions to an existing building not provided for in Rules NH-R27- NH-R30 and NH-R32</p>	
<p>Coastal sensitivity area (Erosion) and the Coastal sensitivity area (Inundation)</p>	<p>(1) Activity status: RDIS Activity-specific standards: Nil Council's discretion is restricted to the following matters:</p>	<p>(2) Activity status where compliance not achieved: n/a</p>

<p>across all zones</p>	<ul style="list-style-type: none"> (a) The ability to manage coastal hazard risk through appropriate building materials, structural or design work, engineering solutions, and other appropriate mitigation measures, including the ability to relocate the building; (b) The setting of minimum floor levels where appropriate; (c) The application of mitigation through natural features and buffers where appropriate; (d) The ability to impose time limits or triggers to determine when the building and services to be removed or relocated; (e) The degree to which coastal hazard risk, including the effects of climate change over a period to 2120, has been assessed in a site specific coastal hazard risk assessment; (f) Suitability of the site for the proposed use, including the provision for servicing such as access, wastewater, stormwater, and water supply; (g) Adverse effects to people and property and overall vulnerability from the establishment of the new building or additions to an existing building (h) Any mitigation measures to reduce risk; and (i) Whether there is any suitable alternative location for the activity to locate within the site. 	
<p>NH-R34</p>	<p>Any subdivision to create any additional vacant lots where the additional vacant lot(s) are located partially or entirely within the Coastal sensitivity area (Inundation), Coastal sensitivity area (Erosion).</p> <p>This rule does not apply to subdivision for a utility allotment, access allotment or subdivision creating a reserve allotment</p>	
<p>Coastal sensitivity area (Erosion) and the Coastal sensitivity area (Inundation)</p>	<p>(1) Activity status: RDIS</p> <p>Activity-specific standards:</p> <p>Nil</p> <p>Council's discretion is restricted to the following matters:</p>	<p>(2) Activity status where compliance not achieved: n/a</p>

<p>across all zones</p>	<p>(a) Whether the vacant lot(s) are capable of containing a complying building platform entirely outside the Coastal sensitivity area (Inundation), or the Coastal sensitivity area (Erosion); or</p> <p>(b) Where the vacant lot(s) are not capable of containing a complying building platform entirely outside of the Coastal sensitivity area (Inundation), or the Coastal sensitivity area (Erosion):</p> <p>(i) The degree to which coastal hazard risk, including the effects of climate change over a period to 2120, has been assessed in a site specific coastal hazard risk assessment;</p> <p>(ii) Suitability of the vacant lot for the likely future uses, including the provision for servicing such as access, wastewater, stormwater, and water supply;</p> <p>(iii) The degree to which alternative subdivision layout(s) have been investigated to avoid or mitigate coastal hazards;</p> <p>(iv) Adverse effects to people, property and the environment and overall vulnerability from the likely future uses, including any mitigation measures to reduce risk; and</p> <p>(v) The setting of minimum floor levels in areas subject to inundation.</p>	
<p>NH-R35</p>	<p>Construction of a new hard protection structure, or any extension to, or upgrade or replacement of an existing hard protection structure</p>	
<p>Coastal sensitivity area (Erosion) and the Coastal sensitivity area (Inundation) across all zones</p>	<p>(1) Activity status: RDIS Activity-specific standards: Nil</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Whether structures have primarily a public and/or</p>	<p>(2) Activity status where compliance not achieved: n/a</p>

	<p>environmental benefit when located on public land;</p> <p>(b) The extent to which the structure is effective, considering a range of coastal hazard events including the effects of climate change and the activities or development they are designed to protect;</p> <p>(c) The extent to which economic, social and environmental benefits outweigh costs;</p> <p>(d) Whether risk to people, property, infrastructure, environment, historic heritage or sites and areas of significance to Maaori is not transferred or increased;</p> <p>(e) The extent to which structures are located as far landward as practicable;</p> <p>(f) Whether public access both to and along the coastal area and to the coastal marine area are provided for where the structure is located on public land; and</p> <p>(g) Whether an adaptive management strategy has been prepared to manage coastal hazards, and whether the structure is consistent with that strategy.</p>	
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High risk coastal erosion area

NH-R36	Construction of an accessory building without a floor	
High risk coastal erosion area across all zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) The gross floor area of the building does not exceed 40m².</p>	<p>(2) Activity status where compliance not achieved: NC</p>
NH-R37	Construction of a farm building without a floor	
High risk coastal erosion area across all zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) The gross floor area of the building does not exceed 40m².</p>	<p>(2) Activity status where compliance not achieved: NC</p>
NH-R38	Repair, maintenance or minor upgrading of existing utilities excluding hard protection structures	
High risk coastal erosion area	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p>	<p>(2) Activity status where compliance not achieved: n/a</p>

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across all zones	Nil.	
NH-R39	Construction, operation, replacement or upgrading of telecommunications lines, poles, cabinets and masts/poles supporting antennas	
High risk coastal erosion area across all zones	(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
NH-R40	New electricity lines, poles, cabinets and masts/ poles supporting antennas	
High risk coastal erosion area across all zones	(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
NH-R41	Maintenance or repair of an existing lawfully established hard protection structure.	
High risk coastal erosion area across all zones	(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
NH-R42	Earthworks for an activity listed in Rules NH-R36 – NH-R41, including the maintenance and repair of access tracks	
High risk coastal erosion area across all zones	(1) Activity status: PER Activity-specific standards: (a) The maximum volume of filling does not exceed 10m ³ per site; and (b) The maximum depth of any excavation or filling does not exceed 0.5m above or below ground level.	(2) Activity status where compliance not achieved: DIS
NH-R43	Construction of a new hard protection structure, or any extension to, or upgrade or replacement of an existing hard protection structure.	
High risk coastal erosion area across all zones	(1) Activity status: RDIS Activity-specific standards: Nil Council's discretion is restricted to the following matters: (a) Whether structures have primarily a public and/or environmental benefit when located on public land; (b) The extent to which the structure is effective, considering a range of coastal hazard events including the effects of climate change and the	(2) Activity status where compliance not achieved: n/a

	<p>activities or development they are designed to protect;</p> <p>(c) The extent to which economic, social and environmental benefits outweigh costs;</p> <p>(d) Whether risk to people, property, infrastructure, environment, historic heritage or sites and areas of significance to Maaori is not transferred or increased;</p> <p>(e) The extent to which structures are located as far landward as practicable;</p> <p>(f) Whether public access both to and along the coastal area and to the coastal marine area are provided for where the structure is located on public land; and</p> <p>(g) Whether an adaptive management strategy has been prepared to manage coastal hazards, and whether the structure is consistent with that strategy.</p>	
NH-R44	Earthworks not provided for in Rule NH-42	
High risk coastal erosion area across all zones	Activity status: DIS	
NH-R45	Relocation of an existing building within the same site where the building is relocated landward of its existing position	
High risk coastal erosion area across all zones	Activity status: DIS	
NH-R46	Replacement of an existing building within the same site where: <p>(a) The replacement building is located landward of the existing building that it replaces;</p> <p>(b) The replacement building is relocatable on a suspended timber floor; and</p> <p>(c) The gross floor area of the replacement building is no larger than the existing building that it replaces</p>	
High risk coastal erosion area across all zones	Activity status: DIS	
NH-R47	Construction of new utilities not provided for in Rules NH-R39 and NH-R40	

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High risk coastal erosion area across all zones	Activity status: DIS
NH-R48	Upgrading of existing utilities not provided for in Rules NH-R38 and NH-R39
High risk coastal erosion area across all zones	Activity status: DIS
NH-R49	Subdivision that creates one or more additional vacant lot(s) where the additional lot(s) are partially within the High risk coastal erosion area and each additional lot(s) contains a net site area capable of containing a complying building platform entirely outside the High risk coastal erosion area. This rule does not apply to subdivision for a utility allotment, access allotment or subdivision to create a reserve allotment.
High risk coastal erosion area across all zones	Activity status: DIS
NH-R50	Construction of a new building or additions to an existing building, not provided for in Rules NH-R36 – NH-R40, NH-R45 – NH-R48
High risk coastal erosion area across all zones	Activity status: NC
NH-R51	Subdivision to create one or more additional lot(s) that does not comply with Rule NH-R49. This rule does not apply to subdivision for a utility allotment, access allotment or subdivision to create a reserve allotment.
High risk coastal erosion area across all zones	Activity status: NC
NH-R52	Emergency service facilities and hospitals
High risk coastal erosion area across all zones	Activity status: NC

High risk coastal inundation area

NH-R53	Construction of an accessory building without a floor	
High risk coastal inundation	(1) Activity status: PER Activity-specific standards:	(2) Activity status where compliance not achieved: NC

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area across all zones	(a) The gross floor area of the building does not exceed 40m ² .	
NH-R54	Construction of a farm building without a floor	
High risk coastal inundation area across all zones	(1) Activity status: PER Activity-specific standards: (a) The gross floor area of the building does not exceed 40m ² .	(2) Activity status where compliance not achieved: NC
NH-R55	Repair, maintenance or minor upgrading of existing utilities excluding hard protection structures	
High risk coastal inundation area across all zones	(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
NH-R56	Construction, operation, replacement or upgrading of telecommunications lines, poles, cabinets and masts/poles supporting antennas	
High risk coastal inundation area across all zones	(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
NH-R57	New electricity lines, poles, cabinets and masts/ poles supporting antennas	
High risk coastal inundation area across all zones	(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
NH-R58	Maintenance or repair of an existing lawfully established hard protection structure.	
High risk coastal inundation area across all zones	(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
NH-R59	Earthworks for an activity listed in Rules NH-R53 – NH-R57, including the maintenance and repair of access tracks	
High risk coastal inundation area across all zones	(1) Activity status: PER Activity-specific standards: (a) The maximum volume of filling does not exceed 10m ³ per site; and (b) The maximum depth of any excavation or filling does not exceed 0.5m above or below ground level.	(2) Activity status where compliance not achieved: DIS
NH-R60	Construction of a new hard protection structure, or any extension to, or upgrade or replacement of an existing hard protection structure.	
High risk coastal inundation	(1) Activity status: RDIS Activity-specific standards: Nil	(2) Activity status where compliance not achieved: n/a

<p>area across all zones</p>	<p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Whether structures have primarily a public and/or environmental benefit when located on public land; (b) The extent to which the structure is effective, considering a range of coastal hazard events including the effects of climate change and the activities or development they are designed to protect; (c) The extent to which economic, social and environmental benefits outweigh costs; (d) Whether risk to people, property, infrastructure, environment, historic heritage or sites and areas of significance to Maaori is not transferred or increased; (e) The extent to which structures are located as far landward as practicable; (f) Whether public access both to and along the coastal area and to the coastal marine area are provided for where the structure is located on public land; and (g) Whether an adaptive management strategy has been prepared to manage coastal hazards, and whether the structure is consistent with that strategy. 	
<p>NH-R61</p>	<p>Earthworks not provided for in Rule NH-59</p>	
<p>High risk coastal inundation area across all zones</p>	<p>Activity status: DIS</p>	
<p>NH-R62</p>	<p>Construction of new utilities not provided for in Rules NH-R56 and NH-R57</p>	
<p>High risk coastal inundation area across all zones</p>	<p>Activity status: DIS</p>	
<p>NH-R63</p>	<p>Upgrading of existing utilities not provided for in Rules NH-R55 and NH-R56</p>	

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High risk coastal inundation area across all zones	Activity status: DIS
NH-R64	Subdivision that creates one or more additional vacant lot(s) where the additional lot(s) are partially within the High risk coastal inundation area and each additional lot(s) contains a net site area capable of containing a complying building platform entirely outside the High risk coastal inundation area. This rule does not apply to subdivision for a utility allotment, access allotment or subdivision to create a reserve allotment.
High risk coastal inundation area across all zones	Activity status: DIS
NH-R65	Construction of a new building or additions to an existing building, not provided for in Rules NH-R53 – NH-R57, NH-R62 – NH-R63
High risk coastal inundation area across all zones	Activity status: DIS
NH-R66	Subdivision to create one or more additional lot(s) that does not comply with Rule NH-R64 This rule does not apply to subdivision for a utility allotment, access allotment or subdivision to create a reserve allotment.
High risk coastal inundation area across all zones	Activity status: NC
NH-R67	Emergency service facilities and hospitals
High risk coastal inundation area across all zones	Activity status: NC

Mine subsidence risk area

NH-R68	Additions to an existing building	
Mine subsidence risk area across all zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <ul style="list-style-type: none"> (a) Additions do not increase the gross floor area of the building by more than 15m²; and (b) Additions do not result in the length of any wall of the building exceeding 20m. 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Construction standards and materials; (b) Suitability of the site for development; and

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		(c) The potential effects on health and safety.
NH-R69	Standalone garage	
Mine subsidence risk area across all zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <ul style="list-style-type: none"> (a) The gross floor area of the building does not exceed 55m²; and (b) The maximum length of any wall does not exceed 20m. 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Construction standards and materials; (b) Suitability of the site for development; and (c) The potential effects on health and safety.
NH-R70	Construction, replacement, repair, minor upgrading, upgrading or maintenance of utilities and associated earthworks	
Mine subsidence risk area across all zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
NH-R71	Earthworks	
Mine subsidence risk area across all zones	<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <ul style="list-style-type: none"> (a) The maximum volume of filling does not exceed 20m³ per site; and (b) The maximum depth of any excavation or filling does not exceed 1m above or below ground level. 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Location and scale of earthworks; (b) Geotechnical and geological stability of the site following the completion of earthworks; (c) Risk to people and property from subsidence as a result of earthworks; and (d) Any other mitigation measures to reduce risk.
NH-R72	The construction or alteration of a building that is not provided for under Rule Rules NH-R68 – NH-R71 where a Consent Notice is registered against the Record of Title confirming that a geotechnical assessment has been approved at the time of subdivision and the approved geotechnical report confirms that the ground is suitable for building development and the building development is in accordance with any recommendations of the geotechnical report.	
Mine subsidence risk area across all zones	<p>(1) Activity status: CON</p> <p>Activity-specific standards:</p> <p>Nil.</p> <p>Council's control is reserved to the following matters:</p> <ul style="list-style-type: none"> (a) The degree to which the requirements and recommendations of the 	<p>(2) Activity status where compliance not achieved: n/a</p>

	<p>geotechnical report approved at the time of subdivision have been incorporated in the building design; and</p> <p>(b) Whether confirmation is provided from a suitably experienced and qualified geotechnical engineer that confirms the proposed building development is consistent with the recommendations and requirements of the geotechnical report approved at the time of subdivision.</p>	
NH-R73	Construction of a building, or reconstruction of, or accessory building or the reconstruction of or additions to an existing building not provided for in Rules NH-R68 – NH-R70 or NH-R72	
Mine subsidence risk area across all zones	<p>(1) Activity status: RDIS</p> <p>Activity-specific standards: Nil.</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Construction standards and materials;</p> <p>(b) Suitability of the site for development; and</p> <p>(c) The potential effects on health and safety.</p>	(2) Activity status where compliance not achieved: n/a
NH-R74	Subdivision to create one or more additional vacant lot(s) other than a utility allotment, access allotment or subdivision to create a reserve allotment	
Mine subsidence risk area across all zones	Activity status: DIS	

Liquefaction

NH-R75	Overview of method
All zones	<p>(1) Areas in the District susceptible to liquefaction have not been identified on the planning maps as a natural hazard overlay as is the case with the other natural hazards in this chapter. Where specific land uses have already been identified as restricted discretionary activities in the activity status tables in the relevant zone, liquefaction risk has been added as a matter over which the Council will reserve its discretion, where it is considered relevant for that activity. To satisfy the requirements of sections 104 and 106 of the RMA, identification of appropriate mitigation may be required where the site and proposed development are considered vulnerable to liquefaction based on site-specific characteristics. It is expected that best practice geotechnical and engineering methods will be used to ensure that the site is suitable for the intended use.</p>

	(2) Where potential liquefaction risk is identified as a matter that the Council restricts its discretion to, the additional matters outlined in Rules NH-R76 and NH-R77 below apply where relevant.
NH-R76	Additional matters of restricted discretion for subdivision to create one or more additional vacant lots – liquefaction risk
All zones	<p>(1) Where potential liquefaction risk is identified as a matter that the Council will restrict its discretion to in a subdivision rule elsewhere in this Plan, and where that proposal involves subdivision to create one or more additional vacant lots, the Council restricts its discretion to the following additional matters (note: these matters will also be relevant to the assessment of a discretionary or non-complying resource consent application where a potential liquefaction hazard has been identified on a site):</p> <p>(a) Geotechnical assessment and/or investigation of any potential liquefaction hazard on the site at a level sufficient to confirm the level of risk and its suitability for the proposed activity (refer to the information requirements in section below);</p> <p>(b) Measures proposed to mitigate the effects of liquefaction hazard if present including:</p> <p>(i) Location, size, layout and design of allotments, structures, and building platforms, including consideration given to alternative siting away from where liquefaction risk is greatest;</p> <p>(ii) Location, timing, scale and nature of earthworks;</p> <p>(iii) Provision for ground strengthening and foundation design;</p> <p>(iv) Provision for resilient services and infrastructure, including wastewater, water supply, roads and access;</p> <p>(v) Setbacks in relation to waterways, waterbodies or any steep change in ground elevation, sloping ground or free face, or alternative geotechnical measures to address any identified potential for lateral spread; and</p> <p>(vi) Effects on adjoining properties.</p>
NH-R77	Additional matters of restricted discretion for new land use (e.g., multi-unit development) – liquefaction risk
All zones	<p>(1) Where potential liquefaction risk is identified as a matter that the Council will restrict its discretion to in a rule elsewhere in this Plan for new land use, the Council restricts its discretion to the following additional matters (note: these matters will also be relevant to the assessment of a discretionary or non-complying resource consent application where a potential liquefaction hazard has been identified on a site):</p> <p>(a) Geotechnical assessment and/or investigation of any potential liquefaction hazard on the site at a level sufficient to confirm the level of risk and its suitability for the proposed activity (refer to the information requirements in section below);</p> <p>(b) Measures proposed to mitigate the effects of liquefaction hazard, if present, including:</p> <p>(i) Location, size, layout and design of buildings, structures, car parking areas, access and provision for resilient infrastructure and services, including wastewater, stormwater and water supply;</p> <p>(ii) Location, timing, scale and nature of earthworks;</p> <p>(iii) Provision for ground strengthening and foundation design;</p> <p>(iv) Setbacks in relation to waterways, waterbodies or any steep change in ground elevation, sloping ground (or free face, or alternative</p>

	<p>geotechnical measures to address any identified potential for lateral spread);</p> <p>(v) Consideration given to ease of repair (including access to repair damaged structures) of liquefaction-induced damage; and</p> <p>(vi) Effects on adjoining properties.</p>
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Advice note:

Effects on archaeological sites, both recorded (identified by the New Zealand Archaeological Association) and unrecorded, are regulated under the Heritage New Zealand Pouhere Taonga Act 2014. Heritage New Zealand Pouhere Taonga must be contacted regarding development and the need to undertake an archaeological assessment to determine the need for an archaeological authority. In the event of an accidental discovery, the Heritage New Zealand Pouhere Taonga Lower Northern Office must be contacted immediately.

Information Requirements for all resource consent applications addressing natural hazards

NH-INFO1 – General

- (1) The following documents, to the extent relevant to the proposal:
 - (a) Geotechnical assessment, including identification and assessment of any potentially liquefaction prone land and land subject to slope instability;
 - (b) An assessment of natural hazard risk, including the type of natural hazards present, such as flooding, slope stability, liquefaction, subsidence and coastal hazards. The assessment shall include the level of risk and any increase in risk as a result of the proposal associated with each hazard. Where applicable, the projected effects of climate change over the period to 2120 must be included;
 - (c) Remediation and mitigation measures necessary to make the site and any proposed buildings suitable for the proposed use, such as minimum floor levels, foundation design for relocatability, and appropriate time limits and/or triggers for the removal of any building and onsite wastewater disposal systems.
- (2) Plans identifying:
 - (a) Topographical features within the site and surrounding area; and
 - (b) The location of natural hazards on all or part of the site.
- (3) Consideration of the information contained in the following stormwater catchment management plans, or any approved updated version, where relevant:
 - (a) Ngaruawahia Catchment Management Plan, March 2015;
 - (b) Tamahere Stormwater Catchment Management Plan and Report, 2011
 - (c) Port Waikato Stormwater Catchment Management Plan and Report, 2004;
 - (d) Pokeno Catchment Management Plan, 2010;
 - (e) Te Kauwhata Catchment Management Plan, 2009; or
 - (f) Tuakau Catchment Management Plan, Draft 2014.

NH-INFO2 – Liquefaction potential

- (1) For land use resource consent applications where the additional matters the Council will restrict its discretion to include liquefaction, as per Rule NH-R77, the following information is required:
 - (a) A preliminary geotechnical assessment in sufficient detail to determine:
 - (i) The liquefaction vulnerability category, being either “liquefaction damage is unlikely” or “liquefaction damage is possible”, as shown in Table 4.4 in “Preliminary Document:

- Planning and engineering guidance for potentially liquefaction prone land – Resource Management Act and Building Act aspects. Pub MfE and MBIE, September 2017”; or
- (ii) Whether or not the site is susceptible to liquefaction using an alternative accepted method, observation, or desktop study.
- (b) Where a “liquefaction damage is possible” category has been identified for the site as per NH-INFO2(1)(a)(i) above, or an alternative accepted method, observation or desktop study indicates that the site is susceptible to liquefaction as per NH-INFO2(1)(a)(ii) above, the assessment will be required to determine the liquefaction vulnerability in more detail, and in proportion to the scale and significance of the liquefaction hazard, and must:
 - (i) Identify any areas which require particular ground strengthening or other mitigation measures, and recommendations for such mitigation; and
 - (ii) Identify areas to be excluded from built development, due to liquefaction hazard constraints (which includes lateral spread), or which require geotechnical setbacks; and
 - (iii) Indicate options and recommended locations for the proposed activities and infrastructure recommended by the geotechnical engineer.
 - (c) All geotechnical assessments in respect of liquefaction risk are to be prepared by a suitably qualified and experienced engineer with experience in geotechnical engineering or a Professional Engineering Geologist (IPENZ registered).
- (2) For subdivision consent applications that create one or more additional vacant lots as per Rule NH-R76:
- (a) An assessment in accordance with NH-INFO2(1)(a) above will be required to be provided.
 - (b) Where a “liquefaction damage is possible” category has been identified for the site as per 15.13.2(1)(a)(i) above, or an alternative accepted method, observation, or desktop study indicates that the site is susceptible to liquefaction as per NH-INFO2(1)(a)(ii) above, the subdivision application will be required to include sufficient information and proposed measures to satisfy that liquefaction risk can be adequately avoided, remedied or mitigated, including the potential effects of lateral spread.
 - (c) Subdivision plans shall show, to the extent relevant or appropriate to the scale and significance of the liquefaction hazard identified:
 - (i) Any areas which require particular ground strengthening or other mitigation
 - (ii) Measures, and recommendations for such mitigation; and
 - (iii) Any areas which should be excluded from built development due to geotechnical constraints, or which require geotechnical setbacks; and
 - (iv) Any features of subdivision layout recommended by the geotechnical engineer, for example any recommended locations for proposed activities and other infrastructure as a result of geotechnical constraints.
 - (d) All geotechnical reports in respect of liquefaction potential are to be prepared by a suitably qualified and experienced engineer with experience in geotechnical engineering or Professional Engineering Geologist (IPENZ registered).

NH-INFO3 – RLZ – Rural lifestyle zone in Tamahere

- (1) Any resource consent in relation to land located in the RLZ – Rural lifestyle zone in Tamahere will be required to include details of ponding of stormwater and overland flow paths as a result of a 1% AEP storm event (with rainfall events adjusted for climate change), as well as mitigation measures taking account of information that the Council holds in respect to the Tamahere stormwater catchment area.

NH-INFO3 – Defended areas

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- (l) For any Restricted Discretionary Activity land use and subdivision applications within the Defended Area, the following information is required to the extent relevant to the scale of the proposal:
 - (a) A risk assessment, carried out by a suitably-qualified and experienced risk assessment practitioner, which identifies the nature and level of residual risk, and details of appropriate methods to further reduce residual risk, where appropriate.

Independent Hearing Panel Recommendation Tracked Changes to Proposed Waikato District Plan

The amendments to Variation 3 to the Proposed Waikato District Plan as recommended by the Independent Hearing Panel are set out below.

Key

Text additions proposed by Council, the s42A authors or submitters that the Panel has accepted are shown underlined.

Text deletions proposed by Council, the s.42A authors or submitters that the Panel has accepted are shown ~~strikethrough~~.

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Text that is not underlined or struck through is original Proposed Waikato District Plan text.

TETW – Te Ture Whaimana – Vision and Strategy

Overview

- (1) The relationship of Waikato-Tainui with the Waikato River cannot be underestimated as it lies at the heart of their identity as well being a major influence on their spiritual, cultural, historic and physical wellbeing. To Waikato-Tainui, the Waikato River is their Tuupuna Awa, an ancestor.
- (2) The Waikato River Claim was filed with the Waitangi Tribunal by Sir Robert Mahuta on 16 March 1987 on behalf of Waikato-Tainui, the Tainui Trust Board and Ngaa Marae Toopu but was excluded from the 1995 Raupatu Land Settlement for future negotiation.
- (3) The 2009 Deed of Settlement between the Crown and Waikato-Tainui acknowledges the deterioration of the health of the Waikato River while the Crown had authority over the river. The Deed of Settlement has an overarching purpose of restoring and protecting the health and wellbeing of the Waikato River for future generations. This district plan aims to restore the river's health in conjunction with other agencies. The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 gave effect to the 2009 Deed of Settlement in respect of the raupatu claims of Waikato-Tainui over the Waikato River.
- (4) Te Ture Whaimana o Te Awa o Waikato (Te Ture Whaimana) is the Vision and Strategy and is the primary direction-setting document for the Waikato River and activities within its catchment.
- (5) This District Plan reflects the new era of co-management between Waikato District Council and iwi. The Settlement Act requires that a district plan shall give effect to Te Ture Whaimana.
- (6) Te Ture Whaimana responds to four fundamental issues:
 - (a) The degradation of the Waikato River and the ability of Waikato River iwi to exercise kaitiakitanga or conduct their tikanga and kawa;

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- (b) The relationships and aspirations of communities with the Waikato River;
 - (c) The cumulative effects of physical intervention, land use and subsurface hydrological changes on the natural processes of the Waikato River;
 - (d) The time and commitment required to restore and protect the health and well-being of the Waikato River.
- (7) Section 13 of the Waikato River Act requires that district plans be reviewed and where necessary updated following an RMA Schedule 1 process no later than 12 months after the completion of a review of Vision and Strategy.

Definition of Waikato River and its catchment area

- (8) The body of water known as the Waikato River flowing continuously or intermittently from the Huka Falls to the mouth of the Waikato River shown as located within the areas marked "A" and "B" on SO plan 409144, and
- (9) All tributaries, streams and watercourses flowing into the part of the Waikato River, including the Waipaa River, described in paragraph (8), to the extent to which they are within the areas marked "A" and "B" on SO plan 409144, and
- (10) Lakes and wetlands within the areas marked "A" and "B" on SO plan 409144, and
- (11) The beds and banks of the water bodies described in paragraphs (8) to (10).
- (12) For the avoidance of doubt, this definition is an excerpt from the interpretation of 'Waikato River' in Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010. The area contained within SO plan 409144 is administered by a number of territorial authorities. Waikato District Council only administers that part of SO plan 409144 that is within the Waikato District.

Issue – Health and wellbeing of the Waikato River

- (13) Land use and development activities can adversely affect the ability of the Waikato River to sustainably support the economic, social, cultural and environmental aspirations of Waikato-Tainui and the community.

Objectives

TETW-O1 Achieving Te Ture Whaimana (Vision and Strategy for the Waikato River).

The health and well-being of the Waikato River is restored and protected and Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River) is achieved.

Policies

TETW-PI Implementing Te Ture Whaimana (Vision and Strategy for the Waikato River).

- (1) To restore and protect the health and wellbeing of the Waikato River including by;
 - (a) Identifying and recognising the Waikato River as an Outstanding Natural Cultural Landscape;
 - (b) Acquiring appropriate public access to and along the Waikato River at time of subdivision;

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- (c) Protecting and restoring significant natural areas, riparian margins and wetlands within the catchment;
- (d) Providing for conservation activities;
- (e) Protecting waahi tapu, sites and areas of significance to Maaori;
- (f) Recognising and providing for application of maatauranga Maaori; and
- (g) Managing the effects of subdivision, use and development including those associated with:
 - (i) Building in river setbacks;
 - (ii) Intensive farming;
 - (iii) Earthworks and land disturbance; ~~and~~
 - (iv) Subdivision; and
 - (v) Residential development.

Independent Hearing Panel Recommendation Tracked Changes to Proposed Waikato District Plan

The amendments to Variation 3 to the Proposed Waikato District Plan as recommended by the Independent Hearing Panel are set out below.

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SUB – Subdivision

The relevant area specific zone chapter provisions apply in addition to this chapter.

Objective

SUB-O1 Subdivision.

Subdivision layout and design promotes the land use outcomes sought for the residential, business, industrial, open space and special purpose zones.

SUB-O2 Subdivision and development in the MTZ – Matangi zone.

Subdivision, layout and design maximises efficient use of the land and minimises any adverse effects.

Policies

SUB-PI Subdivision location and design.

- (I) Ensure subdivision, is located and designed to:
- (a) Be sympathetic to the natural and physical qualities and characteristics of the surrounding environment;
 - (b) Establish boundaries that minimises, to the extent practicable, buildings and structures dominating adjoining land or public places, the coast, or fresh waterbodies;
 - (i) Arrange allotments to promote view sharing
 - (ii) Promote safe communities through quality urban design;
 - (iii) Accommodate safe and stable building platforms and vehicle accesses; and
 - (iv) Promote consistent grid layout.

Part 2: District-wide matters / Subdivision / SUB – Subdivision - IPI

SUB-P2 Residential subdivision.

- (1) Promote residential subdivision and development that:
- (a) Integrates staging to ensure multi-modal connectivity;
 - (b) Limits the number and length of cul-de-sacs;
 - (c) Ensures pedestrian access is consistent with the Crime Prevention through Environmental Design (CPTED) principles;
 - (i) Discourages the creation of rear lots;
 - (ii) Includes adequate lighting levels in publicly accessible spaces;
 - (iii) Reflects local characteristics;
 - (iv) Orientates lots are orientated in a way that:
 - (1) Maximizes solar access; and
 - (2) Addresses the street frontage and public places.
 - (v) Creates lots that can accommodate a variety of density with a mix of usable lot types; and
 - (vi) Designs infrastructure to manage stormwater in a sustainable manner by:
 - (1) Minimising environmental impacts and maintenance costs, and reducing stormwater discharging to existing reticulated networks; and
 - (2) Promoting and maintaining riparian margins.

SUB-P3 Lot sizes.

- (1) Except for residential subdivision within the MRZ2 – Medium density residential zone 2, (Area 2). Minimum lot size and dimension of lots enable the achievement of the character and density outcomes of each zone; and
- (2) Prevent undersized lots in the SETZ – Settlement zone and LLRZ – Large lot residential zone.
- (3) Within the MRZ2 – Medium density residential zone 2 (Area 2), subdivision enables medium density residential outcomes except where there is a relevant qualifying matter.

SUB-P4 Servicing requirements.

- (1) Require subdivision and development in all zones except for GRUZ – General rural zone and RLZ – Rural lifestyle zone to be serviced to a level that will provide for the anticipated activities in a structure plan, or otherwise anticipated within the zone, including through the provision of:
- (a) Reserves for community, active and passive recreation;
 - (b) Pedestrian and cycle connections;
 - (c) Roads;
 - (d) Public transport infrastructure, e.g. bus stops;

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- (e) Telecommunications;
- (f) Electricity;
- (g) Stormwater collection, treatment and disposal;
- (h) Wastewater treatment and reticulation, water provision for domestic and fire fighting purposes; and
- (i) Connections to identified adjacent future growth areas.

SUB-P5 Co-ordination between servicing and development and subdivision

(1) Ensure development and subdivision:

- (a) Is located in areas where infrastructure capacity has been planned and able to be funded;
- (b) Where located in areas subject to an approved structure plan, provides sufficient infrastructure capacity to meet the demand identified in the structure plan;
- (c) Achieves the lot yield anticipated in an approved structure plan; and
- (d) Includes infrastructure provision for both the strategic infrastructure network and local infrastructure connections.

SUB-P6 Achieving sufficient development density to support the provision of infrastructure services in areas without a structure plan.

In areas where there is no structure plan, ensure that the land is developed efficiently to support the provision of infrastructure services.

SUB-P7 Staging of subdivision.

Require any staging of subdivision to be undertaken in a manner that promotes efficient development and integration of infrastructure and community facilities.

SUB-P8 Connected neighbourhoods.

(1) Design subdivision to support the creation of a liveable, walkable and connected neighbourhood by having:

- (a) A road network that achieves all of the following:
 - (i) Easy and safe to use for pedestrians and cyclists;
 - (ii) Accessible for emergency and other services;
- (b) Connected with a variety of routes within the immediate neighbourhood and between adjacent land areas; and
- (c) Connected to public transport, shops, schools, employment, open spaces and other amenities; and

(2) Vehicle crossings and associated access are designed and located to provide for safe and efficient movement to and from sites and minimising potential conflict between vehicles, pedestrians, and cyclists on the adjacent road network.

Part 2: District-wide matters / Subdivision / SUB – Subdivision - IPI

SUB-P9 Recreation and access.

- (1) Provide for the recreation and amenity needs of residents by:
 - (a) Encouraging open spaces which are prominent and accessible by pedestrians;
 - (b) Requiring the location, number and size of open spaces to be in proportion to the future density of the neighbourhood and provide for a range of different activities and users; and
 - (c) Enabling pedestrian and/or cycle linkages.

SUB-P10 Reverse sensitivity

- (1) Other than in the GIZ – General industrial zone and HIZ – Heavy industrial zone, development and subdivision design minimises the potential for reverse sensitivity effects on adjacent sites, adjacent activities, or the wider environment; and
- (2) Avoid, to the extent possible, and otherwise minimise, potential reverse sensitivity effects of locating new sensitive land uses in the vicinity of an intensive farming, extraction industry or industrial activity and regionally significant infrastructure.

SUB-P11 Boundary adjustments and relocations.

Boundary adjustments and boundary relocations are designed to provide for more the efficient use of land.

SUB-P12 GRZ – General residential zone Te Kauwhata Ecological Area.

- (1) Subdivision in the Te Kauwhata Ecological Residential Area is designed and located to:
 - (a) Promote the natural features and landscapes of the Whangamarino Wetland and Lake Waikare; and
 - (b) Achieve the minimum lot size.

SUB-P13 Structure and master planning.

Ensure that development and subdivision within approved structure or master plan areas is consistent with the development pattern and infrastructure provisions in the approved structure or master plan.

SUB-P14 Future development – Tuakau, Pokeno, and Te Kowhai within the LLRZ – Large lot residential zone.

In Tuakau, Pokeno, and Te Kowhai, buildings, access, and lot boundaries are located to enable future subdivision and development in the event that reticulated water, stormwater, and wastewater infrastructure become available and a plan change to rezone to a higher density is in place.

SUB-P15 Effects of subdivision and development on soils in the GRUZ – General rural zone.

Subdivision, use and development minimises the fragmentation of productive rural land, particularly where high class soils are located.

SUB-P16 Rural subdivision in the GRUZ – General rural zone.

- (1) Protect the productive capacity of land and soils.
- (2) Maintain an open and spacious rural character.

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- (3) Minimise adverse effects on the safe and efficient operation of infrastructure; by:
- (a) Avoiding subdivision that creates lots smaller than 0.8ha;
 - (b) Avoiding the creation of new lots that are wholly located on high class soils. For sites that are partially located on high class soils, new lots are to be located primarily on that part of the site that does not include high class soils;
 - (c) Limiting potential reverse sensitivity effects on productive rural activities, intensive farming, rural industry, infrastructure, or extractive activities by ensuring new lots provide adequate setbacks from potential sensitive activities;
 - (d) Ensuring that the subdivision does not compromise public access to rivers and water bodies or the quality of these environments; and
- (4) Make only limited provision for small rural lifestyle lots, where in addition to the matters set out in (1), (2), and (3), the subdivision:
- (a) Provides public parks and reserves, located in accordance with a Council Parks Strategy; or
 - (b) Provides a balance lot greater than 40ha; or
 - (c) Involves a boundary relocation to create the same number of lots formed as a large balance lot greater than 40ha and a number of small rural lifestyle lots that are clustered to form a hamlet; and
 - (d) Where (4)(b) and (c) applies, avoids ribbon development and the cumulative effects of multiple small rural residential lots locating on the same road frontage.

SUB-P17 Subdivision in the RLZ – Rural lifestyle zone.

- (1) Subdivision within the zone ensures that:
- (a) The creation of undersized lots is avoided;
 - (b) New lots are of a size and shape to enable sufficient building setbacks from any boundary;
 - (c) Building platforms are sited to maintain the character of the zone and are appropriately positioned to enable future development;
 - (d) Existing infrastructure is not compromised;
 - (e) Character and amenity are not compromised.

SUB-P18 Subdivision in the BTZ – Business Tamahere zone.

Subdivision of leasable units provides for the ongoing management and use of common facilities.

SUB-P19 Manage subdivision and activities within the FUZ – Future urban zone.

- (1) Manage activities to ensure that the ability to develop the area for urban purposes is not compromised; and
- (2) Manage subdivision to ensure that future urban development is not compromised. This can include:

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- (a) Avoiding the creation of additional lots that are smaller than 40ha, except where directly associated with utilities, network infrastructure, or a development consolidation lot;
- (b) Enabling subdivision boundary adjustments and relocations; and
- (c) Encouraging the consolidation of landholdings into single ownership to facilitate long-term comprehensive urban development by enabling the subdivision of an existing Record of Title to create one new title around an existing dwelling where the balance of the existing lot is subject to a consent notice on the Record of Title preventing further dwellings until such time as the FUZ – Future urban zone is rezoned to a long-term urban zoning.

SUB-P20 Structure plans in the FUZ – Future urban zone.

- (1) Urban subdivision and development is to be in accordance with a structure plan that has been incorporated into the District Plan through a plan change process. The structure plan must include the following elements:
 - (a) Key roading connections, collector road alignment, and public transport facilities;
 - (b) Key pedestrian / cycle linkages where these routes are separate from road or open space corridors;
 - (c) Land to be set aside for stormwater basins;
 - (d) The measures necessary to mitigate natural hazards, geotechnical issues, or soil contamination;
 - (e) Land to be set aside for public open space;
 - (f) How any existing natural, ecological, or landscape values will be maintained or enhanced;
 - (g) How any significant historic or cultural values will be maintained or enhanced;
 - (h) The general location of local commercial / community hubs and schools (if proposed);
 - (i) The general location of more intensive pockets of medium density residential development (if any);
 - (j) For residential developments, demonstrate the minimum yield to be achieved;
 - (k) How potential conflicts between new residential areas and existing industry, regional infrastructure, mineral extraction, or intensive farming operations will be mitigated including by the use of setbacks, open space, or large lots to create a buffer area; and
 - (l) Any staging necessary to ensure development achieves a good urban form and is able to be serviced.

SUB-P21 Subdivision in the HOPZ – Hopuhopu zone.

Avoid subdivision except where it is necessary for infrastructure, utilities, reserves, or road vesting.

SUB-P22 Subdivision development and design in the MTZ – Matangi zone.

- (1) Avoid subdivision that does not connect to public reticulated services;

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- (2) Ensure subdivision and development provides integrated three waters infrastructure and services to each allotment;
- (3) Ensure subdivision and development maintains the setting of heritage items; and
- (4) Adverse effects of subdivision, use and development activities on the transport network are minimised with particular regard to:
 - (a) Reverse sensitivity effects of land uses sensitive to adverse transport effects (e.g. noise);
 - (b) Protecting strategic and arterial transport networks, rail crossings and associated intersections; and
 - (c) Maintaining the safety of pedestrians and cyclists.

SUB-P23 Subdivision in the MRZ2 – Medium density residential zone 2 (Area 2)

- (1) Provide for subdivision that supports the development of medium density residential development as a controlled activity within the MRZ2 – Medium density residential zone 2 (Area 2), except where:
 - (a) There is a relevant qualifying matter; or
 - (b) The proposed subdivision does not comply with the relevant subdivision standards.
- (2) Require subdivision within the MRZ2 – Medium density residential zone 2 (Area 2) to not compromise any qualifying matters applied to the site.

Rules

All applications for subdivision consent, including controlled activities, are subject to and can be refused under section 106 of the Resource Management Act 1991.

Subdivision (zone specified in first column)

MRZ1 – Medium density residential zone 1

SUB-R1	Subdivision – general	
MRZ1 – Medium density residential zone 1	<p>(1) Activity status: CON</p> <p>Activity specific standards:</p> <p>(a) Any subdivision in accordance with an approved land use resource consent must comply with that resource consent.</p> <p>Council’s control is reserved over the following matters:</p> <p>(b) Subdivision layout;</p> <p>(c) Compliance with the approved land use consent; and</p> <p>(d) Provision of infrastructure.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
SUB-R2	Subdivision – general	

<p>MRZ₁ – Medium density residential zone ₁</p>	<p>(1) Activity status: RDIS</p> <p>Activity specific standards:</p> <ul style="list-style-type: none"> (a) Subdivision must comply with all of the following standards: <ul style="list-style-type: none"> (i) Proposed vacant lots must have a minimum net site area (excluding access legs) of 200m², except where the proposed lot is an access allotment, utility allotment or reserve to vest; and (ii) Proposed vacant lots must be able to connect to public-reticulated water supply and wastewater. <p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (b) Subdivision layout; (c) Shape of lots and variation in lot sizes; (d) Ability of lots to accommodate a practical building platform including geotechnical stability for building; (e) Likely location of future buildings and their potential effects on the environment; (f) Avoidance or mitigation of natural hazards; (g) Opportunities for streetscape landscaping; (h) Vehicle and pedestrian networks; (i) Consistency with any relevant structure plan or master plan including the provision of neighbourhood parks, reserves and neighbourhood centres; and (j) Provision of infrastructure. 	<p>(2) Activity status where compliance not achieved: DIS</p>
<p>SUB-R3</p>	<p>Subdivision – general</p>	
<p>MRZ₁ – Medium density residential zone ₁</p>	<p>(1) Activity status: RDIS</p> <p>Activity specific standards:</p> <ul style="list-style-type: none"> (a) Every proposed vacant lot, other than one designed specifically for access or a 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 the following dimension: <ul style="list-style-type: none"> (i) A rectangle of at least 100m² with a minimum dimension of 6m, exclusive of yards. <p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (b) Subdivision layout; (c) Shape of allotments; (d) Ability of allotments to accommodate a practical building platform; 	<p>(2) Activity status where compliance not achieved: DIS</p>

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	<p>(e) Likely location of future buildings and their potential effects on the environment;</p> <p>(f) Avoidance or mitigation of natural hazards;</p> <p>(g) Geotechnical suitability for building; and</p> <p>(h) Ponding areas and primary overland flow paths.</p>	
SUB-R4	Subdivision – boundary adjustments	
MRZ1 – Medium density residential zone ↓	<p>(1) Activity status: CON</p> <p>Activity specific standards:</p> <p>(a) Boundary adjustments must comply with all of the following standards:</p> <p>(b) The standards specified in:</p> <p>(i) Rules SUB-R31 to SUB-R32 Subdivision - General;</p> <p>(c) Proposed lots must not generate any additional building infringements to those which legally existed prior to the boundary adjustment.</p> <p>Council's control is reserved over the following matters:</p> <p>(d) Subdivision layout; and</p> <p>(e) Shape of titles and variation in lot sizes.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) Subdivision layout; and</p> <p>(b) Shape of titles and variation in lot sizes.</p>
SUB-R5	Subdivision – amendments and updates to Cross Lease Flats Plans and Conversion to Freehold	
MRZ1 – Medium density residential zone ↓	<p>(1) Activity status: CON</p> <p>Activity specific standards:</p> <p>(a) Conversion of a cross lease flats plan to a fee simple title.</p> <p>Council's control is reserved over the following matters:</p> <p>(b) Effects on existing buildings;</p> <p>(c) Site layout and design; and</p> <p>(d) Compliance with permitted building rules.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
SUB-R6	Subdivision – amendments and updates to Cross Lease Flats Plans and Conversion to Freehold	
MRZ1 – Medium density residential zone ↓	<p>(1) Activity status: CON</p> <p>Activity specific standards:</p> <p>(a) Amendment or update of a cross lease flats plan.</p> <p>Council's control is reserved over the following matters:</p> <p>(b) Effects on existing buildings;</p> <p>(c) Site layout and design of cross lease or flats plan; and</p> <p>(d) Compliance with permitted building rules.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
SUB-R7	Title Boundaries – contaminated land	

<p>MRZ₁ – Medium density residential zone ₁</p>	<p>(1) Activity status: RDIS</p> <p>Activity specific standards:</p> <p>(a) Subdivision of land containing contaminated land (other than where the contaminated land has been confirmed as not being contaminated land for its intended use) must comply with all of the following standards:</p> <p>(i) Where an existing building is to be contained within the boundaries of any proposed lot (other than where any non-compliance existed lawfully prior to the subdivision), compliance is required with the following building rules relating to:</p> <ol style="list-style-type: none"> (1) Height in relation to boundary (MRZ-S4); (2) Building coverage (MRZ-S6 – MRZ-S7); and (3) Building setbacks (MRZ-S11 – MRZ-S12). <p>(b) Where any proposed subdivision contains one or more of the features listed in 1 – 2, the subdivision must not divide the following:</p> <ol style="list-style-type: none"> (1) A natural hazard area; (2) Contaminated land (other than where the contaminated land has been confirmed as not being contaminated land for its intended use); and <p>(ii) The boundaries of every proposed lot containing, adjoining or adjacent to the activities listed in 1 – 3 below, must provide the following setbacks:</p> <ol style="list-style-type: none"> (1) 300m from any intensive farming activity; (2) 550m from the boundary of an Aggregate Extraction Area for rock extraction; and (3) 200m from the boundary of an Aggregate Extraction Area for sand excavation. <p>Council’s discretion is restricted to the following matters:</p> <ol style="list-style-type: none"> (c) Landscape values; (d) Amenity values and character; (e) Reverse sensitivity effects; (f) Effects on existing buildings; (g) Effects on natural hazard areas; (h) Effects on contaminated land; (i) Effects on an intensive farming activity. 	<p>(2) Activity status where compliance not achieved: DIS</p>
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SUB-R8	Subdivision – road frontage	
MRZ1 – Medium density residential zone 1	<p>(1) Activity status: RDIS</p> <p>Activity specific standards:</p> <p>(a) Every proposed vacant lot with a road boundary, other than an access allotment, utility allotment, or a proposed vacant lot containing a ROW or access leg, must have a width along the road boundary of at least 10m.</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(b) Safety and efficiency of vehicle access and road network.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
SUB-R9	Subdivision creating reserves	
MRZ1 – Medium density residential zone 1	<p>(1) Activity status: RDIS</p> <p>Activity specific standards:</p> <p>(a) Every reserve, including where a reserve is identified within a structure plan or master plan (other than an esplanade reserve), proposed for vesting as part of the subdivision, must be bordered by roads along at least 50% of its boundaries.</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(b) The extent to which the proposed reserve aligns with the principles of Council’s Parks Strategy, Playground Strategy, Public Toilets Strategy and Trails Strategy;</p> <p>(c) Consistency with any relevant structure plan or master plan;</p> <p>(d) Reserve size and location;</p> <p>(e) Proximity to other reserves;</p> <p>(f) The existing reserve supply in the surrounding area;</p> <p>(g) Whether the reserve is of suitable topography for future use and development;</p> <p>(h) Measures required to bring the reserve up to Council standard prior to vesting; and</p> <p>(i) The type and standard of boundary fencing.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
SUB-R10	Subdivision of Esplanade Reserves and Esplanade Strips	
MRZ1 – Medium density residential zone 1	<p>(1) Activity status: RDIS</p> <p>Activity specific standards:</p> <p>(a) Subdivision of an esplanade reserve or strip at least 20m wide (or other width stated in APP7 – Esplanade priority areas) that is required to be created shall vest in Council where the following situations apply:</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

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	<p>(i) The proposed lot is less than 4ha and within 20m of:</p> <p>(ii) mean high water springs;</p> <p>(iii) the bank of any river whose bed has an average width of 3m or more; or</p> <p>(iv) a lake whose bed has an area of 8ha or more; or</p> <p>(v) The proposed lot is more than 4ha or more than 20m from mean high water springs or a water body identified in APP7 – Esplanade priority areas.</p> <p>Council's discretion is restricted to the following matters:</p> <p>(b) The type of esplanade provided - reserve or strip;</p> <p>(c) Width of the esplanade reserve or strip;</p> <p>(d) Provision of legal access to the esplanade reserve or strip;</p> <p>(e) Matters provided for in an instrument creating an esplanade strip or access strip; and</p> <p>(f) Works required prior to vesting any reserve in the Council, including pest plant control, boundary fencing and the removal of structures and debris.</p>	
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MRZ2 – Medium density residential zone 2

<p>SUB-R152</p> <p>MRZ2 – Medium density residential zone 2</p>	<p>Subdivision – general</p> <p>(1) Activity status: CON</p> <p>Where no vacant lots are created or where I(b) and/or I(c) are complied with:</p> <p>(a) <u>Any subdivision around existing constructed residential units if the subdivision does not increase the degree of any non-compliance with the standards in MRZ2-S2 to S9; or</u></p> <p>(b) <u>Any subdivision where a land use consent for residential units has been granted or applied for concurrently; and/or</u></p> <p>(c) <u>Any subdivision that demonstrates it is practicable to construct on every allotment within the proposed subdivision a residential unit which complies with the standards in MRZ2-S2 to S9.</u></p> <p><u>Note:</u> <u>For the purpose of SUB-R152(1a), if subdivision is proposed between residential units that share a</u></p>	<p>(2) Activity status where compliance not achieved: n/a</p>
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	<p><u>common wall, the standard in MRZ2-S3 does not apply along the length of the common wall.</u></p> <p>Council's control is reserved over the following matters:</p> <ul style="list-style-type: none">(a) <u>Subdivision layout including a range of lot sizes; and</u>(b) <u>Provision of infrastructure;</u>(c) <u>Vehicles and pedestrian networks; and-</u>(d) <u>The design and capacity of the stormwater system and ability to manage stormwater; and</u>(e) <u>The potential for adverse effects to the environment in terms of stormwater volume including downstream channel erosion and stormwater quality, taking into account the requirements or recommendations of the relevant Comprehensive Stormwater Discharge Consent, Catchment Management Plan and Waikato Regional Council Stormwater Guidelines; and</u>(f) <u>The extent to which low impact design principles and approaches are used for stormwater management.</u> <p>Notification</p> <p><u>Any application for a subdivision consent for a controlled activity under this rule will be considered without public or limited notification in the following circumstances:</u></p> <ul style="list-style-type: none">(a) <u>A subdivision associated with the construction of no more than three residential units that do not comply with the standards in MRZ2-S2 to S9 provided that other standards in the district plan are met; or</u>(b) <u>A subdivision associated with the construction of four or more residential units that comply with the standards in MRZ2-S2 to S9 provided that other standards in the district plan are met.; and</u>(c) <u>provided that other standards in the district plan are met.</u> <p><u>Advice Notes:</u></p> <p><u>The Council may refuse a controlled activity subdivision consent under section 106 of the Resource Management Act where there is a significant risk from natural hazards.</u></p>	
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	<p><i>A water, wastewater and/or stormwater connection approval from the network provider will be required. The presence of infrastructure that can service the lot or unit does not guarantee a connection will be possible and capacity is available to service new development.</i></p>	
<p>SUB-RI53</p>	<p>Subdivision – general</p>	
<p>MRZ2 – Medium density residential zone 2</p>	<p>(1) Activity status: RDIS Activity specific standards:</p> <p>(a) Subdivision must comply with all of the following standards:</p> <p>(i) <u>In the Outer Intensification Area shown on the planning maps in Ngaaruawaahia, Huntly, Tuakau and Pookeno and Horotiu, proposed vacant lots must have a minimum net site area of 300m² (excluding access legs and access lot, utility allotment, or reserve to vest) provided for any subdivision of more than 9 lots:</u></p> <p>(1) <u>there must be an average minimum net site area of 375m²; and</u></p> <p>(2) <u>lots of more than 5,000m² are excluded from the average calculation; and</u></p> <p>(ii) <u>In the Outer Intensification Area each rear lot must be capable of containing a building platform upon which a residential unit and outdoor living space could be sited as a permitted activity, with the building platform being contained within a rectangle of at least 200m² with a minimum dimension of 12m exclusive of setbacks</u></p> <p>(ii) <u>In all other areas–Proposed vacant lots must have a minimum net site area of 200m² (excluding access legs and access allotment, utility allotment or reserve to vest;) and</u></p> <p>(iii) <u>(i) and (ii) Above do not apply to land within the Slope Residential Area in the Havelock Precinct where proposed minimum vacant lots must have a minimum net site area of 2,500m², (except where the proposed lot is an access allotment, utility allotment or reserve to vest)</u></p> <p>(b) Proposed vacant lots must be able to connect to public-reticulated water supply and wastewater.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

	<p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (c) <u>Subdivision layout;</u> (d) <u>Shape of lots and variation in lot sizes;</u> (e) <u>Ability of all lots to accommodate a practical building platform including geotechnical stability for building;</u> Likely location of future buildings and their potential effects on the environment; (f) <u>Avoidance or mitigation of natural hazards;</u> (g) <u>Opportunities for streetscape landscaping;</u> (h) <u>Vehicle and pedestrian networks;</u> (i) <u>Consistency with any relevant structure plan or master plan including the provision of neighbourhood parks, reserves and neighbourhood centres; and</u> (j) <u>Provision of infrastructure;-</u> (k) <u>In the Waikato River Catchment, the extent to which the application enhances or benefits the Waikato River and its tributaries;</u> (l) <u>The effectiveness of the stormwater system to manage flooding (including safe access and egress), nuisance or damage to other infrastructure, buildings and sites, including the rural environment;</u> (m) <u>The design and capacity of the stormwater system and ability to manage stormwater;</u> (n) <u>The potential for adverse effects to the environment in terms of stormwater volume including downstream channel erosion and stormwater quality, taking into account the requirements or recommendations of the relevant Comprehensive Stormwater Discharge Consent, Catchment Management Plan and Waikato Regional Council Stormwater Guidelines;</u> (o) <u>Extent to which low impact design principles and approaches are used for stormwater management.</u> <p><i><u>Advice Note: A water, wastewater and/or stormwater connection approval from the network provider will be required. The presence of infrastructure that can service the lot or unit does not guarantee a connection will be possible and capacity is available to service new development.</u></i></p>	
<p>SUB-RI54</p>	<p>Subdivision – general</p>	

<p>MRZ – Medium density residential zone</p>	<p>(1) Activity status: RDIS Activity specific standards: (a) Every proposed vacant lot, other than one designed specifically for access or a 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 the following dimension: (i) A rectangle of at least 100m² with a minimum dimension of 6m, exclusive of yards.</p> <p>Council's discretion is restricted to the following matters: (b) Subdivision layout; (c) Shape of allotments; (d) Ability of allotments to accommodate a practical building platform; (e) Likely location of future buildings and their potential effects on the environment; (f) Avoidance or mitigation of natural hazards; (g) Geotechnical suitability for building; and (h) Ponding areas and primary overland flow paths.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
<p>SUB-R154</p>	<p>Subdivision – boundary adjustments</p>	
<p>MRZ2 – Medium density residential zone 2</p>	<p>(1) Activity status: CON Activity specific standards: (a) Boundary adjustments must comply with all of the following standards: (i) The standards specified in: (ii) Rules in SUB-R31 to SUB-R32 <u>SUB-R153</u> (iii) Proposed lots must not generate any additional building infringements to those which legally existed prior to the boundary adjustment.</p> <p>Council's control is reserved over the following matters: (a) Subdivision layout; and (b) Shape of titles and variation in lot sizes.</p>	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: (1) Subdivision layout; and (2) Shape of titles and variation in lot sizes.</p>
<p>SUB-R155</p>	<p>Subdivision – amendments and updates to Cross Lease Flats Plans and Conversion to Freehold</p>	
<p>MRZ2 – Medium density</p>	<p>(1) Activity status: CON Activity specific standards: (c) Conversion of a cross lease flats plan to a fee simple title.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>

residential zone 2	<p>Council’s control is reserved over the following matters:</p> <ul style="list-style-type: none"> (d) Effects on existing buildings; (e) Site layout and design; and (f) Compliance with permitted building rules. 	
SUB-RI56	Subdivision – amendments and updates to Cross Lease Flats Plans and Conversion to Freehold	
MRZ2 – Medium density residential zone 2	<p>(1) Activity status: CON</p> <p>Activity specific standards:</p> <ul style="list-style-type: none"> (a) Amendment or update of a cross lease flats plan. <p>Council’s control is reserved over the following matters:</p> <ul style="list-style-type: none"> (b) Effects on existing buildings; (c) Site layout and design of cross lease or flats plan; and (d) Compliance with permitted building rules. 	<p>(2) Activity status where compliance not achieved: n/a</p>
SUB-RI59	Title Boundaries—contaminated land	
MRZ2— Medium density residential zone 2	<p>SUB-O3 Activity status: RDIS</p> <p>Activity specific standards:</p> <p>(1) Subdivision of land containing contaminated land (other than where the contaminated land has been confirmed as not being contaminated land for its intended use) must comply with all of the following standards:</p> <ul style="list-style-type: none"> (1) Where an existing building is to be contained within the boundaries of any proposed lot (other than where any non-compliance existed lawfully prior to the subdivision), compliance is required with the following building rules relating to: <ul style="list-style-type: none"> (1) Height in relation to boundary (MRZ-S4); (2) Building coverage (MRZ-S6-S7); and (3) Setbacks (MRZ-S10). <p>(2) Where any proposed subdivision contains one or more of the features listed in 1 – 2, the subdivision must not divide the following:</p> <ul style="list-style-type: none"> (4) A natural hazard area; 	<p>SUB-O4 Activity status where compliance not achieved: DIS</p>

	<p>(5) Contaminated land (other than where the contaminated land has been confirmed as not being contaminated land for its intended use); and</p> <p>(1) The boundaries of every proposed lot containing, adjoining or adjacent to the activities listed in 1 – 3 below, must provide the following setbacks:</p> <p>(6) 300m from any intensive farming activity;</p> <p>(7) 550m from the boundary of an Aggregate Extraction Area for rock extraction; and</p> <p>(8) 200m from the boundary of an Aggregate Extraction Area for sand excavation.</p> <p>Council's discretion is restricted to the following matters:</p> <p>(b) Landscape values;</p> <p>(3) Amenity values and character;</p> <p>(4) Reverse sensitivity effects;</p> <p>(5) Effects on existing buildings;</p> <p>(6) Effects on natural hazard areas;</p> <p>(7) Effects on contaminated land;</p> <p>(8) Effects on an intensive farming activity.</p>	
<p>SUB-RI57</p>	<p>Subdivision – road frontage</p>	
<p>MRZ2 – Medium density residential zone 2</p>	<p>(1) Activity status: RDIS</p> <p>Activity specific standards:</p> <p>(a) Every proposed vacant lot with a road boundary (other than an access allotment, utility allotment, or a proposed vacant lot containing a ROW or access leg), must have a width along the road boundary of at least 11.0m, <u>provided that for lots with a frontage of less than 12.5m, a legal mechanism restricts the width of a garage and vehicle crossing for any subsequent building development to a single car width.</u></p> <p>Council's discretion is restricted to the following matters:</p> <p>(b) Safety and efficiency of vehicle access and road network.</p> <p>(c) <u>Amenity of the street environment</u></p>	<p>(2) Activity status where compliance not achieved: DIS</p>

SUB-RI58	Subdivision creating reserves	
MRZ2 – Medium density residential zone 2	<p>(1) Activity status: RDIS</p> <p>Activity specific standards:</p> <p>(a) Every reserve, including where a reserve is identified within a structure plan or master plan (other than an esplanade reserve), proposed for vesting as part of the subdivision, must be bordered by roads along at least 50% of its boundaries.</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(b) The extent to which the proposed reserve aligns with the principles of Council's Parks Strategy, Playground Strategy, Public Toilets Strategy and Trails Strategy;</p> <p>(c) Consistency with any relevant structure plan or master plan;</p> <p>(d) Reserve size and location;</p> <p>(e) Proximity to other reserves;</p> <p>(f) The existing reserve supply in the surrounding area;</p> <p>(g) Whether the reserve is of suitable topography for future use and development;</p> <p>(h) Measures required to bring the reserve up to Council standard prior to vesting; and</p> <p>(i) The type and standard of boundary fencing.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
SUB-RI59	Subdivision of Esplanade Reserves and Esplanade Strips	
MRZ2 – Medium density residential zone 2	<p>(1) Activity status: RDIS</p> <p>Activity specific standards:</p> <p>(j) Subdivision of an esplanade reserve or strip at least 20m wide (or other width stated in APP7 – Esplanade priority areas) that is required to be created shall vest in Council where the following situations apply:</p> <p>(i) The proposed lot is less than 4ha and within 20m of:</p> <p>(1) mean high water springs;</p> <p>(2) the bank of any river whose bed has an average width of 3m or more; or</p> <p>(3) a lake whose bed has an area of 8ha or more; or</p> <p>(i) The proposed lot is more than 4ha or more than 20m from mean high water springs or a water body identified in APP7 – Esplanade priority areas.</p>	<p>(1) Activity status where compliance not achieved: DIS</p>

	<p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (k) The type of esplanade provided - reserve or strip; (l) Width of the esplanade reserve or strip; (m) Provision of legal access to the esplanade reserve or strip; (n) Matters provided for in an instrument creating an esplanade strip or access strip; and (o) Works required prior to vesting any reserve in the Council, including pest plant control, boundary fencing and the removal of structures and debris. 	
<p>SUB-RI 60</p>	<p><u>Subdivision within the National Grid Corridor</u></p>	
<p><u>MRZ2 – Medium density residential zone 2</u></p>	<p>(1) Activity status: RDIS</p> <p><u>Activity specific standards:</u></p> <ul style="list-style-type: none"> (a) <u>The subdivision of land in any zone within the National Grid Subdivision Corridor that complies with all of the following standards:</u> <ul style="list-style-type: none"> (i) <u>All resulting allotments must be able to demonstrate that they are capable of accommodating a building platform for the likely principal building(s) and any building(s) for a sensitive land use outside of the National Grid Yard, other than where the allotments are for roads, access ways or infrastructure; and</u> (ii) <u>The layout of allotments and any enabling earthworks must ensure that physical access is maintained to any National Grid support structures located on the allotments, including any balance area.</u> <p><u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> (b) <u>The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of, including access to, the National Grid;</u> (c) <u>The ability to provide a complying building platform outside of the National Grid Yard;</u> (d) <u>The risk of electrical hazards affecting public or individual safety, and the risk of property damage;</u> (e) <u>The nature and location of any vegetation to be planted in the vicinity of National Grid transmission lines, and how such landscaping will impact on the operation, maintenance,</u> 	<p>(2) Activity status where compliance not achieved: NC</p>

	<p><u>upgrade and development (including access) of the National Grid;</u></p> <p>(f) <u>The risk to the structural integrity of the National Grid;</u></p> <p>(g) <u>The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity on and amenity and nuisance effects of the National Grid asset.</u></p>	
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Precinct Subdivision Provisions

[Note for IPI purposes only: The only provisions included below are those that are subject to Variation 3 amendments. All other Subdivision Provisions remain unchanged.]

SUB-R19	Subdivision – building platform within PREC4 – Havelock Precinct	
<p>PREC4 – Havelock Precinct</p> <p><u>(Applies to Local Centre, General Rural, General Industry, Medium Density Residential Zones)</u></p>	<p>(1) Activity status: RDIS</p> <p>Activity specific standards:</p> <p>(a) Subdivision within PREC4 – Havelock Precinct where every proposed lot, other than one designed specifically for access, is a boundary adjustment under <u>SUB-R20A</u>, or is a utility allotment, is capable of containing a building platform complying with SUBR18(1) located outside the Pōkeno <u>Havelock Industry Buffer</u> illustrated on the planning maps.</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(b) Subdivision layout;</p> <p>(c) Shape of allotments;</p> <p>(d) Ability of allotments to accommodate a practical building platform;</p> <p>(e) Likely location of future buildings and their potential effects on the environment;</p> <p>(f) Avoidance or mitigation of natural hazards;</p> <p>(g) Geotechnical suitability for building; and</p> <p>(h) Ponding areas and primary overland flow paths <u>within and adjoining the Precinct.</u></p>	<p>(2) Activity status where compliance not achieved: NC</p>
SUB-R21	Subdivision – PREC4 – Havelock Precinct	
<p>PREC4 - Havelock Precinct</p> <p><u>(Applies to Local Centre, General Rural, General Industry, Medium</u></p>	<p>(1)Activity status: RDIS</p> <p>Activity specific standards:</p> <p>(a) <u>Except as provided for by SUB-R20A, subdivision within the PREC – Havelock Precinct that complies with all of the following standards:</u></p> <p>(i)<u>The first subdivision to create residential lots includes the indicative road</u></p>	<p>(2) Activity status: DIS</p> <p>Where:</p> <p>(a)Subdivision that does not comply with Rule SUB-R21(1)(a)(i) – (iii), (v) and (vii)</p> <p>(3)Activity status: NC</p>

<p><u>Density Residential Zones)</u></p>	<p><u>connections from Hitchen Road and Yashili Drive as a road to vest.</u></p> <p><u>(ii) The proposal includes the indicative roads as roads to vest, provided that this can be constructed and vested in stages.</u></p> <p><u>(iii) The proposal includes the provision of the Hilltop Park, provided that these can be established in stages.</u></p> <p><u>(iv) The proposal includes the provision of the Havelock Industry Buffer area and Environmental Protection Area that it contains, provided that these can be established in stages (all as shown on the planning maps) and the proposal includes legal mechanisms to retain Environmental Protection Area in perpetuity and which prevent further subdivision of them (such as via covenants, consent notice or vesting).</u></p> <p><u>(iv) The proposal includes the provision of the Environmental Protection Area (where outside the Havelock Industry Buffer) and includes legal mechanisms to retain the Environmental Protection Areas in perpetuity and which prevent further subdivision of them (such as via covenants, consent notice or vesting).</u></p> <p><u>(vi) Either prior to or concurrent with subdivision in Lot 2 DPI 99997, an acoustic barrier (being a bund, building or structure, or any combination thereof) is constructed within the Havelock Precinct’s GIZ - General industrial zone which is designed so as to:</u></p> <p><u>(1) Achieve noise levels no greater than 45 dB L_{Aeq} between 10pm and 7am in the PREC4 – Havelock Precinct and GRZ – General residential zone; and</u></p> <p><u>(2) Be at a height of no less than that illustrated on Figure 20 below and a length along the entire common boundary between Lot 2 DPI 99997 and Lots 3 and 4 DP 492007 (excluding the Collector Road on the Havelock Precinct Plan and 5m front yard setback – Rule GIZ-S6(1)(a)(1)).</u></p> <p><u>(vii) The proposal includes planted primary ridgelines and other ridgelines (as shown on the APPI 4 – Havelock precinct plan)</u></p>	<p>Where:</p> <p>(b) Subdivision that does not comply with Rule SUB-R21(1)(a)(iv) and (vi).</p>
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	<p style="text-align: center;"><u>for any part of the ridgeline that falls within that proposal or stage.</u></p> <p><u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> (b) <u>Consistency with the Havelock Precinct Plan (APP14 – Havelock precinct plan):</u> (c) <u>Design and construction of the indicative roads and pedestrian networks:</u> (d) <u>Design, location and timing of construction of the acoustic barrier within the Havelock Precinct's GIZ – General industrial zone:</u> (e) <u>The design of, and potential effects on, the safe and efficient operation of the intersection of the Havelock Precinct's Collector Road and Yashili Drive, including the design to accommodate safe vehicle access and egress for activities in the adjacent GIZ – General industrial zone:</u> (f) <u>Design and planting (including cultural values and landmarks, management plans for weed and pest control and their implementation, ownership and ongoing management) of the Hilltop Parks and adjoining park edge roads. This includes the landscaping of the Hill Top Parks in indigenous species:</u> (g) <u>Avoidance, minimisation or mitigation of visual and physical disturbance to the upper flanks of Transmission and Potters Hills (where the hilltop parks are located) resulting from road design and alignment:</u> (h) <u>Potential effects on the safe and efficient operation of Bluff and Pioneer Roads (including where these intersect with State Highway 1) from roading connections to Cole Road:</u> (i) <u>The design of, and potential effects on, the safe and efficient operation of the intersections of:</u> <ul style="list-style-type: none"> (i) <u>Yashili Drive and Gateway Park Drive;</u> (ii) <u>Gateway Park Drive and Hitchen Road;</u> <li style="padding-left: 20px;"><u>and</u> (iii) <u>Gateway Park Drive and McDonald Road.</u> (j) <u>Potential effects on the safe and efficient operation of the McDonald Road railway crossing:</u> (k) <u>Accessible, safe and secure pedestrian and cycling connections within the Precinct and to the existing transport network and public facilities:</u> 	
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	<p>(l) <u>Provision within the Precinct design for future public transport;</u></p> <p>(m) <u>Provision of planting, management plans for weed and pest control and their implementation, ownership and ongoing management of the Environmental Protection Area, including a 3m width band of fast growing evergreen indigenous species along the upper edge of the Havelock Industry Buffer to provide a planting screen within the short term;</u></p> <p>(n) <u>Design of earthworks (contours and aspect), lot size and orientation, fencing and landscape treatment between the 40 dB L_{Aeq} noise contour and the Havelock Pōkene Industry Buffer on the planning maps to minimise possible reverse sensitivity effects on nearby HIZ - Heavy industrial zone activities, including through limiting potential for direct visual interaction from building platforms and associated future dwellings and outdoor living areas to industrial activities; and</u></p> <p>(o) <u>Ridgeline landscape buffers and greenways as identified on the APPI4 – Havelock precinct plan to create landscape plantings between the Hilltops and Environmental Protection Areas (20-25m width on primary ridgeline and 8m on other ridgeline), including provision of fast growing shelter species and indigenous canopy trees, ownership and ongoing management;</u></p> <p>(p) <u>Provision of Te Ara Hikoi; and</u></p> <p>(q) <u>Tangata Whenua engagement and cultural effects.</u></p>	
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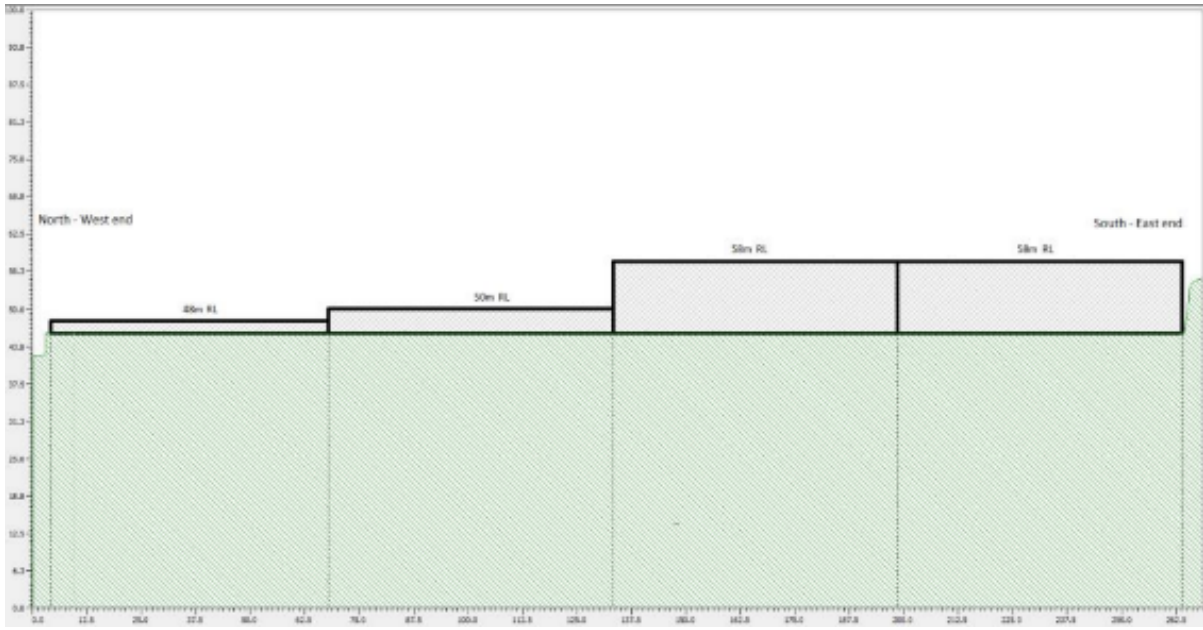


Figure 20 – Havelock Precinct

SUB-R20A	Subdivision – PREC4 – Havelock boundary adjustment	
<p>PREC4 – Havelock precinct (Applies to Local Centre, General Rural, and Medium Density Residential Zone)</p>	<p>(1) Activity status: CON</p> <p>Activity specific standards:</p> <p>(a) <u>Boundary adjustment must comply with the following standard:</u></p> <p>(i) <u>Boundary adjustment between sites within the Havelock Precinct and Lot 2 DP 463893 to include parts of the Havelock Industry Buffer and Environmental protection Area within Lot 2 DP 463893</u></p> <p>Council’s control is reserved over the following matters:</p> <p>(b) <u>Subdivision layout.</u></p>	<p>(2) Activity status where compliance not achieved: DIS</p>

[Note for IPI purposes only: All other Subdivision provisions that currently apply to the GRZ will be amended to apply to the MRZ2 including SUB-R22, SUB-R23, SUB-R24, SUB-R25]

Independent Hearing Panel Recommendation Tracked Changes to Proposed Waikato District Plan

The amendments to Variation 3 to the Proposed Waikato District Plan as recommended by the Independent Hearing Panel are set out below.

Key

Text additions proposed by Council, the s42A authors or submitters that the Panel has accepted are shown underlined.

Text deletions proposed by Council, the s.42A authors or submitters that the Panel has accepted are shown ~~strikethrough~~.

Further text additions or deletions that the Panel has made following the hearing of evidence and submissions are identified with grey shading.

Text that is not underlined or struck through is original Proposed Waikato District Plan text.

EW – Earthworks

The relevant area specific zone chapter provisions apply in addition to this chapter.

Objectives

EW-O1 Earthworks in all zones except the MRZ1 – Medium density residential zone 1 and MRZ2 – Medium density residential zone 2.

Earthworks facilitate subdivision, use and development.

EW-O2 Earthworks in the MRZ1 – Medium density residential zone 1 and MRZ2 – Medium density residential zone 2.

Earthworks facilitate subdivision, use and development while avoiding, mitigating or remedying potential adverse effects.

Policies

EW-P1 Earthworks in the GRZ – General residential zone, M MRZ1 – Medium density residential zone 1, MRZ2 – Medium density residential zone 2, LLRZ – Large lot residential zone, SETZ – Settlement zone or OSZ – Open space zone.

- (1) Manage the effects of earthworks to ensure that:
- (a) Erosion and sediment loss is avoided or mitigated;
 - (b) Changes to natural water flows and established drainage paths are mitigated;
 - (c) Adjoining properties and public services are protected;
 - (d) The importation of cleanfill is avoided in the zone; and
 - (e) Adverse effects on historic heritage are avoided.

Part 2: District-wide matters / General district-wide matters / EW – Earthworks

- (2) Earthworks are designed and undertaken in a manner that ensures the stability and safety of surrounding land, buildings and structures.
- (3) Manage the amount of land being disturbed at any one time to avoid, remedy or mitigate adverse construction noise, vibration, dust, lighting and traffic effects.
- (4) Subdivision and development occur in a manner that maintains fundamental shape, contour and landscape characteristics.
- (5) Manage the geotechnical risks to ensure the ground remains sound, safe and stable for the intended land use.

EW-P2 Earthworks in the GRUZ – General rural zone, FUZ – Future urban zone, CORZ – Corrections zone or TTZ – TaTa Valley zone.

- (1) Enable earthworks associated with rural or conservation activities including:
 - (a) Ancillary rural earthworks;
 - (b) Farm quarries;
 - (c) The importation of controlled cleanfill material to a site; and
 - (d) Indigenous biodiversity restoration.
- (2) Manage earthworks to ensure that:
 - (a) Erosion and sediment loss is avoided or mitigated;
 - (b) The ground is geotechnically sound and remains safe and stable for the duration of the intended land use;
 - (c) Changes to natural water flows and established drainage paths are avoided or mitigated;
 - (d) Adjoining properties and infrastructure are protected;
 - (e) Historic heritage and cultural values are recognised and protected; and
 - (f) Ecosystem protection, restoration, rehabilitation or enhancement works are encouraged.

EW-P3 Earthworks in the RLZ – Rural lifestyle zone.

- (1) Manage the effects of earthworks to ensure that:
 - (a) Erosion and sediment loss is avoided or mitigated;
 - (b) The ground is geotechnically sound and remains safe and stable for the duration of the intended land use;
 - (c) Changes to natural water flows and established drainage paths is avoided or mitigated.
- (2) Manage the importation of fill material to a site.
- (3) Appropriately manage the importation of cleanfill to a site.
- (4) Manage the amount of land being disturbed at any one time to avoid, remedy or mitigate adverse construction noise, vibration, odour, dust, lighting and traffic effects.
- (5) Subdivision and development occur in a manner that maintains shape, contour and landscape characteristics.

EW-P4 Earthworks in the LCZ – Local centre zone, COM – Commercial zone or TCZ – Town centre zone.

- (I) Manage earthworks in the zone to minimise:
- (a) The adverse effects and of sediment, of dust and stormwater runoff; and
 - (b) Adverse effects on heritage.

EW-P5 Earthworks in the MAZ – Mercer Airport zone.

Provide for the unique operational requirements of an airport whilst at the same time achieving appropriate levels of amenity for surrounding properties.

Rules

Land use – effects (zones specified in the first column)

EW-R1	Gardening or disturbance of land for the installation of fence posts	
All zones	(1) Activity status: PER Activity specific conditions: Nil.	(2) Activity status where compliance not achieved: n/a
EW-R2	Earthworks activities within the National Grid Yard	
All zones	<p>(1) Activity status: PER</p> <p>Activity specific conditions:</p> <ul style="list-style-type: none"> (a) Earthworks within the National Grid Yard that comply with all of the following standards: <ul style="list-style-type: none"> (i) Do not exceed a depth (measured vertically) of 300mm within 12m of the outer visible edge of any National Grid support structure foundation. (ii) Do not compromise the stability of a National Grid support structure; (iii) Do not result in the loss of access to any National Grid support structure; and (iv) Do not result in a reduction in the ground to conductor clearance distances of less than 6.5m (measured vertically) from a 110kV National Grid transmission line, or 7.5m (measured vertically) from a 220kV National Grid transmission line. (b) The following earthworks activities are exempt from Rules EW-R2(1)(a): 	<p>(2) Activity status: RDIS</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Earthworks within the National Grid Yard that do not comply with Standard EW-R2(1)(a)(i) but complies with Standards EW-R2(1)(a)(ii) – (iv). <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (b) Impacts on the operation, maintenance, upgrading and development of the National Grid; (c) The risk to the structural integrity of the affected National Grid support structure(s); (d) Any impact on the ability of the National Grid owner (Transpower) to access the National Grid; (e) The risk of electrical hazards affecting public or individual safety, and the risk of property damage. (f) Technical advice provided by the National Grid owner (Transpower); and

	<p>(i) Earthworks that are undertaken by a network utility operator (other than for the reticulation and storage of water for irrigation purposes) as defined by the Resource Management Act 1991;</p> <p>(ii) Earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track;</p> <p>(iii) Vertical holes not exceeding 500mm in diameter that:</p> <p>(1) Are more than 1.5m from the outer edge of the pole support structure or stay wire; or</p> <p>(2) Are a post hole for a farm fence or horticulture structure more than 6m from the visible outer edge of a tower support structure foundation.</p>	<p>(g) Any effects on National Grid support structures including the creation of an unstable batter.</p> <p>(3) Activity status: NC</p> <p>Where:</p> <p>(a) Earthworks within the National Grid Yard that is not a permitted activity under Rule EW-R2(1) or a restricted discretionary activity under Rule EW-R2(2)</p>
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LLRZ – Large lot residential zone and SETZ – Settlement zone

<p>EW-R3</p> <p>LLRZ – Large lot residential zone; and SETZ – Settlement zone</p>	<p>Earthworks – general</p> <p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Earthworks (excluding the importation of fill material) within a site must meet all of the following standards:</p> <p>(i) Be located more than 1.5 m horizontally from any waterway, open drain or overland flow path;</p> <p>(ii) Not exceed a volume of more than 350m³;</p> <p>(iii) Not exceed an area of more than 1,000m² over any single consecutive 12 month period;</p> <p>(iv) The total depth of any excavation or filling does not exceed 1.5m above or below ground level;</p> <p>(v) The slope of the resulting cut, filled areas or fill batter</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity values and landscape effects;</p> <p>(b) Volume, extent and depth of earthworks;</p> <p>(c) Nature of fill material;</p> <p>(d) Contamination of fill material;</p> <p>(e) Location of the earthworks to waterways, significant indigenous vegetation and habitat;</p> <p>(f) Compaction of the fill material;</p> <p>(g) Volume and depth of fill material;</p> <p>(h) Protection of the Hauraki Gulf Catchment Area;</p> <p>(i) Geotechnical stability;</p>
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	<p>face in stable ground, does not exceed a maximum of 1:2 (1 vertical to 2 horizontal);</p> <p>(vi) Earthworks are set back at least 1.5m from all boundaries;</p> <p>(vii) Areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 2 months of the completion of the earthworks;</p> <p>(viii) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths;</p> <p>(ix) Do not divert or change the nature of natural water flows, water bodies or established drainage paths; and</p> <p>(x) Provided they are not within a kauri root zone</p>	<p>(j) Flood risk, including natural water flows and established drainage paths;</p> <p>(k) Land instability, erosion and sedimentation; and</p> <p>(l) The risk of earthworks exacerbating Kauri dieback disease.</p>
<p>EW-R4</p>	<p>Earthworks – general</p>	
<p>LLRZ – Large lot residential zone; and SETZ – Settlement zone</p>	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Earthworks for the purpose of creating a building platform for residential purposes within a site, using imported cleanfill material, must meet the following standards:</p> <p>(b) Be carried out in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development; and</p> <p>(c) Provided they are not within a kauri root zone</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity values and landscape effects;</p> <p>(b) Volume, extent and depth of earthworks;</p> <p>(c) Nature of fill material;</p> <p>(d) Contamination of fill material;</p> <p>(e) Location of the earthworks to waterways, significant indigenous vegetation and habitat;</p> <p>(f) Compaction of the fill material;</p> <p>(g) Volume and depth of fill material;</p> <p>(h) Protection of the Hauraki Gulf Catchment Area;</p> <p>(i) Geotechnical stability;</p> <p>(j) Flood risk, including natural water flows and established drainage paths;</p> <p>(k) Land instability, erosion and sedimentation; and</p>

		(l) Provided they are not within a kauri root zone
EW-R5	Earthworks – general	
LLRZ – Large lot residential zone; and SETZ – Settlement zone	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (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 standards: <ul style="list-style-type: none"> (i) Not exceed a total volume of 20m³; (ii) Not exceed a depth of 1.5m; (iii) The slope of the resulting filled area in stable ground must not exceed a maximum slope of 1:2 (1 vertical to 2 horizontal); (iv) Fill material is setback at least 1.5m from all boundaries; (v) Areas exposed by filling are re-vegetated to achieve 80% ground cover within 2 months of the completion of the earthworks; (vi) Sediment resulting from the filling is retained on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths; and (vii) Do not divert or change the nature of natural water flows, water bodies or established drainage paths; and (viii) Provided they are not within a kauri root zone. 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values and landscape effects; (b) Volume, extent and depth of earthworks; (c) Nature of fill material; (d) Contamination of fill material; (e) Location of the earthworks to waterways, significant indigenous vegetation and habitat; (f) Compaction of the fill material; (g) Volume and depth of fill material; (h) Protection of the Hauraki Gulf Catchment Area; (i) Geotechnical stability; (j) Flood risk, including natural water flows and established drainage paths; (k) Land instability, erosion and sedimentation; and (l) The risk of earthworks exacerbating Kauri dieback disease.
EW-R6	Earthworks including the importation of cleanfill to a site	
LLRZ – Large lot residential zone; and SETZ – Settlement zone	<p>(1) Activity status: NC</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Earthworks including the importation of cleanfill to a site. 	

GRZ – General residential zone

EW-R7	Earthworks – general
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<p>GRZ – General residential zone</p>	<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) Earthworks (excluding the use of cleanfill material or fill material) within a site must meet all of the following standards: (b) Be located more than 1.5m horizontally from any waterway, open drain or overland flow path; (c) Not exceed a volume of 250m³ and an area of not more than 1,000m² over any consecutive 12 month period; (d) The total depth of any excavation or filling does not exceed 1.5m above or below ground level; (e) 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); (f) Earthworks are set back at least 1.5m from all boundaries; (g) Areas exposed by earthworks are stabilised to avoid runoff within 1 month and re-vegetated to achieve 80% ground cover within 6 months of cessation of the earthworks; (h) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths; (i) Do not divert or change the nature of natural water flows, water bodies or established drainage paths; and (j) Provided they are not within a kauri root zone 	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values and landscape effects; (b) Volume, extent and depth of earthworks; (c) Nature of fill material; (d) Contamination of fill material; (e) Location of the earthworks in relation to waterways, significant indigenous vegetation and habitat; (f) Compaction of the fill material; (g) Volume and depth of fill material; (h) Protection of the Hauraki Gulf Catchment Area; (i) Geotechnical stability; (j) Flood risk, including natural water flows and established drainage paths; (k) Land instability, erosion and sedimentation; and (l) The risk of earthworks exacerbating Kauri dieback disease.
<p>EW-R8</p>	<p>Earthworks – general</p>	
<p>GRZ – General residential zone</p>	<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) Earthworks for the purpose of creating a building platform and accessway for residential purposes within a site, including the use of imported cleanfill 	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values and landscape effects;

	<p>material or imported fill material, must meet the following standards:</p> <ul style="list-style-type: none"> (i) Be carried out in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development; and (ii) Provided they are not within a kauri root zone 	<ul style="list-style-type: none"> (b) Volume, extent and depth of earthworks; (c) Nature of fill material; (d) Contamination of fill material; (e) Location of the earthworks in relation to waterways, significant indigenous vegetation and habitat; (f) Compaction of the fill material; (g) Volume and depth of fill material; (h) Protection of the Hauraki Gulf Catchment Area; (i) Geotechnical stability; (j) Flood risk, including natural water flows and established drainage paths; (k) Land instability, erosion and sedimentation; and (l) The risk of earthworks exacerbating Kauri dieback disease.
EW-R9	Earthworks – general	
GRZ – General residential zone	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (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 standards: <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 at least 1.5m from all boundaries; (v) Areas exposed by filling are revegetated to achieve 80% ground cover within 2 months of the completion of the earthworks; (vi) Sediment resulting from the filling is retained on the site through implementation and maintenance of erosion and 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Amenity values and landscape effects; (ii) Volume, extent and depth of earthworks; (iii) Nature of fill material; (iv) Contamination of fill material; (v) Location of the earthworks in relation to waterways, significant indigenous vegetation and habitat; (vi) Compaction of the fill material; (vii) Volume and depth of fill material; (viii) Protection of the Hauraki Gulf Catchment Area; (ix) Geotechnical stability; (x) Flood risk, including natural water flows and established drainage paths; (xi) Land instability, erosion and sedimentation; and

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	<p>sediment controls and does not enter waterways, open drains or overland flow paths;</p> <p>(vii) Do not divert or change the nature of natural water flows, water bodies or established drainage paths; and</p> <p>(viii) Provided they are not within a kauri root zone.</p>	<p>(xii) The risk of earthworks exacerbating Kauri dieback disease.</p>
EW-RI 0	Earthworks involving the importation of controlled fill material to a site	
GRZ – General residential zone	<p>(1) Activity status: NC</p> <p>Where:</p> <p>(a) Earthworks involving the importation of controlled fill material to a site</p>	
EW-RI 1	Earthworks – general in PREC31- Lakeside Te Kauwhata precinct	
PREC31- Lakeside Te Kauwhata precinct in the GRZ – General residential zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Earthworks (excluding the importation of fill, or a CLDC), including earthworks necessary for the construction and maintenance of existing public roads or for construction of new roads in accordance with the Te Kauwhata Lakeside Precinct Plan, must meet all the following standards:</p> <p>(i) do not disturb or move more than 200m² within an individual site in a single calendar year except where the maximum area at any one time shall not exceed 400m², and</p> <p>(ii) in relation to the height of any cut or batter face do not exceed 2m, or</p> <p>(iii) are necessary for building works authorised by a building consent and:</p> <p>(1) The area of earthworks is no more than 150% of the area of those building works, or</p> <p>(2) The earthworks occur on land with an average gradient no steeper than 1:8, or</p> <p>(3) Any trenching for network utilities, or on or offsite utilities within</p>	<p>(2) Activity status where compliance not achieved: CON</p> <p>Council control shall be reserved over the following matters:</p> <p>(a) Effects on amenity values;</p> <p>(b) Visual effects;</p> <p>(c) Mitigation measures including sediment control;</p> <p>(d) Effects on land utilization;</p> <p>(e) Effects on erosion;</p> <p>(f) Effects on cultural values;</p> <p>(g) Effects on heritage values;</p> <p>(h) Effects on the Lake Waikare flood plain; and</p> <p>(i) The risk of earthworks exacerbating Kauri dieback disease.</p>

	<p>PREC31 – Lakeside Te Kauwhata precinct area are backfilled or reinstated to original ground level; or</p> <p>(4) Traffic associated with the works is managed in accordance with a Construction Traffic Management Plan approved by the Waikato District Council as the road controlling authority;</p> <p>(5) Including any cut and batter faces or filled areas, are revegetated to achieve 80% ground cover within 12 months of the earthworks being commenced; and</p> <p>(6) Retain sediment within the construction area through the implementation and maintenance of sediment controls;</p> <p>(7) Provided they are not within a kauri root zone.</p> <p>(b) Rules EW-R7 – EW-R10 and SASM-R4 do not apply to earthworks within PREC31- Lakeside Te Kauwhata precinct; and</p> <p>Advice note: The Waikato Pest Management Plan addresses the management of identified pest species, including alligator weed. It includes enforceable controls relating to subdivision and land development in infected areas.</p>	
EW-R12	Earthworks – general in PREC31- Lakeside Te Kauwhata precinct	
PREC31- Lakeside Te Kauwhata precinct in the GRZ – General residential zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Earthworks involving imported fill material (other than earthworks approved as part of a CLDC) meets all of the following standards:</p> <p>(i) All material for filling is cleanfill, and</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Effects on amenity values;</p> <p>(b) Visual effects;</p> <p>(c) Effects on indigenous vegetation and habitat;</p>

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	<p>(ii) Filling that is not part of building work, or construction of roads, or installation of infrastructure:</p> <p>(1) Does not exceed a volume of 20m³ and a depth of 1m, and</p> <p>(2) Does not include a building platform, and</p> <p>(3) Does not include placing fill into an area of significant indigenous vegetation or habitat, or</p> <p>(iii) Is for minor upgrading of existing electricity lines and does not exceed 50m², and</p> <p>(iv) Where traffic associated with the work uses public roads, is managed in accordance with an approved Construction Traffic Management Plan or authorised in writing by Waikato District Council as the road controlling authority; and</p> <p>(v) Provided they are not within a kauri root zone.</p> <p>(b) Rules EW-R7 – EW-R10 and SASM-R4 do not apply to earthworks within PREC31-Lakeside Te Kauwhata precinct.</p> <p>Advice note: The Waikato Pest Management Plan addresses the management of identified pest species, including alligator weed. It includes enforceable controls relating to subdivision and land development in infected areas.</p>	<p>(d) Mitigation measures including replacement planting where vegetation removal is involved;</p> <p>(e) Effects on cultural values;</p> <p>(f) Effects on heritage values; and</p> <p>(g) The risk of earthworks exacerbating Kauri dieback disease</p>
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MRZ1 – Medium density residential zone 1 and MRZ2 – Medium density residential zone 2

EW-R13	Earthworks – general	
<p>MRZ1 – Medium density residential zone 1 and MRZ2 – Medium density</p>	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Earthworks (excluding the importation of fill material) within a site must meet all of the following standards:</p> <p>(i) Be located more than 1.5 m horizontally from any</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity values and landscape effects;</p> <p>(b) Volume, extent and depth of earthworks;</p>

<p><u>residential zone 2</u></p>	<p>waterway, open drain or overland flow path;</p> <p>(ii) Not exceed a volume of 1000m³;</p> <p>(iii) Not exceed an area of 1ha over any consecutive 12 month period;</p> <p>(iv) The total depth of any excavation or filling does not exceed 1.5m above or below ground level;</p> <p>(v) The slope of the resulting cut, filled areas or fill batter face in stable ground, does not exceed a maximum of 1:2 (1 vertical to 2 horizontal);</p> <p>(vi) Earthworks must not result in any instability of land or structures at, or beyond, the boundary of the site where the land disturbance occurs;</p> <p>(vii) Areas exposed by earthworks are revegetated to achieve 80% ground cover within 2 months of the completion of the earthworks;</p> <p>(viii) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths; and</p> <p>(ix) Do not divert or change the nature of natural water flows, water bodies or established drainage paths; and</p> <p>(x) Provided they are not within a kauri root zone</p>	<p>(c) Nature of fill material;</p> <p>(d) Contamination of fill material;</p> <p>(e) Location of the earthworks in relation to waterways, significant indigenous vegetation and habitats;</p> <p>(f) Compaction of the fill material;</p> <p>(g) Volume and depth of fill material;</p> <p>(h) Geotechnical stability;</p> <p>(i) Flood risk, including natural water flows and established drainage paths;</p> <p>(j) Land instability, erosion and sedimentation; and</p> <p>(k) The risk of earthworks exacerbating Kauri dieback disease.</p>
<p>EW-RI4</p>	<p>Earthworks – general</p>	
<p>MRZ1 – Medium density residential zone 1 and MRZ2 – Medium density residential zone 2</p>	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Earthworks for the purpose of creating a building platform for residential purposes within a site, including the use of imported cleanfill material and imported fill material, must meet the following standards:</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(i) Amenity values and landscape effects;</p> <p>(ii) Volume, extent and depth of earthworks;</p> <p>(iii) Nature of fill material;</p>

	<ul style="list-style-type: none"> (i) Be carried out in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development; and (ii) Provided they are not within a kauri root zone 	<ul style="list-style-type: none"> (iv) Contamination of fill material; (v) Location of the earthworks in relation to waterways, significant indigenous vegetation and habitats; (vi) Compaction of the fill material; (vii) Volume and depth of fill material; (viii) Geotechnical stability; (ix) Flood risk, including natural water flows and established drainage paths; (x) Land instability, erosion and sedimentation; and (xi) The risk of earthworks exacerbating Kauri dieback disease
EW-RI 5	Earthworks – general	
<p>MRZ1 – Medium density residential zone 1 and MRZ2 – Medium density residential zone 2</p>	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (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 standards: <ul style="list-style-type: none"> (i) Not exceed a total volume of 50m³; (ii) Not exceed a depth of 1.5m; (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) Earthworks must not result in any instability of land or structures at or beyond the boundary of the site where the land disturbance occurs; (v) Areas exposed by filling are revegetated to achieve 80% ground cover within 2 months of the completion of the earthworks; (vi) Sediment resulting from the filling is retained on the site through implementation and maintenance of erosion and sediment controls and does 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values and landscape effects; (b) Volume, extent and depth of earthworks; (c) Nature of fill material; (d) Contamination of fill material; (e) Location of the earthworks in relation to waterways, significant indigenous vegetation and habitats; (f) Compaction of the fill material; (g) Volume and depth of fill material; (h) Geotechnical stability; (i) Flood risk, including natural water flows and established drainage paths; (j) Land instability, erosion and sedimentation; and (k) The risk of earthworks exacerbating Kauri dieback disease

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	<p>not enter waterways, open drains or overland flow paths;</p> <p>(vii) Do not divert or change the nature of natural water flows, water bodies or established drainage paths; and</p> <p>(viii) Provided they are not within a kauri root zone</p>	
EW-RI 6	Earthworks – general	
MRZ1 – Medium density residential zone 1 and MRZ2 – Medium density residential zone 2	<p>(1) Activity status: NC</p> <p>Where:</p> <p>(a) Earthworks involving the importation of controlled fill material to a site.</p>	

GRUZ – General rural zone

Advice note: the National Environmental Standards for Freshwater 2020 also contain rules relating to earthworks and apply in addition to the District Plan rules.

EW-RI 7	Ancillary rural earthworks	
GRUZ – General rural zone; CORZ – Corrections Zone; FUZ – Future urban zone; and TTZ – TaTa Valley zone	<p>(1) Activity status: PER</p> <p>Activity specific conditions:</p> <p>(a) Provided they are not within a kauri root zone</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) The risk of earthworks exacerbating Kauri dieback disease</p>
EW-RI 8	A farm quarry	
GRUZ – General rural zone; CORZ – Corrections Zone; FUZ – Future urban zone; and TTZ – TaTa Valley zone	<p>(1) Activity status: PER</p> <p>Activity specific conditions:</p> <p>(a) Where the volume of aggregate extracted does not exceed 1000m³ in any single consecutive 12 month period;</p> <p>(b) Earthworks are setback 5m horizontally from any waterway, open drain or overland flow path; and</p> <p>(c) Provided they are not within a kauri root zone.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity values and landscape effects;</p> <p>(b) Volume, extent and depth of earthworks;</p> <p>(c) Nature of fill material;</p> <p>(d) Contamination of fill material or cleanfill;</p>

		<ul style="list-style-type: none"> (e) Location of the earthworks to waterways, significant indigenous vegetation and habitat; (f) Compaction of the fill material; (g) Volume and depth of fill material; (h) Protection of the Hauraki Gulf Catchment Area; (i) Geotechnical stability; (j) Flood risk, including natural water flows and established drainage paths; (k) Land instability, erosion and sedimentation; and (l) Effects on the safe, effective and efficient operation, maintenance and upgrade of infrastructure, including access; and (m) The risk of earthworks exacerbating Kauri dieback disease.
EW-R19	Earthworks required to form a building platform	
<p>GRUZ – General rural zone; CORZ – Corrections Zone; FUZ – Future urban zone; and TTZ – TaTa Valley zone</p>	<p>(1) Activity status: PER</p> <p>Activity specific conditions:</p> <ul style="list-style-type: none"> (a) Earthworks required to form a building platform that will be subject to a building consent where undertaken in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development; and (b) Provided they are not within a kauri root zone. 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values and landscape effects; (b) Volume, extent and depth of earthworks; (c) Nature of fill material; (d) Contamination of fill material or cleanfill; (e) Location of the earthworks to waterways, significant indigenous vegetation and habitat; (f) Compaction of the fill material; (g) Volume and depth of fill material; (h) Protection of the Hauraki Gulf Catchment Area; (i) Geotechnical stability; (j) Flood risk, including natural water flows and established drainage paths; (k) Land instability, erosion and sedimentation; (l) Effects on the safe, effective and efficient operation, maintenance

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		and upgrade of infrastructure, including access; and (m) The risk of earthworks exacerbating Kauri dieback disease.
EW-R20	Earthworks ancillary to a conservation activity	
GRUZ – General rural zone; CORZ – Corrections Zone; FUZ – Future urban zone; and TTZ – TaTa Valley zone	<p>(1) Activity status: PER</p> <p>Activity specific conditions:</p> <p>(a) Shall meet the following standards:</p> <p>(i) Sediment resulting from the earthworks is managed on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths; and</p> <p>(ii) Provided they are not within a kauri root zone</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity values and landscape effects;</p> <p>(b) Volume, extent and depth of earthworks;</p> <p>(c) Nature of fill material;</p> <p>(d) Contamination of fill material or cleanfill;</p> <p>(e) Location of the earthworks to waterways, significant indigenous vegetation and habitat;</p> <p>(f) Compaction of the fill material;</p> <p>(g) Volume and depth of fill material;</p> <p>(h) Protection of the Hauraki Gulf Catchment Area;</p> <p>(i) Geotechnical stability;</p> <p>(j) Flood risk, including natural water flows and established drainage paths;</p> <p>(k) Land instability, erosion and sedimentation;</p> <p>(l) Effects on the safe, effective and efficient operation, maintenance and upgrade of infrastructure, including access; and</p> <p>(m) The risk of earthworks exacerbating Kauri dieback disease.</p>
EW-R21	Earthworks – general	
GRUZ – General rural zone; CORZ – Corrections Zone; FUZ – Future urban zone; and TTZ – TaTa Valley zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) With the exception of earthworks for the activities listed in EW-R16 – EW-R20 earthworks within a site must meet all of the following standards:</p> <p>(i) Do not exceed a volume of more than 1000m³ and an area of more than 2000m²</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity values and landscape effects;</p> <p>(b) Volume, extent and depth of earthworks;</p> <p>(c) Nature of fill material;</p> <p>(d) Contamination of fill material or cleanfill;</p>

	<p>over in any single consecutive 12 month period;</p> <p>(ii) The total combined depth of any excavation (excluding drilling) or filling does not exceed 3m above or below natural ground level;</p> <p>(iii) Take place on land with a maximum slope of 1:2 (1 vertical to 2 horizontal);</p> <p>(iv) Earthworks are setback a minimum of 1.5m from all boundaries;</p> <p>(v) Areas exposed by earthworks are stabilised on completion and any remaining bare ground re-vegetated to achieve 80% ground cover within 2 months of the completion of the earthworks;</p> <p>(vi) Sediment resulting from the earthworks is managed on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths; and</p> <p>(vii) Provided they are not within a kauri root zone.</p>	<p>(e) Location of the earthworks to waterways, significant indigenous vegetation and habitat;</p> <p>(f) Compaction of the fill material;</p> <p>(g) Volume and depth of fill material;</p> <p>(h) Protection of the Hauraki Gulf Catchment Area;</p> <p>(i) Geotechnical stability;</p> <p>(j) Flood risk, including natural water flows and established drainage paths;</p> <p>(k) Land instability, erosion and sedimentation; and</p> <p>(l) Effects on the safe, effective and efficient operation, maintenance and upgrade of infrastructure, including access; and</p> <p>(m) The risk of earthworks exacerbating Kauri dieback disease.</p>
EW-R22	Earthworks – general	
<p>GRUZ – General rural zone;</p> <p>CORZ – Corrections Zone;</p> <p>FUZ – Future urban zone;</p> <p>and TTZ – TaTa Valley zone</p>	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) With the exception of earthworks for the activities listed in EW-R16 – EW-R20 using imported cleanfill material, concrete or brick must meet all of the following standards;</p> <p>(i) Do not exceed a total volume of 500m³ in any single consecutive 12 month period;</p> <p>(ii) Do not exceed a depth of 1m above natural ground level;</p> <p>(iii) The slope of the resulting filled area in stable ground does not exceed a maximum</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity values and landscape effects;</p> <p>(b) Volume, extent and depth of earthworks;</p> <p>(c) Nature of fill material;</p> <p>(d) Contamination of fill material or cleanfill;</p> <p>(e) Location of the earthworks to waterways, significant indigenous vegetation and habitat;</p> <p>(f) Compaction of the fill material;</p> <p>(g) Volume and depth of fill material;</p>

	<p>slope of 1:2 (1 vertical to 2 horizontal);</p> <p>(iv) Fill material is setback a minimum of 1.5m from all boundaries;</p> <p>(v) Areas exposed by filling are re-vegetated to achieve 80% ground cover within 2 months of the completion of the filling;</p> <p>(vi) Sediment resulting from the filling is retained on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths; and</p> <p>(vii) Provided they are not within a kauri root zone.</p>	<p>(h) Protection of the Hauraki Gulf Catchment Area;</p> <p>(i) Geotechnical stability;</p> <p>(j) Flood risk, including natural water flows and established drainage paths;</p> <p>(k) Land instability, erosion and sedimentation;</p> <p>(l) Effects on the safe, effective and efficient operation, maintenance and upgrade of infrastructure, including access; and</p> <p>(m) The risk of earthworks exacerbating Kauri dieback disease.</p>
<p>EW-R23</p>	<p>Earthworks within a Whaanga Coast development specific control area of PREC5 – Whaanga Coast development precinct</p>	
<p>PREC5 – Whaanga Coast development precinct</p>	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Earthworks within a Whaanga Coast development specific control area that complies with all of the following standards:</p> <p>(i) Do not exceed a volume of more than 500m³ and an area of more than 1000m²;</p> <p>(ii) The total depth of any excavation or filling does not exceed 1.5m above or below ground level with a maximum slope of 1:2 (1 vertical to 2 horizontal);</p> <p>(iii) Areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 2 months of the completion of the earthworks;</p> <p>(iv) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths;</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

	<p>(v) Do not divert or change the nature of natural water flows, water bodies or established drainage; and</p> <p>(vi) Provided they are not within a kauri root zone</p> <p>(b) Rules EW-R17 to EW-R22 do not apply to earthworks within PREC5 – Whaanga Coast development precinct.</p>	
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RLZ – Rural lifestyle zone

EW-R24	Earthworks – general	
RLZ – Rural lifestyle zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Earthworks within a site for:</p> <p>(i) Ancillary rural earthworks; or</p> <p>(ii) Construction and/or maintenance of tracks, fences or drains; or</p> <p>(iii) A building platform for a residential activity including an accessory building.</p> <p>(b) Provided they are not within a kauri root zone.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity values and landscape effects;</p> <p>(b) Volume, extent and depth of earthworks;</p> <p>(c) Nature of fill material;</p> <p>(d) Contamination of fill material;</p> <p>(e) Location of the earthworks to waterways, significant indigenous vegetation and habitat;</p> <p>(f) Compaction of the fill material;</p> <p>(g) Volume and depth of fill material;</p> <p>(h) Protection of the Hauraki Gulf Catchment Area;</p> <p>(i) Geotechnical stability;</p> <p>(j) Flood risk, including natural water flows and established drainage paths;</p> <p>(k) Land instability, erosion and sedimentation;</p> <p>(l) Effects on the safe, effective and efficient operation, maintenance and upgrade of infrastructure, including access; and</p> <p>(m) The risk of earthworks exacerbating Kauri dieback disease.</p>
EW-R25	Earthworks – general	

<p>RLZ – Rural lifestyle zone</p>	<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) Earthworks within a site for purposes other those contained in EW-R24 (excluding the importation of fill material) must meet all of the following standards: (i) Do not exceed a volume of more than 500m³ and an area of more than 1000m² within a site over any single consecutive 12 month period; (ii) The total depth of any excavation or filling does not exceed 1.5m above or below ground level; (iii) Earthworks are set back at least 1.5m from any boundary; (iv) Areas exposed by earthworks are re-vegetated or otherwise stabilised to achieve 80% ground cover within 2 months of the completion of the earthworks; (v) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths; (vi) Do not divert or change the nature of natural water flows, water bodies or established drainage paths; and (vii) Provided they are not within a kauri root zone. 	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values and landscape effects; (b) Volume, extent and depth of earthworks; (c) Nature of fill material; (d) Contamination of fill material; (e) Location of the earthworks to waterways, significant indigenous vegetation and habitat; (f) Compaction of the fill material; (g) Volume and depth of fill material; (h) Protection of the Hauraki Gulf Catchment Area; (i) Geotechnical stability; (j) Flood risk, including natural water flows and established drainage paths; (k) Land instability, erosion and sedimentation; (l) Effects on the safe, effective and efficient operation, maintenance and upgrade of infrastructure, including access; and (m) The risk of earthworks exacerbating Kauri dieback disease.
<p>EW-R26</p>	<p>Earthworks – general</p>	
<p>RLZ – Rural lifestyle zone</p>	<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (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 standards: 	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values and landscape effects; (b) Volume, extent and depth of earthworks;

	<ul style="list-style-type: none"> (i) Not exceed a total volume of 50m³; (ii) Not exceed a depth of 1.5m; (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 set back 1.5m from all boundaries; (v) Areas exposed by filling are re-vegetated to achieve 80% ground cover within 2 months of the completion of the earthworks; (vi) Sediment resulting from the filling is retained on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths; (vii) Do not divert or change the nature of natural water flows, water bodies or established drainage paths; and (viii) Provided they are not within a kauri root zone. 	<ul style="list-style-type: none"> (c) Nature of fill material; (d) Contamination of fill material; (e) Location of the earthworks to waterways, significant indigenous vegetation and habitat; (f) Compaction of the fill material; (g) Volume and depth of fill material; (h) Protection of the Hauraki Gulf Catchment Area; (i) Geotechnical stability; (j) Flood risk, including natural water flows and established drainage paths; (k) Land instability, erosion and sedimentation; (l) Effects on the safe, effective and efficient operation, maintenance and upgrade of infrastructure, including access; and (m) The risk of earthworks exacerbating Kauri dieback disease.
EW-R27	Earthworks including the importation of cleanfill to a site	
RLZ – Rural lifestyle zone	<p>(1) Activity status: NC</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Earthworks including the importation of cleanfill to a site. 	

LCZ – Local centre zone and COMZ – Commercial zone

EW-R28	Earthworks – general	
LCZ – Local centre zone; COMZ – Commercial zone	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Earthworks within a site must meet all of the following standards: <ul style="list-style-type: none"> (i) Be located more than 1.5m from infrastructure including a public sewer, open drain, overland flow path or other public service pipe; (ii) Not exceed a volume of more than 250m³ and an area of more than 1,000m² within a site over any single 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values and landscape effects; (b) Volume, extent and depth of earthworks; (c) Nature of fill material; (d) Contamination of fill material; (e) Location of the earthworks to waterways, significant indigenous vegetation and habitat; (f) Compaction of the fill material;

	<p>consecutive 12 month period;</p> <p>(iii) The height of the resulting cut, filled areas or fill batter face in stable ground, does not exceed 1.5m, with a maximum slope of 1:2 (1 vertical to 2 horizontal);</p> <p>(iv) Earthworks are set back at least 1.5m from all boundaries;</p> <p>(v) Areas exposed by earthworks are stabilised to avoid runoff within 1 month and re-vegetated to achieve 80% ground cover within 2 months of completion of the earthworks or finished with a hardstand surface;</p> <p>(vi) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths;</p> <p>(vii) Do not divert or change the nature of natural water flows, water bodies or established drainage paths; and</p> <p>(viii) Provided they are not within a kauri root zone</p>	<p>(g) Volume and depth of fill material;</p> <p>(h) Protection of the Hauraki Gulf Catchment Area;</p> <p>(i) Geotechnical stability;</p> <p>(j) Flood risk, including natural water flows and established drainage paths</p> <p>(k) Land instability, erosion and sedimentation; and</p> <p>(l) Proximity to underground services and service connections; and</p> <p>(m) The risk of earthworks exacerbating Kauri dieback disease.</p>
EW-R29	Earthworks – general	
<p>LCZ – Local centre zone; COMZ – Commercial zone</p>	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Earthworks for the purpose of creating a building platform within a site (including the use of imported fill material) that is:</p> <p>(i) Subject to an approved building consent; and</p> <p>(ii) The earthworks occur wholly within the footprint of the building.</p> <p>(b) For the purposes of this rule, the footprint of the building extends 1.8m from the outer edge of the outside wall.</p> <p>(c) For the purposes of this rule, this exemption does not apply to earthworks associated with</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity values and landscape effects;</p> <p>(b) Volume, extent and depth of earthworks;</p> <p>(c) Nature of fill material;</p> <p>(d) Contamination of fill material;</p> <p>(e) Location of the earthworks to waterways, significant indigenous vegetation and habitat;</p> <p>(f) Compaction of the fill material;</p> <p>(g) Volume and depth of fill material;</p>

	<p>retaining walls/structures which are not required for the structural support of the building; and</p> <p>(d) Provided they are not within a kauri root zone.</p>	<p>(h) Protection of the Hauraki Gulf Catchment Area;</p> <p>(i) Geotechnical stability;</p> <p>(j) Flood risk, including natural water flows and established drainage paths</p> <p>(k) Land instability, erosion and sedimentation;</p> <p>(l) Proximity to underground services and service connections; and</p> <p>(m) The risk of earthworks exacerbating Kauri dieback disease.</p>
EW-R30	Earthworks – general	
<p>LCZ – Local centre zone; COMZ – Commercial zone</p>	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Earthworks using the importation of fill material to a site must meet all of the following standards:</p> <p>(i) Must not exceed a total volume of 500m³ per site and a depth of 1m (excluding backfill)</p> <p>(ii) The slope of the resulting filled area in stable ground must not exceed a maximum slope of 1:2 (1m vertical to 2m horizontal);</p> <p>(iii) Fill material is setback at least 1.5m from all boundaries;</p> <p>(iv) Areas exposed by earthworks are stabilised to avoid runoff within 1 month and revegetated to achieve 80% ground cover within 6 months of the cessation of the earthworks;</p> <p>(v) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths;</p> <p>(vi) Do not divert or change the nature of natural water flows, water bodies or established drainage paths; and</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity values and landscape effects;</p> <p>(b) Volume, extent and depth of earthworks;</p> <p>(c) Nature of fill material;</p> <p>(d) Contamination of fill material;</p> <p>(e) Location of the earthworks to waterways, significant indigenous vegetation and habitat;</p> <p>(f) Compaction of the fill material;</p> <p>(g) Volume and depth of fill material;</p> <p>(h) Protection of the Hauraki Gulf Catchment Area;</p> <p>(i) Geotechnical stability;</p> <p>(j) Flood risk, including natural water flows and established drainage paths</p> <p>(k) Land instability, erosion and sedimentation; and</p> <p>(l) Proximity to underground services and service connections; and</p> <p>(m) The risk of earthworks exacerbating Kauri dieback disease.</p>

	(vii) Provided they are not within a kauri root zone.	
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TCZ – Town centre zone

EW-R31	Earthworks – general	
TCZ – Town centre zone	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Earthworks within a site must meet all of the following standards: <ul style="list-style-type: none"> (i) Earthworks must be located more than 1.5m from infrastructure including a public sewer, open drain, overland flow path or other public service pipe; (ii) Earthworks must not exceed a volume of more than 250m³ and an area of more than 1,000m² within a site over any single consecutive 12 month period; (iii) The height of the resulting cut, filled areas or fill batter face in stable ground, , does not exceed 1.5m, with a maximum slope of 1:2 (1 vertical to 2 horizontal); (iv) Earthworks are set back at least 1.5m from all boundaries; (v) Areas exposed by earthworks are stabilised to avoid runoff within 1 month and re-vegetated to achieve 80% ground cover within 2 months of completion of the earthworks or finished with a hardstand surface; (vi) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths; (vii) Earthworks must not divert or change the nature of natural water flows, 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values and landscape effects; (b) Volume, extent and depth of earthworks; (c) Nature of fill material; (d) Contamination of fill material; (e) Location of the earthworks in relation to waterways, significant indigenous vegetation and habitat; (f) Compaction of the fill material; (g) Volume and depth of fill material; (h) Protection of the Hauraki Gulf Catchment Area; (i) Geotechnical stability; (j) Flood risk, including natural water flows and established drainage paths (k) Land instability, erosion and sedimentation; (l) Proximity to underground services and service connections; and (m) The risk of earthworks exacerbating Kauri dieback disease.

	<p>waterbodies or established drainage paths;</p> <p>(viii) Earthworks must not result in the site being unable to be serviced by gravity sewers; and</p> <p>(ix) Provided they are not within a kauri root zone.</p>	
EW-R32	Earthworks – general	
TCZ – Town centre zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Earthworks for the purpose of creating a building platform within a site (including the use of imported fill material) that is:</p> <p>(i) Subject to an approved building consent; and</p> <p>(ii) The earthworks occur wholly within the footprint of the building.</p> <p>(b) For the purposes of this rule, the footprint of the building extends 1.8m from the outer edge of the outside wall.</p> <p>(c) For the purposes of this rule, this exemption does not apply to earthworks associated with retaining walls/structures which are not required for the structural support of the building; and</p> <p>(d) Provided they are not within a kauri root zone.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity values and landscape effects;</p> <p>(b) Volume, extent and depth of earthworks;</p> <p>(c) Nature of fill material;</p> <p>(d) Contamination of fill material;</p> <p>(e) Location of the earthworks in relation to waterways, significant indigenous vegetation and habitat;</p> <p>(f) Compaction of the fill material;</p> <p>(g) Volume and depth of fill material;</p> <p>(h) Protection of the Hauraki Gulf Catchment Area;</p> <p>(i) Geotechnical stability;</p> <p>(j) Flood risk, including natural water flows and established drainage paths</p> <p>(k) Land instability, erosion and sedimentation;</p> <p>(l) Proximity to underground services and service connections; and</p> <p>(m) The risk of earthworks exacerbating Kauri dieback disease.</p>
EW-R33	Earthworks – general	
TCZ – Town centre zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Earthworks using the importation of fill material to a site must meet all of the following standards:</p> <p>(i) Must not exceed a total volume of 500m³ per site and</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity values and landscape effects;</p> <p>(b) Volume, extent and depth of earthworks;</p> <p>(c) Nature of fill material;</p>

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	<p>a depth of 1m (excluding backfill);</p> <p>(ii) The slope of the resulting filled area in stable ground must not exceed a maximum slope of 1:2 (1m vertical to 2m horizontal);</p> <p>(iii) Fill material is set back at least 1.5m from all boundaries;</p> <p>(iv) Areas exposed by earthworks are stabilised to avoid runoff within 1 month and revegetated to achieve 80% ground cover within 6 months of the cessation of the earthworks;</p> <p>(v) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths;</p> <p>(vi) Do not divert or change the nature of natural water flows, water bodies or established drainage paths; and</p> <p>(vii) Provided they are not within a kauri root zone.</p>	<p>(d) Contamination of fill material;</p> <p>(e) Location of the earthworks in relation to waterways, significant indigenous vegetation and habitat;</p> <p>(f) Compaction of the fill material;</p> <p>(g) Volume and depth of fill material;</p> <p>(h) Protection of the Hauraki Gulf Catchment Area;</p> <p>(i) Geotechnical stability;</p> <p>(j) Flood risk, including natural water flows and established drainage paths</p> <p>(k) Land instability, erosion and sedimentation;</p> <p>(l) Proximity to underground services and service connections; and</p> <p>(m) The risk of earthworks exacerbating Kauri dieback disease.</p>
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GIZ – General industrial zone

EW-R34	Earthworks – general	
GIZ – General industrial zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Earthworks (excluding the importation of fill material) within a site that:</p> <p>(i) Are located at least 1.5 m from any water body, open drain or overland flow path;</p> <p>(ii) Do not exceed a volume of 10,000m³;</p> <p>(iii) Do not exceed an area of more than 10,000m² within a 12 month period;</p> <p>(iv) Do not exceed a slope in stable ground of 1:2 (1 metre vertical to 2 metre horizontal);</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity values and landscape effects;</p> <p>(b) Volume, extent and depth of earthworks;</p> <p>(c) Nature of fill material;</p> <p>(d) Contamination of fill material;</p> <p>(e) Location of the earthworks in relation to waterways, significant indigenous vegetation and habitat;</p> <p>(f) Compaction of the fill material;</p>

	<ul style="list-style-type: none"> (v) Result in exposed areas being re-vegetated to achieve 80% ground cover within 2 months of the completion of the earthworks, or finished with a hardstand surface; (vi) Result in sediment being retained on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths; (vii) Do not result in any change to natural water flows, any water body or established drainage path; and (viii) Provided they are not within a kauri root zone. 	<ul style="list-style-type: none"> (g) Volume and depth of fill material; (h) Protection of the Hauraki Gulf Catchment Area; (i) Geotechnical stability; (j) Flood risk, including natural water flows and established drainage paths; (k) land instability, erosion and sedimentation; and (l) The risk of earthworks exacerbating Kauri dieback disease.
EW-R35	Earthworks – general	
GIZ – General industrial zone	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Earthworks within a site that may, or may not, involve imported cleanfill material, for the purpose of creating a building platform and/or ancillary hardstand area: (i) Provided they are not within a kauri root zone. 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values and landscape effects; (b) Volume, extent and depth of earthworks; (c) Nature of fill material; (d) Contamination of fill material; (e) Location of the earthworks in relation to waterways, significant indigenous vegetation and habitat; (f) Compaction of the fill material; (g) Volume and depth of fill material; (h) Protection of the Hauraki Gulf Catchment Area; (i) Geotechnical stability; (j) Flood risk, including natural water flows and established drainage paths; (k) land instability, erosion and sedimentation; and (l) The risk of earthworks exacerbating Kauri dieback disease.
EW-R36	Earthworks – general	

<p>GIZ – General industrial zone</p>	<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) Earthworks involving imported fill material (excluding cleanfill material) for purposes other than creating a building platform for residential purposes within a site, that: <ul style="list-style-type: none"> (i) Are located at least 1.5 metres from any water body, open drain or overland flow path; (ii) Do not exceed a volume of 10,000m³; (iii) Do not exceed a slope in stable ground of 1:2 (1 metre vertical to 2 metre horizontal); (iv) Result in exposed areas being re-vegetated to achieve 80% ground cover within 2 months of the completion of the earthworks, or finished with a hardstand surface; (v) Result in sediment being retained on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths; (vi) Do not result in any change to natural water flows, any water body or established drainage path; and (vii) Provided they are not within a kauri root zone. 	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values and landscape effects; (b) Volume, extent and depth of earthworks; (c) Nature of fill material; (d) Contamination of fill material; (e) Location of the earthworks in relation to waterways, significant indigenous vegetation and habitat; (f) Compaction of the fill material; (g) Volume and depth of fill material; (h) Protection of the Hauraki Gulf Catchment Area; (i) Geotechnical stability; (j) Flood risk, including natural water flows and established drainage paths; (k) land instability, erosion and sedimentation; and (l) The risk of earthworks exacerbating Kauri dieback disease.
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HIZ – Heavy industrial zone

<p>EW-R37 HIZ – Heavy industrial zone</p>	<p>Earthworks – general</p> <p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) Earthworks (excluding the importation of fill material) within a site that: <ul style="list-style-type: none"> (i) Are located at least 1.5 m from any water body, open drain or overland flow path; 	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values and landscape effects; (b) Volume, extent and depth of earthworks; (c) Nature of fill material;
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	<ul style="list-style-type: none"> (ii) Do not exceed a volume of 10,000m³; (iii) Do not exceed an area of more than 10,000m² within a 12 month period; (iv) Do not exceed a slope in stable ground of 1:2 (1 metre vertical to 2 metre horizontal); (v) Result in exposed areas being re-vegetated to achieve 80% ground cover within 2 months of the completion of the earthworks, or finished with a hardstand surface; (vi) Result in sediment being retained on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths; (vii) Do not result in any change to natural water flows, any water body or established drainage path; and (viii) Provided they are not within a kauri root zone. 	<ul style="list-style-type: none"> (d) Contamination of fill material; (e) Location of the earthworks to waterways, significant indigenous vegetation and habitat; (f) Compaction of the fill material; (g) Volume and depth of fill material; (h) Protection of the Hauraki Gulf Catchment Area; (i) Geotechnical stability; (j) Flood risk, including natural water flows and established drainage paths; (k) Land instability, erosion and sedimentation; and (l) The risk of earthworks exacerbating Kauri dieback disease.
EW-R38	Earthworks – general	
HIZ – Heavy industrial zone	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Earthworks within a site that may, or may not, involve imported cleanfill material, for the purpose of creating a building platform and/or ancillary hardstand area: <ul style="list-style-type: none"> (i) Provided they are not within a kauri root zone. 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values and landscape effects; (b) Volume, extent and depth of earthworks; (c) Nature of fill material; (d) Contamination of fill material; (e) Location of the earthworks to waterways, significant indigenous vegetation and habitat; (f) Compaction of the fill material; (g) Volume and depth of fill material; (h) Protection of the Hauraki Gulf Catchment Area; (i) Geotechnical stability;

		<ul style="list-style-type: none"> (j) Flood risk, including natural water flows and established drainage paths; (k) Land instability, erosion and sedimentation; and (l) The risk of earthworks exacerbating Kauri dieback disease.
EW-R39	Earthworks – general	
HIZ – Heavy industrial zone	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Earthworks involving imported fill material (excluding cleanfill material) for purposes other than creating a building platform for residential purposes within a site, that: <ul style="list-style-type: none"> (i) Are located at least 1.5 metres from any water body, open drain or overland flow path (ii) Do not exceed a volume of 10,000m³; (iii) Do not exceed a slope in stable ground of 1:2 (1 metre vertical to 2 metre horizontal); (iv) Result in exposed areas being re-vegetated to achieve 80% ground cover within 2 months of the completion of the earthworks, or finished with a hardstand surface; (v) Result in sediment being retained on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths; (vi) Do not result in any change to natural water flows, any water body or established drainage path; and (vii) Provided they are not within a kauri root zone. 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values and landscape effects; (b) Volume, extent and depth of earthworks; (c) Nature of fill material; (d) Contamination of fill material; (e) Location of the earthworks to waterways, significant indigenous vegetation and habitat; (f) Compaction of the fill material; (g) Volume and depth of fill material; (h) Protection of the Hauraki Gulf Catchment Area; (i) Geotechnical stability; (j) Flood risk, including natural water flows and established drainage paths; (k) Land instability, erosion and sedimentation; and (l) The risk of earthworks exacerbating Kauri dieback disease.

OSZ – Open space zone

EW-R40	Earthworks – general
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<p>OSZ – Open space zone</p>	<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) Earthworks (excluding the importation of fill material) within a site must meet all of the following standards: (i) Be located more than 1.5m from a public sewer, open drain, overland flow path or other service pipe; (ii) Not exceed a volume of more than 250m³ and an area of more than 1,000m² over a single consecutive 12-month period; (iii) The height of the resulting cut, filled areas or fill batter face in stable ground, 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 or otherwise stabilised to achieve 80% ground cover within 2 months of the completion of the earthworks; (v) Earthworks are set back at least 1.5m from all boundaries; (vi) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths; (vii) Does not divert or change the nature of natural water flows, water bodies or established drainage paths; and (viii) Provided they are not within a kauri root zone. 	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values and landscape effects; (b) Volume, extent and depth of earthworks; (c) Nature of fill material; (d) Contamination of fill material; (e) Location of the earthworks to waterways, significant indigenous vegetation and habitat; (f) Compaction of the fill material; (g) Volume and depth of fill material; (h) Protection of the Hauraki Gulf Catchment Area; (i) Geotechnical stability; (j) Flood risk, including natural water flows and established drainage paths; (k) Land instability, erosion and sedimentation; (l) Proximity to underground services and service connections; and (m) The risk of earthworks exacerbating Kauri dieback disease.
<p>EW-R4I</p>	<p>Earthworks – general</p>	
<p>OSZ – Open space zone</p>	<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) Earthworks for purposes of creating a building platform 	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p>

	<p>within a site, using imported fill material:</p> <p>(i) Provided they are not within a kauri root zone.</p>	<p>(a) Amenity values and landscape effects;</p> <p>(b) Volume, extent and depth of earthworks;</p> <p>(c) Nature of fill material;</p> <p>(d) Contamination of fill material;</p> <p>(e) Location of the earthworks to waterways, significant indigenous vegetation and habitat;</p> <p>(f) Compaction of the fill material;</p> <p>(g) Volume and depth of fill material;</p> <p>(h) Protection of the Hauraki Gulf Catchment Area;</p> <p>(i) Geotechnical stability;</p> <p>(j) Flood risk, including natural water flows and established drainage paths;</p> <p>(k) Land instability, erosion and sedimentation;</p> <p>(l) Proximity to underground services and service connections; and</p> <p>(m) The risk of earthworks exacerbating Kauri dieback disease.</p>
<p>EW-R42</p>	<p>Earthworks – general</p>	
<p>OSZ – Open space zone</p>	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Earthworks for purposes other than creating a building platform within a site, using imported fill material (excluding cleanfill) must meet all of the following standards:</p> <p>(i) Must not exceed a total volume of 500m³ per site and a depth of 1m;</p> <p>(ii) The slope of the resulting in stable ground must not exceed a maximum slope of 1:2 (1m vertical to 2m horizontal);</p> <p>(iii) Fill material is setback at least 1.5m from all boundaries;</p> <p>(iv) Areas exposed by filling are revegetated to achieve 80% ground cover within 2 months of the completion of the earthworks;</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity values and landscape effects;</p> <p>(b) Volume, extent and depth of earthworks;</p> <p>(c) Nature of fill material;</p> <p>(d) Contamination of fill material;</p> <p>(e) Location of the earthworks to waterways, significant indigenous vegetation and habitat;</p> <p>(f) Compaction of the fill material;</p> <p>(g) Volume and depth of fill material;</p> <p>(h) Protection of the Hauraki Gulf Catchment Area;</p> <p>(i) Geotechnical stability;</p> <p>(j) Flood risk, including natural water flows and established drainage paths;</p>

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	<p>(v) Sediment resulting from the filling is retained on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths;</p> <p>(vi) Do not divert or change the nature of natural water flows, water bodies or established drainage paths; and</p> <p>(vii) Provided they are not within a kauri root zone.</p>	<p>(k) Land instability, erosion and sedimentation;</p> <p>(l) Proximity to underground services and service connections; and</p> <p>(m) The risk of earthworks exacerbating Kauri dieback disease.</p>
EW-R43	Earthworks – general	
OSZ – Open space zone	<p>(1) Activity status: NC</p> <p>(a) Importation of cleanfill to a site.</p>	

BTZ – Business Tamahere zone

EW-R44	Earthworks – general	
BTZ – Business Tamahere zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Earthworks within a site must meet all of the following standards:</p> <p>(i) Earthworks must be located more than 1.5m from infrastructure including a public sewer, open drain, overland flow path or other public service pipe;</p> <p>(ii) Earthworks must not exceed a volume of more than 5000m³ and an area of more than 1000m² within a site;</p> <p>(iii) The height of the resulting cut, filled areas or fill batter face in stable ground, does not exceed 1.5m, with a maximum slope of 1:2 (1 vertical to 2 horizontal);</p> <p>(iv) Areas exposed by earthworks are stabilised to avoid runoff within 1 month and re-vegetated to achieve 80% ground cover within 6 months of cessation of the earthworks;</p> <p>(v) Sediment resulting from the earthworks is retained on the site through implementation</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity values and landscape effects;</p> <p>(b) Volume, extent and depth of earthworks;</p> <p>(c) Nature of fill material;</p> <p>(d) Contamination of fill material;</p> <p>(e) Location of the earthworks in relation to waterways, significant indigenous vegetation and habitat;</p> <p>(f) Compaction of the fill material;</p> <p>(g) Volume and depth of fill material;</p> <p>(h) Protection of the Hauraki Gulf Catchment Area;</p> <p>(i) Geotechnical stability;</p> <p>(j) Flood risk, including natural water flows and established drainage paths</p> <p>(k) Land instability, erosion and sedimentation;</p> <p>(l) Proximity to underground services and service connections; and</p>

	<p>and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths; and</p> <p>(vi) Provided they are not within a kauri root zone.</p>	<p>(m) The risk of earthworks exacerbating Kauri dieback disease.</p>
EW-R45	Earthworks – general	
BTZ – Business Tamahere zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Earthworks for the purpose of creating a building platform within a site (including the use of imported fill material) that is:</p> <p>(i) Subject to an approved building consent;</p> <p>(ii) The earthworks occur wholly within the footprint of the building;</p> <p>(iii) The earthworks do not within a kauri root zone.</p> <p>(b) For the purposes of this rule, the footprint of the building extends 1.8m from the outer edge of the outside wall.</p> <p>(c) For the purposes of this rule, this exemption does not apply to earthworks associated with retaining walls/structures which are not required for the structural support of the building.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity values and landscape effects;</p> <p>(b) Volume, extent and depth of earthworks;</p> <p>(c) Nature of fill material;</p> <p>(d) Contamination of fill material;</p> <p>(e) Location of the earthworks in relation to waterways, significant indigenous vegetation and habitat;</p> <p>(f) Compaction of the fill material;</p> <p>(g) Volume and depth of fill material;</p> <p>(h) Protection of the Hauraki Gulf Catchment Area;</p> <p>(i) Geotechnical stability;</p> <p>(j) Flood risk, including natural water flows and established drainage paths</p> <p>(k) Land instability, erosion and sedimentation;</p> <p>(l) Proximity to underground services and service connections; and</p> <p>(m) The risk of earthworks exacerbating Kauri dieback disease.</p>
EW-R46	Earthworks – general	
BTZ – Business Tamahere zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Earthworks using the importation of fill material to a site must meet all of the following standards:</p> <p>(i) Must not exceed a total volume of 500m³ per site and a depth of 1m (excluding backfill);</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity values and landscape effects;</p> <p>(b) Volume, extent and depth of earthworks;</p> <p>(c) Nature of fill material;</p> <p>(d) Contamination of fill material;</p>

Part 2: District-wide matters / General district-wide matters / EW – Earthworks

	<ul style="list-style-type: none"> (ii) The slope of the resulting filled area in stable ground must not exceed a maximum slope of 1:2 (1m vertical to 2m horizontal); (iii) Fill material is setback at least 1.5m from all boundaries; (iv) Areas exposed by earthworks are stabilised to avoid runoff within 1 month and revegetated to achieve 80% ground cover within 6 months of the cessation of the earthworks; (v) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths; (vi) Do not divert or change the nature of natural water flows, water bodies or established drainage paths; and (vii) Provided they are not within a kauri root zone. 	<ul style="list-style-type: none"> (e) Location of the earthworks in relation to waterways, significant indigenous vegetation and habitat; (f) Compaction of the fill material; (g) Volume and depth of fill material; (h) Protection of the Hauraki Gulf Catchment Area; (i) Geotechnical stability; (j) Flood risk, including natural water flows and established drainage paths (k) Land instability, erosion and sedimentation; (l) Proximity to underground services and service connections; (m) The risk of earthworks exacerbating Kauri dieback disease.
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HOPZ – Hopuhopu zone

EW-R47	Earthworks – general	
HOPZ – Hopuhopu zone	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Except as otherwise specified in Advice note 1 and 2 below: <ul style="list-style-type: none"> (i) Ancillary rural earthworks provided they are not within a kauri root zone; (ii) A farm quarry where the volume of aggregate extracted does not exceed 1000m³ in any single consecutive 12 month period and provided they are not within a kauri root zone. (b) Earthworks ancillary to a conservation activity must meet the following standards: <ul style="list-style-type: none"> (i) Sediment resulting from the earthworks is managed on 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values and landscape effects; (b) Volume, extent and depth of earthworks; (c) Nature of fill material; (d) Contamination of fill material or clean fill; (e) Location of the earthworks to waterways, significant indigenous vegetation and habitat; (f) Compaction of the fill material; (g) Volume and depth of fill material; (h) Geotechnical stability;

	<p>the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths; and</p> <p>(ii) Provided they are not within a kauri root zone.</p>	<p>(i) Flood risk, including natural water flows and established drainage paths;</p> <p>(j) Land instability, erosion and sedimentation;</p> <p>(k) Effects on the safe, effective and efficient operation, maintenance and upgrade of infrastructure, including access;</p> <p>(l) Proximity to underground services and service connections; and</p> <p>(m) The risk of earthworks exacerbating Kauri dieback disease.</p>
EW-R48	Earthworks – general	
HOPZ – Hopuhopu zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) With the exception of earthworks for the activities listed in EW-R47 and EW-R49, earthworks across the whole of the HOPZ – Hopuhopu zone must meet all of the following standards:</p> <p>(i) Cumulatively, do not exceed a volume of more than 2000m³ and an area of more than 4000m² over any single consecutive 12 month period of which imported fill material or cleanfill does not exceed a total volume of 1,000m³ in any single consecutive 12 month period;</p> <p>(ii) The total combined depth of any excavation (excluding drilling) or filling does not exceed 3m above or below natural ground level;</p> <p>(iii) Take place on land with a maximum slope of 1:2 (1 vertical to 2 horizontal);</p> <p>(iv) Earthworks are setback a minimum of 1.5m from all site and zone boundaries;</p> <p>(v) Earthworks are setback 5m horizontally from any waterway, open drain or overland flow path;</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity values and landscape effects;</p> <p>(b) Volume, extent and depth of earthworks;</p> <p>(c) Nature of fill material;</p> <p>(d) Contamination of fill material or clean fill;</p> <p>(e) Location of the earthworks to waterways, significant indigenous vegetation and habitat;</p> <p>(f) Compaction of the fill material;</p> <p>(g) Volume and depth of fill material;</p> <p>(h) Geotechnical stability;</p> <p>(i) Flood risk, including natural water flows and established drainage paths;</p> <p>(j) Land instability, erosion and sedimentation;</p> <p>(k) Effects on the safe, effective and efficient operation, maintenance and upgrade of infrastructure, including access;</p> <p>(l) Proximity to underground services and service connections; and</p> <p>(m) The risk of earthworks exacerbating Kauri dieback disease.</p>

	<ul style="list-style-type: none"> (vi) Areas exposed by earthworks are stabilised to avoid runoff within 1 month and any remaining bare ground re-vegetated to achieve 80% ground cover within 2 months of the completion of the earthworks or finished with a hardstand surface; (i) Sediment resulting from the earthworks is managed on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths; (ii) Do not divert or change the nature of natural water flows, water bodies or established drainage paths; (iii) Earthworks must not result in the site being unable to be serviced by gravity sewers; and (iv) Provided they are not within a kauri root zone. 	
EW-R49	Earthworks – general	
HOPZ – Hopuhopu zone	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Earthworks for the purpose of creating a building platform (including the use of imported fill material) that is: <ul style="list-style-type: none"> (i) Subject to an approved building consent; (ii) The earthworks occur wholly within the footprint of the building; (iii) Provided they are not within a kauri root zone; (iv) For the purposes of this rule, the footprint of the building extends 1.8m from the outer edge of the outside wall; and (v) For the purposes of this rule, this exemption does not apply to earthworks associated with retaining 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values and landscape effects; (b) Volume, extent and depth of earthworks; (c) Nature of fill material; (d) Contamination of fill material or clean fill; (e) Location of the earthworks to waterways, significant indigenous vegetation and habitat; (f) Compaction of the fill material; (g) Volume and depth of fill material; (h) Geotechnical stability; (i) Flood risk, including natural water flows and established drainage paths;

	<p>walls/structures which are not required for the structural support of the building.</p>	<p>(j) Land instability, erosion and sedimentation; (k) Effects on the safe, effective and efficient operation, maintenance and upgrade of infrastructure, including access; and (l) Proximity to underground services and service connections; and (m) The risk of earthworks exacerbating Kauri dieback disease.</p>
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Advice Note 1: The Hopuhopu Archaeological Site map below (Figure 19) indicates an area which contains Maori-made soils and possible borrow pits. Heritage New Zealand Pouhere Taonga should be contacted regarding development in this area and an archaeological assessment to determine the need for an archaeological authority. The Heritage New Zealand Pouhere Taonga Act 2014 protects both recorded and unrecorded archaeological sites.

Advice Note 2: The ‘Indicative Borrow Pit and Maori-Made Soils’ area also coincides with an area known to have contained alligator weed. The Waikato Regional Pest Management Plan 2014-2024 contains rules which relate to the management of alligator weed.

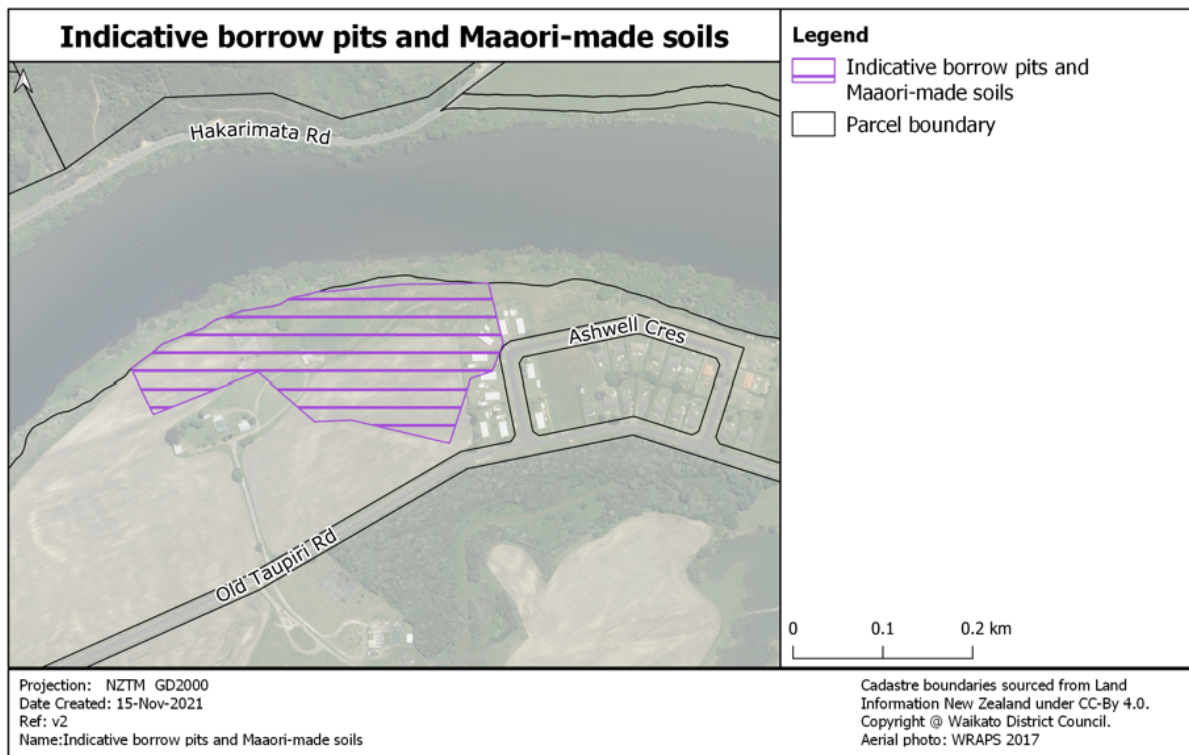


Figure 19 – Indicative borrow pits and Maori-made soils

KLZ – Kimihia lakes zone

EW-R50	Earthwork – general
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<p>KLZ – Kimihia lakes zone</p>	<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) Areas exposed by earthworks are re-vegetated must achieve 80% ground cover within 2 months of the completion of the earthworks except where earthworks are for the purposes of creating infrastructure or facilities for recreation, events and access, no re-vegetation is required; (b) Sediment resulting from the earthworks must be retained on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths; (c) The importation of fill material to site must meet the following conditions: (d) Does not restrict the ability for land to drain; (e) Is not located within 1.5m of public sewers, utility services or manholes; (f) The sediment from fill material is retained on the site; and (g) Provided they are not within a kauri root zone. 	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Contamination of fill material; (b) Location of the earthworks to waterways, significant indigenous vegetation and habitat; (c) Flood risk, including natural water flows and established drainage paths; (d) Land instability, erosion and sedimentation; and (e) Proximity to underground services and service connections; and (f) The risk of earthworks exacerbating Kauri dieback disease.
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MAZ – Mercer airport zone

<p>EW-R51 MAZ – Mercer airport zone</p>	<p>Earthworks – general</p> <p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) Earthworks within the MAZ – Mercer Airport zone must meet all of the following standards: <ul style="list-style-type: none"> (i) Earthworks must not exceed a volume of more than 1,000m³ in a single calendar year; (ii) Earthworks must not exceed an area of more than 1,000m² in a single calendar year; (iii) The height of the resulting cut or batter face does not exceed 1.5 m with a maximum slope of 1:2 (1 	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values and landscape effects; (b) Volume, extent and depth of earthworks; (c) Nature of fill material; (d) Contamination of fill material; (e) Location of earthworks relative to waterways; (f) Compaction of fill material; (g) Volume and depth of fill material;
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	<p>metre vertical to 2 m horizontal;</p> <p>(iv) Areas exposed by the earthworks not covered by buildings or other impervious surfaces are revegetated to achieve 80% ground cover within 2 months of the completion of the earthworks;</p> <p>(v) Sediment is retained on site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths;</p> <p>(vi) Earthworks must not divert or change natural water flows or established drainage paths; and</p> <p>(vii) Provided they are not within a kauri root zone.</p>	<p>(h) Geotechnical stability of fill material;</p> <p>(i) Flood risk;</p> <p>(j) Land instability, erosion and sedimentation; and</p> <p>(k) The risk of earthworks exacerbating Kauri dieback disease.</p>
EW-R52	Earthworks – general	
MAZ – Mercer airport zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) The importation of fill material to the site must meet all of the following standards, in addition to the standards in Rule EW-R51:</p> <p>(v) Earthworks do not exceed a total volume of 500m³ per site and a depth of 1 metre;</p> <p>(vi) Earthworks must be fit for compaction;</p> <p>(vii) The height of the resulting batter face in stable ground must not exceed 1.5 metres with a maximum slope of 1:2 (1m vertical to 2m horizontal);</p> <p>(viii) Earthworks do not restrict the ability of the land to drain;</p> <p>(ix) The sediment from fill material is retained on the site; and</p> <p>(x) Provided they are not within a kauri root zone.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity values and landscape effects;</p> <p>(b) Volume, extent and depth of earthworks;</p> <p>(c) Nature of fill material;</p> <p>(d) Contamination of fill material;</p> <p>(e) Location of earthworks relative to waterways;</p> <p>(f) Compaction of fill material;</p> <p>(g) Volume and depth of fill material;</p> <p>(h) Geotechnical stability of fill material;</p> <p>(i) Flood risk;</p> <p>(j) Land instability, erosion and sedimentation; and</p> <p>(k) The risk of earthworks exacerbating Kauri dieback disease.</p>

MSRZ – Motorsport and recreation zone

EW-R53	Earthworks – all precincts	
MSRZ – Motorsport and recreation zone	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Earthworks within a site must meet all of the following standards: <ul style="list-style-type: none"> (i) Do not exceed a volume of more than 1000m³ and an area of more than 2000m² over any single consecutive 12-month period; (ii) The total depth of any excavation or filling does not exceed 3m above or below ground level with a maximum slope of 1:2 (1 vertical to 2 horizontal); (iii) Earthworks are setback 1.5m from all boundaries; (iv) Areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 2 months of the completion of the earthworks; (v) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths; (vi) Do not divert or change the nature of natural water flows, water bodies or established drainage paths; and (vii) Provided they are not within a kauri root zone. 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values and landscape effects; (b) Volume, extent and depth of earthworks; (c) Nature of fill material; (d) Contamination of fill material; (e) Location of the earthworks to waterways, significant indigenous vegetation and habitat; (f) Compaction of the fill material; (g) Volume and depth of fill material; (h) Geotechnical stability; (i) Flood risk, including natural water flows and established drainage paths (j) Land instability, erosion and sedimentation; (k) Proximity to underground services and service connections; and (l) The risk of earthworks exacerbating Kauri dieback disease.
EW-R54	Earthworks – all precincts	
MSRZ – Motorsport and recreation zone	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) The importation of fill material to a site shall meet all of the following standards in addition to Rule EW-R53: <ul style="list-style-type: none"> (i) Does not exceed a total volume of 500m³ per site and a depth of 1m; (ii) Is fit for compaction; 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values and landscape effects; (b) Volume, extent and depth of earthworks; (c) Nature of fill material; (d) Contamination of fill material;

Part 2: District-wide matters / General district-wide matters / EW – Earthworks

	<ul style="list-style-type: none"> (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; and (vii) Provided they are not within a kauri root zone. 	<ul style="list-style-type: none"> (e) Location of the earthworks to waterways, significant indigenous vegetation and habitat; (f) Compaction of the fill material; (g) Volume and depth of fill material; (h) Geotechnical stability; (i) Flood risk, including natural water flows and established drainage paths (j) Land instability, erosion and sedimentation; (k) Proximity to underground services and service connections; and (l) The risk of earthworks exacerbating Kauri dieback disease.
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MTZ – Matangi zone

EW-R55	Earthworks – general	
MTZ – Matangi zone	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Earthworks within a site must meet the following standards: <ul style="list-style-type: none"> (i) Not exceed a volume of more than 2,500m³; (ii) Not exceed an area of more than 10,000m² within a 12 month period; (iii) Earthworks associated with any activity requiring building consent (including associated site works) shall not exceed 500m³; (iv) any excavation or filling does not exceed a maximum slope of 1:2 (1 vertical to 2 horizontal); (v) Not be located within 1.5m of the KiwiRail designated corridor; (vi) Areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 2 months of the completion of the earthworks, or finished with a hardstand surface; 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values and landscape effects; (b) Volume, extent and depth of earthworks; (c) Nature of fill material; (d) Effects on waterbodies, and significant indigenous vegetation and habitat; (e) Compaction of the fill material; (f) Volume and depth of fill material; (g) Geotechnical stability; (h) Flood risk, including natural water flows and established drainage paths; (i) Land instability, erosion and sedimentation; (j) Proximity to underground services and service connections; (k) Effects on onsite disposal systems for wastewater and stormwater; and

	<p>(vii) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths; and</p> <p>(viii) Do not divert or change the nature of natural water flows, water bodies or onsite disposal systems for wastewater and stormwater; and</p> <p>(ix) Provided they are not within a kauri root zone.</p>	<p>(l) The risk of earthworks exacerbating Kauri dieback disease.</p>
<p>EW-R56</p>	<p>Earthworks – general</p>	
<p>MTZ – Matangi zone</p>	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Earthworks for the purpose of creating a building platform within a site, using imported fill material (excluding cleanfill), must meet the following standards:</p> <p>(i) Must not exceed a total volume of 500m³;</p> <p>(ii) The slope of the resulting filled area in stable ground must not exceed a maximum slope of 1:2 (1 vertical to 2 horizontal);</p> <p>(iii) Areas exposed by filling are revegetated to achieve 80% ground cover within 2 months of the completion of the earthworks, or finished with a hardstand surface;</p> <p>(iv) Sediment resulting from the filling is retained on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths;</p> <p>(v) Do not divert or change the nature of natural water flows, water bodies or established drainage paths, or onsite disposal systems for</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity values and landscape effects;</p> <p>(b) Volume, extent and depth of earthworks;</p> <p>(c) Nature of fill material;</p> <p>(d) Effects on waterbodies, and significant indigenous vegetation and habitat;</p> <p>(e) Compaction of the fill material;</p> <p>(f) Volume and depth of fill material;</p> <p>(g) Geotechnical stability;</p> <p>(h) Flood risk, including natural water flows and established drainage paths;</p> <p>(i) Land instability, erosion and sedimentation;</p> <p>(j) Proximity to underground services and service connections; and</p> <p>(k) Effects on onsite disposal systems for wastewater and stormwater;</p> <p>(l) The risk of earthworks exacerbating Kauri dieback disease.</p>

	<p>wastewater and stormwater; and</p> <p>(vi) Provided they are not within a kauri root zone.</p>	
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RPZ – Rangitahi Peninsula zone

EW-R57	Earthworks – general	
RPZ – Rangitahi Peninsula zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Earthworks within a site must meet all of the following standards:</p> <p>(i) Be located more than 1.5m from a public sewer, open drain, overland flow path or other service pipe;</p> <p>(ii) Not exceed a volume of more than 250m³ and an area of more than 1,000m² within a site;</p> <p>(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);</p> <p>(iv) Areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 2 months of the completion of the earthworks;</p> <p>(v) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths;</p> <p>(vi) Do not divert or change the nature of natural water flows, water bodies or established drainage paths;</p> <p>(vii) Do not result in the site being unable to be serviced by gravity sewers; and</p> <p>(viii) Provided they are not within a kauri root zone.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity values and landscape effects;</p> <p>(b) Volume, extent and depth of earthworks;</p> <p>(c) Nature of fill material;</p> <p>(d) Contamination of fill material;</p> <p>(e) Location of the earthworks to waterways, significant indigenous vegetation and habitat;</p> <p>(f) Compaction of the fill material;</p> <p>(g) Volume and depth of fill material;</p> <p>(h) Geotechnical stability;</p> <p>(i) Flood risk, including natural water flows and established drainage paths</p> <p>(j) Land instability, erosion and sedimentation;</p> <p>(k) Proximity to underground services and service connections;</p> <p>(l) Traffic movements to and from the site; and</p> <p>(m) Consistency with the Rangitahi Peninsula Structure Plan; and</p> <p>(n) The risk of earthworks exacerbating Kauri dieback disease.</p>
EW-R58	Earthworks – general	

<p>RPZ – Rangitahi Peninsula zone</p>	<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) The importation of fill material to a site must meet the following conditions standards, in addition to the standards in EW-R57: (i) Does not exceed a total volume of 500m³ 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; and (vi) The sediment from fill material is retained on the site; and (vii) Provided they are not within a kauri root zone. 	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values and landscape effects; (b) Volume, extent and depth of earthworks; (c) Nature of fill material; (d) Contamination of fill material; (e) Location of the earthworks to waterways, significant indigenous vegetation and habitat; (f) Compaction of the fill material; (g) Volume and depth of fill material; (h) Geotechnical stability; (i) Flood risk, including natural water flows and established drainage paths (j) Land instability, erosion and sedimentation; (k) Proximity to underground services and service connections; (l) Traffic movements to and from the site; and (m) Consistency with the Rangitahi Peninsula Structure Plan; and (n) The risk of earthworks exacerbating Kauri dieback disease.
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TKAZ – Te Kowhai airpark zone

<p>EW-R59 TKAZ – Te Kowhai airpark zone</p>	<p>Earthworks – all precincts</p> <p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) In all precincts, earthworks within a site must meet all of the following standards: (i) Earthworks must be located more than 1.5m either side of a public sewer, open drain, overland flowpath or other service pipe; (ii) Earthworks must not exceed a volume of more than 1,000m³ in a single calendar year; 	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values and landscape effects; (b) Volume, extent and depth of earthworks; (c) Nature of fill material; (d) Contamination of fill material; (e) Location of the earthworks to waterways, significant indigenous vegetation and habitat; (f) Compaction of the fill material;
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	<ul style="list-style-type: none"> (iii) Earthworks must not exceed an area of more than 1,000m² in a single calendar year; (iv) The height of the resulting cut or batter face does not exceed 1.5m with a maximum slope of 1:2 (1m vertical to 2m horizontal); (v) Areas exposed by the earthworks not covered by buildings or other impervious surfaces are re-vegetated to achieve 80% ground cover within 2 months of the completion of the earthworks; (vi) Sediment is retained on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flow paths; and (vii) Earthworks must not divert or change natural water flows or established drainage paths; and (viii) Provided they are not within a kauri root zone. 	<ul style="list-style-type: none"> (g) Volume and depth of fill material; (h) Geotechnical stability; (i) Flood risk, including natural water flows and established drainage paths; (j) Land instability, erosion and sedimentation; (k) Proximity to underground services and service connections; and. (l) Effects on the safe, effective and efficient operation, maintenance and upgrade of infrastructure, including access; and (m) The risk of earthworks exacerbating Kauri dieback disease.
EW-R60	Earthworks – all precincts	
TKAZ – Te Kowhai airpark zone	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) In all precincts, the importation of fill material to a site must meet all of the following standards, in addition to the standards in EW-R59: <ul style="list-style-type: none"> (i) Earthworks do not exceed a total volume of 20m³ per site and a depth of 1m; (ii) Earthworks must be 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) Earthworks do not restrict the ability for land to drain; (v) Earthworks are not located within 1.5m of public sewers, 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values and landscape effects; (b) Volume, extent and depth of earthworks; (c) Nature of fill material; (d) Contamination of fill material; (e) Location of the earthworks to waterways, significant indigenous vegetation and habitat; (f) Compaction of the fill material; (g) Volume and depth of fill material; (h) Geotechnical stability; (i) Flood risk, including natural water flows and established drainage paths;

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	<p>utility services or manholes; and</p> <p>(vi) The sediment from fill material is retained on the site; and</p> <p>(vii) Provided they are not within a kauri root zone.</p>	<p>(j) Land instability, erosion and sedimentation;</p> <p>(k) Proximity to underground services and service connections; and.</p> <p>(l) Effects on the safe, effective and efficient operation, maintenance and upgrade of infrastructure, including access; and</p> <p>(m) The risk of earthworks exacerbating Kauri dieback disease.</p>
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Independent Hearing Panel Recommendation Tracked Changes to Proposed Waikato District Plan

The amendments to Variation 3 to the Proposed Waikato District Plan as recommended by the Independent Hearing Panel are set out below.

Key

Text additions proposed by Council, the s42A authors or submitters that the Panel has accepted are shown underlined.

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Text that is not underlined or struck through is original Proposed Waikato District Plan text.

LIGHT – Light

The relevant area specific zone chapter provisions apply in addition to this chapter.

Policies

LIGHT-PI Artificial outdoor lighting.

- (1) In the GRZ – General residential zone, LLRZ – Large lot residential zone and SETZ – Settlement zone:
 - (a) Provide for artificial outdoor lighting to enable night time work, farming activities, recreation activities, outdoor living, transport and security.
 - (b) Manage the adverse effects of glare and lighting to adjacent sites.
- (2) In the TCZ – Town centre zone, LCZ – Local centre zone and COMZ – Commercial zone ensure that:
 - (a) Artificial outdoor lighting enables night time work, recreation activities, outdoor living, transport and security (including the role of lighting in supporting CPTED);
 - (b) The intensity and direction of artificial lighting is managed so that significant glare and light spill to adjacent sites is minimised; and
- (3) In the BTZ – Business Tamahere zone:
 - (a) Provide for artificial outdoor lighting to enable night time work, recreation activities, outdoor dining, transport and security.
 - (b) Control the intensity and direction of artificial lighting to avoid significant glare and light spill on adjacent sites.
- (4) In the GRUZ – General rural zone, FUZ – Future urban zone, COR – Corrections zone and TTZ – TaTa Valley zone:

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- (a) Enable the use of artificial outdoor lighting for night-time work while minimising to the extent practicable effects on neighbouring sites.
 - (b) Ensure glare and light spill from permanently fixed artificial lighting does not compromise the amenity of adjacent sites.
- (5) In the RLZ – Rural lifestyle zone:
- (a) Provide for artificial outdoor lighting to enable night time work, farming activities, recreation activities, outdoor living, transport and security.
 - (b) Control the intensity and direction of artificial lighting to avoid significant glare and light spill to adjacent sites.

LIGHT-P2 Artificial outdoor in all zones.

Ensure artificial outdoor lighting is installed and operated so that light spill does not compromise the safe operation of the transport network.

Rules

Land use – activities (zones as specified in the first column)

LIGHT-RI	Glare and artificial light spill	
<ul style="list-style-type: none"> • LLRZ – Large lot residential zone; • GRZ – General residential zone; • MRZ1 – Medium density residential zone 1; • <u>MRZ2 – Medium density residential zone 2;</u> • SETZ – Settlement zone; • BTZ – Business Tamahere zone; • MAZ – Mercer Airport zone; • MTZ – Matangi Zone; • RPZ – Rangitahi Peninsula zone; and • TKAZ – Te Kowhai Airpark zone. 	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Illumination from glare and artificial light spill shall not exceed 10 lux measured horizontally and vertically within any other site. (b) In the LLRZ – Large lot residential, SETZ – Settlement zone and RPZ – Rangitahi Peninsula zone: <ul style="list-style-type: none"> (i) LIGHT-RI(1)(a) does not apply to streetlights, navigation lights, traffic signals or from vehicles or equipment used in farming activities. (c) In the MAZ – Mercer Airport zone: <ul style="list-style-type: none"> (i) LIGHT-RI(1)(a) does not apply to runway lighting. 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Effects on amenity values; (b) Light spill levels on other sites; (c) Road safety; (d) Duration and frequency; (e) Location and orientation of the light source; and (f) Mitigation measures.
LIGHT-R2	Glare and artificial light spill	
<ul style="list-style-type: none"> • GRUZ – General rural zone; • CORZ – Corrections zone; • FUZ – Future urban zone; and • TTZ – TaTa Valley zone. 	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Illumination from glare and artificial light spill shall not exceed 10 lux measured horizontally and vertically at the notional boundary on any other site in the GRUZ 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Effects on amenity values;

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	<p>– General Rural Zone; at any road boundary or within any other site in the GRZ – General residential zone, MRZ<u>1</u> – Medium density residential zone <u>1</u>, <u>MRZ2</u> – <u>Medium density residential zone 2</u>, LLRZ – Large lot residential zone, SETZ – Settlement zone or RLZ – Rural lifestyle zone;</p> <p>(b) LIGHT-R2(1)(a) does not apply to vehicles used in farming activities and agricultural equipment.</p>	<p>(b) Effects of light spill levels on other sites;</p> <p>(c) Road safety;</p> <p>(d) Duration and frequency;</p> <p>(e) Location and orientation of the light source;</p> <p>(f) Mitigation measures; and</p> <p>(g) Location and orientation of the light source.</p>
LIGHT-R3	Glare and artificial light spill	
<ul style="list-style-type: none"> • LCZ – Local centre zone; • COMZ – Commercial zone; and • TCZ – Town centre zone 	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Illumination from glare and artificial light spill must not exceed 10 lux measured horizontally and vertically at any site zoned GRZ – General residential zone, MRZ<u>1</u> – Medium density residential zone <u>1</u>, <u>MRZ2</u> – <u>Medium density residential zone 2</u>, LLRZ – Large lot residential zone, SETZ - Settlement Zone or RLZ – Rural Lifestyle Zone.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Effects on amenity values;</p> <p>(b) Light spill levels on other sites;</p> <p>(c) Road safety;</p> <p>(d) Duration and frequency;</p> <p>(e) Location and orientation of the light source; and</p> <p>(f) Mitigation measures.</p>
LIGHT-R4	Glare and artificial light spill	
<ul style="list-style-type: none"> • GIZ – General industrial zone; and • HIZ – Heavy industrial zone 	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Glare and artificial light spill that does not exceed 10 lux measured horizontally and vertically within any other site not located in the GIZ – General industrial zone or HIZ – Heavy industrial zone.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Effects on amenity values;</p> <p>(b) Light spill levels on another site;</p> <p>(c) Road safety;</p> <p>(d) Duration and frequency;</p> <p>(e) Location and orientation of the light source; and</p> <p>(f) Mitigation measures.</p>
LIGHT-R5	Glare and artificial light spill	
<ul style="list-style-type: none"> • OSZ – Open space zone 	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Illumination from glare and artificial light spill must not</p>	<p>(2) Activity status where compliance not achieved: RDIS</p>

	<p>exceed 10 lux measured horizontally and vertically at any site zoned GRZ – General residential zone, MRZ1 – Medium density residential zone 1, MRZ2 – <u>Medium density residential zone 2</u>, LLRZ – Large Lot Residential zone, SETZ – Settlement zone, RPZ – Rangitahi Peninsula zone or RLZ – Rural Lifestyle zone.</p> <p>(b) LIGHT-R5(1)(a) does not apply to streetlights, navigation lights or from vehicles or equipment used in farming activities.</p>	<p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Effects on amenity values; (b) Light spill levels on other sites; (c) Road safety; (d) Duration and frequency; (e) Location and orientation of the light source; and (f) Mitigation measures.
LIGHT-R6	Glare and artificial light spill	
<ul style="list-style-type: none"> • HOPZ – Hopuhopu zone 	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Illumination from glare and artificial light spill must not exceed 10 lux measured horizontally and vertically at the zone boundary; (b) LIGHT-R6(1)(a) does not apply to vehicles used in farming activities and agricultural equipment. 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Effects on amenity values; (b) Light spill levels on other sites; (c) Road safety; (d) Duration and frequency; (e) Location and orientation of the light source; (f) Mitigation measures.
LIGHT-R7	Glare and artificial light spill	
<ul style="list-style-type: none"> • KLZ – Kimihia Lakes zone 	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Illumination from glare and artificial light spill must not exceed 10 lux measured horizontally and vertically from the boundary of a site that is within a separate zone; and (b) LIGHT-R7(1)(a) does not apply to streetlights, navigation lights or from vehicles or equipment used in farming activities. 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Effects on amenity values; (b) Light spill levels on other sites; (c) Road safety; (d) Duration and frequency; (e) Location and orientation of the light source; (f) Mitigation measures.
LIGHT-R8	Glare and artificial light spill	

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<ul style="list-style-type: none"> • MSRZ – Motorsport and recreation zone 	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Glare and artificial light spill must not exceed 20 lux measured horizontally and vertically outside the zone boundary.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Effects on amenity values;</p> <p>(b) Light spill levels on another site;</p> <p>(c) Road safety;</p> <p>(d) Duration and frequency;</p> <p>(e) Location and orientation of the light source; and</p> <p>(f) Mitigation measures.</p>
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Text that is not underlined or struck through is original Proposed Waikato District Plan text.

NOISE – Noise

The relevant area specific zone chapter provisions apply in addition to this chapter.

Policies

NOISE-PI Noise.

- (I) Adverse effects of noise generated within the zone on sensitive land uses are minimised by:
- (a) In the GRZ – General residential zone, LLRZ – Large lot residential zone, SETZ – Settlement zone, TCZ – Town centre zone, LCZ – Local centre zone and COMZ – Commercial zone:
 - (i) Ensuring that the maximum sound levels are compatible with the amenity values of any adjacent GRZ – General residential zone, MRZ1 – Medium density residential zone 1, MRZ2 – Medium density residential zone 2, LLRZ – Large lot residential zone or SETZ – Settlement zone;
 - (ii) Limiting the timing and duration of noise-generating activities, including construction and demolition activities;
 - (iii) Maintaining appropriate setback distances between high noise environments and sensitive land uses; and
 - (b) In the MRZ2 – Medium density residential zone 2, GRZ – General residential zone, LLRZ – Large lot residential zone, SETZ – Settlement zone and RLZ – Rural lifestyle zone:
 - (i) Managing the location of sensitive land uses, particularly in relation to lawfully established high noise generating activities; and

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- (ii) Requiring acoustic insulation where sensitive land uses and noise-sensitive activities are located within high noise environments.
- (c) In the TCZ – Town centre zone, LCZ – Local centre zone and COMZ – Commercial zone:
 - (i) Limiting the timing and duration of servicing and operation of commercial activities; and
 - (ii) Requiring acoustic insulation for dwellings within the zone.

NOISE-P2 Noise in the RLZ – Rural lifestyle zone.

- (I) The adverse effects of noise on the character and amenity of the RLZ – Rural lifestyle zone are minimised by:
 - (a) Ensuring that the maximum sound levels are compatible with the surrounding land uses;
 - (b) Limiting the timing and duration of noise-generating activities, including construction and demolition activities;
 - (c) Maintaining appropriate setback distances between high noise environments and noise-sensitive activities.

NOISE-P3 Noise and vibration in the GRUZ – General rural zone.

- (I) Manage the adverse effects of noise and vibration by:
 - (a) Ensuring that noise and vibration levels do not compromise rural amenity;
 - (b) Limiting the timing and duration of noise-generating activities to the extent practicable and appropriate;
 - (c) Maintaining appropriate separation between high noise environments and noise sensitive activities;
 - (d) Ensuring frost fans are located and operated to minimise to the extent practicable noise effects on other sites;
 - (e) Managing the location of sensitive land uses, particularly in relation to lawfully-established activities;
 - (f) Requiring acoustic insulation where sensitive land uses are located within high noise environments, including the Airport Noise Outer Control Boundary, Huntly Power Station, and the Gun Club Noise Control Boundary;
 - (g) Managing the adverse effects of vibration from quarrying activities by limiting the timing and duration of blasting activities and maintaining sufficient setback distances from residential units or identified building platforms on another site; and
 - (h) Managing noise to minimise as far as practicable effects on existing noise sensitive activities.

NOISE-P4 Noise in the BTZ – Business Tamahere zone.

- (I) Adverse effects of noise on sensitive land uses are minimised by:

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- (a) Ensuring that the maximum sound levels are compatible with activities permitted in the BTZ – Business Tamahere zone and the adjacent RLZ – Rural lifestyle zone;
- (b) Limiting the timing and duration of noise-generating activities, including construction and demolition activities; and
- (c) Limiting the timing and duration of servicing and operation of commercial activities.

Rules

Land use – activities (zones specified in first column)

NOISE-RI	Noise – general	
<ul style="list-style-type: none"> • LLRZ – Large lot residential zone; • GRZ – General residential zone; • RLZ – Rural lifestyle zone (including the Tamahere Commercial Areas A and B); • SETZ – Settlement zone; and • RPZ – Rangitahi Peninsula zone. 	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Farming noise, and noise generated by emergency generators and emergency sirens.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
NOISE-R2	Noise – general	
<ul style="list-style-type: none"> • GRUZ – General rural zone; • CORZ – Corrections zone; and • FUZ – Future urban zone. 	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Farming noise, and noise generated by hunting, emergency generators and emergency sirens.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
NOISE-R3	Noise – general	
<ul style="list-style-type: none"> • MRZ1 – Medium density residential zone 1; • MRZ2 – Medium density residential zone 2; • LCZ – Local centre zone; • COMZ – Commercial zone; • TCZ – Town centre zone; • GIZ – General industrial zone (including PREC6 – Horotiu industrial park precinct); • HIZ – Heavy industrial zone (including Huntly Power Station); • BTZ – Business Tamahere zone; • MTZ – Matangi zone; and • TKAZ – Te Kowhai Airpark zone. 	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Noise generated by emergency generators and emergency sirens.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
NOISE-R4	Noise – construction	

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All zones	<p>(1) Activity status: PER Where: (a) Noise from any construction, maintenance, or demolition activity that is measured, assessed and managed in accordance with the requirements of NZS6803:1999 ‘Acoustics – Construction Noise’.</p>	<p>(2) Activity status where compliance not achieved: RDIS (a) Effects on amenity values; (b) Hours and days of construction; (c) Noise levels; (d) Timing and duration; and (e) Methods of construction.</p>
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LLRZ – Large lot residential zone

NOISE-R5	Noise – general	
LLRZ – Large lot residential zone	<p>(1) Activity status: PER Where: (a) Noise measured within any other site in the LLRZ – Large lot residential zone must not exceed: (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. (b) Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 “Acoustics Measurement of Environmental Sound”; and (c) Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 “Acoustic Environmental noise”.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

GRZ – General residential zone

NOISE-R6	Noise – general	
GRZ – General residential zone	<p>(1) Activity status: PER Where: (a) Noise measured within any other site in the GRZ – General residential zone must not exceed:</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

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	<p>(i) 50dB $L_{Aeq(15min)}$, 7am to 7pm, every day;</p> <p>(ii) 45dB $L_{Aeq(15min)}$, 7pm to 10pm, every day; and</p> <p>(iii) 40dB $L_{Aeq(15min)}$, 10pm to 7am the following day; and</p> <p>(iv) 65dB L_{Amax}, 10pm to 7am the following day.</p> <p>(b) Noise levels shall be measured in accordance with the requirements of NZS6801:2008 “Acoustics - Measurement of Environmental Sound”; and</p> <p>(c) Noise levels shall be assessed in accordance with the requirements of NZS6802:2008 “Acoustic - Environmental noise”.</p>	
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MRZ1 – Medium density residential zone and MRZ2 – Medium density residential zone 2

NOISE-R7	Noise – general	
<p><u>MRZ1</u> – Medium density residential zone 1</p> <p><u>MRZ2</u> – Medium density residential zone 2</p>	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Noise measured within any other site in the <u>MRZ1</u> – Medium density residential zone 1 and <u>MRZ2</u> – Medium density residential zone 2 must not exceed:</p> <p>(i) 50dB $L_{Aeq(15min)}$, 7am to 7pm, every day;</p> <p>(ii) 45dB $L_{Aeq(15min)}$ 7pm to 10pm every day;</p> <p>(iii) 40dB $L_{Aeq(15min)}$ 10pm to 7am the following day; and</p> <p>(iv) 65dB $L_{Amax(15min)}$, 10pm to 7am the following day.</p> <p>(b) Noise levels shall be measured in accordance with the requirements of NZS 6801:2008 ‘Acoustics Measurement of Environmental Sound’; and</p> <p>(c) Noise levels shall be assessed in accordance with the requirements of NZS6802:2008 ‘Acoustics – Environmental Noise’.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

GRUZ – General rural zone

NOISE-R8	Noise – general	
GRUZ – General rural zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Noise measured at the notional boundary on any other site in the GRUZ – General Rural Zone must not exceed:</p> <p>(i) 50dB L_{Aeq}, 7am to 7pm every day;</p> <p>(ii) 45dB L_{Aeq}, 7pm to 10pm every day;</p> <p>(iii) 40dB L_{Aeq} and 65dB L_{Amax}, 10pm to 7am the following day.</p> <p>(b) Noise measured within any site in any zone, other than the GRUZ – General rural zone, must meet the permitted noise levels for that zone.</p> <p>(c) Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 “Acoustics – Measurement of Environmental Sound”.</p> <p>(d) Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 “Acoustic – Environmental noise”.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
NOISE-R9	Frost fans	
GRUZ – General rural zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Noise generated by a frost fan must not exceed 55dB L_{Aeq} when measured at the notional boundary on any site in the GRUZ – General rural zone and within any site in the MRZ1 – Medium density residential zone 1, MRZ2 – Medium density residential zone 2, LLRZ – Large lot residential zone, RLZ – Rural lifestyle zone, SETZ - Settlement zone or GRZ – General residential zone.</p> <p>(b) Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Effects on amenity values;</p> <p>(b) The location and proximity of the fans to sensitive activities;</p> <p>(c) Noise levels;</p> <p>(d) The adequacy of any mitigation.</p>

	<p>Acoustics - Measurement of Environmental Sound.</p> <p>(c) Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 Acoustic- Environmental noise.</p>	
NOISE-R10	Noise – extractive activity	
GRUZ – General rural zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Noise generated by extractive activity from a facility existing or operating under resource consent at 17 January 2022, shall be measured at the notional boundary of any residential unit existing at 25 September 2004, or at any site in a GRZ – General residential zone, MRZ1 – Medium density residential zone 1, MRZ2 – Medium density residential zone 2, LLRZ – Large lot residential zone, SETZ – Settlement zone or RLZ – Rural lifestyle zone;</p> <p>(b) Noise generated by new extractive activity located within a Coal Mining Area, Aggregate Extraction Area, or Extractive Resource Area shall be measured at the notional boundary of any residential, or at any site in a GRZ – General residential zone, MRZ1 – Medium density residential zone 1, MRZ2 – Medium density residential zone 2, LLRZ – Large lot residential zone, SETZ – Settlement zone or RLZ – Rural lifestyle zone;</p> <p>(c) Noise generated from extractive activity subject to clause (a) or (b) shall not exceed:</p> <p>(i) 55dB L_{Aeq}, 7am to 7pm Monday to Friday;</p> <p>(ii) 55dB L_{Aeq}, 7am to 6pm Saturday;</p> <p>(iii) 50dB L_{Aeq}, 7pm to 10pm Monday to Friday;</p> <p>(iv) 50dB L_{Aeq}, 7am to 6pm Sundays and Public Holidays;</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

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	<p>(v) 45dB L_{Aeq} and 70dB L_{AFmax} at all other times including Public Holidays;</p> <p>(d) Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 “Acoustics – Measurement of Environmental Sound”;</p> <p>(e) Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 “Acoustic – Environmental noise”.</p>	
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RLZ – Rural lifestyle zone

NOISE-R11	Noise – general	
RLZ – Rural lifestyle zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Noise measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 must not exceed the following noise limits at any point within a notional boundary on any other site in the RLZ – Rural lifestyle zone:</p> <p>(i) 50dB L_{Aeq (15min)}, 7am to 7pm every day;</p> <p>(ii) 45dB L_{Aeq (15min)}, 7pm to 10pm every day;</p> <p>(iii) 40dB L_{Aeq (15min)} 10pm to 7am the following day;</p> <p>(iv) 65dB L_{AFmax}, 10pm to 7am the following day.</p> <p>(b) The permitted activity noise limits for the zone of any other site where sound is received.</p>	<p>(2) Activity status: DIS</p> <p>Where:</p> <p>(a) Noise that is outside the scope of NZS 6802:2008; or</p> <p>(b) A permitted activity standard; or</p> <p>(c) Does not comply with NOISE-R11(1)(a)</p>
NOISE-R12	Noise – Tamahere Commercial Areas A and B	
RLZ – Rural lifestyle zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Noise measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 must not exceed:</p> <p>(i) The following noise limits at any point within any other</p>	<p>(2) Activity status: DIS</p> <p>Where:</p> <p>(a) Noise that is outside the scope of NZS 6802:2008; or</p> <p>(b) A permitted activity standard; or</p> <p>(c) Does not comply with NOISE-R12(1)(a)</p>

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	<p>site in Tamahere Commercial Areas A and B:</p> <p>(1) 65dB $L_{Aeq(15min)}$, 7am to 10pm;</p> <p>(2) (ii) 50dB $L_{Aeq(15min)}$, 10pm to 7am;</p> <p>(3) (iii) 75 dB L_{AFmax}, 10pm to 7am the following day.</p> <p>(ii) The following noise limits at any point within any site outside the Tamahere Commercial Areas A and B:</p> <p>(1) 55dB $L_{Aeq(15min)}$, 7am to 10pm;</p> <p>(2) 40dB $L_{Aeq(15min)}$, 10pm to 7am;</p> <p>(3) 70dB L_{AFmax}, 10pm to 7am the following day.</p>	
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SETZ – Settlement zone

NOISE-RI3	Noise – general	
SETZ – Settlement zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Noise measured within any other site in the SETZ – Settlement zone must not exceed:</p> <p>(i) 50dB (L_{Aeq}), 7am to 7pm, every day;</p> <p>(ii) 45dB (L_{Aeq}), 7pm to 10pm, every day; and</p> <p>(iii) 40dB (L_{Aeq}) and 65dB (L_{Amax}), 10pm to 7am the following day.</p> <p>(b) Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 “Acoustics Measurement of Environmental Sound”; and</p> <p>(c) Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 “Acoustic Environmental noise”.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

LCZ – Local centre zone rules

NOISE-RI4	Noise – general
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<p>LCZ – Local centre zone rules</p>	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Noise measured within any:</p> <p>(i) In the LCZ – Local centre zone must not exceed:</p> <p>(1) 65dB $L_{Aeq(15min)}$, 7am to 11pm every day; and</p> <p>(2) 55dB $L_{Aeq(15min)}$, 11pm to 7am the following day; and</p> <p>(3) 85dB L_{Amax}, 11pm to 7am the following day; or</p> <p>(ii) In the GRZ – General residential zone, <u>MRZ1 – Medium density residential zone 1</u>, <u>MRZ2 – Medium density residential zone 2</u>, LLRZ – Large lot residential zone and SETZ - Settlement Zone must not exceed:</p> <p>(1) 55dB $L_{Aeq(15min)}$, 7am to 7pm; and</p> <p>(2) 50dB $L_{Aeq(15min)}$, 7pm to 10pm; and</p> <p>(3) 40dB $L_{Aeq(15min)}$, 10pm to 7am the following day; and</p> <p>(4) 65dB L_{Amax}, 10pm to 7am the following day.</p> <p>(iii) Noise measured within any site in any zone other than the LCZ – Local centre zone, GRZ – General residential zone, <u>MRZ1 – Medium density residential zone 1</u>, <u>MRZ2 – Medium density residential zone 2</u>, LLRZ – Large lot residential zone or SETZ - Settlement Zone must meet the permitted noise levels for that zone.</p> <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 Acoustics - Environmental.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
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COMZ – Commercial zone

NOISE-R15	Noise – general	
<p>COMZ – Commercial zone</p>	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Noise measured within any:</p> <p>(i) In the COMZ – Commercial zone must not exceed:</p> <p>(1) 65dB L_{Aeq} (15min), 7am to 11pm every day; and</p> <p>(2) 55dB L_{Aeq} (15min), 11pm to 7am the following day; and</p> <p>(3) 85dB L_{Amax}, 11pm to 7am the following day; or</p> <p>(ii) In the GRZ – General residential zone, MRZ <u>1</u> – Medium density residential zone <u>1</u>, <u>MRZ2 – Medium density residential zone 2</u>, LLRZ – Large lot residential zone and SETZ - Settlement Zone must not exceed:</p> <p>(1) 55dB L_{Aeq} (15min), 7am to 7pm; and</p> <p>(2) 50dB L_{Aeq} (15min), 7pm to 10pm; and</p> <p>(3) 40dB L_{Aeq} (15min), 10pm to 7am the following day; and</p> <p>(4) 65dB L_{Amax}, 10pm to 7am the following day.</p> <p>(iii) Noise measured within any site in any zone other than the LCZ – Local centre zone, GRZ – General residential zone, MRZ <u>1</u> – Medium density residential zone <u>1</u>, <u>MRZ2 – Medium density residential zone 2</u>, LLRZ – Large lot residential zone or SETZ - Settlement Zone must meet the permitted noise levels for that zone.</p> <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 Acoustics - Environmental.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

TCZ – Town centre zone

NOISE-RI6	Noise – general	
TCZ – Town centre zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Noise measured within any</p> <p>(i) In the TCZ – Town Centre zone must not exceed:</p> <p>(1) 65dB $L_{Aeq(15min)}$, 7am to 11pm every day; and</p> <p>(2) 55dB $L_{Aeq(15min)}$, 11pm to 7am the following day; and</p> <p>(3) 85dB L_{Amax}, 11pm to 7am the following day; or</p> <p>(ii) In the GRZ – General residential zone, MRZ <u>1</u> – Medium density residential zone <u>1</u>, MRZ<u>2</u> – Medium density residential zone <u>2</u>, LLRZ – Large lot residential zone and SETZ – Settlement zone must not exceed:</p> <p>(1) 55dB $L_{Aeq(15min)}$, 7am to 7pm; and</p> <p>(2) 50dB $L_{Aeq(15min)}$, 7pm to 10pm; and</p> <p>(3) 40dB $L_{Aeq(15min)}$, 10pm to 7am the following day; and</p> <p>(4) 65dB L_{Amax}, 10pm to 7am the following day.</p> <p>(iii) Noise measured within any site in any zone other than the TCZ – Town Centre zone, GRZ – General Residential Zone, MRZ <u>1</u> – Medium density residential zone <u>1</u>, MRZ<u>2</u> – Medium density residential zone <u>2</u>, LLRZ – Large Lot Residential Zone or SETZ - Settlement Zone must meet the permitted noise levels for that zone.</p> <p>(iv) Noise levels must be measured in accordance with the requirements of NZS 6801:2008 Acoustics - Measurement of Environmental Sound.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

	(v) Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 Acoustics - Environmental.	
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GIZ – General industrial zone

NOISE-RI7	Noise – general	
GIZ – General industrial zone	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Noise measured within any other site: <ul style="list-style-type: none"> (i) In a GIZ – General industrial zone or HIZ – Heavy industrial zone that does not exceed 75dB L_{Aeq} at any time. (b) Noise measured within any site in any zone, other than the General Industrial Zone and the Heavy Industrial Zone, that does not exceed the permitted noise levels for that zone. (c) Noise levels that are measured in accordance with the requirements of NZS 6801:2008 “Acoustics - Measurement of Environmental Sound”. (d) Noise levels that are assessed in accordance with the requirements of NZS 6802:2008 “Acoustics - Environmental noise”. 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Effects on amenity values (b) Hours and days of operation (c) Location of noise sources in relation to any boundary (d) Frequency or other special characteristics of noise (e) Mitigation measures (f) Noise levels and duration.
NOISE-RI8	Noise in Pokeno	
GIZ – General industrial zone	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Noise measured within any other site: <ul style="list-style-type: none"> (i) In the HIZ – Heavy industrial zone in Pokeno that does not exceed: <ul style="list-style-type: none"> (I) 70dB L_{Aeq} at any time (ii) In the GIZ – General industrial zone in Pokeno that does not exceed: <ul style="list-style-type: none"> (I) 65dB L_{Aeq} at any time. (b) Noise measured within any site in any zone, other than the GIZ – General industrial zone and HIZ – Heavy industrial zone, that does not exceed the 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Effects on amenity values; (b) Hours and days of operation; (c) Location of noise sources in relation to any boundary; (d) Frequency or other special characteristics of noise; (e) Mitigation measures; and (f) Noise levels and duration.

	<p>permitted noise limits for that zone. For sites adjoining PREC4 – Havelock precinct (refer APPI4 – Havelock precinct plan), the noise rating level from any activity must not exceed:</p> <p>(i) 55dB L_{Aeq} 7am to 10pm every day, 45 dB L_{Aeq} 10pm to 7am the following day and 75 dB L_{AFmax} from 10pm to 7am the following day measured from any site outside of the Pōkeno Industry Buffer illustrated on the planning maps (compliance with the noise standard must not be measured from the GRZ – General residential zone boundary for PREC4 – Havelock precinct).</p> <p>(ii) Until the acoustic barrier has been constructed and made acoustically effective in accordance with Rule SUB-R21(1)(a)(v), the noise rating level from activities on Lots 3 and 4 DP 492007 must not exceed 55dB L_{Aeq} 7am to 10pm every day, 45 dB L_{Aeq} 10pm to 7am the following day and 75 dB L_{AFmax} from 10pm to 7am the following day measured from the unmitigated 45 dB L_{Aeq} noise contour illustrated in APPI4 – Havelock precinct plan. When Rule SUB-R21(1)(a)(v) has been satisfied, clause (b)(i) above applies.</p> <p>(c) Noise levels that are measured in accordance with the requirements of NZS 6801:2008 “Acoustics Measurements of Environmental Sound”;</p> <p>(d) Noise levels that are assessed in accordance with the requirements of NZS 6802:2008 “Acoustics Environmental Noise”.</p>	
NOISE-R19	Noise – general in PREC6 – Horotiu industrial park precinct	
PREC6 – Horotiu	(1) Activity status: PER Where:	(2) Activity status where compliance not achieved: RDIS

<p>industrial park precinct</p>	<p>(a) Noise from an activity in the Horotiu Industrial Park that does not exceed:</p> <p>(i) 75dBA L_{Aeq} at any time measured within any other site.</p> <p>(b) Noise from an activity in the Horotiu Industrial Park that does not exceed the following limits when measured within a <u>MRZ2 – Medium density residential zone 2</u> or a GRZ – General residential zone:</p> <p>(i) 55dBA L_{Aeq} 7am to 10pm; or</p> <p>(ii) 45dBA L_{Aeq} and 70dBA L_{Amax} 10pm to 7am the following day.</p> <p>(c) Noise from an activity in the Horotiu Industrial Park that does not exceed the following limits when measured within the notional boundary of any building containing a noise-sensitive activity existing at 17 January 2022 within any zone outside of the Horotiu Industrial Park and HIZ – Heavy industrial zone (except the GRZ – General residential zone and the <u>MRZ2 – Medium density residential zone 2</u>):</p> <p>(i) 55dBA L_{Aeq} 7am to 10pm;</p> <p>(ii) 45dBA L_{Aeq} and 70dBA L_{Amax} 10pm to 7am the following day.</p> <p>(d) Noise levels that is measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 “Acoustics - Measurement of Environmental Sound”.</p> <p>(e) Noise levels that is assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 “Acoustics- Environmental noise”.</p> <p>(f) NOISE-R17 does not apply.</p>	<p>Council’s discretion is restricted to the following matters:</p> <p>(a) Effects on amenity values;</p> <p>(b) Hours of operation;</p> <p>(c) Location of noise sources in relation to boundaries;</p> <p>(d) Frequency or other special characteristics of noise;</p> <p>(e) Noise levels and duration; and</p> <p>(f) Mitigation measures.</p>
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HIZ – Heavy industrial zone

<p>NOISE-R20</p>	<p>Noise – general</p>
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<p>HIZ – Heavy industrial zone</p>	<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) Noise measured within any other site: <ul style="list-style-type: none"> (i) In the HIZ – Heavy industrial zone or GIZ – General industrial zone must that does not exceed 75dB L_{Aeq} at any time. (b) Noise measured within a site in any zone, other than the HIZ – Heavy industrial zone and the GIZ – General industrial zone, that does not exceed the permitted noise levels for that zone; (c) Noise levels that are measured in accordance with the requirements of NZS 6801:2008 “Acoustics– Measurement of Environmental Sound”; and (d) Noise levels that are assessed in accordance with the requirements of NZS 6802:2008 “Acoustics– Environmental Noise”. 	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Effects on amenity values; (b) Hours and days of operation; (c) Location of noise sources in relation to any boundary; (d) Frequency or other special characteristics of noise; (e) Mitigation measures; and (f) Noise levels and duration.
<p>NOISE-R21 Noise – Pokeno</p>		
<p>HIZ – Heavy industrial zone</p>	<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) Noise measured within any other site: <ul style="list-style-type: none"> (i) In the HIZ – Heavy industrial zone in Pokeno that does not exceed 70dB L_{Aeq} at any time; or (ii) In the GIZ – General industrial zone in Pokeno that does not exceed 65dB L_{Aeq} at any time. (b) Noise measured within any site in any zone, other than the GIZ – General industrial zone and HIZ – Heavy industrial zone, that does not exceed the permitted noise limits for that zone. For sites adjoining PREC4 – Havelock precinct (refer APPI4 – Havelock precinct plan), the noise rating level from any activity must not exceed: <ul style="list-style-type: none"> (i) 55dB L_{Aeq} 7am to 10pm every day, 45 dB L_{Aeq} 10pm 	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Effects on amenity values; (b) Hours of operation; (c) Location of noise sources in relation to any boundary; (d) Frequency or other special characteristics of noise; (e) Mitigation measures; and (f) Noise levels and duration.

	<p>to 7am the following day and 75 dB L_{AFmax} from 10pm to 7am the following day measured from any site outside of the Pōkeno Industry Buffer illustrated on the planning maps (compliance with the noise standard must not be measured from the GRZ – General residential zone boundary for PREC4 – Havelock precinct).</p> <p>(ii) Until the acoustic barrier has been constructed and made acoustically effective in accordance with Rule SUB-R21(1)(a)(v), the noise rating level from activities on Lots 3 and 4 DP 492007 must not exceed 55dB L_{Aeq} 7am to 10pm every day, 45 dB L_{Aeq} 10pm to 7am the following day and 75 dB L_{AFmax} from 10pm to 7am the following day measured from the unmitigated 45 dB L_{Aeq} noise contour illustrated in APPI4 – Havelock precinct plan. When Rule SUB-R21(1)(a)(v), has been satisfied, clause (b)(i) above applies.</p> <p>(c) Noise levels that are measured in accordance with the requirements of NZ 6801:2008 “Acoustics Measurements of Environmental Sound”; and</p> <p>(d) Noise levels that are assessed in accordance with the requirements of NZS 6802:2008 “Acoustics Environmental Noise”.</p>	
<p>NOISE-R22</p>	<p>Noise – Huntly Power Station</p>	
<p>HIZ – Heavy industrial zone</p>	<p>(1) Activity status: PER Where:</p> <p>(a) Noise measured within the notional boundary of any residential unit that has existed since 25 September 2004 in the General Rural Zone that does not exceed:</p> <p>(i) 55dB L_{Aeq} 7am to 10pm; and</p>	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <p>(a) Effects on amenity values; (b) Hours and days of operation; (c) Location of noise sources in relation to any boundary;</p>

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	<p>(ii) 45dB L_{Aeq} and 75dB L_{Amax} 10pm to 7am the following day.</p> <p>(b) Noise measured within any site in the GRZ – General residential zone, or MRZ <u>2</u>– Medium density residential zone <u>2</u>, where a residential unit has existed since 25 September 2004, that does not exceed:</p> <p>(i) 50dB L_{Aeq} 7am to 7pm;</p> <p>(ii) 45dB L_{Aeq} 7pm to 10pm; and</p> <p>(iii) 40 dB L_{Aeq} and 65 dB L_{Amax} 10pm to 7am the following day.</p> <p>(c) Noise levels that are measured in accordance with the requirements of NZS 6801:2008 “Acoustics Measurement of Environmental Sound”; and</p> <p>(d) Noise levels that are assessed in accordance with the requirements of NZS 6802: 2008 “Acoustics Environmental Noise”.</p>	<p>(d) Frequency or other special characteristics of noise;</p> <p>(e) Mitigation measures; and</p> <p>(f) Noise levels and duration.</p>
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OSZ – Open space zone

NOISE-R23	Noise – general	
OSZ – Open space zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Crowd noise, noise generated by emergency generator and emergency sirens.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
NOISE-R24	Noise – general	
OSZ – Open space zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Noise measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 must not exceed the permitted activity noise limits for the zone of any other site where sound is received.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

BTZ – Business Tamahere zone

NOISE-R25	Noise – general	
BTZ – Business	<p>(1) Activity status: PER</p> <p>Where:</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

<p>Tamahere zone</p>	<p>(a) Noise measured within the BTZ – Business Tamahere zone must not exceed:</p> <ul style="list-style-type: none"> (i) 65dB $L_{Aeq(15min)}$, 7am to 11 pm every day; and (ii) 55dB $L_{Aeq(15min)}$, 11pm Friday to 1am Saturday; and (iii) 55dB $L_{Aeq(15min)}$, 11pm Saturday to 1am Sunday; and (iv) 45dB $L_{Aeq(15min)}$ 1am to 7am every day, and (v) 75dB L_{Amax}, 11pm to 7am every day. <p>(b) Noise measured at the notional boundary within any site in the RLZ – Rural lifestyle zone, must not exceed:</p> <ul style="list-style-type: none"> (c) 50dB $L_{Aeq(15min)}$, 7am to 7pm every day; (d) 45dB $L_{Aeq(15min)}$, 7pm to 10pm every day; and (e) 40dB $L_{Aeq(15min)}$, 10pm to 7am every day; and (f) 65dB L_{Amax}, 10pm to 7am every day. <p>(g) Noise levels must be measured in accordance with the requirements of NZS 6801:2008 ‘Acoustics Measurement of Environmental Sound’; and</p> <p>(h) Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 ‘Acoustic Environmental noise’.</p>	
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CORZ – Corrections zone

NOISE-R26	Noise – general	
<p>CORZ – Corrections zone</p>	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Noise measured at the notional boundary on any other site in the CORZ – Corrections zone must not exceed: <ul style="list-style-type: none"> (i) 50dB L_{Aeq}, 7am to 7pm every day; (ii) 45dB L_{Aeq}, 7pm to 10pm every day; (iii) 40dB L_{Aeq} and 65dB L_{Amax}, 10pm to 7am the following day. 	<p>(2) Activity status where compliance not achieved: DIS</p>

	<p>(b) Noise measured within any site in any zone, other than the CORZ – Corrections zone, must meet the permitted noise levels for that zone.</p> <p>(c) Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 “Acoustics – Measurement of Environmental Sound”.</p> <p>(d) Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 “Acoustic – Environmental noise”.</p>	
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FUZ – Future urban zone

NOISE-R27	Noise – general	
FUZ – Future urban zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Noise measured at the notional boundary on any other site in the FUZ – Future urban zone must not exceed:</p> <p>(i) 50dB L_{Aeq}, 7am to 7pm every day;</p> <p>(ii) 45dB L_{Aeq}, 7pm to 10pm every day;</p> <p>(iii) 40dB L_{Aeq} and 65dB L_{Amax}, 10pm to 7am the following day.</p> <p>(b) Noise measured within any site in any zone, other than the FUZ – Future, urban zone must meet the permitted noise levels for that zone.</p> <p>(c) Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 “Acoustics – Measurement of Environmental Sound”.</p> <p>(d) Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 “Acoustic – Environmental noise”.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
NOISE-R28	Frost fans	

<p>FUZ – Future urban zone</p>	<p>(1) Activity status: PER Where:</p> <p>(a) Noise generated by a frost fan must not exceed 55dB L_{Aeq} when measured at the notional boundary on any site in the FUZ – Future urban zone and within any site in the MRZ1 – Medium density residential zone 1, MRZ2 – Medium density residential zone 2, LLRZ – Large lot residential zone, RLZ – Rural lifestyle zone, SETZ - Settlement zone or GRZ – General residential zone.</p> <p>(b) Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 Acoustics - Measurement of Environmental Sound.</p> <p>(c) Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 Acoustic- Environmental noise.</p>	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <p>(a) Effects on amenity values; (b) The location and proximity of the fans to sensitive activities; (c) Noise levels; (d) The adequacy of any mitigation.</p>
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HOPZ – Hopuhopu zone

<p>NOISE-R29</p>	<p>Noise – general</p>	
<p>HOPZ – Hopuhopu zone</p>	<p>(1) Activity status: PER Where:</p> <p>(a) Farming noise, crowd noise, and noise generated by hunting, emergency generators and emergency sirens.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
<p>NOISE-R30</p>	<p>Noise – general</p>	
<p>HOPZ – Hopuhopu zone</p>	<p>(1) Activity status: PER Where:</p> <p>(a) Noise generated within the HOPZ – Hopuhopu zone when measured at the zone boundary must meet the permitted noise levels for the neighbouring zone.</p> <p>(b) Noise levels shall be measured in accordance with the requirements of NZS 6801:2008 Acoustics - Measurement of Environmental Sound; and</p> <p>(c) Noise levels shall be assessed in accordance with the</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

	requirements of NZS 6802:2008 Acoustic- Environmental noise.	
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KLZ – Kimihia lakes zone

NOISE-R31	Noise – general	
KLZ – Kimihia lakes zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) All activities must comply with the following noise standards:</p> <p>(i) Noise measured within the notional boundary on any site in the GRZ – General residential zone or the GRUZ - General rural zone must not exceed:</p> <p>(1) 55dB L_{Aeq}, 7am to 7pm every day;</p> <p>(2) 45dB L_{Aeq}, 7pm to 10pm every day; and</p> <p>(3) 40dB L_{Aeq} and 65dB L_{Amax}, 10pm to 7am the following day.</p> <p>(b) Noise measured within any site in any other zone not specified above must meet the noise levels permitted for that zone.</p> <p>(c) Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 Acoustics - Measurement of environmental sound.</p> <p>(d) Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 Acoustics - Environmental noise.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
NOISE-R32	Noise – Noise Management Plan	
KLZ – Kimihia lakes zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Prior to development, a Noise Management Plan must be prepared and in place at all times that details the measures to be implemented to ensure that noise within the site does not exceed the limits specified in Rule NOISE-R31.</p> <p>(i) The Noise Management Plan must as a minimum, provide</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

	<p>details of the following measures:</p> <ul style="list-style-type: none"> (ii) Procedures and protocols for the setting up, installation and monitoring responsibilities (including reporting) of the noise monitoring device (microphone) located within the Kimihia Lakes development; (iii) Procedures for the ongoing testing and calibration of the noise monitoring device (microphone); (iv) The erection of any necessary barriers for the purpose of reducing noise emissions; (v) The design and operation of any public address system with respect to management of noise emissions; (vi) Procedures to monitor all activities and events that may meet the noise levels specified in Rule NOISE-31. 	
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MAZ – Mercer airport zone

NOISE-R33	Noise – non-aviation related	
MAZ – Mercer airport zone	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Noise from any non-aviation related activity in the MAZ – Mercer Airport zone must not exceed the following noise limits when measured at the notional boundary of a site within the GRUZ – General Rural zone: <ul style="list-style-type: none"> (i) 55 dB L_{Aeq}, 7am to 10pm every day; and (ii) 40 dB L_{Aeq} and 70 dB L_{afmax}, 10pm to 7am the following day. (b) NOISE-R33(1)(a) does not apply to: <ul style="list-style-type: none"> (i) Construction noise; or (ii) Noise from emergency sirens. 	<p>(2) Activity status where compliance not achieved: DIS</p>
NOISE-R34	Noise – aircraft operations	

<p>MAZ – Mercer airport zone</p>	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Noise from aircraft operations in the MAZ – Mercer Airport zone shall not exceed 65 dBA L_{dn} outside the Air Noise Boundary and 55 dBA L_{dn} outside the Outer Control Boundary as shown on the planning maps. For the purpose of this rule aircraft noise shall be assessed in accordance with NZS6805:1992 “Airport Noise Management and Land Use Planning” and logarithmically averaged over a three month period. The following operations are excluded from the calculation of noise for compliance with noise limits:</p> <ul style="list-style-type: none"> (i) Aircraft engine testing and maintenance; (ii) Aircraft landing or taking off in an emergency; and (iii) Air Show (for one air show per year). <p>(b) Aircraft movements shall be recorded monthly and noise contours for the purpose of assessing compliance with rule NOISE-R34(1)(a) shall be calculated no later than 12 months from the date the rule becomes legally operative and thereafter once every two years. When the calculated noise level is within 1 decibel of the limit noise contours for the purpose of assessing compliance with Rule NOISE-R34(1)(a) shall be calculated annually and verified with infield monitoring once every two years.</p> <ul style="list-style-type: none"> (i) A report detailing the noise contours and calculations and in-field noise levels in the years that these are monitored, shall be prepared and forwarded to the Council on an annual basis by the airport operator. 	<p>(2) Activity status where compliance not achieved: DIS</p>
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MSRZ – Motorsport and recreation zone

NOISE-R35	Noise – motor sport and recreation activity in PREC14, PREC17 and PREC18	
MSRZ – Motorsport and recreation zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) The noise level from activities within PREC14, PREC17 and PREC18 shall not exceed the following limits measured beyond the ‘Hampton Downs Noise Control Boundary’ shown in APP12 – Hampton Downs motorsport and recreation:</p> <p>(i) 65dBA L_{Aeq} on no more than 27 days per year (with no more than 10 of the 27 days to be on a Sunday or public holiday) between the hours of 9:00am – 6:00pm. Except that in any year where a V8 Supercars event is not held then a noise level of up to 65dBA L_{Aeq} will be permitted between the hours of 9.00am to 6.00pm on up to 30 days per year (not more than 11 days to be on a Sunday or public holiday); and</p> <p>(ii) 55 dBA L_{Aeq} on no more than 40 days per year between the hours of 9:00am – 6:00pm; and</p> <p>(iii) 50 dBA L_{Aeq} between the hours of 7am to 6pm any other days of the year; and</p> <p>(iv) 45 dBA L_{Aeq} between the hours of 6pm to 10pm every day of the year; and</p> <p>(v) 40 dBA L_{Aeq}, and 65dBA L_{max} at all other times</p> <p>(b) The motor racing activities in NOISE-R35(1)(a)(i) and (ii) are exclusive of each other and the activities are considered to be on separate days.</p> <p>(c) Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 Acoustics - Measurement of Environmental Sound.</p> <p>(d) Noise levels must be assessed in accordance with the</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

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	requirements of New Zealand Standard NZS 6802													
NOISE-R36	Noise – motor sport and recreation activity in PREC14, PREC17 and PREC18													
MSRZ – Motorsport and recreation zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) The use of a public address system shall only occur between the hours of 7:00am and 7:00pm and shall not exceed a limit of 50dBA L_{Aeq} measured at the zone boundary.</p>	<p>(2) Activity status where compliance not achieved: DIS</p> <p>(a)</p>												
NOISE-R37	Noise – PREC15 and PREC16													
MSRZ – Motorsport and recreation zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) The noise level from activities, other than motor racing activities within PREC15 and PREC16, shall not exceed the following limits when measured at the notional boundary of any dwelling:</p> <table border="1" data-bbox="416 996 885 1294"> <tr> <td>Monday to Friday</td> <td>7:00am to 7:00pm</td> <td>50 dBA L_{Aeq}</td> </tr> <tr> <td>Saturday</td> <td>7:00am to 6:00pm</td> <td>50 dBA L_{Aeq}</td> </tr> <tr> <td>All other times including public holidays</td> <td></td> <td>40 dBA L_{Aeq}</td> </tr> <tr> <td>Monday to Sunday</td> <td>10:00pm to 7:00am</td> <td>75 dBA L_{max}</td> </tr> </table> <p>(b) Noise levels shall be measured and assessed in accordance with the requirements of NZS 6801:2008 ‘Acoustics - Measurement of environmental sound’ and NZS 6802:2008 ‘Acoustics – environmental noise’.</p>	Monday to Friday	7:00am to 7:00pm	50 dBA L_{Aeq}	Saturday	7:00am to 6:00pm	50 dBA L_{Aeq}	All other times including public holidays		40 dBA L_{Aeq}	Monday to Sunday	10:00pm to 7:00am	75 dBA L_{max}	<p>(2) Activity status where compliance not achieved: RDIS</p>
Monday to Friday	7:00am to 7:00pm	50 dBA L_{Aeq}												
Saturday	7:00am to 6:00pm	50 dBA L_{Aeq}												
All other times including public holidays		40 dBA L_{Aeq}												
Monday to Sunday	10:00pm to 7:00am	75 dBA L_{max}												

MTZ – Matangi zone rules

NOISE-R38	Noise – general	
MTZ – Matangi zone rules	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Noise generated within the MTZ – Matangi zone when measured at the zone boundary must meet the permitted noise levels for the neighbouring zone;</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Effects on amenity values;</p> <p>(b) Hours and days of operation;</p> <p>(c) Noise levels;</p>

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	<p>(b) Noise measured within any new or relocated building must not exceed:</p> <ul style="list-style-type: none"> (i) 75dB L_{Aeq}, (7am to 10pm); (ii) 55dB L_{Aeq}, and 85Db L_{Amax} 10pm to 7am the following day; and (iii) Rule NOISE-R38(1)(b) does not apply to buildings within 20m of the Rail Corridor. <p>(c) Noise levels shall be measured in accordance with the requirements of NZS 6801:2008 Acoustics - Measurement of Environmental Sound; and</p> <p>(d) Noise levels shall be assessed in accordance with the requirements of NZS 6802:2008 Acoustic- Environmental noise.</p>	<p>(d) Timing and duration; and</p> <p>(e) Methods of construction.</p>
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RPZ – Rangitahi Peninsula zone

NOISE-R39	Noise – general	
RPZ – Rangitahi Peninsula zone	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Noise measured within any other site must not exceed: <ul style="list-style-type: none"> (i) 50dB L_{Aeq (15min)}, 7am to 7pm, every day, and (ii) 45dB L_{Aeq (15min)}, 7pm to 10pm, every day, and (iii) 40dB L_{Aeq (15min)}, 10pm to 7am the following day. and (iv) 65dB (L_{AFmax}), 10pm to 7am the following day. (b) Noise levels must be measured in accordance with the requirements of NZS 6801:2008 “Acoustics - Measurement of Environmental Sound. (c) Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 “Acoustic- Environmental noise”. 	<p>(2) Activity status where compliance not achieved: DIS</p>

TKAZ – Te Kowhai airpark zone

NOISE-R40	Noise – other than aircraft operations
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TKAZ – Te Kowhai airpark zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Noise, other than noise from aircraft operations, measured within any site in any zone, other than the Te Kowhai Airpark Zone, must meet the permitted noise levels for that zone.</p> <p>(b) Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 Acoustics - Measurement of Environmental Sound.</p> <p>(c) Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 Acoustic - Environmental noise.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
NOISE-R4I	Noise – aircraft operations	
TKAZ – Te Kowhai airpark zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Noise from aircraft operations in all precincts, including aircraft movements on taxiways, shall not exceed 65dB L_{dn} outside the Air Noise Boundary and 55dB L_{dn} outside the Outer Control Boundary as shown on the planning maps when assessed in PREC29 and PREC30 and on receiving sites outside of the TKAZ – Te Kowhai Airpark zone. For the purpose of this rule aircraft noise shall be assessed in accordance with NZS6805:1992 "Airport Noise Management and Land Use Planning" and logarithmically averaged over a three month period. The following operations are excluded from the calculation of noise for compliance with noise limits:</p> <p>(i) Aircraft engine testing and maintenance</p> <p>(ii) Aircraft landing or taking off in an emergency</p> <p>(iii) Emergency flights required to rescue persons from life threatening situations or to</p>	<p>(2) Activity status where compliance not achieved: DIS</p> <p>(a)</p>

	<p>transport patients, human vital organs or medical personnel in a medical emergency</p> <p>(iv) Flights required to meet the needs of a national or civil defence emergency declared under the Civil Defence Emergency Management Act 2002</p> <p>(v) Aircraft using the aerodrome due to unforeseen circumstances as an essential alternative to landing at a scheduled airport elsewhere</p> <p>(vi) Aircraft undertaking firefighting duties</p> <p>(vii) Air Show (for one air show per calendar year)</p> <p>(b) Aircraft movements shall be recorded monthly and noise contours for the purpose of assessing compliance with NOISE-R41(1)(a) shall be calculated no later than 12 months from the date when the rule becomes legally operative and thereafter once every two years. When the calculated noise level is within 1 decibel of the 65dB L_{dn} and / or 55dB L_{dn} limit/s, noise contours for the purpose of assessing compliance with NOISE-R41 shall be calculated annually and verified with infield monitoring once every two years.</p>	
<p>NOISE-R42</p>	<p>Noise – aircraft operations</p>	
<p>TKAZ – Te Kowhai airpark zone</p>	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Aircraft engine testing and maintenance in all precincts must:</p> <p>(i) Take place only between:</p> <p>(1) 0800 hours and 2000 hours in the Summer Period; or</p> <p>(2) 0800 hours and 1900 hours in the Winter Period</p> <p>(b) Meet the receiving site relevant zone permitted noise levels</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

	<p>when measured at the notional boundary of any site outside the TKAZ – Te Kowhai Airpark zone.</p> <p>(c) Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 Acoustics - Measurement of Environmental Sound.</p> <p>(d) Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 Acoustic - Environmental noise.</p>	
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TTZ – TaTa Valley zone

NOISE-R43	Noise – general	
TTZ – TaTa Valley zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) The noise rating level must not exceed:</p> <p>(i) 50dB L_{Aeq}, 7am to 7pm every day;</p> <p>(ii) 45dB L_{Aeq}, 7pm to 10pm every day;</p> <p>(iii) 40dB L_{Aeq} and 65dB L_{Amax}, 10pm to 7am the following day when measured at or within any Notional Boundary in the GRUZ – General Rural Zone.</p> <p>(b) No noise limits apply between sites in the TTZ – TaTa Valley zone.</p> <p>(c) Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 “Acoustics – Measurement of Environmental Sound”.</p> <p>(d) Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 “Acoustic – Environmental noise”.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) The extent to which proposed hours of operation and/or duration (of the activity causing the noise infringement) will give rise to adverse noise effects on the surrounding environment and adequacy of proposed measures to manage these effects.</p>

MRZ₂ – Medium density residential zone 2

NOISE-R46	Noise – Control Boundary – Harrisville, Road, Tuakau																												
<p>MRZ2 – Medium density residential zone</p>	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Habitable rooms within all buildings within the Noise Control Boundary -Harrisville Road, Tuakau shall be designed and constructed to achieve a maximum level of 40 dB $L_{Aeq(1hr)}$ indoors with windows closed to mitigate noise from the Harrisville Motocross Racetrack.</p> <p>(b) Compliance with NOISE-R46(1)(a) shall be demonstrated through the production of an acoustic design certificate prepared by an appropriately qualified and experienced acoustic specialist. The acoustic design certificate shall:</p> <p>(i) be based on an outdoor level of sound of 63dB $L_{Aeq(1hr)}$ in Area A and 59dB $L_{Aeq(1hr)}$ in Area B (Areas A and B are shown on Plan Noise Control Boundary – Harrisville Road, Tuakau); and</p> <p>(ii) Use the following normalised sound spectrum:</p> <table border="1" data-bbox="411 1220 906 1339"> <thead> <tr> <th></th> <th colspan="8">Motocross noise spectrum to be used for calculation / Octave Centre Frequency (Hz)</th> </tr> <tr> <th>Normalised spectrum of sound</th> <th>63</th> <th>125</th> <th>250</th> <th>500</th> <th>1000</th> <th>2000</th> <th>4000</th> <th>8000</th> </tr> </thead> <tbody> <tr> <td></td> <td>21</td> <td>22</td> <td>18</td> <td>4</td> <td>0</td> <td>1</td> <td>-7</td> <td>-19</td> </tr> </tbody> </table> <p>(iii) Where any part of a building is to be located in both Areas A and B referred to in clause (i) above, the acoustic design certificate shall be based on an outdoor level of sound of 63dB $L_{Aeq(1hr)}$.</p> <p>(c) The following ventilation and cooling requirements shall be met unless the internal noise requirement in NOISE-R46(1)(a) can be achieved with windows open:</p> <p>(i) The room is to be provided with an alternative ventilation system that meets the requirements of Building Code Clause G4 Ventilation without</p>		Motocross noise spectrum to be used for calculation / Octave Centre Frequency (Hz)								Normalised spectrum of sound	63	125	250	500	1000	2000	4000	8000		21	22	18	4	0	1	-7	-19	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) The extent to which proposed hours of operation and/or duration (of the activity causing the noise infringement) will give rise to adverse noise effects on the surrounding environment and adequacy of proposed measures to manage these effects.</p>
	Motocross noise spectrum to be used for calculation / Octave Centre Frequency (Hz)																												
Normalised spectrum of sound	63	125	250	500	1000	2000	4000	8000																					
	21	22	18	4	0	1	-7	-19																					

	<p>relying on external windows; and</p> <p>(ii) The room is provided with cooling that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C; and</p> <p>(iii) Any ventilation/cooling system installed in compliance with a. and b. above must not generate noise at levels greater than 35dB $L_{Aeq(30sec)}$ when measured 1 metre from any grille or diffuser.</p>	
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Independent Hearing Panel Recommendation Tracked Changes to Proposed Waikato District Plan

The amendments to Variation 3 to the Proposed Waikato District Plan as recommended by the Independent Hearing Panel are set out below.

Key

Text additions proposed by Council, the s42A authors or submitters that the Panel has accepted are shown underlined.

Text deletions proposed by Council, the s.42A authors or submitters that the Panel has accepted are shown ~~strikethrough~~.

Further text additions or deletions that the Panel has made following the hearing of evidence and submissions are identified with **grey shading**.

Text that is not underlined or struck through is original Proposed Waikato District Plan text.

SIGN – Signs

The relevant area specific zone chapter provisions apply in addition to this chapter.

Policies

SIGN-PI Signage.

- (1) In GRZ – General residential zone, LLRZ – Large lot residential zone and SETZ – Settlement zone:
 - (a) Provide for the establishment of signs where they are directly associated with the activity carried out on the site on which they are located; and
 - (b) Recognise that public information signs provide a benefit to community well-being and support infrastructure and commercial and community activities.
 - (c) Provide for signage that is compatible with the character and sensitivity of the residential environment.
- (2) In the TCZ – Town centre zone, LCZ – Local centre zone and COMZ – Commercial zone provide for:
 - (a) The establishment of signs where they are associated with the activity carried out on the site on which they are located;
 - (b) Public information signs that are of benefit to community well-being; and
 - (c) Establishment of signage to support the commercial function and vibrancy of the zones with controls on the size, location, appearance and number of signs to ensure they do not detract from the visual amenity of the surrounding environment.
- (3) In the RLZ – Rural lifestyle zone:
 - (a) Signage contributes to the social and economic wellbeing of communities by:

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- (i) Supporting infrastructure and commercial and community activities;
- (ii) Providing information, including for public safety;
- (iii) Identifying places;
- (b) Provide for the establishment of signs where they are directly associated with the activity carried out on the site on which they are located;
- (c) Recognise that public information signs provide a benefit to community well-being; and
- (d) Provide for temporary signage subject to meeting limits on duration.

SIGN-P2 Managing the adverse effects of signs.

- (1) In GRZ – General residential zone, LLRZ – Large lot residential zone and SETZ – Settlement zone:
 - (a) The location, colour, content, and appearance of signs are controlled to ensure signs do not adversely affect the safety of road users;
 - (b) Discourage signs that generate adverse effects from illumination, light spill, flashing, moving or reflection.
- (2) In the TCZ – Town centre zone, LCZ – Local centre zone and COMZ – Commercial zone ensure that:
 - (a) The location, colour, content, and appearance of signs are controlled to ensure signs do not adversely affect the safety of road users;
 - (b) Signs that generate adverse effects from illumination, light spill, flashing, movement or reflection are avoided; and
 - (c) The placement of signs do not obstruct the free movement of:
 - (i) Pedestrians along the footpath; and
 - (ii) Vehicle use of the road carriageway.
- (3) In the GRUZ – General rural zone:
 - (a) Manage the scale, location, appearance and number of signs to ensure they do not compromise visual amenity.
 - (b) Ensure that signs directed at or visible to road or rail users do not adversely affect the safety of land transport users.
 - (c) Limit the duration of temporary signage.
 - (d) Recognise that public information signs provide value to the wider community.
 - (e) Provide for appropriate signage on historic heritage items, notable trees and Sites and areas of significance to Maori for the purpose of identification or interpretation.
- (4) In the RLZ – Rural lifestyle zone:
 - (a) The location, colour, content, and appearance of signs are controlled to ensure signs do not adversely affect the safety of road users.
 - (b) Maintain the visual amenity and character of the RLZ – Rural lifestyle zone through controls on the size, location, appearance and number of signs.

- (c) Avoid signs that generate adverse effects from illumination, light spill, flashing or reflection.

SIGN-P3 Signs in the BTZ – Business Tamahere zone.

- (1) Provide for the establishment of signs where they are directly associated with the activity carried out on the site on which they are located;
- (2) Recognise that public information signs provide a benefit to community well-being; and
- (3) Enable the establishment of signage to support the commercial function of the BTZ – Business Tamahere zone with controls on the size, location, appearance and number of signs to ensure they do not detract from the visual amenity and character of the neighbourhood centre.

SIGN-P4 Managing the adverse effects of signs in the BTZ – Business Tamahere zone.

- (1) The location, colour, content, and appearance of signs are controlled to ensure signs do not adversely affect the safety of road users.
- (2) Enable signs in the BTZ – Business Tamahere zone that contribute to an efficient, attractive and vibrant neighbourhood centre.
- (3) Avoid signs that generate adverse effects from illumination, light spill, flashing or reflection.
- (4) Ensure that the placement of signs do not obstruct the free movement of:
 - (a) Pedestrians along the footpath; and
 - (b) Vehicle use of the road carriageway.

SIGN-P5 Managing the adverse effects of signs in the OSZ – Open space zone.

Ensure that signs do not adversely affect amenity, traffic safety, heritage or Maaori cultural values.

Rules

Land use – activities (zones specified in the first column)

SIGN-RI	Signs – general	
All zones	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) A public information sign erected by a government agency; (b) Official sign; or (c) Signs that are located within a building or that are not visible from a road or adjoining site. 	<p>(2) Activity status where compliance not achieved: n/a</p>

LLRZ – Large lot residential zone

SIGN-R2	Signs – general
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<p>LLRZ – Large lot residential zone</p>	<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) A sign must comply with the following standards: <ul style="list-style-type: none"> (i) It is the only sign on the site; (ii) The sign is wholly contained on the site; (iii) The sign does not exceed 0.25m²; (iv) The sign height does not exceed 2m; (v) The sign is not illuminated; (vi) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; (vii) The sign is set back at least 50m from a state highway and the Waikato Expressway; (viii) The sign is not attached to a tree identified in SCHED2 – Notable trees, except for the purpose of identification; and (ix) The sign is not attached to a heritage item listed in SCHED1 – Historic heritage items except for the purpose of identification and interpretation; (x) The sign is not attached to a site and area of significance to Maaori listed in SCHED3 – Sites and areas of significance to Maaori except for the purpose of identification and interpretation; and (xi) The sign relates to: <ul style="list-style-type: none"> (1) Goods or services available on the site; or (2) A property name sign. 	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values; (b) Character of the locality; (c) Effects on traffic safety; (d) Glare and artificial light spill; (e) Content, colour and location of the sign; and (f) Effects on notable trees; (g) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign; (h) Effects on cultural values of any Maaori site of significance; and (i) Effects on notable architectural features of the building.
<p>SIGN-R3</p>	<p>Signs – general</p>	
<p>LLRZ – Large lot residential zone</p>	<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) A real estate sign relating to the site on which it is located must comply with all of the following standards: <ul style="list-style-type: none"> (i) There is no more than 3 signs per site of which; 	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values; (b) Character of the locality; (c) Effects on traffic safety; (d) Glare and artificial light spill;

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	<p>(1) There is no more than 1 sign per agency measuring 600mm x 900mm;</p> <p>(2) There is no more than 1 sign measuring 1800mm x 1200mm; and</p> <p>(3) There is no more than 1 real estate header sign measuring 1800mm x 1200mm.</p> <p>(ii) The sign is not illuminated; and</p> <p>(iii) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials.</p>	<p>(e) Content, colour and location of the sign; and</p> <p>(f) Effects on notable trees;</p> <p>(g) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign;</p> <p>(h) Effects on cultural values of any Maori site of significance; and</p> <p>(i) Effects on notable architectural features of the building.</p>
SIGN-R4	Signs – effects on traffic	
LLRZ – Large lot residential zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Any sign directed at road or rail users must comply with the following standards:</p> <p>(i) Not imitate the content, colour or appearance of any traffic control sign;</p> <p>(ii) Be located at least 60m from controlled intersections, pedestrian crossings and any other sign;</p> <p>(iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections or at a level rail crossing;</p> <p>(iv) Contain no more than 40 characters and no more than 6 symbols;</p> <p>(v) Have lettering that is at least 150mm high; and</p> <p>(vi) Be located at least 130m from a site entrance, where the sign directs traffic to the entrance.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

GRZ – General residential zone

SIGN-R5	Signs – general	
GRZ – General residential zone	<p>(1) Activity status: PER</p> <p>Where:</p>	<p>(2) Activity status where compliance not achieved: RDIS</p>

	<p>(a) A sign must comply with all of the following standards:</p> <ul style="list-style-type: none"> (i) It is the only sign on the site; (ii) The sign is wholly contained within the site; (iii) The sign does not exceed 0.25m²; (iv) The sign height does not exceed 2m in height above the ground; (v) The sign is not illuminated; (vi) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; (vii) The sign is set back at least 50m from the designated boundary of a state highway and the Waikato Expressway; (viii) The sign is not attached to a tree identified in SCHED2 – Notable trees, except for the purpose of identification and interpretation; (ix) The sign is not attached to a heritage item listed in SCHED1 – Historic heritage items, except for the purpose of identification and interpretation; (x) The sign is not attached to a site and area of significance to Maaori listed in SCHED3 – Sites and areas of significance to Maaori, except for the purpose of identification and interpretation; (xi) The sign relates to: <ul style="list-style-type: none"> (1) Goods or services available on the site; or (2) A property name sign. 	<p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (b) Amenity values; (c) Character of the locality; (d) Effects on traffic safety; (e) Glare and artificial light spill; (f) Content, colour and location of the sign; (g) Effects on a notable tree; (h) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign; (i) Effects on cultural values of any SASM – Sites and areas of significance to Maaori; and (j) Effects on notable architectural features of a building.
<p>SIGN-R6</p>	<p>Signs – general</p>	
<p>GRZ – General residential zone</p>	<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) A real estate 'for sale' sign relating to the site on which it is located must comply with all of the following standards: <ul style="list-style-type: none"> (i) There is no more than 1 sign per agency; 	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values; (b) Character of the locality; (c) Effects on traffic safety; (d) Glare and artificial light spill;

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	<p>(ii) The sign is not illuminated; and</p> <p>(b) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials.</p>	<p>(e) Content, colour and location of the sign;</p> <p>(f) Effects on a notable tree;</p> <p>(g) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign;</p> <p>(h) Effects on cultural values of any SASM – Sites and areas of significance to Maori; and</p> <p>(i) Effects on notable architectural features of a building.</p>
SIGN-R7	Signs – effects on traffic	
GRZ – General residential zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Any sign directed at land transport users must:</p> <p>(i) Not imitate the content, colour or appearance of any traffic control sign;</p> <p>(ii) Be located at least 60m from controlled intersections, pedestrian crossings and any other sign;</p> <p>(iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections or at a level crossing;</p> <p>(iv) Contain no more than 40 characters and no more than 6 words, symbols or graphics;</p> <p>(v) Have lettering that is at least 150mm high;</p> <p>(vi) Be at least 130m from a site entrance, where the sign directs traffic to the entrance.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity;</p> <p>(b) Character of the locality;</p> <p>(c) Effects on traffic safety;</p> <p>(d) Glare and artificial light spill;</p> <p>(e) Content, colour and location of the sign;</p> <p>(f) Effects on a notable tree;</p> <p>(g) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign;</p> <p>(h) Effects on cultural values of any SASM – Sites and areas of significance to Maori; and</p> <p>(i) Effects on notable architectural features of a building.</p>

MRZ1 – Medium density residential zone 1 and MRZ2 – Medium density residential zone 2

SIGN-R8	Signs – general	
MRZ1 – Medium density residential zone 1 and MRZ2 – Medium density	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) A sign must comply with all of the following standards:</p> <p>(i) It is the only sign on the site;</p> <p>(ii) The sign is wholly contained within the site;</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity values;</p> <p>(b) Character of the locality;</p> <p>(c) Effects on traffic safety;</p> <p>(d) Glare and artificial light spill;</p>

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<p><u>residential zone 2</u></p>	<ul style="list-style-type: none"> (iii) The sign does not exceed 1m²; (iv) The sign height does not exceed 2m in height above the ground; (v) The sign is not illuminated; (vi) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; (vii) The sign is set back at least 50m from the designated boundary of a state highway and the Waikato Expressway; (viii) The sign is not attached to a tree identified in SCHED2 – Notable trees, except for the purpose of identification and interpretation; (ix) The sign is not attached to a heritage item listed in SCHED1 – Historic heritage items, except for the purpose of identification and interpretation; (x) The sign is not attached to a site and area of significance to Maaori listed in SCHED3 – Sites and areas of significance to Maaori, except for the purpose of identification and interpretation; (xi) The sign relates to: <ul style="list-style-type: none"> (1) goods or services available on the site; or (2) a property name sign. 	<ul style="list-style-type: none"> (e) Content, colour and location of the sign; (f) Effects on a notable tree; (g) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign; (h) Effects on cultural values of any SASM – Sites and areas of significance to Maaori; and (i) Effects on notable architectural features of a building.
<p>SIGN-R9</p>	<p>Signs – general</p>	
<p>MRZ1 – Medium density residential zone 1 and <u>MRZ2 – Medium density residential zone 2</u></p>	<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) A real estate 'for sale' sign relating to the site on which it is located must comply with all of the following standards: <ul style="list-style-type: none"> (i) There is no more than 1 sign per agency; (ii) The sign is not illuminated; and (iii) The sign does not contain any moving parts, fluorescent, flashing or 	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values; (b) Character of the locality; (c) Effects on traffic safety; (d) Glare and artificial light spill; (e) Content, colour and location of the sign; (f) Effects on a notable tree; (g) Effects on the heritage values of any heritage item due to the

	<p>revolving lights or reflective materials.</p>	<p>size, location, design and appearance of the sign;</p> <p>(h) Effects on cultural values of any SASM – Sites and areas of significance to Maaori; and</p> <p>(i) Effects on notable architectural features of a building.</p>
SIGN-R10	Signs – effects on traffic	
<p>MRZ1 – Medium density residential zone 1 and</p> <p>MRZ2 – Medium density residential zone 2</p>	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Any sign directed at land transport users must:</p> <p>(i) Not imitate the content, colour or appearance of any traffic control sign;</p> <p>(ii) Be located at least 60m from controlled intersections, pedestrian crossings and any other sign;</p> <p>(iii) Not obstruct sight lines of drivers turning into, or out of, a site entrance and intersections or at a level crossing;</p> <p>(iv) Contain no more than 40 characters and no more than 6 words and/or symbols;</p> <p>(v) Have lettering that is at least 150mm high; and</p> <p>(vi) Be at least 130m from a site entrance, where the sign directs traffic to the entrance.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity;</p> <p>(b) Character of the locality;</p> <p>(c) Effects on traffic safety;</p> <p>(d) Glare and artificial light spill;</p> <p>(e) Content, colour and location of the sign;</p> <p>(f) Effects on a notable tree;</p> <p>(g) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign;</p> <p>(h) Effects on cultural values of any SASM – Sites and areas of significance to Maaori;</p> <p>(i) Effects on notable architectural features of a building.</p>

GRUZ – General rural zone

SIGN-R11	Signs – general	
<p>GRUZ – General rural zone</p>	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) A sign must comply with all of the following standards:</p> <p>(i) It is the only sign on the site;</p> <p>(ii) The sign is wholly contained on the site;</p> <p>(iii) The sign does not exceed 3m²;</p> <p>(iv) The sign height does not exceed 3m;</p> <p>(v) The sign is not illuminated,</p> <p>(vi) The sign does not contain any moving parts,</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity values;</p> <p>(b) Rural character of the locality;</p> <p>(c) Effects on traffic safety;</p> <p>(d) Effects of glare and artificial light spill;</p> <p>(e) Content, colour and location of the sign;</p> <p>(f) Effects on notable trees;</p> <p>(g) Effects on the heritage values of any heritage item due to the</p>

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	<p>fluorescent, flashing or revolving lights or reflective materials;</p> <p>(vii) The sign is set back at least 50m from a state highway and the Waikato Expressway;</p> <p>(viii) The sign is not attached to a notable tree identified in SCHED2 – Notable trees, except for the purpose of identification;</p> <p>(ix) The sign is not attached to a heritage item listed in SCHED1 – Historic heritage items except for the purpose of identification and interpretation;</p> <p>(x) The sign is for the purpose of identification and interpretation of a site and area of significance to Maaori listed in SCHED3 – Sites and areas of significance to Maaori;</p> <p>(xi) The sign relates to:</p> <p>(1) Goods or services available on the site; or</p> <p>(2) A property name sign.</p>	<p>size, location, design and appearance of the sign;</p> <p>(h) Effects on cultural values of any SASM – Sites and areas of significance to Maaori; and</p> <p>(i) Effects on notable architectural features of the building.</p>
SIGN-R12	Signs – general	
GRUZ – General rural zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) A real estate sign relating to the site on which it is located must comply with all of the following standards:</p> <p>(i) Have no more than 3 signs per site;</p> <p>(ii) The sign is not illuminated;</p> <p>(iii) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials;</p> <p>(iv) The sign does not exceed 3m²;</p> <p>(v) Any real estate sign shall be removed within 20 working days of the sale or lease being settled.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity values;</p> <p>(b) Rural character of the locality;</p> <p>(c) Effects on traffic safety;</p> <p>(d) Effects of glare and artificial light spill;</p> <p>(e) Content, colour and location of the sign;</p> <p>(f) Effects on notable trees;</p> <p>(g) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign;</p> <p>(h) Effects on cultural values of any SASM – Sites and areas of significance to Maaori; and</p> <p>(i) Effects on notable architectural features of the building.</p>
SIGN-R13	Signs - effects on traffic	

<p>GRUZ – General rural zone</p>	<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) Any sign directed at road users must meet the following standards: <ul style="list-style-type: none"> (i) Not imitate the content, colour or appearance of any traffic control sign; (ii) Be located at least 60m from controlled intersections, pedestrian crossings and railway crossings (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 words, symbols, or graphics; (v) Have lettering that is at least 200mm high; and (vi) Where the sign directs traffic to a site entrance, it must be at least: <ul style="list-style-type: none"> (vii) 175m from the entrance on roads with a speed limit of 80 km/hr or less; or (viii) 250m from the entrance on roads with a speed limit of more than 80km/hr. 	<p>(2) Activity status where compliance not achieved: DIS</p>
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RLZ – Rural lifestyle zone

<p>SIGN-RI4 RLZ – Rural lifestyle zone</p>	<p>Signs – general</p> <p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) A sign must comply with all of the following standards: <ul style="list-style-type: none"> (i) It is the only sign on the site; (ii) The sign is wholly contained on the site; (iii) The sign does not exceed an area of 1m²; (iv) The sign height does not exceed 3m; (v) The sign is not illuminated; (vi) The sign does not contain any moving parts, fluorescent, flashing or 	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values; (b) Rural character of the locality; (c) Effects on traffic safety; (d) Effects of glare and artificial light spill; (e) Content, colour and location of the sign; (f) Effects on any notable trees; (g) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign;
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	<p>revolving lights or reflective materials;</p> <p>(vii) The sign is set back at least 50m from a state highway and the Waikato Expressway;</p> <p>(viii) The sign is not attached to a tree identified in SCHED2 – Notable trees, except for the purpose of identification;</p> <p>(ix) The sign is not attached to a heritage item listed in SCHED1 – Historic heritage items except for the purpose of identification and interpretation;</p> <p>(x) Where the sign is on a site with a site and area of significance to Maaori listed in SCHED3 – Sites and areas of significance to Maaori it must be for the purpose of identification and interpretation;</p> <p>(xi) The sign relates to:</p> <p>(1) Goods or services available on the site; or</p> <p>(2) A property name sign.</p>	<p>(h) Effects on cultural values of any SASM – Sites and areas of significance to Maaori; and</p> <p>(i) Effects on notable architectural features of the building.</p>
<p>SIGN-R15</p>	<p>Signs – general</p>	
<p>RLZ – Rural lifestyle zone</p>	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) A real estate 'for sale' sign relating to the site on which it is located must comply with all of the following standards:</p> <p>(i) There are no more than 3 signs per site;</p> <p>(ii) The sign is not illuminated;</p> <p>(iii) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials;</p> <p>(iv) The sign does not project into or over a road reserve;</p> <p>(v) The sign does not exceed an area of 1m².</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity values;</p> <p>(b) Rural character of the locality;</p> <p>(c) Effects on traffic safety;</p> <p>(d) Effects of glare and artificial light spill;</p> <p>(e) Content, colour and location of the sign;</p> <p>(f) Effects on any notable trees;</p> <p>(g) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign;</p> <p>(h) Effects on cultural values of any SASM – Sites and areas of significance to Maaori; and</p> <p>(i) Effects on notable architectural features of the building.</p>
<p>SIGN-R16</p>	<p>Signs – effects on traffic</p>	

<p>RLZ – Rural lifestyle zone</p>	<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) Any sign directed at road users must meet the following standards: <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, railway crossings and any other sign associated with roads and traffic management; and (iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections or at a level crossing; and (iv) Contain no more than 40 characters and no more than 6 symbols; and (v) Have lettering that is at least 200mm high; and (vi) Where the sign directs traffic to a site entrance the sign must be at least: <ul style="list-style-type: none"> (vii) 175m from the site entrance on any road with a speed limit of 80 km/hr or less; or (viii) 250m from the site entrance on any road with a speed limit of more than 80km/hr. 	<p>(2) Activity status where compliance not achieved: DIS</p>
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SETZ – Settlement zone

<p>SIGN-R17 SETZ – Settlement zone</p>	<p>Signs – general (1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) A sign must comply with the following standards: <ul style="list-style-type: none"> (i) It is the only sign on the site; (ii) The sign is wholly contained on the site; (iii) The sign does not exceed 0.25m²; (iv) The sign height does not exceed 2m; (v) The sign is not illuminated; 	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values; (b) Character of the locality; (c) Effects on traffic safety; (d) Glare and artificial light spill; (e) Content, colour and location of the sign; and (f) Effects on notable trees;
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	<ul style="list-style-type: none"> (vi) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; (vii) The sign is set back at least 50m from a state highway and the Waikato Expressway; (viii) The sign is not attached to a tree identified in SCHED2 – Notable trees, except for the purpose of identification; and (ix) The sign is not attached to a heritage item listed in SCHED1 – Historic heritage items except for the purpose of identification and interpretation; (x) The sign is not attached to a site and area of significance to Maaori listed in SCHED3 – Sites and areas of significance to Maaori except for the purpose of identification and interpretation; and (xi) The sign relates to: <ul style="list-style-type: none"> (1) Goods or services available on the site; or (2) A property name sign. 	<ul style="list-style-type: none"> (g) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign; (h) Effects on cultural values of any Maaori site of significance; and (i) Effects on notable architectural features of the building.
SIGN-R18	Signs – general	
SETZ – Settlement zone	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) A real estate sign relating to the site on which it is located must comply with all of the following standards: <ul style="list-style-type: none"> (i) There is no more than 3 signs per site of which; <ul style="list-style-type: none"> (1) There is no more than 1 sign per agency measuring 600mm x 900mm; (2) There is no more than 1 sign measuring 1800mm x 1200mm; and (3) There is no more than 1 real estate header sign measuring 1800mm x 1200mm. (ii) The sign is not illuminated; and 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values; (b) Character of the locality; (c) Effects on traffic safety; (d) Glare and artificial light spill; (e) Content, colour and location of the sign; and (f) Effects on notable trees; (g) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign; (h) Effects on cultural values of any Maaori site of significance; and (i) Effects on notable architectural features of the building.

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	(iii) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials.	
SIGN-R19	Signs – effects on traffic	
SETZ – Settlement zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Any sign directed at road or rail users must comply with the following standards:</p> <p>(i) Not imitate the content, colour or appearance of any traffic control sign;</p> <p>(ii) Be located at least 60m from controlled intersections, pedestrian crossings and any other sign;</p> <p>(iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections or at a level rail crossing;</p> <p>(iv) Contain no more than 40 characters and no more than 6 symbols;</p> <p>(v) Have lettering that is at least 150mm high; and</p> <p>(vi) Be located at least 130m from a site entrance, where the sign directs traffic to the entrance.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

LCZ – Local centre zone and COMZ – Commercial zone

SIGN-R20	Signs – general	
LCZ – Local centre zone; and COMZ – Commercial zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) A sign must comply with all of the following standards:</p> <p>(i) The sign is wholly contained on the site;</p> <p>(ii) The sign height must not exceed 10m;</p> <p>(iii) Where the sign is illuminated it must:</p> <p>(1) Not have a light source that flashes or moves;</p> <p>(2) Not contain moving parts or reflective materials; and</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity values;</p> <p>(b) Effects on traffic safety;</p> <p>(c) Effects of glare and artificial light spill;</p> <p>(d) Content, colour and location of the sign;</p> <p>(e) Effects on notable trees;</p> <p>(f) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign;</p>

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	<p>(3) Be focused to ensure that it does not spill light beyond the site;</p> <p>(iv) Where the sign is attached to a building, it must:</p> <p>(1) Not extend more than 300mm from the building wall; and</p> <p>(2) Not exceed the height of the building;</p> <p>(v) Where the sign is a freestanding sign, it must:</p> <p>(1) Not exceed an area of 3m² for one sign per site, and 1m² for any other freestanding sign on the site; and</p> <p>(2) Be set back at least 5m from the boundary of the GRZ – General residential zone, or MRZ1 – Medium density residential zone 1 or MRZ2 – Medium density residential zone 2;</p> <p>(vi) The sign is not attached to a notable tree identified in SCHED2 – Notable trees, except for the purpose of identification;</p> <p>(vii) The sign is on the site of and for the purpose of identification and interpretation of a heritage item listed in SCHED1 – Historic heritage items except for the purpose of identification and interpretation;</p> <p>(viii) The sign is not attached to a site and area of significance to Maaori listed in SCHED3 – Sites and areas of significance to Maaori except for the purpose of identification and interpretation;</p> <p>(ix) The sign relates to:</p> <p>(1) Goods or services available on the site; or</p> <p>(2) A property name sign.</p>	<p>(g) Effects on cultural values of any SASM – Sites and areas of significance to Maaori Site;</p> <p>(h) Effects on notable architectural features of the building.</p>
SIGN-R2I	Signs – general	

<p>LCZ – Local centre zone; and COMZ – Commercial zone</p>	<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) A real estate 'for sale' or 'for rent' sign relating to the site on which it is located must comply with all of the following standards: (b) There is no more than 3 signs per site; (c) The sign is not illuminated; and (d) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials. 	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values; (b) Effects on traffic safety; (c) Effects of glare and artificial light spill; (d) Content, colour and location of the sign; (e) Effects on notable trees; (f) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign; (g) Effects on cultural values of any SASM – Sites and areas of significance to Maaori Site; (h) Effects on notable architectural features of the building.
<p>SIGN-R22 Signs - effects on traffic</p>		
<p>LCZ – Local centre zone; and COMZ – Commercial zone</p>	<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) Any sign directed at land transport users must meet all of the following standards: <ul style="list-style-type: none"> (i) Not imitate the content, colour or appearance of any traffic control sign; (ii) Be located at least 60m from controlled intersections or at a level crossing, pedestrian crossings and any other sign; (iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections or at a level crossing; and (iv) Contain no more than 40 characters and no more than 6 words and/or symbols; (v) Have lettering that is at least 150mm high; (b) Rule SIGN-R22(1)(a) does not apply to site identification signs 	<p>(2) Activity status where compliance not achieved: DIS</p>

TCZ – Town centre zone

<p>SIGN-R23</p>	<p>Signs – general</p>
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<p>TCZ – Town centre zone</p>	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) A sign must comply with all of the following standards:</p> <p>(i) The sign height does not exceed 10m;</p> <p>(ii) Where the sign is illuminated it must:</p> <p>(1) Not have a light source that flashes or moves; and</p> <p>(2) Not contain moving parts or reflective materials; and</p> <p>(3) Be directed to ensure it does not spill light beyond the site;</p> <p>(iii) Where the sign is attached to a building, it must:</p> <p>(1) Not extend more than 300mm from the building wall; and</p> <p>(2) Not exceed the height of the building;</p> <p>(iv) Where the sign is attached to a verandah, it must:</p> <p>(1) Be set back at least 500mm from the road carriageway; and</p> <p>(2) Not be more than 500mm high; and</p> <p>(3) Not project beyond the roof or fascia of the verandah more than 100mm in any direction; and</p> <p>(4) Allow clearance of at least 2.4m above a footpath;</p> <p>(v) Where the sign is a freestanding sign, it must:</p> <p>(1) Not exceed an area of 3m² for one sign, and 1m² for any other freestanding sign on the site; and</p> <p>(2) Be set back at least 5m from the boundary of the GRZ – General residential zone, or MRZ1 – Medium density residential zone 1 or MRZ2 – Medium density residential zone 2;</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity values;</p> <p>(b) Effects on traffic safety;</p> <p>(c) Effects of glare and artificial light spill;</p> <p>(d) Content, colour and location of the sign;</p> <p>(e) Effects on notable trees;</p> <p>(f) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign;</p> <p>(g) Effects on cultural values of any SASM – Sites and areas of significance to Maori;</p> <p>(h) Effects on notable architectural features of the building.</p>
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	<p>(vi) The sign must be wholly contained on the site except where it is attached to a verandah;</p> <p>(vii) The sign is not attached to a notable tree identified in SCHED2 – Notable trees, except for the purpose of identification;</p> <p>(viii) The sign is on the site of and for the purpose of identification and interpretation of a heritage item listed in SCHED1 – Historic heritage items;</p> <p>(ix) The sign is not attached to a site and area of significance to Maaori listed in SCHED3 – Sites and areas of significance to Maaori, except for the purpose of identification and interpretation;</p> <p>(x) The sign relates to:</p> <p>(1) Goods or services available on the site; or</p> <p>(2) A property name sign</p>	
SIGN-R24	Signs – general	
TCZ – Town centre zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) A real estate 'for sale' or 'for rent' sign relating to the site on which it is located must comply with all of the following standards:</p> <p>(i) There is no more than 3 signs per site;</p> <p>(ii) The sign is not illuminated;</p> <p>(iii) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) Amenity values;</p> <p>(b) Effects on traffic safety;</p> <p>(c) Effects of glare and artificial light spill;</p> <p>(d) Content, colour and location of the sign;</p> <p>(e) Effects on notable trees;</p> <p>(f) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign;</p> <p>(g) Effects on cultural values of any SASM – Sites and areas of significance to Maaori;</p> <p>(h) Effects on notable architectural features of the building.</p>
SIGN-R25	Signs – effects on traffic	
TCZ – Town centre zone	<p>(1) Activity status: PER</p> <p>Where:</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

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	<p>(a) Any sign directed at land transport users must meet all of the following standards:</p> <ul style="list-style-type: none"> (i) Not imitate the content, colour or appearance of any traffic control sign; (ii) Be located at least 60m from controlled intersections or at a level crossing, pedestrian crossings and any other sign; (iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections or at a level crossing; (iv) Contain no more than 40 characters and no more than 6 words and/or symbols; (v) Have lettering that is at least 150mm high; and <p>(b) SIGN-R25(1)(a) does not apply to site identification signs.</p>	
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GIZ – General industrial zone

SIGN-R26	Signs – general	
GIZ – General industrial zone	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) A sign that: <ul style="list-style-type: none"> (i) Does not exceed a sign height of 10 metres; (ii) Is wholly contained within the site; (iii) Relates to goods and services available on the site or the property name; (iv) Is set back at least 15 metres from a state highway or Waikato Expressway (b) If illuminated: <ul style="list-style-type: none"> (i) Does not have a light source that flashes or moves; and (ii) Does not contain moving parts or reflective materials. (c) A sign attached to a building that: <ul style="list-style-type: none"> (i) Does not extend more than 300mm from the building wall; and (ii) Does not exceed the height of the building. 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Visual amenity; (b) Effects on traffic safety; (c) Glare and artificial light spill; (d) Content, colour and location of the sign; (e) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign; and (f) Effects on notable architectural features of a heritage item.

	<p>(d) Freestanding signs that:</p> <ul style="list-style-type: none"> (i) Do not exceed an area of 3m² for one sign per site, and 1m² for any other freestanding sign on the site; (i) Are set back at least 5m from the boundary of any site in a GRZ – General residential zone, MRZ1 – Medium density residential zone 1, MRZ2 – Medium density residential zone 2, LLRZ – Large lot residential zone, SETZ – Settlement zone or RLZ – Rural lifestyle zone; and (ii) Are set back at least 15 metres from a state highway or Waikato Expressway. <p>(e) A sign attached to a heritage item listed in SCHED1 – Historic heritage items for the express purpose of identification and interpretation.</p>	
SIGN-R27	Signs – general	
GIZ – General industrial zone	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) A real estate sign that: <ul style="list-style-type: none"> (i) Relates to the sale of the site on which it is located; (ii) Does not result in more than 3 signs per site; (iii) Is not illuminated; (iv) Does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; and (v) Does not exceed dimensions of 1800mm x 1200mm. 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Visual amenity; (b) Effects on traffic safety; (c) Glare and artificial light spill; (d) Content, colour and location of the sign; (e) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign; and (f) Effects on notable architectural features of a heritage item.
SIGN-R28	Signs – effects on traffic	
GIZ – General industrial zone	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Any sign directed at road users that: <ul style="list-style-type: none"> (i) Does not imitate the content, colour or appearance of any traffic control sign; and (ii) Is located at least 60 metres from controlled intersections, pedestrian 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) The extent to which the safety of road users is maintained.

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	<p>crossings and another advertising sign; and</p> <p>(iii) Does not obstruct sight lines of drivers turning into or out of a site entrance and intersections; and</p> <p>(iv) Does not contain more than 40 characters or more than 6 symbols; and</p> <p>(v) Has lettering that is at least 150mm high; and</p> <p>(vi) Is at least 130 metres from a site entrance, where the sign directs traffic to the entrance.</p>	
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HIZ – Heavy industrial zone

SIGN-R29	Signs – general	
HIZ – Heavy industrial zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) A sign that:</p> <p>(i) Does not exceed a sign height of 15 metres;</p> <p>(ii) Is wholly contained within the site;</p> <p>(iii) Relates to goods and services available on the site or a property name;</p> <p>(iv) Is set back at least 15 metres from a state highway or Waikato Expressway; and</p> <p>(v) If illuminated:</p> <p>(1) Does not have a light source that flashes or moves; and</p> <p>(2) Does not contain moving parts or reflective materials. and</p> <p>(vi) A sign attached to a building that:</p> <p>(1) Does not extend more than 300 millimetres from the building wall; and</p> <p>(2) Does not exceed the height of the building.</p> <p>(vii) Freestanding signs that:</p> <p>(1) Do not exceed an area of 3m² for one sign per site, and 1m² for any other</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity;</p> <p>(b) Effects on traffic safety;</p> <p>(c) Glare and artificial light spill;</p> <p>(d) Content, colour and location of the sign; and</p> <p>(e) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign.</p>

	<p>freestanding sign on the site;</p> <p>(2) Are set back at least 5 metres from the boundary of any site in any GRZ – General residential zone, SETZ – Settlement zone or RLZ – Rural lifestyle zone; and</p> <p>(3) Are set back at least 15 metres from a state highway or Waikato Expressway.</p> <p>(viii) A sign attached to a heritage item listed in SCHED I – Historic heritage items, for the express purpose of identification and interpretation.</p>	
SIGN-R30	Signs – general	
HIZ – Heavy industrial zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) A real estate 'for sale' sign that:</p> <p>(i) Relates to the sale of the site on which it is located;</p> <p>(ii) Does not result in more than 3 signs per site</p> <p>(iii) Is not illuminated;</p> <p>(iv) Does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; and</p> <p>(v) does not exceed dimensions of 1800mm x 1200mm.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) Amenity;</p> <p>(b) Effects on traffic safety;</p> <p>(c) Glare and artificial light spill;</p> <p>(d) Content, colour and location of the sign; and</p> <p>(e) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign.</p>
SIGN-R31	Signs – effects on traffic	
HIZ – Heavy industrial zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Any sign directed at road users that:</p> <p>(i) Does not imitate the content, colour or appearance of any traffic control sign; and</p> <p>(ii) Is located at least 60 metres from controlled intersections, pedestrian crossings and another advertising sign; and</p> <p>(iii) Does not obstruct sight lines of drivers turning into or out of a site entrance and intersections; and</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) The extent to which the safety of road users is maintained.</p>

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	<ul style="list-style-type: none"> (iv) Does not contain more than 40 characters or more than 6 symbols; and (v) Has lettering that is at least 150 millimetres high; and (vi) Is at least 130 metres from a site entrance, where the sign directs traffic to the entrance. 	
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OSZ – Open space zone

SIGN-R32	Signs – general	
OSZ – Open space zone	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) A sign must comply with all of the following standards: <ul style="list-style-type: none"> (i) The sign does not exceed: <ul style="list-style-type: none"> (1) 3m² for one sign per site, and (2) 1m² for any other sign; (ii) The sign height does not exceed 3m; (iii) The sign does not exceed the height of the building; (iv) The sign is not illuminated; (v) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; (vi) The sign is not attached to a tree identified in Schedule SCHED2 – Notable trees, except for the purpose of identification and interpretation; (vii) The sign is not attached to a heritage item listed in SCHED1 – Historic heritage items except for the purpose of identification and interpretation; (viii) On a site with a site and area of significance to Maaori listed in SCHED3 – Sites and areas of significance to Maaori, the sign is for the purpose of identification and interpretation; 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values; (b) Character of the locality; (c) Effects on traffic safety; (d) Effects of glare and artificial light spill; (e) Content, colour and location of the sign; (f) Effects on notable trees. (g) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign; (h) Effects on cultural values of any SASM – Sites and areas of significance to Maaori; and (i) Effects on notable architectural features of the building.

	(ix) The sign is set back at least 5m from the boundary of the GRZ – General residential zone, MRZ ₁ – Medium density residential zone <u>1</u> , <u>MRZ2 – Medium density residential zone 2</u> , LLRZ – Large lot residential zone, SETZ – Settlement zone or RLZ Rural lifestyle zone.	
SIGN-R33	Signs – effects on traffic	
OSZ – Open space zone	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Any sign directed at road or rail users must: <ul style="list-style-type: none"> (i) Not imitate the content, colour or appearance of any traffic control sign; (ii) Be located at least 60m from controlled intersections, pedestrian crossings and any other sign; (iii) Not obstruct sight lines of drivers: turning into or out of a site entrance and intersections; or at a railway level crossing; (iv) Contain no more than 40 characters and no more than 6 symbols; (v) Have lettering that is at least 200mm high; and (vi) Comply with the following where the sign directs traffic to a site entrance: <ul style="list-style-type: none"> (1) Located at least 175m from the entrance on roads with a speed limit of 80 km/hr or less; or (2) Located at least 250m from the entrance on roads with a speed limit of more than 80km/hr. 	<p>(2) Activity status where compliance not achieved: DIS</p>
SIGN-R34	Signs – Tamahere Village Green (Tamahere Village Green specific control, refer to the planning maps)	
Tamahere Village Green specific control within the OSZ – Open space zone	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Any advertising sign visible from a public place must comply with all of the following standards: 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values and streetscape (b) Traffic safety

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	<ul style="list-style-type: none"> (i) Where the sign is attached to a building: <ul style="list-style-type: none"> (1) Does not exceed an area of 2m²; (2) Does not extend more than 300mm from the building wall; (3) Does not exceed the height of the building. (ii) Where the sign is attached to a verandah; <ul style="list-style-type: none"> (1) Is no deeper than 400mm; (2) Does not obscure any notable architectural feature of the building; (3) Does not project beyond the roof or fascia of the verandah more than 100mm in any direction; (4) Allows clearance of at least 2.5m above any pedestrian access, or (iii) Where the sign is free standing; <ul style="list-style-type: none"> (1) Does not exceed 1.5m in height; (2) Does not exceed an area of 1m², or (iv) Where a sign is a signage wall; <ul style="list-style-type: none"> (1) Does not exceed 1.2m in height; (2) Does not exceed an area of 4m²; (v) Where it is an illuminated sign, it: <ul style="list-style-type: none"> (1) Is not a neon sign; (2) Does not have a light source that flashes or moves; (3) Does not contain moving parts or reflective materials; (4) Does not spill light beyond the sign. 	<ul style="list-style-type: none"> (c) Glare and light spill (d) Number of signs; and (e) Design and location of sign.
SIGN-R35	Signs – Tamahere Village Green (Tamahere Village Green specific control, refer to the planning maps)	
Tamahere Village Green specific control within	(1) Activity status: PER Where:	(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters:

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<p>the OSZ – Open space zone</p>	<p>(a) A sign advertising a community event must comply with all of the following standards:</p> <ul style="list-style-type: none"> (i) It is a free standing sign; (ii) Be on display for no more than one month prior to the event; (iii) It does not exceed 1.5m in height, and (iv) It does not exceed an area of 1m². <p>(b) Where it is an illuminated sign, it must not:</p> <ul style="list-style-type: none"> (i) Be a neon sign; (ii) Have a light source that flashes or moves; (iii) Contain moving parts or reflective materials; (iv) Spill light beyond the sign. 	<ul style="list-style-type: none"> (a) Amenity values and streetscape (b) Traffic safety (c) Glare and light spill (d) Number of signs; and (e) Design and location of sign.
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BTZ – Business Tamahere zone

<p>SIGN-R36</p>	<p>Signs – general</p>	
<p>BTZ – Business Tamahere zone</p>	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Any sign must comply with all of the following standards: <ul style="list-style-type: none"> (i) There are no more than two signs per leasable area; (ii) The sign is wholly contained on the site; (iii) Where the sign is attached to a building, it must not exceed: <ul style="list-style-type: none"> (1) An area of 2m²; and (2) More than 300mm from the building wall; and (3) The height of the building; (iv) Where the sign is attached to a verandah, it must: <ul style="list-style-type: none"> (1) Be no deeper than 400mm; and (2) Not obscure any notable architectural feature of a building; and (3) Not project beyond the roof or fascia of the verandah more than 100mm in any direction; and 	<p>(2) Activity status where compliance not achieved: DIS</p>

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	<p>(4) Allow clearance of at least 2.5m above any pedestrian access;</p> <p>(v) Where it is a freestanding sign, it must not exceed:</p> <p>(1) 1.5m in height; and</p> <p>(2) An area of 1m²;</p> <p>(vi) Where it is a signage wall, it must not exceed:</p> <p>(1) 1.2m in height; and</p> <p>(2) An area of 4m²;</p> <p>(vii) Where it is an illuminated sign, it must:</p> <p>(1) Not be a neon sign; and</p> <p>(2) Not have a light source that flashes or moves; and</p> <p>(3) Not contain moving parts or reflective materials; and</p> <p>(4) Be focused to ensure it does not spill light beyond the site.</p>	
SIGN-R37	Signs – general	
BTZ – Business Tamahere zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) A real estate 'for sale' or 'for rent' sign relating to the site on which it is located must comply with all of the following standards:</p> <p>(i) There is no more than 3 signs per site;</p> <p>(ii) The sign is not illuminated;</p> <p>(iii) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; and</p> <p>(iv) The sign does not project into or over road reserve.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
SIGN-R38	Signs – effects on traffic	
BTZ – Business Tamahere zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Any sign directed at road users must:</p> <p>(i) Not imitate the content, colour or appearance of any traffic control sign;</p> <p>(ii) Be at least 60m from controlled intersections,</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

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	<p>pedestrian crossings and another sign;</p> <p>(iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections;</p> <p>(iv) Contain no more than 40 characters and no more than 6 symbols; and</p> <p>(v) Have lettering that is at least 150mm high.</p>	
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CORZ – Corrections zone

SIGN-R39	Signs – general	
CORZ – Corrections zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) A sign must comply with all of the following standards:</p> <p>(i) It is the only sign on the site;</p> <p>(ii) The sign is wholly contained on the site;</p> <p>(iii) The sign does not exceed 3m²;</p> <p>(iv) The sign height does not exceed 3m;</p> <p>(v) The sign is not illuminated,</p> <p>(vi) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials;</p> <p>(vii) The sign is set back at least 50m from a state highway and the Waikato Expressway;</p> <p>(viii) The sign is not attached to a notable tree identified in SCHED2 – Notable trees, except for the purpose of identification;</p> <p>(ix) The sign is not attached to a heritage item listed in SCHED1 – Historic heritage items except for the purpose of identification and interpretation;</p> <p>(x) The sign is for the purpose of identification and interpretation of a site and area of significance to Maaori listed in SCHED3 – Sites and</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity values;</p> <p>(b) Rural character of the locality;</p> <p>(c) Effects on traffic safety;</p> <p>(d) Effects of glare and artificial light spill;</p> <p>(e) Content, colour and location of the sign;</p> <p>(f) Effects on notable trees;</p> <p>(g) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign;</p> <p>(h) Effects on cultural values of any SASM – Sites and areas of significance to Maaori; and</p> <p>(i) Effects on notable architectural features of the building.</p>

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	<p>areas of significance to Maaori;</p> <p>(xi) The sign relates to:</p> <p>(1) Goods or services available on the site; or</p> <p>(2) A property name sign.</p>	
SIGN-R40	Signs – general	
CORZ – Corrections zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) A real estate sign relating to the site on which it is located must comply with all of the following standards:</p> <p>(i) Have no more than 3 signs per site;</p> <p>(ii) The sign is not illuminated;</p> <p>(iii) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials;</p> <p>(iv) The sign does not exceed 3m²;</p> <p>(v) Any real estate sign shall be removed within 20 working days of the sale or lease being settled.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity values;</p> <p>(b) Rural character of the locality;</p> <p>(c) Effects on traffic safety;</p> <p>(d) Effects of glare and artificial light spill;</p> <p>(e) Content, colour and location of the sign;</p> <p>(f) Effects on notable trees;</p> <p>(g) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign;</p> <p>(h) Effects on cultural values of any SASM – Sites and areas of significance to Maaori; and</p> <p>(i) Effects on notable architectural features of the building.</p>
SIGN-R41	Signs - effects on traffic	
CORZ – Corrections zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Any sign directed at road users must meet the following standards:</p> <p>(i) Not imitate the content, colour or appearance of any traffic control sign;</p> <p>(ii) Be located at least 60m from controlled intersections, pedestrian crossings and railway crossings</p> <p>(iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections;</p> <p>(iv) Contain no more than 40 characters and no more than 6 words, symbols, or graphics;</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

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	<p>(v) Have lettering that is at least 200mm high; and</p> <p>(vi) Where the sign directs traffic to a site entrance, it must be at least:</p> <p>(vii) 175m from the entrance on roads with a speed limit of 80 km/hr or less; or</p> <p>(viii) 250m from the entrance on roads with a speed limit of more than 80km/hr.</p>	
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FUZ – Future urban zone

SIGN-R42	Signs – general	
CORZ – Corrections zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) A sign must comply with all of the following standards:</p> <p>(i) It is the only sign on the site;</p> <p>(ii) The sign is wholly contained on the site;</p> <p>(iii) The sign does not exceed 3m²;</p> <p>(iv) The sign height does not exceed 3m;</p> <p>(v) The sign is not illuminated,</p> <p>(vi) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials;</p> <p>(vii) The sign is set back at least 50m from a state highway and the Waikato Expressway;</p> <p>(viii) The sign is not attached to a notable tree identified in SCHED2 – Notable trees, except for the purpose of identification;</p> <p>(ix) The sign is not attached to a heritage item listed in SCHED1 – Historic heritage items except for the purpose of identification and interpretation;</p> <p>(x) The sign is for the purpose of identification and interpretation of a site and area of significance to Maaori listed in SCHED3 – Sites and</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity values;</p> <p>(b) Rural character of the locality;</p> <p>(c) Effects on traffic safety;</p> <p>(d) Effects of glare and artificial light spill;</p> <p>(e) Content, colour and location of the sign;</p> <p>(f) Effects on notable trees;</p> <p>(g) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign;</p> <p>(h) Effects on cultural values of any SASM – Sites and areas of significance to Maaori; and</p> <p>(i) Effects on notable architectural features of the building.</p>

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	<p>areas of significance to Maaori;</p> <p>(xi) The sign relates to:</p> <p>(1) Goods or services available on the site; or</p> <p>(2) A property name sign.</p>	
SIGN-R43	Signs – general	
CORZ – Corrections zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) A real estate sign relating to the site on which it is located must comply with all of the following standards:</p> <p>(i) Have no more than 3 signs per site;</p> <p>(ii) The sign is not illuminated;</p> <p>(iii) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials;</p> <p>(iv) The sign does not exceed 3m²;</p> <p>(v) Any real estate sign shall be removed within 20 working days of the sale or lease being settled.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity values;</p> <p>(b) Rural character of the locality;</p> <p>(c) Effects on traffic safety;</p> <p>(d) Effects of glare and artificial light spill;</p> <p>(e) Content, colour and location of the sign;</p> <p>(f) Effects on notable trees;</p> <p>(g) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign;</p> <p>(h) Effects on cultural values of any SASM – Sites and areas of significance to Maaori; and</p> <p>(i) Effects on notable architectural features of the building.</p>
SIGN-R44	Signs - effects on traffic	
CORZ – Corrections zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Any sign directed at road users must meet the following standards:</p> <p>(i) Not imitate the content, colour or appearance of any traffic control sign;</p> <p>(ii) Be located at least 60m from controlled intersections, pedestrian crossings and railway crossings</p> <p>(iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections;</p> <p>(iv) Contain no more than 40 characters and no more than 6 words, symbols, or graphics;</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

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	<ul style="list-style-type: none"> (v) Have lettering that is at least 200mm high; and (vi) Where the sign directs traffic to a site entrance, it must be at least: (vii) 175m from the entrance on roads with a speed limit of 80 km/hr or less; or (viii) 250m from the entrance on roads with a speed limit of more than 80km/hr. 	
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HOPZ – Hopuhopu zone

SIGN-R45	Signs – general	
HOPZ – Hopuhopu zone	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) A sign must comply with all of the following standards: <ul style="list-style-type: none"> (ii) The sign is wholly contained on the site; (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 relates to: <ul style="list-style-type: none"> (1) Goods or services available on the site; or (2) A property name sign. (b) In PREC8 – Hopuhopu residential precinct, PREC9 – Hopuhopu education and conference precinct, PREC11 – Hopuhopu open space precinct, PREC12 – Hopuhopu mixed use precinct: <ul style="list-style-type: none"> (i) The sign does not exceed 3m²; and (ii) The sign height does not exceed 3m; (c) In PREC10 – Hopuhopu business precinct: <ul style="list-style-type: none"> (i) The sign height must not exceed 10m; (ii) Where the sign is attached to a building, it must: <ul style="list-style-type: none"> (1) Not extend more than 300mm from the building wall; and 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values; (b) Character of the locality; (c) Effects on traffic safety; (d) Effects of glare and artificial light spill; (e) Content, colour and location of the sign; (f) Effects on notable trees; (g) Effects on the heritage values of any Historic heritage item due to the size, location, design and appearance of the sign; (h) Effects on cultural values of any SASM – Sites and areas of significance to Maori;

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	<p>(2) Not exceed the height of the building;</p> <p>(iii) Where the sign is a freestanding sign, it must:</p> <p>(1) Not exceed an area of 3m²; and</p> <p>(2) Be set back at least 5m from the zone boundary.</p>	
SIGN-R46	Signs – effects on traffic	
HOPZ – Hopuhopu zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Any sign directed at land transport users must meet all of the following standards:</p> <p>(i) Not imitate the content, colour or appearance of any traffic control sign;</p> <p>(ii) Be located at least 60m from controlled intersections, pedestrian crossings and level crossings;</p> <p>(iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections or at a level crossing;</p> <p>(iv) Contain no more than 40 characters and no more than 6 words, symbols, or graphics;</p> <p>(v) Have lettering that is at least 200mm high; and</p> <p>(vi) Where the sign directs traffic to a site entrance, it must be at least:</p> <p>(vii) 175m from the entrance on roads with a speed limit of 80 km/hr or less; or</p> <p>(viii) 250m from the entrance on roads with a speed limit of more than 80km/hr.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Effects on traffic safety;</p> <p>(b) Glare and artificial light spill; and</p> <p>(c) Content, colour and location of the sign.</p>

KLZ – Kimihia lakes zone

SIGN-R47	Signs – general	
KLZ – Kimihia lakes zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) A sign must not exceed 3m²;</p> <p>(b) The sign height must not exceed 10m;</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Effects on amenity values;</p> <p>(b) Effects on traffic safety;</p>

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	<ul style="list-style-type: none"> (c) Illuminated signs visible from the outside of the site must not: <ul style="list-style-type: none"> (i) Have a light source that flashes or moves; (d) Contain moving parts or reflective materials; (e) Signs must be set back at least 7.5m from an external zone boundary; (f) Signs must be set back at least 15m from the designation of the Waikato Expressway; (g) Any sign visible from the outside of the site must relate to: <ul style="list-style-type: none"> (i) An event within the KLZ – Kimihia Lakes zone; or (ii) A property name sign. (h) No more than one sign shall be directed at users of the Waikato Expressway and must: <ul style="list-style-type: none"> (i) Not imitate the content, colour or appearance of any traffic control sign; or (ii) Contain no more than 40 characters and no more than 6 symbols; and (iii) Have lettering that is at least 200mm high 	<ul style="list-style-type: none"> (c) Effects of glare and light spill; (d) Content, colour and location of the sign; and (e) Proximity to the road.
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MSRZ – Motorsport and recreation zone

SIGN-R48	Signs – general – all precincts	
MSRZ – Motorsport and recreation zone	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) A sign visible from a public place shall comply with all of the following standards: <ul style="list-style-type: none"> (i) It does not exceed 5m² in area; (ii) The sign height does not exceed 10m in height; (iii) Illuminated signs shall not: (iv) Have a light source that flashes or moves; (v) Contain moving parts or reflective materials; (vi) It is set back at least 7.5m from the boundary of Hampton Downs Road; 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Effects on amenity values; (b) Effects on traffic safety; (c) Effects of glare and light spill; (d) Content, colour and location of the sign; and (e) Proximity to the road.

	<p>(vii) It is set back at least 15m from State Highway 1;</p> <p>(viii) Is orientated to be internally facing or it is setback a minimum of 500m from State Highway 1 and have a font height no greater than 300 mm and have symbols, parts of symbols, images and/or parts of images of a height no greater than 300 mm, or cannot be seen from State Highway 1;</p> <p>(ix) It relates to:</p> <p>(1) Any motor sport and recreation activity or events within the Motorsport and Recreation Zone; or</p> <p>(2) A property name sign.</p> <p>Advice note: the above does not apply to “temporary traffic management” signs.</p>	
<p>SIGN-R49</p>	<p>Signs – general – all precincts</p>	
<p>MSRZ – Motorsport and recreation zone</p>	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) A real estate sign relating to the site on which it is located shall comply with all of the following standards:</p> <p>(i) There is no more than 3 signs per site of which;</p> <p>(1) There is no more than 1 sign per agency measuring 600mm x 900mm;</p> <p>(2) There is no more than 1 sign measuring 1800mm x 1200mm: and</p> <p>(3) There is no more than 1 real estate header sign measuring 1800mm x 1200mm;</p> <p>(ii) It is not illuminated;</p> <p>(iii) It does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials;</p> <p>(iv) It does not project into or over road reserve.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Effects on amenity values;</p> <p>(b) Effects on traffic safety;</p> <p>(c) Effects of glare and light spill;</p> <p>(d) Content, colour and location of the sign; and</p> <p>(e) Proximity to the road.</p>
<p>SIGN-R50</p>	<p>Signs – effects on traffic – all precincts</p>	

<p>MSRZ – Motorsport and recreation zone</p>	<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) Any sign directed at road users shall: <ul style="list-style-type: none"> (i) Not imitate the content, colour or appearance of any traffic control sign; (ii) Be located at least 60m from controlled intersections, pedestrian crossings and any other signs; (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 250m; (v) Contain no more than 40 characters and no more than 6 symbols; (vi) Have lettering that is at least 200mm high; (vii) Where the sign directs traffic to a site entrance, the sign must be at least: <ul style="list-style-type: none"> (viii) 175m from the entrance on roads with a speed limit of 80 km/hr or less; or (ix) 250m from the entrance on roads with a speed limit of more than 80km/hr. 	<p>(2) Activity status where compliance not achieved: DIS</p>
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MTZ – Matangi zone

<p>SIGN-R51 MTZ – Matangi zone</p>	<p>Signs – general</p> <p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) A sign must comply with all of the following standards (excluding where not visible from outside of the site on which they are located): <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"> (1) Not have a light source that flashes or moves; 	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values; (b) Effects on traffic safety; (c) Effects of glare and artificial light spill; (d) Content, colour and location of the sign; (e) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign; and (f) Effects on notable architectural features of the building.
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	<ul style="list-style-type: none"> (2) Not contain moving parts or reflective materials; and (3) 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"> (1) Not extend more than 400mm from the building wall; and (2) Not exceed the height of the building. (3) Where the sign is a freestanding sign and can be viewed from a public space, it must: <ul style="list-style-type: none"> (4) Not exceed an area of 3m² for one sign per site, and 1m² for one additional freestanding sign on the site; and (5) Be set back at least 5m from the boundary of any adjoining RLZ – Rural lifestyle zone. (v) The sign is not attached to a heritage item listed in SCHED I – Historic heritage items) except for the purpose of identification and interpretation; and (vi) The sign relates to: <ul style="list-style-type: none"> (1) Goods or services available on the site; or (2) A property name sign (which includes tenants of the site). 	
<p>SIGN-R52</p>	<p>Signs – general</p>	
<p>MTZ – Matangi zone</p>	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) A real estate sign must comply with all of the following standards: <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 3 signs per site; (iii) The sign is not illuminated; and 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values; (b) Effects on traffic safety; (c) Effects of glare and artificial light spill; (d) Content, colour and location of the sign; (e) Effects on the heritage values of any heritage item due to the

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	(iv) The sign does not contain any moving parts, florescent, flashing or revolving lights or reflective materials.	size, location, design and appearance of the sign; and (f) Effects on notable architectural features of the building.
SIGN-R53	Signs – effects on traffic	
MTZ – Matangi zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Any sign directed at road users must meet the following standards:</p> <p>(i) Not imitate the content, colour or appearance of any traffic control sign;</p> <p>(ii) Be located at least 60m from controlled intersections, pedestrian crossings and any other sign;</p> <p>(iii) Not obstruct sight lines of drivers turning into, or out of, a site entrance and intersections or at a railway level crossing; and</p> <p>(iv) Contain no more than 40 characters and no more than 6 symbols; and</p> <p>(v) Have lettering that is at least 150mm high.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity values;</p> <p>(b) Effects on traffic safety;</p> <p>(c) Effects of glare and artificial light spill;</p> <p>(d) Content, colour and location of the sign;</p> <p>(e) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign; and</p> <p>(f) Effects on notable architectural features of the building.</p>

RPZ – Rangitahi Peninsula zone

SIGN-R54	Signs – general	
RPZ – Rangitahi Peninsula zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) A sign visible from a public place must comply with all of the following standards:</p> <p>(i) It is the only sign on the site;</p> <p>(ii) It is wholly contained on the site;</p> <p>(iii) It does not exceed 0.25m²;</p> <p>(iv) The sign height does not exceed 2m;</p> <p>(v) It is not illuminated;</p> <p>(vi) It does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials;</p> <p>(vii) It relates to:</p> <p>(I) Goods or services available on the site; or</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity values;</p> <p>(b) Character of the locality;</p> <p>(c) Effects on traffic safety;</p> <p>(d) Glare and artificial light spill; and</p> <p>(e) Content, colour and location of the sign.</p>

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	<p>(2) It is a property name sign; or</p> <p>(3) It is a public information sign erected by a public authority; or</p> <p>(4) It is a temporary sign on display for no more than 3 months.</p>	
SIGN-R55	Signs – general	
RPZ – Rangitahi Peninsula zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) A real estate 'for sale' sign relating to the site on which it is located must not:</p> <p>(i) Have more than 3 signs per site; and</p> <p>(ii) Be illuminated; and</p> <p>(iii) Contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; and</p> <p>(iv) Project into or over road reserve.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity values;</p> <p>(b) Character of the locality;</p> <p>(c) Effects on traffic safety;</p> <p>(d) Glare and artificial light spill; and</p> <p>(e) Content, colour and location of the sign.</p>
SIGN-R56	Signs – effects on traffic	
RPZ – Rangitahi Peninsula zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Any sign directed at road users must:</p> <p>(i) Not imitate the content, colour or appearance of any traffic control sign; and</p> <p>(ii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections; and</p> <p>(iii) Contain maximum 40 characters and 6 symbols; and</p> <p>(iv) Have lettering that is at least 150mm high; and</p> <p>(v) Where the sign directs traffic to a site entrance, the sign must be at least 130m from the entrance.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

TKAZ – Te Kowhai airpark zone

SIGN-R57	Signs – general	
TKAZ – Te Kowhai airpark zone	<p>(1) Activity status: PER</p> <p>Where</p>	<p>(2) Activity status where compliance not achieved: RDIS</p>

	<p>(a) Any sign located in PREC27 or PREC28 that is visible from a public place or site in another zone must comply with all of the following standards:</p> <p>(i) The sign height does not exceed 10m;</p> <p>(ii) Where the sign is attached to a building, it must not:</p> <p>(1) Extend more than 300mm from the external wall of the building; and</p> <p>(2) Exceed the height of the building,</p> <p>(iii) Where the sign is a free-standing sign, it must:</p> <p>(1) Not exceed an area of 3m² for one sign per site; and 1m² for any other free-standing sign on the site; and</p> <p>(2) Be set back at least 5m from the boundary of any site in the Village LLRZ – Large lot Residential zone or SETZ – Settlement zone,</p> <p>(iv) Where the sign is illuminated, it must:</p> <p>(1) Not have a light source that flashes or moves; and</p> <p>(2) Not contain moving parts or reflective materials; and</p> <p>(3) Be directed to ensure it does not spill light beyond the site.</p>	<p>Council’s discretion is restricted to the following matters:</p> <p>(a) Effects on amenity values;</p> <p>(b) Visual impact of the sign;</p> <p>(c) Nature, scale and location;</p> <p>(d) Streetscape;</p> <p>(e) Effects on any other site in the locality;</p> <p>(f) Glare and light spill; and</p> <p>(g) Traffic safety.</p>
<p>SIGN-R58</p>	<p>Signs – general</p>	
<p>TKAZ – Te Kowhai airpark zone</p>	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Any sign located in PREC29 or PREC30 that is visible from a public place or site in another zone must:</p> <p>(i) Relate to goods or services available on the site; or</p> <p>(ii) Be a property name sign; and</p> <p>(iii) Be the only sign on the site; and</p> <p>(iv) Not be illuminated, flashing or moving; and</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Effects on amenity values;</p> <p>(b) Visual impact of the sign;</p> <p>(c) Nature, scale and location;</p> <p>(d) Streetscape;</p> <p>(e) Effects on any other site in the locality;</p> <p>(f) Glare and light spill; and</p> <p>(g) Traffic safety.</p>

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	(v) Not exceed 0.25m ² ; and (vi) Not exceed 2m in height.	
SIGN-R59	Signs – general	
TKAZ – Te Kowhai airpark zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) In all precincts, a real estate sign relating to the site on which it is located must comply with all of the following standards:</p> <p>(i) There are no more than 3 signs per site of which:</p> <p>(ii) There is no more than 1 sign per agency measuring 600mm x 900mm;</p> <p>(iii) There is no more than 1 sign measuring 1800mm x 1200mm; and</p> <p>(iv) There is no more than 1 real estate header sign measuring 1800mm x 1200mm.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Effects on amenity values;</p> <p>(b) Visual impact of the sign;</p> <p>(c) Nature, scale and location;</p> <p>(d) Streetscape;</p> <p>(e) Effects on any other site in the locality;</p> <p>(f) Glare and light spill; and</p> <p>(g) Traffic safety.</p>
SIGN-R60	Signs – general	
TKAZ – Te Kowhai airpark zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) In all precincts, a sign advertising a community event or temporary event must:</p> <p>(i) Be on display for no more than 3 months prior to the event; and</p> <p>(ii) Be removed no later than 5 days after the event.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Effects on amenity values;</p> <p>(b) Visual impact of the sign;</p> <p>(c) Nature, scale and location;</p> <p>(d) Streetscape;</p> <p>(e) Effects on any other site in the locality;</p> <p>(f) Glare and light spill; and</p> <p>(g) Traffic safety.</p>
SIGN-R61	Signs – effects on traffic	
TKAZ – Te Kowhai airpark zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) In all precincts, any sign directed at road users must:</p> <p>(i) Not imitate the content, colour or appearance of any traffic control sign; and</p> <p>(ii) Be located at least 60m from controlled intersections, pedestrian crossings and any other sign; and</p> <p>(iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections; and</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Effects on amenity values, including cumulative effects;</p> <p>(b) Effects on the safe and efficient operation of the road land transport</p> <p>(c) Size and number of characters, words and symbols;</p> <p>(d) Size of sign and support structure;</p> <p>(e) Visual appearance.</p>

	<ul style="list-style-type: none"> (iv) Contain no more than 40 characters and no more than 6 words and / or symbols; and (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. 	
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TTZ – TaTa Valley zone

SIGN-R62	Signs – general	
TTZ – TaTa Valley zone	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) A sign must comply with all of the following standards: <ul style="list-style-type: none"> (i) It is the only sign on the site; (ii) The sign is wholly contained on the site; (iii) The sign does not exceed 5m²; (iv) The sign height does not exceed 3m; (v) If illuminated, the sign meets the lighting standards of Rule LIGHT-R2, (vi) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; (vii) The sign is set back at least 50m from a state highway and the Waikato Expressway; (viii) The sign is not attached to a notable tree identified in SCHED2 – Notable trees, except for the purpose of identification; (ix) The sign is not attached to a heritage item listed in SCHED1 – Historic heritage items except for the purpose of identification and interpretation; (x) The sign is for the purpose of identification and interpretation of a site and area of significance to Maaori listed in SCHED3 – Sites and 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity values; (b) Rural character of the locality; (c) Effects on traffic safety; (d) Effects of glare and artificial light spill; (e) Content, colour and location of the sign; (f) Effects on notable trees; (g) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign; (h) Effects on cultural values of any SASM – Sites and areas of significance to Maaori; and (i) Effects on notable architectural features of the building.

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	<p>areas of significance to Maaori;</p> <p>(xi) The sign relates to:</p> <p>(1) Goods or services available on the site; or</p> <p>(2) A property name sign.</p>	
SIGN-R63	Signs – general	
TTZ – TaTa Valley zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) A real estate sign relating to the site on which it is located must comply with all of the following standards:</p> <p>(i) Have no more than 3 signs per site;</p> <p>(ii) The sign is not illuminated;</p> <p>(iii) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials;</p> <p>(iv) The sign does not exceed 3m²;</p> <p>(v) Any real estate sign shall be removed within 20 working days of the sale or lease being settled.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity values;</p> <p>(b) Rural character of the locality;</p> <p>(c) Effects on traffic safety;</p> <p>(d) Effects of glare and artificial light spill;</p> <p>(e) Content, colour and location of the sign;</p> <p>(f) Effects on notable trees;</p> <p>(g) Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign;</p> <p>(h) Effects on cultural values of any SASM – Sites and areas of significance to Maaori; and</p> <p>(b) Effects on notable architectural features of the building.</p>
SIGN-R64	Signs - effects on traffic	
TTZ – TaTa Valley zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Any sign directed at road users must meet the following standards:</p> <p>(i) Not imitate the content, colour or appearance of any traffic control sign;</p> <p>(ii) Be located at least 60m from controlled intersections, pedestrian crossings and railway crossings</p> <p>(iii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections;</p> <p>(iv) Contain no more than 40 characters and no more than 6 words, symbols, or graphics;</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

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	<ul style="list-style-type: none">(v) Have lettering that is at least 200mm high; and(vi) Where the sign directs traffic to a site entrance, it must be at least:<ul style="list-style-type: none">(vii) 175m from the entrance on roads with a speed limit of 80 km/hr or less; or(viii) 250m from the entrance on roads with a speed limit of more than 80km/hr.	
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Independent Hearing Panel Recommendation Tracked Changes to Proposed Waikato District Plan

The amendments to Variation 3 to the Proposed Waikato District Plan as recommended by the Independent Hearing Panel are set out below.

Key

Text additions proposed by Council, the s42A authors or submitters that the Panel has accepted are shown underlined.

Text deletions proposed by Council, the s.42A authors or submitters that the Panel has accepted are shown ~~strikethrough~~.

Further text additions or deletions that the Panel has made following the hearing of evidence and submissions are identified with **grey shading**.

Text that is not underlined or struck through is original Proposed Waikato District Plan text.

TEMP – Temporary activities

The relevant area specific zone chapter provisions apply in addition to this chapter.

Overview

Temporary activities are short term activities and events that contribute to the social, economic and cultural wellbeing of the community.

Temporary activities have the potential to generate adverse effects, particularly resulting from noise and traffic.

Objective

TEMP-O1 Temporary events in the OSZ – Open space zone.

Temporary events remain ancillary to, and promote the purpose of, the reserve.

Policies

TEMP-PI Temporary events in the GRZ – General residential zone, MRZ1 – Medium density residential zone 1, MRZ2 – Medium density residential zone 2, LLRZ – Large lot residential zone, SETZ – Settlement zone or RLZ – Rural lifestyle zone.

- (1) Enable temporary events and associated temporary structures, provided any adverse effects on the residential environment are managed by:
- (a) Limiting the timing, number and duration of temporary events; and
 - (b) Limiting noise generated by the temporary events to the permitted noise limits for the zone.

- TEMP-P2** Temporary events in the GRUZ – General rural zone
- (1) Enable temporary events and associated structures, provided adverse effects are managed by:
- (a) Limiting the timing, and duration of any temporary event; and
 - (b) Limiting noise generated by the temporary events to the permitted noise limits for the zone.
- TEMP-P3** Temporary events in the LCZ – Local centre zone, TCZ – Town centre zone or COMZ – Commercial zone.
- (1) Enable temporary events and associated temporary structures within the zone, provided any adverse effects on amenity are managed through:
- (a) Limits on the timing, number and duration of events; and
 - (b) Meeting the permitted noise limits for the zone.
- TEMP-P4** Temporary events in the OSZ – Open space zone.
- (1) Enable temporary events and associated temporary structures on reserves, appropriate to the size and purpose of the reserve.
- (2) Manage the scale and extent of temporary events on reserves so that any significant adverse effects on people in the surrounding community are minimised by:
- (a) Limits on the timing, number and duration of events;
 - (b) Meeting the permitted noise limits for the zone; and
 - (c) Managing the effects of traffic on the road transport network.
- TEMP-P5** Cultural events and temporary events in the HOPZ – Hopuhopu zone.
- Enable cultural events, and temporary events and associated temporary structures provided any adverse effects are managed.

Rules

Land use – effects

Zone as specified in first column

TEMP-RI	Temporary event	
<ul style="list-style-type: none"> • LLRZ – Large lot residential zone; • GRZ – General residential zone; • MRZ1 – Medium density residential zone 1; • MRZ2 – Medium density residential zone 2; 	<p>(1) Activity status: PER</p> <p>Where:</p> <ol 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: 	<p>(2) Activity status where compliance not achieved: DIS</p>

<ul style="list-style-type: none"> • RLZ – Rural lifestyle zone; • SETZ – Settlement zone; • LCZ – Local centre zone; • COMZ – Commercial zone; • TCZ – Town centre zone; • BTZ – Business Tamahere zone; and • PREC3I – Lakeside Te Kauwhata Precinct in the GRZ – General residential zone. 	<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. 	
<p>TEMP-R2</p>	<p>Temporary military training activities</p>	
<p>All zones</p>	<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) The activity must comply with the permitted activity noise standards for Temporary Military Training Activities: <ul style="list-style-type: none"> (i) The duration must be less than 31 days (excluding set up and pack down); (ii) The site must be returned to its original condition no more than 3-days after the end of the Temporary Military Training Activity, unless provided for elsewhere in this plan as a permitted activity. 	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Effects on amenity values; (b) Timing and duration; and (c) Hours and days of Temporary Military Training Activities.
<p>TEMP-R3</p>	<p>Noise – Temporary military training activities (other than the firing of weapons or use of explosives)</p>	
<p>All zones</p>	<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) Mobile noise sources, including personnel and light and heavy vehicles, self-propelled equipment, earthmoving equipment, shall comply with the noise limits set out in Tables 2 and 3 of NZS6803:1999 Acoustics – Construction Noise (with reference to ‘construction 	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Effects on amenity values; (b) Timing and duration; and (c) Hours and days of Temporary Military Training Activities.

	<p>noise' taken to refer to mobile noise sources).</p> <p>(b) Fixed (stationary) noise sources including power generation, heating, ventilation or air conditioning systems, or water or wastewater pumping/treatment systems, shall comply with the noise limits set out below when measured at the notional boundary of any building housing a noise sensitive activity:</p> <p>(i) 55dB L_{Aeq}, 7am to 7pm every day.</p> <p>(ii) 50dB L_{Aeq}, 7pm to 10pm every day.</p> <p>(iii) 45dB L_{Aeq} and 75dB (L_{max}), 10pm to 7am the following day</p> <p>(c) Helicopter landing areas shall comply with NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas. Noise levels shall be measured in accordance with NZS6801:2008 Acoustics – Measurement of Sound.</p>	
TEMP-R4	Noise – Temporary military training activities (which involve the firing of weapons or use of explosives)	
All zones	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Notice is provided to the Council at least 5 working days prior to the commencement of the activity.</p> <p>(b) The activity complies with the following minimum separation distances to the notional boundary of any building housing a noise sensitive activity:</p> <p>(i) 0700 to 1900 hours: 500m</p> <p>(ii) 900 to 0700 hours: 1,250m</p> <p>(c) Where the minimum separation distances specified above cannot be met, then the activity shall comply with the following peak sound pressure level when measured at the notional boundary of any building</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) Effects on amenity values;</p> <p>(b) Timing and duration; and</p> <p>(c) Hours and days of Temporary Military Training Activities.</p>

Part 2: District-wide matters / General district-wide matters / TEMP – Temporary activities

	<p>housing a noise sensitive activity:</p> <p>(i) 0700 to 1900 hours: 95 dBC</p> <p>(ii) 1900 to 0700 hours: 85 dBC</p>	
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GRUZ – General rural zone

TEMP-R5	Temporary event	
GRUZ – General rural zone; FUZ – Future urban zone; CORZ – Corrections zone	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) The event occurs no more than 6 times per consecutive 12 month period;</p> <p>(b) The duration of each event is less than 72 hours;</p> <p>(c) It may operate between 7.30am to 8:30pm Monday to Sunday;</p> <p>(d) Temporary structures are:</p> <p>(i) erected no more than 2 days before the event occurs;</p> <p>(ii) removed no more than 3 days after the end of the event;</p> <p>(e) The site is returned to its previous condition no more than 3 days after the end of the event;</p> <p>(f) There is no direct site access from a national route or regional arterial road.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
TEMP-R6	Temporary event within a Whaanga Coast development specific control area of PREC5 – Whaanga Coast development precinct	
PREC5 – Whaanga Coast development precinct	<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) The duration of each event is less than 72 hours;</p> <p>(i) It may operate between 7:30am to 8:30pm Monday to Sunday;</p> <p>(ii) Temporary structures are:</p> <p>(1) erected no more than 2 days before the event occurs;</p> <p>(2) removed no more than 3 days after the end of the event</p> <p>(b) Rule TEMP-R5 does not apply.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
TEMP-R7	Temporary event within PREC31 – Lakeside Te Kauwhata precinct	
PREC31 – Lakeside Te Kauwhata	<p>(1) Activity status: PER</p> <p>Where:</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

Part 2: District-wide matters / General district-wide matters / TEMP – Temporary activities

<p>precinct in the GRUZ – General rural zone</p>	<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 event is less than 72 hours; (c) It may operate between 7.30am to 8:30pm Monday to Sunday; (d) Temporary structures are: <ul style="list-style-type: none"> (i) Erected no more than 2 days before the 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 event; (f) There is no direct site access from a national route or regional arterial road. (g) Rule TEMP-R5 does not apply. 	
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OSZ – Open space zone

<p>TEMP-R8</p>	<p>Temporary event</p>	
<p>OSZ – Open space zone</p>	<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) The event occurs no more than 15 times per consecutive 12-month period; (b) It operates between the hours of 7.30am and 8:30pm Monday to Sunday; (c) Temporary structures are: <ul style="list-style-type: none"> (i) Erected no more than 2 days before the event occurs; (ii) Removed no more than 3 days after the end of the event; (d) The site is returned to its previous condition no more than 3 days after the end of the event; (e) There is no direct site access from a national route or regional arterial road. (f) Consistency with the relevant Reserve Management Plan. 	<p>(2) Activity status where compliance not achieved: DIS</p>

HOPZ – Hopuhopu zone

TEMP-R9	Temporary event	
HOPZ – Hopuhopu zone	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) The event occurs no more than 15 times per consecutive 12 month period; (i) The duration of each event is less than 72 hours; (ii) It may only operate between 7.30am to 8:30pm Monday to Sunday; (iii) Temporary structures are: <ul style="list-style-type: none"> (1) Erected no more than 7 days before the event occurs; (2) Removed no more than 3 days after the end of the event; (iv) The site of the event is returned to its previous condition no more than 3 days after the end of the event; and (v) There is no direct site access from a national route or regional arterial road. 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Duration and frequency; (b) Effects on traffic; (c) Traffic safety; and (d) Effects on amenity values.

KLZ – Kimihia lakes zone

TEMP-R10	Temporary event	
KLZ – Kimihia lakes zone	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) The duration of each event must be less than 72 hours; (b) The event may operate between 7.30am to 8:30pm Monday to Sunday; (c) Temporary structures must be removed no more than 3 days after the end of the event; (d) The site must be returned to its previous condition no more than 3 days after the end of the event; (e) Any activity attracting more than 1,100 people in any given hour must provide a Traffic Management Plan (TMP) for approval by the Road Controlling Authority. The TMP 	<p>(2) Activity status where compliance not achieved: DIS</p>

	<p>must include, but is not limited to:</p> <ul style="list-style-type: none"> (i) Proposed timing and scale of activities, including the contact details for the event organiser; (ii) Consideration of potential conflict with events at the Huntly Speedway; (iii) Details of active traffic management at the Great South Road / East Mine Road intersection; (iv) Details of journey management initiatives reducing traffic demand at the Great South Road / East Mine Road intersection; (v) Details of temporary on-site parking provision; and (vi) Details of how off-site parking is to be controlled to avoid parking occurring on the local road network. 	
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MAZ – Mercer airport zone

TEMP-R11	Temporary event	
MAZ – Mercer airport zone	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) The temporary event must comply with all of the following standards: <ul style="list-style-type: none"> (i) The event occurs no more than 3 times per consecutive 12-month period; (ii) It does not involve motorised outdoor recreation (except flying); (iii) It does not involve outdoor musical events or concerts; and (iv) It operates within the hours of: <ul style="list-style-type: none"> (1) 7.00am to 10pm Monday to Saturday; and (2) 7.00am to 6pm Sunday. (b) An air show event occurs only once per consecutive 12 month period. (c) Temporary structures are: 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Amenity; (b) Noise levels; (c) Timing and duration of the event; and (d) Effects on the safe and efficient operation of the land transport network.

Part 2: District-wide matters / General district-wide matters / TEMP – Temporary activities

	<ul style="list-style-type: none"> (i) Erected no more than 7 days before the event occurs; and (ii) Removed no more than 7 days after the end of the event. (d) The site is returned to its original condition no more than 7 days after the end of the event. 	
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MTZ – Matangi zone

TEMP-R12	Temporary event	
MTZ – Matangi zone	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) The event occurs no more than 4 times per consecutive 12 month period; (b) The event may operate between 7.30am and 8:30pm Monday to Sunday; and (c) Temporary structures are: <ul style="list-style-type: none"> (i) Erected no more than 2 days before the event occurs; and (ii) Removed no more than 3 days after the end of the event; (d) The site is returned to its previous condition no more than 3 days after the end of the event. 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Adverse effects of non-compliance with activity-specific standards; (b) Positive effects on the community or the natural environment; (c) The extent to which the activity is able to avoid, remedy or mitigate adverse effects on the existing and foreseeable future amenity of the area, particularly in relation to noise, traffic generation, material deposited on roads, dust, odour and lighting; and (d) The extent to which the proposal, development, excavation or subdivision of a historic heritage site or place is consistent with the identified heritage values, including scale, design, form, style, bulk, height, materials and colour, and retains, protects or enhances the historic setting.

RPZ – Rangitahi Peninsula zone

TEMP-R13		
RPZ – Rangitahi Peninsula zone	<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Is located within Plan 1 Structure Plan Area - Development Precincts shown on the Rangitahi Peninsula 	<p>(2) Activity status where compliance not achieved: DIS</p>

	<p>Structure Plan (APP9 – Rangitahi Structure Plan) or any approved subdivision; and</p> <p>(b) The event occurs no more than 3 times per calendar year; and</p> <p>(c) It operates between 7.30am to 8:30pm Monday to Sunday; and</p> <p>(d) Temporary structures are:</p> <p>(i) Erected no more than 2 days before the event occurs; and</p> <p>(ii) Removed no more than 3 days after the end of the event; and</p> <p>(e) The site is returned to its original condition no more than 3 days after the end of the event; and</p> <p>(f) There is no direct site access from a national route or regional arterial road.</p>	
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TKAZ – Te Kowhai airpark zone

TEMP-RI 4	Temporary events in PREC27, PREC28 or PREC29	
TKAZ – Te Kowhai airpark zone	<p>(3) Activity status: PER</p> <p>Where:</p> <p>(a) A temporary event must comply with all of the following standards:</p> <p>(i) The event occurs no more than 3 times per calendar year;</p> <p>(ii) It does not involve motorised outdoor recreation (except flying);</p> <p>(iii) It does not involve outdoor musical events or concerts;</p> <p>(iv) It operates within the hours of:</p> <p>(1) 7.30am to 10pm Monday to Saturday; and</p> <p>(2) 7.30am to 6pm Sunday; and</p> <p>(v) An air show event occurs only once per calendar year.</p> <p>(vi) Temporary structures are:</p> <p>(1) Erected no more than 2 days before the event occurs; and</p>	<p>(4) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Amenity;</p> <p>(b) Noise levels;</p> <p>(c) Timing and duration of the event; and</p> <p>(d) Effects on the safe and efficient operation of the land transport network.</p>

	<p>(2) Removed no more than 3 days after the end of the event;</p> <p>(vii) The site is returned to its original condition no more than 3 days after the end of the event; and</p> <p>(viii) There is no direct site access from a national route or regional arterial road.</p>	
TEMP-RI5	Temporary events in PREC30	
TKAZ – Te Kowhai airpark zone	(I) Activity status: DIS	

TTZ – TaTa Valley zone

TEMP-RI6	Temporary events	
TTZ – TaTa Valley zone	<p>(I) Activity status: PER</p> <p>Where:</p> <p>(a) The duration of the event must not exceed 72 hours;</p> <p>(b) Noise levels for temporary events must comply with the limits specified in Rule NOISE-R43;</p> <p>(c) The number of people at the event must not exceed 500;</p> <p>(d) Temporary buildings must:</p> <p>(i) Not exceed a height of 15m, measured from the natural ground level immediately below that part of the structure;</p> <p>(ii) Be erected no more than 2 days before the event occurs;</p> <p>(iii) Be removed no more than 3 days after the end of the event.</p> <p>(e) The site must be returned to its previous condition no more than 3 days after the end of the event.</p> <p>(f) If taking place outside of the Hotel Area, the event must only occur between the hours of 7:30am and 8:30pm Monday – Sunday.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Traffic effects on the local road network and the adequacy of proposed measures to manage these effects; and</p> <p>(b) Effects on the amenity of surrounding properties.</p>

Independent Hearing Panel Recommendation Tracked Changes to Proposed Waikato District Plan

The amendments to Variation 3 to the Proposed Waikato District Plan as recommended by the Independent Hearing Panel are set out below.

Key

Text additions proposed by Council, the s42A authors or submitters that the Panel has accepted are shown underlined.

Text deletions proposed by Council, the s.42A authors or submitters that the Panel has accepted are shown ~~strikethrough~~.

Further text additions or deletions that the Panel has made following the hearing of evidence and submissions are identified with **grey shading**.

Text that is not underlined or struck through is original Proposed Waikato District Plan text.

GRZ – General residential zone

The relevant district-wide chapter provisions apply in addition to this chapter.

Purpose

The purpose of the GRZ – General residential zone is to provide predominantly for residential activities with a mix of building types, and other compatible activities. The zone applies to the residential areas within the District's main towns (Tuakau, Pokeno, Te Kauwhata, Raglan, Huntly and Ngaaruawaahia) and the smaller towns (Meremere, Taupiri, Gordonton, Horotiu, Te Kowhai, Whatawhata, Matangi and Rangiriri).

Objectives

GRZ-O1 Residential character.

The low-density residential character of the zone is maintained.

GRZ-O2 Residential built form and amenity.

Maintain neighbourhood residential amenity values and facilitate safety in the zone.

GRZ-O3 On-site residential amenity.

Maintain amenity values within and around dwellings and sites in the zone.

GRZ-O4 Housing options.

A range of housing options occurs in the zone to meet the needs of the community in a suburban setting.

GRZ-O5 Maintain residential purpose.
Residential activities remain the dominant activity in the zone.

GRZ-O6 Adverse effects of land use and development.
The health, safety and well-being of people, communities and the environment are protected from the adverse effects of land use and development.

Policies

GRZ-P1 Character.

- (1) Ensure residential development in the zone:
- (a) Provides road patterns that follow the natural contour of the landform;
 - (b) Promotes views and vistas from public spaces of the hinterland beyond; and
 - (c) Is an appropriate scale and intensity, and setback from the road frontages to provide sufficient open space for the planting of trees and private gardens.

GRZ-P2 Front setback.

- (1) Ensure buildings are designed and set back from roads by:
- (a) Maintaining the existing street character including the predominant building setback from the street;
 - (b) Allowing sufficient space for the establishment of gardens and trees on the site; and
 - (c) Providing for passive surveillance to roads and avoiding windowless walls to the street.

GRZ-P3 Setback side boundaries.

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

GRZ-P4 Height.

Ensure building height is complementary to the low rise character of the zone.

GRZ-P5 Site coverage and permeable surfaces.

- (1) Ensure all sites have sufficient open space to provide for landscaping, on-site stormwater disposal, parking, and vehicles manoeuvring by maintaining maximum site coverage requirements for buildings in the zone.

Part 3: Area-specific matters / Zones / Residential zones / GRZ – General residential zone

- (2) Ensure a proportion of each site is maintained in permeable surfaces in order to ensure there is sufficient capacity to enable disposal of stormwater.

GRZ-P6 Building scale.

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

GRZ-P7 Reverse sensitivity.

- (1) Avoid or minimise the potential for reverse sensitivity by managing the location and design of sensitive activities through:

- (a) The use of building setbacks;
- (b) The design of subdivisions and development; and
- (c) Acoustic insulation requirements for noise sensitive activities.

GRZ-P8 Daylight and outlook.

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

GRZ-P9 Outdoor living space – residential units.

Require outdoor living spaces to be accessible and usable.

GRZ-P10 Outdoor living space – retirement villages.

Require outdoor living spaces or communal outdoor living spaces to be usable and accessible.

GRZ-P11 Housing types.

Enable a variety of housing types in the zone where it is connected to public reticulation, including minor residential units and retirement villages.

GRZ-P12 Retirement villages.

- (1) Provide for the establishment of new retirement villages and care facilities that:

- (a) Offer a diverse range of housing types, including care facilities, for the particular needs and characteristics of older people;
- (b) Promote visual integration with the street scene, neighbourhoods and adjoining sites;
- (c) Are comprehensively designed and managed and offer a variety of accommodation and accessory services that meet the needs of residents, including those requiring care or assisted living;
- (d) Recognise that housing and care facilities for older people can require higher densities;

Part 3: Area-specific matters / Zones / Residential zones / GRZ – General residential zone

- (e) Provide high quality on-site amenity;
 - (f) Integrate with local services and facilities, including public transport; and
 - (g) Connect to alternative transport modes to the LLRZ – Large lot residential zone, SETZ – Settlement zone, MRZ1 – Medium density residential zone, MRZ2 – Medium density residential zone 2, GRZ – General residential zone, TCZ – Town centre zone, LCZ – Local centre zone or COMZ – Commercial zone.
- (2) Enable alterations and additions to existing retirement villages that:
- (a) Promote visual integration with the street scene, neighbourhoods and adjoining sites;
 - (b) Recognise that housing and care facilities for older people can require higher densities;
 - (c) Provide high quality on-site amenity; and
 - (d) Integrate with local services and facilities, including public transport and alternative transport modes.

GRZ-P13 Maintain residential purpose.

Restrict the establishment of commercial or industrial activities, unless the activity has a strategic or operational need to locate within a residential zone, and the effects of such activities on the character and amenity of residential zones are insignificant.

GRZ-P14 Bankart Street and Wainui.

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

GRZ-P15 Non-residential activities.

- (1) Maintain the zone for residential activities by:
- (a) Ensuring the number of non-residential activities are not dominant within a residential block;
 - (b) Ensuring non-residential activities are in keeping with the scale and intensity of development anticipated by the zone and contribute to the amenity of the neighbourhood;
 - (c) Enabling non-residential activities that provide for the health, safety and well-being of the community and that service or support an identified local need;
 - (d) Avoiding the establishment of new non-residential activities on rear sites, or sites located on cul-de-sacs, or that have access to national routes, regional arterial roads and arterial roads; and
 - (e) Ensuring that the design and scope of non-residential activities and associated buildings:
 - (i) Maintain residential character including the scale and design of buildings and their location on the site, and on-site parking and vehicle manoeuvring areas; and

- (ii) Mitigate adverse effects related to traffic generation, access, noise, vibration, outdoor storage of materials and light spill, to the extent that they minimise adverse effects on residential character and amenity and the surrounding transport network.
 - (2) Enable existing non-residential activities to continue and support their redevelopment and expansion provided they do not have a significant adverse effect on the character and amenity of the zone.
- GRZ-PI6 Home businesses.
- (1) Provide for home businesses to allow flexibility for people to work from their homes.
 - (2) Manage the adverse effects on residential amenity through limiting home businesses to a scale that is compatible with the level of amenity anticipated in the residential environment.
- GRZ-PI7 Neighbourhood centres in structure plan areas.
- (1) Provide for new neighbourhood centres within structure plan areas or master plan areas, that:
 - (a) Are for the daily retail and service needs of the community; and
 - (b) Are located within a walkable catchment.
- GRZ-PI8 Outdoor storage.
- (a) The adverse visual effects of outdoor storage are mitigated through screening or landscaping.
- GRZ-PI9 Objectionable odour.
- (1) Ensure that the effects of objectionable odour do not detract from the amenity of other sites.
 - (2) Maintain appropriate setback distances between new sensitive land uses and existing lawfully established activities that generate objectionable odour.

Rules

Land use – activities

In addition to the activity-specific standards listed below, permitted activities must also comply with all relevant Land-use effects standards and Land-use building standards in this chapter, as well as the standards in Part 2 / District-wide matters / General district-wide matters.

GRZ-RI	Residential activity, unless specified below	
	This includes occupation of a single residential unit for short term rental.	
(1) Activity status: PER	Activity-specific standards:	(2) Activity status where compliance not achieved: n/a
	Nil.	
GRZ-R2	A new retirement village or alterations to an existing retirement village	
(1) Activity status: PER	Activity-specific standards:	(2) Activity status where compliance not achieved: DIS

<ul style="list-style-type: none"> (a) The site or combination of sites where the retirement village is proposed to be located has a minimum net site area of 3ha; (b) The site is either serviced by or within 400m walking distance of public transport; (c) The site is connected to public water and wastewater infrastructure; (d) Minimum outdoor living space or balcony area and dimensions: <ul style="list-style-type: none"> (i) Apartment – 10m² area with minimum dimension horizontal and vertical of 2.5m; (ii) Studio unit or 1 bedroom unit – 12.5m² area with minimum dimension horizontal and vertical of 2.5m; or (iii) 2 or more bedroomed unit – 15m² area with minimum dimension horizontal and vertical of 2.5m; (e) Minimum service court is either: <ul style="list-style-type: none"> (i) Apartment – Communal outdoor space (ie no individual service courts required); or (ii) All other units – 10m² for each unit; (f) Building height does not exceed 8m, measured from the natural ground level immediately below the structure, except for 15% of the total building coverage, where buildings may be up to 10m high; and (g) The following land use – building standards do not apply: <ul style="list-style-type: none"> (i) GRZ-S2 (Residential units); (ii) GRZ-S4 – GRZ-S6 (Building Height); (iii) GRZ-S14 – GRZ-S15 (Outdoor living space); (iv) GRZ-S16 (Service Court). 	
<p>GRZ-R3</p>	<p>Home business</p>
<p>(1) Activity status: PER Activity-specific standards:</p> <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 business are either wholly contained within a building or are screened so as not to be visible from a public road or neighbouring residential property; 	<p>(2) Activity status where compliance not achieved: DIS</p>

Part 3: Area-specific matters / Zones / Residential zones / GRZ – General residential zone

<p>(c) No more than 2 people who are not permanent residents of the site are employed at any one time;</p> <p>(d) Unloading and loading of vehicles or the receiving of customers or deliveries only occur between 7:30am and 7:00pm on any day;</p> <p>(e) Machinery may only be operated between 7:30am and 9pm on any day.</p>	
GRZ-R4	Community facility
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
GRZ-R5	Neighbourhood park
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
GRZ-R6	Home stay
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) No more than 4 temporary residents.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
GRZ-R7	Neighbourhood centre
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) Must be within an area identified in a Council approved Structure Plan or Master Plan.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
GRZ-R8	Commercial activity
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) Must be within the Bankart Street and Wainui Road Business Overlay Area.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
GRZ-R9	Childcare facility
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) For up to 4 children that are not permanent residents of the household unit.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
GRZ-R10	Buildings, structures and sensitive land uses within the National Grid Yard in sites existing as of 18 July 2018
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) Within the National Grid Yard:</p> <p>(i) Building alterations and additions to an existing building or structure for a sensitive land use that does not involve an increase in the building height or footprint;</p>	<p>(2) Activity status where compliance not achieved: NC</p>

<ul style="list-style-type: none"> (ii) New, or additions to existing buildings or structures that are not for a sensitive land use; (iii) Infrastructure (other than for the reticulation and storage of water for irrigation purposes) undertaken by a network utility operator as defined in the Resource Management Act 1991 (iv) Fences less than 2.5m in height, measured from the natural ground level immediately below. <p>(b) All buildings or structures permitted by Rule GRZ-R10(1)(a) must:</p> <ul style="list-style-type: none"> (i) Comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663 under all National Grid transmission line operating conditions; and (ii) Locate a minimum of 12m from the outer visible foundation of any National Grid support structure and associated stay wire, unless it is one of the following: <ul style="list-style-type: none"> (1) A building or structure where Transpower has given written approval in accordance with clause 2.4.1 of the NZECP34:2001 ISSN 0114-0663; (2) Fences less than 2.5m in height, measured from the natural ground level immediately below, and located a minimum of 5m from the nearest National Grid support structure foundation; (3) Network utilities (other than for the reticulation and storage of water for irrigation purposes) or any part of electricity infrastructure undertaken by a network utility operator as defined in the Resource Management Act 1991, that connects to the National Grid; and (iii) Not permanently physically impede existing vehicular access to a National Grid support structure. 	
<p>GRZ-R11</p>	<p>Construction or alteration of a building for a sensitive land use</p>

<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) The construction or alteration of a building for a sensitive land use that complies with all of the following standards:</p> <p>(i) It is set back a minimum of 10m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of up to 110kV; or</p> <p>(ii) It is set back a minimum of 12m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of 110kV or more.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) Effects on the amenity values of the site;</p> <p>(b) The risk of electrical hazards affecting the safety of people;</p> <p>(c) The risk of damage to property; and</p> <p>(d) Effects on the operation, maintenance and upgrading of the electrical distribution or transmission lines.</p>
<p>GRZ-R12</p>	<p>Construction, demolition, addition, and alteration of a building or structure</p>
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>Nil</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
<p>GRZ-R13</p>	<p>Educational facilities</p> <p>This excludes childcare facilities.</p>
<p>(1) Activity status: RDIS</p> <p>Activity-specific standards:</p> <p>Nil</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) The extent to which it is necessary to locate the activity in the GRZ - General residential zone;</p> <p>(b) Reverse sensitivity effects of adjacent activities;</p> <p>(c) The extent to which the activity may adversely impact on the transport network;</p> <p>(d) The extent to which the activity may adversely impact on the streetscape and the amenity of the neighbourhood;</p> <p>(e) The extent to which the activity may adversely impact on the noise environment.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
<p>GRZ-R14</p>	<p>The establishment of any new sensitive land use within the National Grid Yard</p>
<p>(1) Activity status: NC</p>	
<p>GRZ-R15</p>	<p>Any new building within the Huntly North Wetland specific control identified on the planning maps</p>
<p>(1) Activity status: NC</p>	

GRZ-R16 15	Any activity that is not listed as prohibited, permitted, restricted discretionary or discretionary.
(2) Activity status: NC	
GRZ-R17 16	Any building, structure, objects or vegetation that obscure the sight line of the Raglan navigation beacons for vessels entering Whaingaroa (Raglan Harbour) (refer to APP8 – Raglan navigation beacon).
(3) Activity status: PR	

Land use – effects

GRZ-S1	Servicing and hours of operation – Bankart Street and Wainui Road Business Overlay Area	
(1) Activity status: PER Where: (a) The loading and unloading of vehicles and the receiving of customers and deliveries associated with a commercial activity within the Bankart Street and Wainui Road Business Overlay Area shall occur between 7.30am and 6:30pm.	(2) Activity status where compliance not achieved: DIS	

Land use – building

GRZ-S2	Residential unit	
(1) Activity status: PER Where: (a) One residential unit within a site.	(2) Activity status where compliance not achieved: DIS	
GRZ-S3	Minor residential unit	
(1) Activity status: PER Where: (a) One minor residential unit contained within a site must comply with all of the following standards: (i) The net site area is 600m ² or more; and (ii) The gross floor area shall not exceed 70m ² .	(2) Activity status where compliance not achieved: DIS	
GRZ-S4	Height – building general	
(1) Activity status: PER Where: (a) The maximum height of any building or structure, measured from the natural ground level immediately below the structure, shall not exceed 8m; (b) Chimneys not exceeding 1m in width and finials shall not exceed a maximum height of 10m measured from the natural ground level immediately below the structure;	(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters: (a) Extent of overshadowing and shading of adjoining sites, particularly internal and external living spaces; (b) Loss of privacy through overlooking adjoining sites; (c) Whether development on the adjoining sites (such as separation by land used for vehicle access, the provision of	

GRZ-S6 is Operative

(c) The maximum height of a hose drying tower on a Fire and Emergency fire station site, measured from the natural ground level immediately below the structure, shall not exceed 15m.	screening) reduces the need to protect the adjoining site from overlooking; and (d) Design (such as high windows) and location of the building.
GRZ-S5	Height – building and vegetation in a battlefield view shaft area
(1) Activity status: PER Where: (a) The maximum height of a building, structure or vegetation above ground level within a battlefield view shaft as shown on the planning maps, shall not exceed 5m.	(2) Activity status where compliance not achieved: DIS
GRZ-S6	Height – buildings, structures or vegetation – Raglan Navigation Beacon Height Restriction Plane
(1) Activity status: PER Where: (a) A building, structure or vegetation that is located beneath, but does not intrude into, the Raglan Navigation Beacon Height Restriction Plane, as defined in APP8 – Raglan navigation beacon, provided that: (i) A Registered Surveyor has certified, in writing, that the building, structure or vegetation does not intrude into the Raglan Navigation Beacon Height Restriction Plane; and (ii) This certification is provided to Council prior to the commencement of any works.	(2) Activity status where compliance not achieved: n/a
PREC4-S1	Height – buildings or structures adjoining Hilltop parks within PREC4 Havelock precinct
(3) Activity status: PER Where: (a) A building or structure with a maximum height not exceeding 5m, measured from the natural ground level immediately below that part of the structure, where it is located within 50m (horizontal distance) of the boundary of the Hilltop parks identified on the Havelock precinct plan in APP14 Havelock precinct plan.	(4) Activity status where compliance not achieved: DIS
GRZ-S7	Fences or walls – road boundaries and OSZ – Open space zone boundaries
(1) Activity status: PER Where: (a) Fences and walls between the applicable building setbacks under GRZ-S17 – GRZ- on a site and any road and OSZ – Open space zone boundaries shall comply with all of the following standards, measured	(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters: (a) Building materials and design; (b) Effects on amenity; and (c) Public space visibility.

<p>from the natural ground level immediately below the structure:</p> <ul style="list-style-type: none"> (i) Be no higher than 1.2m if solid; (ii) Be no higher than 1.8m if: (iii) visually permeable for the full 1.8m height of the fence or wall; or (iv) solid up to 1.2m and visually permeable between 1.2 and 1.8m. 	
<p>GRZ-S8 Fences or walls – road boundaries and OSZ – Open space zone boundaries</p>	
<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) Any fences or walls erected within the applicable building setbacks under GRZ-S17 – GRZ-S23 on common boundaries of the GRZ – General residential zone and RLZ – Rural lifestyle zone, between Wayside Road and Travers Road, Te Kauwhata, shall be of a rural-type post and wire or post and rail. 	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Building materials and design; (b) Effects on amenity; and (c) Public space visibility.
<p>GRZ-S9 Height in relation to boundary</p>	
<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) Buildings or structures shall not protrude through a height control plane rising at an angle of 45 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary. 	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Height of the building; (b) Design and location of the building; (c) Extent of shading on adjacent any other sites; (d) Privacy on another any other sites; and (e) Effects on amenity values and residential character.
<p>GRZ-S10 Building coverage</p>	
<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) The total building coverage shall not exceed 40%; (b) GRZ-S10(1)(a) does not apply: <ul style="list-style-type: none"> (i) To a structure that is not a building; or (ii) Eaves of a building that project less than 750mm horizontally from the exterior wall of the building. 	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Whether the balance of open space and buildings will maintain the character and amenity values anticipated for the zone; (b) Visual dominance of the street resulting from building scale; and (c) Management of stormwater flooding, nuisance or damage to within the site.
<p>GRZ-S11 Building coverage</p>	
<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) Within the Te Kauwhata Ecological Residential Area as identified on the planning maps, the total building coverage shall not exceed 35%. 	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p>

		<ul style="list-style-type: none"> (a) Whether the balance of open space and buildings will maintain the character and amenity values anticipated for the zone; (b) Visual dominance of the street resulting from building scale; and (c) Management of stormwater flooding, nuisance or damage to within the site.
GRZ-S12	Building coverage	
(1) Activity status: PER Where:	<ul style="list-style-type: none"> (a) Within the Bankart Street and Wainui Road Business Overlay Area as identified on the planning maps, total building coverage shall not exceed 50%. 	(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> (a) Whether the balance of open space and buildings will maintain the character and amenity values anticipated for the zone; (b) Visual dominance of the street resulting from building scale; and (c) Management of stormwater flooding, nuisance or damage to within the site.
GRZ-S13	Impervious surfaces	
(1) Activity status: PER Where:	<ul style="list-style-type: none"> (a) The impervious surfaces of a site shall not exceed 70%. 	(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> (a) Site design, layout and amenity; and (b) The risk of flooding, nuisance or damage to the site or other buildings and sites.
GRZ-S14	Outdoor living space	
(1) Activity status: PER Where:	<ul style="list-style-type: none"> (a) An outdoor living space shall be provided for each residential unit that meets all of the following standards: <ul style="list-style-type: none"> (i) It is for the exclusive use of the occupants of the residential unit; (ii) It is readily accessible from a living area of the residential unit; (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 building, it must have a minimum area of 15m² and a minimum dimension of 2m in any direction. 	(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> (a) The extent to which the space is useable and contributes to the feeling of spaciousness; (b) Access to sunlight; (c) Privacy of adjoining residential sites; (d) Accessibility to and convenience of the space for occupiers; and (e) Whether the size and quality of communal outdoor living space in the development or other public open space compensates for any reduction in the private space.
GRZ-S15	Outdoor living space	
(1) Activity status: PER Where:		(2) Activity status where compliance not achieved: RDIS

<p>(a) An outdoor living space shall be provided for each minor residential unit that meets all of the following standards:</p> <p>(i) It is for the exclusive use of the occupants of the minor residential unit;</p> <p>(ii) It is readily accessible from a living area of the minor residential unit;</p> <p>(iii) When located on the ground floor it has a minimum area of 40m² and a minimum dimension of 4m in any direction;</p> <p>(iv) When located on a balcony of an above ground apartment building, it must have a minimum area of 15m² and a minimum dimension of 2m in any direction.</p>	<p>Council's discretion is restricted to the following matters:</p> <p>(a) The extent to which the space is useable and contributes to the feeling of spaciousness;</p> <p>(b) Access to sunlight;</p> <p>(c) Privacy of adjoining residential sites;</p> <p>(d) Accessibility to and convenience of the space for occupants; and</p> <p>(e) Whether the size and quality of communal outdoor living space in the development or other public open space compensates for any reduction in the private space.</p>
<p>GRZ-S16 Service court</p>	
<p>(1) Activity status: PER Where:</p> <p>(a) A service court shall be provided for each residential unit and minor residential unit, either as two separate areas or one combined area, each with all the following dimensions:</p> <p>(i) Storage of waste and recycling bins – minimum area of 3m² and minimum dimension of 1.5m; and</p> <p>(ii) Washing line – minimum area of 5m² and minimum dimension of 2m.</p>	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters:</p> <p>(a) The convenience and accessibility of the spaces for building occupants;</p> <p>(b) The adequacy of the space to meet the expected requirements of building occupants; and</p> <p>(c) Adverse effects on the location of the space on visual amenity from the street or adjoining sites.</p>
<p>GRZ-S17 Building setbacks – all boundaries</p>	
<p>(1) Activity status: PER Where:</p> <p>(a) The finished external walls (excluding eaves) of a building shall be set back a minimum of:</p> <p>(i) 3m from the road boundary;</p> <p>(ii) 13m from the edge of an indicative road (as demonstrated on a structure plan or planning maps);</p> <p>(iii) 1.5m from every boundary other than a road boundary; and</p> <p>(iv) 1.5m from every vehicle access to another site.</p> <p>(b) GRZ-S17(1)(a) does not apply to a structure which is not a building.</p>	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters:</p> <p>(a) Road network safety and efficiency;</p> <p>(b) Reverse sensitivity effects;</p> <p>(c) Adverse effects on amenity;</p> <p>(d) Streetscape;</p> <p>(e) Potential to mitigate adverse effects;</p> <p>(f) Daylight admission to adjoining properties; and</p> <p>(g) Effects on privacy at adjoining sites.</p>
<p>GRZ-S18 Building setbacks – all boundaries</p>	
<p>(1) Activity status: PER Where:</p>	<p>(2) Activity status where compliance not achieved: RDIS</p>

<p>(a) The finished external walls (excluding eaves) of a non-habitable building can be set back less than 1.5m from a boundary, where:</p> <p>(i) The total length of all buildings within 1.5m of the boundary does not exceed 6m; and</p> <p>(ii) The building does not have any windows or doors on the side of the building facing the boundary.</p>	<p>Council’s discretion is restricted to the following matters:</p> <p>(a) Road network safety and efficiency;</p> <p>(b) Reverse sensitivity effects;</p> <p>(c) Adverse effects on amenity;</p> <p>(d) Streetscape;</p> <p>(e) Potential to mitigate adverse effects;</p> <p>(f) Daylight admission to adjoining properties; and</p> <p>(g) Effects on privacy at adjoining sites.</p>
<p>GRZ-S19 Building setbacks – all boundaries</p>	
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) A garage shall be set back behind the front façade of the residential unit where the residential unit and garage are on a site that has frontage to a road.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Road network safety and efficiency;</p> <p>(b) Reverse sensitivity effects;</p> <p>(c) Adverse effects on amenity;</p> <p>(d) Streetscape;</p> <p>(e) Potential to mitigate adverse effects;</p> <p>(f) Daylight admission to adjoining properties; and</p> <p>(g) Effects on privacy at adjoining sites.</p>
<p>GRZ-S20 Building setback – sensitive land use</p>	
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Any new building or alteration to an existing building for a sensitive land use shall be set back a minimum of:</p> <p>(i) 5m from the designated boundary of the railway corridor;</p> <p>(ii) 15m from the boundary of a national route or regional arterial;</p> <p>(iii) 25m from the designated boundary of the Waikato Expressway;</p> <p>(iv) 300m from the edge of oxidation ponds that are part of a municipal wastewater treatment facility on another site; <u>and</u></p> <p>(v) 30m from a municipal wastewater treatment facility where the treatment process is fully enclosed; <u>and</u></p> <p>(vi) 300m from the boundary of the Alstra Poultry intensive farming activities located on River Road and Great South Road, Ngaaruawaahia.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Road network safety and efficiency;</p> <p>(b) On-site amenity values;</p> <p>(c) Odour, dust and noise levels received at the notional boundary of the building;</p> <p>(d) Mitigation measures; and</p> <p>(e) Potential for reverse sensitivity effects.</p>
<p>GRZ-S21 Building setback – sensitive land use located outside the Amenity Setback specific control in Tuakau</p>	

<p>(1) Activity status: PER Where: (a) Any new building or alteration to an existing building for a sensitive land use shall be located outside the Amenity Setback specific control identified on the planning maps.</p>	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: (a) On-site amenity values; (b) Odour, dust and noise levels received at the notional boundary of the building; (c) Timing and duration of noise received at the notional boundary of the building; and (d) Potential for reverse sensitivity effects</p>
<p>PREC4-S2 Building setback – sensitive land use within PREC4 – Havelock precinct</p>	
<p>(3) Activity status: PER Where: (a) Any new building or alteration to an existing building for a sensitive land use within the PREC4 – Havelock precinct that is located outside the Pōkeno Industry Buffer identified on the planning maps.</p>	<p>(4) Activity status where compliance not achieved: NC</p>
<p>GRZ-S22 Building setback – water bodies</p>	
<p>(1) Activity status: PER Where: (a) Any building must shall be setback a minimum of: (i) 23m from the margin of any; (1) lake; and (2) wetland; (ii) 23m from the bank of any river (other than the Waikato and Waipa Rivers); (iii) 28m from the margin of both the Waikato River and the Waipa River; and (iv) 23m from mean high water springs. (v) 10m from any artificial wetland. (b) A public amenity of up to 25m² or a pump shed (public or private), within any building setback identified in GRZ-S22(1)(a).</p>	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: (a) Effects on the landscape, ecological, cultural and recreational values of the adjacent water body; (b) Adequacy of erosion and sediment control measures; (c) The functional or operational need for the building to be located close to the waterbody; (d) Effects on public access to the waterbody; (e) Effects on the amenity of the locality; and (f) Effects on natural character values.</p>
<p>GRZ-S23 Building setback – Environmental Protection Area</p>	
<p>(1) Activity status: PER Where: (a) A building shall be set back a minimum of 3m from an Environmental Protection Area.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
<p>GRZ-S24 Building – Horotiu Acoustic Area (identified on the planning maps)</p>	
<p>(1) Activity status: PER Where:</p>	<p>(2) Activity status where compliance not achieved: RDIS</p>

<p>(a) Construction, addition to or alteration of a building for a noise sensitive activity within the Horotiu Acoustic Area shall be designed and constructed to achieve the internal design sound level specified in APPI – Acoustic insulation, Table 22 – Internal design sound levels</p>	<p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) On-site amenity values; (b) Noise levels received at the notional boundary of the building; (c) Timing and duration of noise received at the notional boundary of the building; and (d) Potential for reverse sensitivity effects.
<p>PREC4-S3 Building design sensitive land use with PREC4 Havelock precinct</p>	
<p>(3) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) Any new building or alteration to an existing building for a sensitive land use located outside the Pōkeno Industry Buffer but within the 40 dB L_{Aeq} noise contour shown on the planning maps that is designed and constructed so that internal noise levels do not exceed 25 dB L_{Aeq} in all habitable rooms. (b) Provided that if compliance with clause (a) above requires all external doors of the building and all windows of these rooms to be closed, the building design and construction as a minimum: <ul style="list-style-type: none"> (i) Is mechanically ventilated and/or cooled to achieve an internal temperature no greater than 25°C based on external design conditions of dry bulb 25.1 °C and wet bulb 20.1 °C. (ii) Includes either of the following for all habitable rooms on each level of a dwelling: <ul style="list-style-type: none"> (1) Mechanical cooling installed; or (2) A volume of outdoor air supply to all habitable rooms with an outdoor air supply rate of no less than: <ul style="list-style-type: none"> (a) 6 air changes per hour for rooms with less than 30% of the façade area glazed; (b) 15 air changes per hour for rooms with greater than 30% of the façade area glazed; (c) 3 air changes per hour for rooms with facades only facing south (between 120 degrees and 240 degrees) or where the glazing in the façade is not subject to any direct sunlight. 	<p>(4) Activity status where compliance not achieved: DIS</p>

Part 3: Area-specific matters / Zones / Residential zones / GRZ – General residential zone

<p>(iii) Provides relief for equivalent volumes of spill air.</p> <p>(iv) All is certified by a suitably qualified and experienced person.</p>	
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Independent Hearing Panel Recommendation Tracked Changes to Proposed Waikato District Plan

The amendments to Variation 3 to the Proposed Waikato District Plan as recommended by the Independent Hearing Panel are set out below.

Key

Text additions proposed by Council, the s42A authors or submitters that the Panel has accepted are shown underlined.

Text deletions proposed by Council, the s.42A authors or submitters that the Panel has accepted are shown ~~strikethrough~~.

Further text additions or deletions that the Panel has made following the hearing of evidence and submissions are identified with grey shading.

Text that is not underlined or struck through is original Proposed Waikato District Plan text.

MRZ - Medium density residential zone

The relevant district-wide chapter provisions apply in addition to this chapter.

Explanatory note:

The Medium density residential zone provisions are applied differently within the following two areas sub-zones:

- Area 1 MRZ1: Raglan and Te Kauwhata
- Area 2 MRZ2: Huntly, Pokeno, Tuakau and Ngaruawaahia and Horotiu.

This Chapter contains the following parts to reflect the different outcomes sought within each of the two areas sub-zones:

- Part 1 provides for Area 1 the Medium density residential zone in Raglan and Te Kauwhata towns and are is prefixed with MRZ1
- Part 2 provides for Area 2 towns the Medium density residential zone in Huntly, Pokeno, Tuakau, Ngaruawaahia and Horotiu and are is prefixed with MRZ2

Part 1: Medium density residential zone areas I (MRZI)

This part of the Chapter applies to all Medium density residential zone land within Raglan and Te Kauwhata.

Purpose of the MRZI

The purpose of the MRZI – Medium density residential zone in-area I is to enable more efficient use of residentially zoned land and infrastructure by providing for a higher intensity of residential development than typically found in the GRZ – General residential zone. The MRZI – Medium density residential zone in-area I provides for this form of development within a walkable catchment of town centres, strategic transport corridors and community facilities. Within Area I the zone MZRI will:

- Provide greater housing supply to respond to anticipated growth;
- Reduce pressure for residential development on the urban fringe and beyond;
- Relieve anticipated pressures on the road transport network (which are exacerbated by adopting sprawl to accommodate urban growth). This will be achieved by providing housing close to town and business centres where the use of both public and active modes of transport to access places of employment, retail and entertainment is readily achievable and/or viable;
- Provide greater diversity / choice of housing; and
- Coordinate delivery of infrastructure and services.

The zone provisions enable a variety of dwelling sizes and typologies to be delivered which provides opportunity for greater housing variety and choice. Development within the zone is guided by rules which encourage innovation and flexibility in design responses. The rules provide design guidance for up to 3 dwellings on site, allowing compliant smaller scale developments to be enabled in a manner that maximises opportunities on smaller existing sites. Developments of more than 3 dwellings are subject to a more intensive design assessment process with matters of discretion which provide the primary guidance for assessment, including the intensity of development and enabling appropriate design outcomes regarding:

- The contribution the development makes to the zone having regard to the planned urban form and intensity the zone provides for;
- The creation of safe and high-quality residential neighbourhoods;
- The on-site amenity for residents such as high-quality outdoor spaces;
- The amenity effects on adjoining sites such as privacy and shading; and
- The provision of three waters infrastructure to service the development.

Objectives

MRZI-O1 Housing typology.

Achieve greater housing choice for the community in response to changing demographics and housing needs.

MRZI-O2 Efficient use of land and infrastructure.

Land and infrastructure near the TCZ – Town Centre Zone, LCZ – Local centre zone and COMZ – Commercial zone and close to public transport networks, strategic transport corridors and community facilities is efficiently used for medium density residential living, resulting in a compact urban settlement pattern.

MRZI-O3 Residential amenity.

Achieve a level of residential amenity commensurate with a medium density environment comprised of primarily townhouse and low-rise apartments.

MRZI-O4 Activities.

An appropriate mix of complementary and compatible activities is enabled to support residential growth.

Policies

MRZI-P1 Housing typology and type.

Enable a variety of housing typologies including apartments, terrace housing and duplexes.

MRZI-P2 Efficient use of land and infrastructure.

- (1) Enable land to be used for higher intensity residential living where such land is:
 - (a) Adjacent to the TCZ – Town centre zone, LCZ – Local centre zone, COMZ – Commercial zone and within a walkable catchment of transport networks; or
 - (b) Integrated into master-planned growth areas in close proximity to neighbourhood centres or publicly accessible open space.
- (2) Recognise the social, economic and environmental benefits arising from higher density development being situated closer to community facilities and the TCZ – Town centre zone, LCZ – Local centre zone and COMZ – Commercial zone when considering development proposals.
- (3) Recognise the economic and environmental benefits of higher density development that efficiently utilises existing, and planned, investment in both transport and three waters infrastructure.

MRZI-P3 Building form, massing and coverage.

- (1) Enable residential development that:
 - (a) Is of a height and bulk that manages daylight access and a reasonable standard of privacy for residents; and
 - (b) Manages visual dominance effects on adjoining sites.

MRZI-P4 Streetscape, yards and outdoor living spaces.

- (1) Enable residential development that contributes to attractive and safe streets and public open spaces by:
 - (a) Providing for passive surveillance to public open spaces and streets through the siting of dwellings and rooms, façade design and fencing / landscaping;
 - (b) Incorporating front yard landscaping that will enhance streetscape amenity; and
 - (c) Minimising the prevalence of garage doors, carparking and driveways fronting the street.
- (2) Require development to have sufficient side yard setbacks to provide for:

- (a) Landscaping and permeable surfaces;
 - (b) Privacy to adjoining sites;
 - (c) Sunlight and daylight; and
 - (d) Driveways and accessways.
- (3) Require the provision of outdoor living spaces that:
- (a) Are attractive, functional and accessible; and
 - (b) Provide a reasonable standard of privacy for residents and to adjoining sites.
- (4) Enable flexibility and innovation in the provision of outdoor living spaces by recognising the varying means by which suitable spaces can be provided for a particular form of development; including shared outdoor spaces, roof terraces or other communal outdoor living spaces.

MRZI-P5 Changes to amenity values.

Recognise that the planned urban built form may result in changes to the amenity values and characteristics of the urban character over time.

MRZI-P6 Home businesses.

- (1) Provide for home businesses to allow flexibility for people to work from their homes.
- (2) Manage adverse effects on residential amenity through limiting home occupations to a scale that is compatible with the primary residential purpose of the zone.

MRZI-P7 Non-residential activities.

- (1) Maintain the zone primarily for residential activities while also:
 - (a) Ensuring community facilities:
 - (i) Are suitably located;
 - (ii) Are of a limited scale and intensity that is compatible with the zone;
 - (iii) Contribute to the amenity of the neighbourhood; and
 - (iv) Support the social and economic well-being of the residential community.
 - (b) Avoiding the establishment of new non-residential activities (except home occupations) on rear sites, or sites located on cul-de-sacs; and
 - (c) Ensuring that the design and scale of non-residential activities and associated buildings mitigates adverse effects related to traffic generation, access, noise, vibration, outdoor storage of materials and light spill.
- (2) Enabling existing non-residential activities to continue and support their redevelopment and expansion, provided they do not have a significant adverse effect on character and amenity.

Rules

Land use – activities

In addition to the activity-specific standards listed below, permitted activities must also comply with all relevant Land-use building standards in this chapter, as well as the standards in Part 2 / District-wide matters / General district-wide matters.

MRZI-RI	Residential activity, unless specified below This includes occupation of a single residential unit for short term rental.	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a	
MRZI-R2	A new retirement village or alterations to an existing retirement village	
(1) Activity status: PER Activity-specific standards: (a) The site is connected to public water and wastewater infrastructure; (b) The minimum living space or balcony area and dimensions are: (i) Apartment – 10m ² area with a minimum dimension horizontal and vertical of 2.5m; (ii) Studio unit or 1 bedroom unit – 12.5m ² area with minimum dimension horizontal and vertical of 2.5m; or (iii) 2 or more bedroomed unit – 15m ² area with minimum dimension horizontal and vertical of 2.5m. (c) The minimum service court is either: (i) Apartment – Communal outdoor space (i.e. no individual service courts required); or (ii) All other units – 10m ² for each unit. (d) The following land use – effects standard does not apply: (i) SIGN-R1, SIGN-R8 – SIGN-R10 (Signs). (e) The following Land Use – Building standards do not apply: (i) MRZI-S1 (Residential unit); (ii) MRZI-S8 (Outdoor living space); and (f) The following infrastructure and energy rule does not apply: (i) Rule TRPT-R4(1)(a) (Traffic generation).	(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters: (a) Consideration of the effects of the activity-specific standard not met; (b) Measures to avoid, remedy or mitigate adverse effects; and (c) Cumulative effects.	
MRZI-R3	Home business	

<p>(1) Activity status: PER Activity-specific standards:</p> <ul style="list-style-type: none"> (a) The home business is wholly contained within a building; (b) The storage of materials or machinery associated with the home business are wholly contained within a building or are screened so as not to be visible from a public road or neighbouring residential property; (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, the receiving of customers or deliveries only occur between 7:30am and 7:00pm on any day; and (e) Machinery may only be operated between 7:30am and 9pm on any day. 	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Consideration of the effects of the activity-specific standard not met; (b) Measures to avoid, remedy or mitigate adverse effects; and (c) Cumulative effects.
<p>MRZI-R4 Community facilities</p>	
<p>(1) Activity status: PER Activity-specific standards:</p> <ul style="list-style-type: none"> (a) No more than 200m² GFA. 	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Consideration of the effects of the activity-specific standard not met; (b) Measures to avoid, remedy or mitigate adverse effects; and (c) Cumulative effects.
<p>MRZI-R5 Neighbourhood park</p>	
<p>(1) Activity status: PER Activity-specific standards: Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
<p>MRZI-R6 Home stay</p>	
<p>(1) Activity status: PER Activity-specific standards:</p> <ul style="list-style-type: none"> (a) No more than 4 temporary residents. 	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Consideration of the effects of the activity-specific standard not met; (b) Measures to avoid, remedy or mitigate adverse effects; and (c) Cumulative effects.
<p>MRZI-R7 Boarding houses/boarding establishments</p>	
<p>(1) Activity status: PER Activity-specific standards:</p> <ul style="list-style-type: none"> (a) No more than 10 people per site inclusive of staff and residents. 	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p>

		(a) Consideration of the effects of the activity-specific standard not met; (b) Measures to avoid, remedy or mitigate adverse effects; and (c) Cumulative effects.
MRZI-R8	Construction or alteration of a building for a sensitive land use	
(1) Activity status: PER Activity-specific standards: (a) The construction or alteration of a building for a sensitive land use that complies with all of the following standards: (i) It is set back a minimum of 10m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of up to 110kV; or (ii) It is set back a minimum of 12m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of 110kV or more.	(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: (a) Effects on the amenity values of the site; (b) The risk of electrical hazards affecting the safety of people; (c) The risk of damage to property; and (d) Effects on the operation, maintenance and upgrading of the electrical distribution or transmission lines.	
MRZI-R9	Construction, demolition, addition, and alteration of a building or structure	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a	
MRZI-R10	Any activity that is not listed as permitted, restricted discretionary or prohibited, Activity status: DIS	
MRZI-R11	Any building, structure, objects or vegetation that obscures the sight line of the Raglan navigation beacons for vessels entering Whaingaroa (Raglan Harbour) (APP8 – Raglan navigation beacon). Activity status: PR	

Land use – building

MRZI-S1	Residential unit	
(1) Activity status: PER Where: (a) Up to three residential units per site.	(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: (a) Intensity of the development; and (b) Design, scale and layout of buildings and outdoor living spaces in relation to the planned urban character of the zone; (c) The relationship of the development with adjoining streets or public open spaces,	

		<p>including the provision of landscaping; and</p> <p>(d) Privacy and overlooking within the development and on adjoining sites, including the orientation of habitable rooms and outdoor living spaces; and</p> <p>(e) Provision of 3-waters infrastructure to individual units; and</p> <p>(f) The provision of adequate waste and recycling bin storage including the management of amenity effects of these on streets or public open spaces; and</p> <p>(g) Where on-site car parking is provided, the design and location of car parking (including garaging) as viewed from streets or public open spaces.</p>
MRZI-S2	Minimum residential unit size	
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Residential units must have a minimum net internal floor area of:</p> <p>(i) 35m² for studio dwellings; and</p> <p>(ii) 45m² for one or more bedroom dwellings.</p>		<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) The functionality of the residential unit; and</p> <p>(b) Internal residential amenity.</p>
MRZI-S3	Height – building general	
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) The permitted height of any building or structure is 11m measured from the natural ground level immediately below that part of the structure;</p> <p>(b) Chimneys not exceeding 1m in width and finials shall not exceed a maximum height of 13m measured from the natural ground level immediately below the structure;</p> <p>(c) In Raglan, the permitted height of any building or structure is 7.5m measured from the natural ground level immediately below that part of the structure.</p> <p>(d) In Raglan, chimneys not exceeding 1m in width and finials shall not exceed a maximum height of 9.5m measured from the natural ground level immediately below the structure;</p> <p>(e)</p>		<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) Height of the building or structure;</p> <p>(b) Design, scale and location of the building;</p> <p>(c) Extent of shading on adjacent sites; and</p> <p>(d) Privacy and overlooking on adjoining sites.</p>
MRZI-S4	Fences or walls – road boundaries	
<p>(1) Activity status: PER</p> <p>Where:</p>		<p>(2) Activity status where compliance not achieved: RDIS</p>

<p>(a) Fences and walls between the applicable building setbacks under MRZ₁-S10 and MRZ₁-I1 on a site and any road boundaries, must comply with all of the following standards:</p> <p>(i) Be no higher than 1.5m if solid;</p> <p>(ii) Be no higher than 1.8m if:</p> <p style="padding-left: 20px;">(1) Visually permeable for the full 1.8m height of the fence or wall; or</p> <p style="padding-left: 20px;">(2) Solid up to 1.5m and visually permeable between 1.5 and 1.8m.</p>	<p>Council’s discretion is restricted to the following matters:</p> <p>(a) Building materials and design;</p> <p>(b) Effects on streetscape amenity; and</p> <p>(c) Public space visibility.</p>
<p>MRZ1-S5 Height in relation to boundary</p>	
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Buildings and structures must not protrude through a height control plane rising at an angle of 45 degrees commencing at an elevation of 3m above natural ground level at every point of the site boundary, except</p> <p>(i) Where the boundary forms part of a legal right of way, entrance strip or access site; the standard applies from the farthest boundary of that legal right of way, entrance strip or access site;</p> <p>(ii) This standard does not apply to existing or proposed internal boundaries within a site;</p> <p>(iii) Where a site in the MRZ₁ – Medium density residential zone ₁ adjoins a site in the GRZ – General residential zone, LLRZ – Large lot residential or SETZ – Settlement zone, then buildings must not protrude through a height control plane rising at an angle of 45 degrees commencing at an elevation of 2.5m above natural ground level at every point of the site boundary abutting that GRZ – General residential zone, LLRZ – Large lot residential zone or SETZ – Settlement zone;</p> <p>(iv) Where the boundary adjoins a legal road.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Height of the building;</p> <p>(b) Design and location of the building;</p> <p>(c) Extent of shading on adjacent sites; and</p> <p>(d) Privacy on adjoining sites.</p>
<p>MRZ1-S6 Building coverage</p>	
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) The total building coverage must not exceed 45%.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p>

<p>(b) MRZ1-S6(1)(a) does not apply:</p> <ul style="list-style-type: none"> (i) To a structure that is not a building; or (ii) Eaves of a building that project less than 750mm horizontally from the exterior wall of the building. 	<ul style="list-style-type: none"> (a) Design, scale and location of the building; (b) Provision for outdoor living space and service courts; and (c) Effects on the planned urban built character of the surrounding residential area.
<p>MRZ1-S7 Impervious surfaces</p>	
<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) The impervious surfaces of a site must not exceed 70%. 	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Site design, layout and amenity; and (b) The risk of flooding, nuisance or damage to the site or other buildings and sites.
<p>MRZ1-S8 Outdoor living space</p>	
<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) An outdoor living space must be provided for each residential unit that meets all of the following standards: <ul style="list-style-type: none"> (i) It is for the exclusive use of the occupants of the residential unit; (ii) It is readily accessible from a living area of the residential unit; (iii) Where the residential unit contains an internal habitable space (excluding garages, bathrooms, laundries, and hall or stairways) on the ground floor, an outdoor living court shall be provided and shall have a minimum area of 20m² and a minimum dimension of 4m in any direction; and (iv) Where the residential unit has its principal living area at first floor level or above, a balcony shall be provided and shall have a minimum area of 5m² for studio and one-bedroom dwellings, or 8m² for two or more bedroom dwellings and a minimum dimension of 1.5m. 	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Design and location of the building; (b) Provision for outdoor living space including access to sunlight and open space and the usability and accessibility of the outdoor living space proposed; (c) Privacy and overlooking on adjoining sites; and (d) The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space.
<p>MRZ1-S9 Ground floor internal habitable space</p>	
<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) Garages shall occupy less than 50% of the ground floor space internal to buildings on the site. 	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) The visual dominance of garaging, parking, and vehicle manoeuvring areas and the balance across the site of internal habitable space, outdoor living courts, and landscaping at ground level; and

		(b) The design and location of garaging as viewed from streets or public open spaces.
MRZ1-S10	Building setbacks – all boundaries	
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) The finished external walls (excluding eaves) of a building must be set back a minimum of:</p> <p>(i) 3m from the road boundary;</p> <p>(ii) 3m from the edge of an indicative road (as demonstrated on a structure plan or planning maps);</p> <p>(iii) 1m from every boundary other than a road boundary; and</p> <p>(b) Balconies greater than 1.5m above ground level shall be set back a minimum of 4m from every boundary other than a boundary to a road or public open space;</p> <p>(c) MRZ1-S10(1)(a) and (b) do not apply to structures that are not buildings.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Road network safety and efficiency;</p> <p>(b) Potential to mitigate adverse effects on the streetscape through use of other design features;</p> <p>(c) Daylight admission to adjoining properties; and</p> <p>(d) Privacy overlooking on adjoining sites.</p>	
MRZ1-S11	Building setbacks – water bodies	
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) A building must be set back a minimum of:</p> <p>(i) 20m from the margin of any lake;</p> <p>(ii) 20m from the margin of any wetland;</p> <p>(iii) 23m from the bank of any river (other than the Waikato River and Waipa River);</p> <p>(iv) 38m from the margin of either the Waikato River and the Waipa River</p> <p>(v) 23m from mean high water springs</p> <p>(b) A public amenity of up to 25m² or pump shed within any building setback identified in MRZ1-S12(1)(a);</p> <p>(c) MRZ1-S11(1)(a) does not apply to a structure which is not a building.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Effects on the landscape, ecological, cultural and recreational values of the adjacent water body;</p> <p>(b) Adequacy of erosion and sediment control measures;</p> <p>(c) The functional or operational need for the building to be located close to the waterbody;</p> <p>(d) Effects on public access to the waterbody;</p> <p>(e) Effects on the amenity of the locality; and</p> <p>(f) Effects on natural character values.</p>	

Part 2: Medium density residential zone areas 2 (MRZ2)

This part of the Chapter applies to all Medium density residential zone land within Huntly, Tuakau, Pookeno and Ngaaruawaahia and Horotiu.

Purpose

The purpose of the MRZ – Medium density residential zone in area 2 is to enable the most efficient use of residentially zoned land and infrastructure within the suite of Waikato District Plan residential zones. The MRZ2 – Medium density residential zone in area 2 provides for this form of development within a walkable catchment of the town centres of Huntly, Ngaaruawaahia, Pookeno and Tuakau and Horotiu. Within areas 2 the zone MRZ2 will:

- Provide housing at increased densities with three residential units per lot and buildings up to three storeys in height being permitted;
- Provide for the development of more than three residential units per lot, albeit subject to a more intensive design assessment process with matters of discretion to provide for appropriate design outcomes;
- Encourage a variety of housing types and sizes that respond to housing needs and demands of the district and its planned urban built character;
- Accommodate the highest level of residential growth within the district;
- ~~Reduce pressure for residential development on the urban fringe and beyond;~~
- ~~Relieve anticipated pressures on the road transport network (which are exacerbated by adopting sprawl to accommodate urban growth) by enabling greater development capacity in town centres where the use of both public and active modes of transport to access places of employment, retail and entertainment is readily achievable and/or viable;~~
- Provide the highest capacity, diversity and choice of housing; and
- Coordinate delivery of infrastructure and services.

The capacity to accommodate medium density residential development may be limited to provide for and/or protect one or more of the following qualifying matters:

- Matter of national importance under s6 (s771(a)) of the RMA
- Matter required to give effect to a national policy statement (s771(b))
- Matter required to give effect to Te Ture Whaimana (s771(c))
- Matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure (s771(e))
- Reverse sensitivity

Provisions to provide for and/or protect the above qualifying matter are incorporated into the district wide matters and the rules and standards of this zone.

Objectives

MRZ2-O1 Housing typology.

Provide for a variety of housing types and sizes that respond to:

- (a) Housing needs and demand; and
- (b) The neighbourhood's planned urban built character, including three-storey buildings.

Part 3: Area-specific matters / Zones / Residential zones /MRZ – Medium density residential zone

MRZ2-O2 Efficient use of land and infrastructure.

Land and infrastructure near the TCZ – Town Centre Zone, LCZ – Local centre zone and COMZ – Commercial zone and close to public transport networks, strategic transport corridors and community facilities is efficiently used for medium density residential living, resulting in a compact urban settlement pattern.

MRZ2-O3 Residential amenity.

Achieve a level of residential amenity commensurate with a medium density environment comprised of primarily three-storey buildings, including semi-detached and terraced housing, townhouses and low-rise apartments.

MRZ2-O4 Activities.

An appropriate mix of complementary and compatible activities, including educational facilities, is enabled to support residential growth.

MRZ2-O5 Qualifying matters.

The capacity to accommodate medium density residential development may be limited to provide for recognise and/or protect one or more qualifying matters.

MRZ2-O6 Reverse sensitivity.

Avoid or mMinimise the potential for reverse sensitivity by managing the location and design of sensitive activities through:

- (a) The use of building setbacks; and
- (b) The design of subdivisions and development.

MRZ2-O7 Educational Facilities.

Residential development is supported by educational facilities.

MRZ2-O8 Public realm safety and amenity.

Recognise amenity values and enhance safety for the transport corridor and public open spaces.

MRZ2-O9 Outlook from Tuurangawaewae Marae.

In Ngaaruwaahia, the outlook from Tuurangawaewae Marae to Hakarimata Range, Taupiri Maunga and Waikato Awa is recognised and provided for.

MRZ2-O10 Railway Corridors.

Protect the safe and efficient operation of the railway corridor and minimise risks to public health and safety.

Policies

MRZ2-P1 Housing Typology.

Enable a variety of housing typologies with a mix of densities within the zone, including three-storey attached and detached dwellings, and low-rise apartments.

MRZ2-P2 Residential Amenity.

Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.

MRZ2-P3 Housing Design.

Enable housing to be designed to meet the day-to-day needs of residents.

MRZ2-P4 Enabling Housing Development.

Provide for developments not meeting permitted activity status, while encouraging high-quality developments.

MRZ2-P5 Streetscape, yards and outdoor living spaces.

- (1) Enable residential development that contributes to attractive and safe streets and public open spaces by:
 - (a) Providing for passive surveillance to public open spaces and streets through the siting of dwellings and rooms, façade design and fencing / landscaping;
 - (b) Incorporating front yard landscaping that will enhance streetscape amenity; and
 - (c) Minimising the prevalence of garage doors, carparking and driveways fronting the street.
- (2) Require development to have sufficient side yard setbacks to provide for:
 - (a) Landscaping and permeable surfaces;
 - (b) Privacy to adjoining sites;
 - (c) Sunlight and daylight; and
 - (d) Driveways and accessways.
- (3) Require the provision of outdoor living spaces that:
 - (a) Are attractive, functional and accessible; and
 - (b) Provide a reasonable standard of privacy for residents and to adjoining sites.
- (4) In relation to retirement villages, require outdoor living spaces or communal outdoor living spaces to be usable and accessible.
- (5) Enable flexibility and innovation in the provision of outdoor living spaces by recognising the varying means by which suitable spaces can be provided for a particular form of development; including shared outdoor spaces, roof terraces or other communal outdoor living spaces.

MRZ2-P6 Qualifying Matters

Restrict residential development to an appropriate level to provide for and protect any relevant qualifying matters.

MRZ2-P7 Efficient use of land and infrastructure.

- (1) Enable land to be used for higher intensity residential living where such land is:
 - (a) Adjacent to the TCZ – Town centre zone, LCZ – Local centre zone, COMZ – Commercial zone and within a walkable catchment of transport networks; or
 - (b) Integrated into master-planned growth areas in close proximity to neighbourhood centres or publicly accessible open space.
- (2) Recognise the social, economic and environmental benefits arising from higher density development being situated closer to community facilities and the TCZ – Town centre zone, LCZ – Local centre zone and COMZ – Commercial zone when considering development proposals.
- (3) Recognise the economic and environmental benefits of higher density development that efficiently utilises existing, and planned, investment in both transport and three waters infrastructure.

MRZ2-P8 Changes to amenity values.

Recognise that the planned urban built form may result in changes to the amenity values and characteristics of the urban character over time.

MRZ2-P9 Home businesses.

- (1) Provide for home businesses to allow flexibility for people to work from their homes.
- (2) Manage adverse effects on residential amenity through limiting home occupations to a scale that is compatible with the primary residential purpose of the zone.

MRZ2-P10 Non-residential activities.

- (1) Maintain the zone primarily for residential activities while also:
 - (a) Ensuring community facilities:
 - (i) Are suitably located;
 - (ii) Are of a limited scale and intensity that is compatible with the zone;
 - (iii) Contribute to the amenity of the neighbourhood; and
 - (iv) Support the social and economic well-being of the residential community.
 - (b) Avoiding the establishment of new non-residential activities (except home occupations) on rear sites, or sites located on cul-de-sacs; and
 - (c) Ensuring that the design and scale of non-residential activities and associated buildings mitigates adverse effects related to traffic generation, access, noise, vibration, outdoor storage of materials and light spill.
- (2) Enabling existing non-residential activities to continue and support their redevelopment and expansion, provided they do not have a significant adverse effect on character and amenity.

MRZ2-P11 Reverse Sensitivity.

- (1) Maintain appropriate setback distances between new sensitive land uses and existing lawfully established activities that may result in reverse sensitivity effects.
- (2) Manage potential reverse sensitivity effects by use of design controls for sensitive land uses in the Horotiu Acoustic Area.

MRZ2-P12 Building form, massing and coverage.

- (1) Enable medium density residential development that:
 - (a) Is of a height and bulk that manages daylight access and a reasonable standard of privacy for residents; and
 - (b) Manages unreasonable visual dominance effects on adjoining properties.

MRZ2-P13 Retirement villages.

- (1) Provide for the establishment of new retirement villages and care facilities that:
 - (a) Offer a diverse range of housing types, including care facilities, for the particular needs and characteristics of older people;
 - (b) Promote visual integration with the street scene, neighbourhoods and adjoining sites;
 - (c) Are comprehensively designed and managed and offer a variety of accommodation and accessory services that meet the needs of residents, including those requiring care or assisted living;
 - (d) Recognise that housing and care facilities for older people can require higher densities;
 - (e) Provide high quality on-site amenity;
 - (f) Integrate with local services and facilities, including public transport; and
 - (g) Connect to alternative transport modes to the LLRZ – Large lot residential zone, SETZ – Settlement zone, MRZ1 – Medium density residential zone 1, GRZ – General residential zone, TCZ – Town centre zone, LCZ – Local centre zone or COMZ – Commercial zone.
- (2) Enable alterations and additions to existing retirement villages that:
 - (a) Promote visual integration with the street scene, neighbourhoods and adjoining sites;
 - (b) Recognise that housing and care facilities for older people can require higher densities;
 - (c) Provide high quality on-site amenity; and
 - (d) Integrate with local services and facilities, including public transport and alternative transport modes.

MRZ2-P14 Outlook from Tuurangawaewae Marae

- (1) In Ngaaruwaaahia, provide for the cultural relationship between Tuurangawaewae Marae the Hakarimata Ranges, Taupiri Maunga and the Waikato Awa within the

Tuurangawaewae Marae Outlook High Potential Effects Area identified on the Planning Maps.

- (2) In Ngaaruawaahia, provide for the cultural relationship between Tuurangawaewae Marae the Hakarimata Ranges and Taupiri Maunga within the Tuurangawaewae Marae Building Height Assessment Overlay identified on the Planning Maps.

MRZ2-P15 Neighbourhood centres in structure plan areas.

- (1) Provide for new neighbourhood centres within structure plan areas ~~or master plan areas~~, that:
- (a) Are for the daily retail and service needs of the community; and
 - (b) Are located within a walkable catchment.

MRZ2-P16 Railway Corridors.

Maintain appropriate setback distances to the railway corridor to provide for its safe and efficient operation and to minimise any risks to public health and safety.

MRZ2-P17 Avoid building within the Geotechnical limitation QM identified on the planning maps.

Rules

Land use – activities

In addition to the activity-specific standards listed below, permitted activities must also comply with all relevant Land-use building standards in this chapter, as well as the standards in Part 2 / District-wide matters / General district-wide matters.

MRZ2-R1	Residential activity, unless specified below	
	This includes occupation of a single residential unit for short term rental.	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a	
MRZ2-R2	A new retirement village or alterations to an existing retirement village	
(1) Activity status: PER Activity-specific standards: (a) The site is connected to public water and wastewater infrastructure; (b) The minimum living space or balcony area and dimensions are: (i) Apartment — 10m² area with a minimum dimension horizontal and vertical of 2.5m;	(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: (a) Consideration of the effects of the activity-specific standard not met; (b) Measures to avoid, remedy or mitigate adverse effects; and (c) Cumulative effects; and (d) <u>Whether the non-compliance with the activity standard is required for the</u>	

<p>(ii) Studio unit or 1 bedroom unit—12.5m² area with minimum dimension horizontal and vertical of 2.5m; or</p> <p>(iii) 2 or more bedroomed unit—15m² area with minimum dimension horizontal and vertical of 2.5m.</p> <p>(c) The minimum service court is either:</p> <p>(i) Apartment—Communal outdoor space (i.e. no individual service courts required); or</p> <p>(ii) All other units—10m² for each unit.</p> <p>(d) The following land use – effects standard does not apply:</p> <p>(i) SIGN-R1, SIGN-R8 – SIGN-R10 (Signs).</p> <p>(e) The following Land Use – Building standards do not apply:</p> <p>(i) MRZ2-S1 (Residential unit (per unit));</p> <p>(ii) MRZ2-S6 (Outdoor living space); and</p> <p>(iii) MRZ2-S7 (Outlook space)</p> <p>(iv) MRZ2-S10 (Minimum residential unit size); and</p> <p>(v) MRZ2-S12 Ground floor internal habitable space.</p> <p>(f) All other Land Use – Building standards apply, including the following MDRS standards:</p> <p>(i) MRZ2-S2 (Height – building general)</p> <p>(ii) MRZ2-S3 (Height in relation to boundary)</p> <p>(iii) MRZ2-S4 (Setbacks)</p> <p>(iv) MRZ2-S5 (Building coverage)</p> <p>(v) MRZ2-S8 (Windows to the street)</p> <p>(vi) MRZ2-S9 (Landscaped areas).</p> <p>(g) The following infrastructure and energy rule does not apply:</p> <p>(i) Rule TRPT-R4(1)(a) (Traffic generation).</p>	<p><u>operational needs of the retirement village.</u></p>
<p>MRZ2-R3</p>	<p>Home business</p>

<p>(1) Activity status: PER Activity-specific standards:</p> <ul style="list-style-type: none"> (a) The home business is wholly contained within a building; (b) The storage of materials or machinery associated with the home business are wholly contained within a building or are screened so as not to be visible from a public road or neighbouring residential property; (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, the receiving of customers or deliveries only occur between 7:30am and 7:00pm on any day; and (e) Machinery may only be operated between 7:30am and 9pm on any day. 	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Consideration of the effects of the activity-specific standard not met; (b) Measures to avoid, remedy or mitigate adverse effects; and (c) Cumulative effects.
<p>MRZ2-R4 Community facilities</p>	
<p>(1) Activity status: PER Activity-specific standards:</p> <ul style="list-style-type: none"> (a) No more than 200m² GFA. 	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Consideration of the effects of the activity-specific standard not met; (b) Measures to avoid, remedy or mitigate adverse effects; and (c) Cumulative effects.
<p>MRZ2-R5 Neighbourhood park</p>	
<p>(1) Activity status: PER Activity-specific standards: Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
<p>MRZ2-R6 Home stay</p>	
<p>(1) Activity status: PER Activity-specific standards:</p> <ul style="list-style-type: none"> (a) No more than 4 temporary residents. 	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Consideration of the effects of the activity-specific standard not met; (b) Measures to avoid, remedy or mitigate adverse effects; and (c) Cumulative effects.
<p>MRZ2-R7 Boarding houses/boarding establishments</p>	

<p>(1) Activity status: PER Activity-specific standards: (a) No more than 10 people per site inclusive of staff and residents.</p>	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: (a) Consideration of the effects of the activity-specific standard not met; (b) Measures to avoid, remedy or mitigate adverse effects; and (c) Cumulative effects.</p>
<p>MRZ2-R8-</p>	<p>Construction or alteration of a building for a sensitive land use</p>
<p>(1) Activity status: PER Activity-specific standards: (a) The construction or alteration of a building for a sensitive land use that complies with all of the following standards: (i) It is set back a minimum of 10m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of up to 110kV; or (ii) It is set back a minimum of 12m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of 110kV or more.</p>	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: (a) Effects on the amenity values of the site; (b) The risk of electrical hazards affecting the safety of people; (c) The risk of damage to property; and (d) Effects on the operation, maintenance and upgrading of the electrical distribution or transmission lines.</p>
<p>MRZ2-R8</p>	<p>Construction, demolition, addition, and alteration of a building or structure</p>
<p>(1) Activity status: PER Activity-specific standards: Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
<p>MRZ2-R9</p>	<p><u>Buildings, structures and sensitive land uses within the National Grid Yard in sites existing as of 18 July 2018</u></p>
<p>(1) Activity status: PER Activity-specific standards: (a) <u>Within the National Grid Yard:</u> (i) <u>Building alterations and additions to an existing building or structure for a sensitive land use that does not involve an increase in the building height or footprint</u> (ii) <u>New, or additions to existing buildings or structures that are not for a sensitive land use;</u> (iii) <u>Infrastructure (other than for the reticulation and storage of water for irrigation purposes) undertaken by a network utility operator as defined in the Resource Management Act 1991;</u> (iv) <u>Fences less than 2.5m in height, measured from the natural ground level immediately below.</u></p>	<p>(2) Activity status where compliance not achieved: NC</p>

<p>(b) <u>All buildings or structures permitted by Rule GMRZ2-R10(1)(a) must:</u></p> <p>(i) <u>Comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663 under all National Grid transmission line operating conditions; and</u></p> <p>(ii) <u>Locate a minimum of 12m from the outer visible foundation of any National Grid support structure and associated stay wire, unless it is one of the following:</u></p> <p>(2) <u>A building or structure where Transpower has given written approval in accordance with clause 2.4.1 of the NZECP34:2001 ISSN 0114-0663;</u></p> <p>(3) <u>Fences less than 2.5m in height, measured from the natural ground level immediately below, and located a minimum of 5m from the nearest National Grid support structure foundation;</u></p> <p>(4) <u>Network utilities (other than for the reticulation and storage of water for irrigation purposes) or any part of electricity infrastructure undertaken by a network utility operator as defined in the Resource Management Act 1991, that connects to the National Grid; and</u></p> <p>(i) <u>Not permanently physically impede existing vehicular access to a National Grid support structure.</u></p>		
MRZ2-R10	<u>The establishment of any new sensitive land use within the National Grid Yard</u>	
Activity status: NC		
MRZ2-R11	Any activity that is not listed as permitted, restricted discretionary or prohibited,	
Activity status: DIS		
MRZ-R13	Any building, structure, objects or vegetation that obscures the sight line of the Raglan navigation beacons for vessels entering Whaingaroa (Raglan Harbour) (APP8 – Raglan navigation beacon).	
Activity status: PR		
MRZ2-R12	<u>Any new building within the Huntly North Wetland specific control identified on the planning maps</u>	
Activity status: NC		
MRZ2-R13	<u>Educational facilities</u> <u>This excludes childcare facilities</u>	
<p>(1) Activity status: RDIS</p> <p>Activity-specific standards:</p> <p>Nil</p> <p>Council's discretion is restricted to the following matters:</p>	<p>(2) Activity status where compliance not achieved: n/a</p>	

<p>(a) <u>The extent to which it is necessary to locate the activity in the GRZ – General residential zone MRZ2 - Medium density residential zone 2;</u></p> <p>(b) <u>Reverse sensitivity effects of adjacent activities;</u></p> <p>(c) <u>The extent to which the activity may adversely impact on the transport network;</u></p> <p>(d) <u>The extent to which the activity may adversely impact on the streetscape and the amenity of the neighbourhood;</u></p> <p>(e) <u>The extent to which the activity may adversely impact on the noise environment.</u></p>	
MRZ2-RI 4	Childcare facility
<p>(1) Activity status: PER Activity-specific standards:</p> <p>(a) <u>For up to 4 children that are not permanent residents of the household unit.</u></p>	<p>(2) Activity status where compliance not achieved: DIS</p>
MRZ2-RI 5	Neighbourhood centre
<p>(1) Activity status: PER Activity-specific standards:</p> <p>(a) <u>Must be within an area identified in a Council approved Structure Plan or Master Plan.</u></p>	<p>(2) Activity status where compliance not achieved: DIS</p>
MRZ2-RI 6	Building setback – sensitive land use located outside the Amenity Setback specific control in Tuakau
<p>(1) Activity status: PER Where:</p> <p>(a) <u>Any new building or alteration to an existing building for a sensitive land use shall be located outside the Amenity Setback specific control identified on the planning maps.</u></p>	<p>(2) Activity status where compliance not achieved: RDIS <u>Council’s discretion is restricted to the following matters:</u></p> <p>(a) <u>On-site amenity values;</u></p> <p>(b) <u>Odour, dust and noise levels received at the notional boundary of the building;</u></p> <p>(c) <u>Timing and duration of noise received at the notional boundary of the building; and</u></p> <p>(d) <u>Potential for reverse sensitivity effects.</u></p>
MRZ2-RI 7	Any new building within the Geotechnical limitation QM identified on the planning maps.
Activity status: NC	

Land use

MRZ2-SI	Residential unit
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<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Up to three residential units per site.</p> <p><u>Note: This standard does not apply to 5851 5837 Great South Road Ngaaruawaahia.</u></p> <p><u>Advice Notes:</u></p> <ol style="list-style-type: none"> 1. <u>The relevant district-wide chapter provisions apply in addition to this chapter. Of particular relevance are the:</u> <ol style="list-style-type: none"> (a) <u>Water, Wastewater and Stormwater chapter</u> (b) <u>Earthworks chapter</u> 2. <u>A water, wastewater and/or stormwater connection approval from the network provider will be required. The presence of infrastructure that can service the unit(s) does not guarantee a connection will be possible and capacity is available to service new development.</u> 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ol style="list-style-type: none"> (a) Intensity of the development; and (b) Design, scale and layout of buildings and outdoor living spaces in relation to the planned urban character of the zone; (c) The relationship of the development with adjoining streets or public open spaces, including the provision of landscaping; and (d) Privacy and overlooking within the development and on adjoining sites, including the orientation of habitable rooms and outdoor living spaces; and (e) Provision of 3-waters infrastructure to individual units; and (f) The provision of adequate waste and recycling bin storage including the management of amenity effects of these on streets or public open spaces; and (g) Where on-site car parking is provided, the design and location of car parking (including garaging) as viewed from streets or public open spaces; and (h) <u>The effects on values held by mana whenua where:</u> <ol style="list-style-type: none"> i. <u>Sites contain or are adjacent to mapped archaeological sites, Sites and Areas of Significance to Maaori, Significant Natural Areas, Outstanding Natural Features or Outstanding Natural Landscapes; and/or</u> ii. <u>Sites are adjacent to marae or an Open Space Zone.</u> <p>Notification</p> <p><u>Any application for resource consent for four or more dwellings per site that comply with all of the standards in (MRZ2-S2 to MRSZ-S9) will be considered without public or limited notification.</u></p>
<p>MRZ2-SIA</p>	<p>Residential unit within the QM for 5851 5837 Great South Road</p>
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) <u>Up to one residential unit per site.</u></p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ol style="list-style-type: none"> (a) <u>Intensity of the development; and</u>

	<ul style="list-style-type: none">(b) <u>Design, scale and layout of buildings and outdoor living spaces in relation to the planned urban character of the zone;</u>(c) <u>The relationship of the development with adjoining streets or public open spaces, including the provision of landscaping; and</u>(d) <u>Privacy and overlooking within the development and on adjoining sites, including the orientation of habitable rooms and outdoor living spaces; and</u>(e) <u>Provision of 3-waters infrastructure to individual units; and</u>(f) <u>The provision of adequate waste and recycling bin storage including the management of amenity effects of these on streets or public open spaces; and</u>(g) <u>Where on-site car parking is provided, the design and location of car parking (including garaging) as viewed from streets or public open spaces.</u>(h) <u>Within QM-585+ 5837 Great South Road effects on the values associated with the Site or Area of Significance to Maaori.</u>
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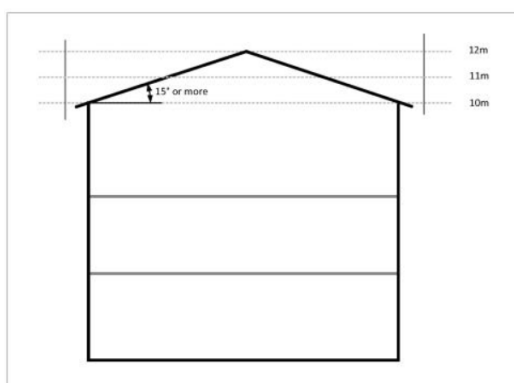
MRZ2-S2	Height – building general <u>This excludes land within the Tuurangawaewae Marae Surrounds QM</u>
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(1) Activity status: PER

Where:

- (a) Buildings must not exceed 11 metres in height, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1m, where the entire roof slopes 15° or more, as shown on the following diagram (enlarged as Figure 1 at the conclusion of this Chapter).

Note: This standard does not apply to land within the Tuurangawaewae Marae Surrounds QM.



- (b) The permitted height of any building or structure is 11m measured from the natural ground level immediately below that part of the structure;
- (c) Chimneys not exceeding 1m in width and finials shall not exceed a maximum height of 13m measured from the natural ground level immediately below the structure;
- (d) In Raglan, the permitted height of any building or structure is 7.5m measured from the natural ground level immediately below that part of the structure.
- (e) In Raglan, chimneys not exceeding 1m in width and finials shall not exceed a maximum height of 9.5m measured from the natural ground level immediately below the structure;

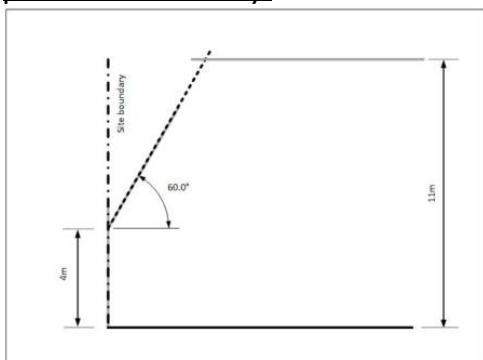
(2) Activity status where compliance not achieved: RDIS

Council's discretion is restricted to the following matters:

- (a) Height of the building or structure;
- (b) Design, scale and location of the building;
- (c) Extent of shading on adjacent sites;
- (d) Privacy and overlooking on adjoining sites;
- (e) The visual dominance effects on adjoining sites;
- (f) The relationship of the development with adjoining streets or public open spaces, including the provision of landscaping;
- (g) In Ngaaruawaahia in the Tuurangawaewae Marae High Potential Effects Area the potential to adversely affect the cultural connection between Tuurangawaewae Marae to Hakarimata Range, Taupiri Maunga, and Waikato Awa as a result of changing the existing outlook.
- (h) the potential to adversely affect the outlook from Tuurangawaewae Marae to Hakarimata Ranges, Taupiri Maunga, and Waikato Awa;
- (i) In Ngaaruawaahia in the Tuurangawaewae Marae Building Height Assessment Overlay the potential to adversely affect the cultural connection between Tuurangawaewae Marae to Hakarimata Range, Taupiri Maunga, and Waikato Awa as a result of changing the existing outlook.
the potential to adversely affect the outlook from Tuurangawaewae Marae to Hakarimata Ranges and Taupiri Maunga; and
- (j) The effects on values held by mana whenua where:
- i. Sites contain or are adjacent to mapped archaeological sites, Sites and Areas of Significance to Maori, Significant Natural Areas, Outstanding Natural Features or Outstanding Natural Landscapes; and/or
 - ii. Sites are adjacent to marae or an Open Space Zone.

	<p>Notification <u>Any application for resource consent for one to three dwellings that does not meet the standard of MRZ2-S2 will be considered without public notification.</u></p>
MRZ2-S2A	Height within the Tuurangawaewae Marae Surrounds QM
<p>(1) Activity status: PER Where:</p> <p>(a) <u>The permitted height of any building or structure is 11m measured from the natural ground level immediately below that part of the structure;</u></p> <p>(b) <u>Chimneys not exceeding 1m in width and finials shall not exceed a maximum height of 13m measured from the natural ground level immediately below the structure;</u></p>	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <p>(a) <u>Height of the building or structure;</u></p> <p>(b) <u>Design, scale and location of the building;</u></p> <p>(c) <u>Extent of shading on adjacent sites;</u></p> <p>(d) <u>Privacy and overlooking on adjoining sites;</u></p> <p>(e) <u>The visual dominance effects on adjoining sites;</u></p> <p>(f) <u>The relationship of the development with adjoining streets or public open spaces, including the provision of landscaping;</u> <u>The effect on cultural viewshafts from Tuurangawaewae Marae to Hakarimata Range, and Taupiri Maunga, and the Waikato Awa; and</u></p> <p>(g) <u>The potential to adversely affect the cultural connection between Tuurangawaewae Marae to Hakarimata Range, Taupiri Maunga, and Waikato Awa as a result of changing the existing outlook.</u></p> <p>(h) <u>The effects on values held by mana whenua where:</u></p> <p>i. <u>Sites contain or are adjacent to mapped archaeological sites, Sites and Areas of Significance to Maaori, Significant Natural Areas, Outstanding Natural Features or Outstanding Natural Landscapes; and/or</u></p> <p>ii. <u>Sites are adjacent to marae or an Open Space Zone.</u></p>
MRZ2-S3	<p>Height in relation to boundary <u>This excludes land within the Tuurangawaewae Marae Surrounds QM</u></p>
<p>(1) Activity status: PER Where:</p>	<p>(2) Activity status where compliance not achieved: RDIS</p>

- (a) Buildings must not project beyond a 60° recession plane measured from a point 4 metres vertically above ground level along all boundaries, as shown on the following diagram (enlarged as Figure 2 at the conclusion of this Chapter). Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the height in relation to boundary applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way.



- (b) Standard (a) above does not apply to:
- (i) a boundary with a road
 - (ii) existing or proposed internal boundaries within a site;
 - (iii) site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.

Note: This standard does not apply to land within the Tuurangawaewae Marae Surrounds QM.

- (a) Buildings and structures must not protrude through a height control plane rising at an angle of 45 degrees commencing at an elevation of 3m above natural ground level at every point of the site boundary, except
- (iv) Where the boundary forms part of a legal right of way, entrance strip or access site; the standard applies from the farthest boundary of that legal right of way, entrance strip or access site;
 - (v) This standard does not apply to existing or proposed internal boundaries within a site;

Council's discretion is restricted to the following matters:

- (a) Height of the building;
- (b) Design and location of the building;
- (c) Extent of shading on adjacent sites; and
- (d) Privacy on adjoining sites.
- (e) The visual dominance effects on adjoining sites; and
- (f) The relationship of the development with adjoining streets or public open spaces, including the provision of landscaping.
- (g) In Ngaaruawaahia, in the Tuurangawaewae Marae High Potential Effects Area the potential to adversely affect the cultural connection between Tuurangawaewae Marae to Hakarimata Range, Taupiri Maunga, and Waikato Awa as a result of changing the existing outlook, the potential to adversely effect the outlook from Tuurangawaewae Marae to Hakarimata Ranges, Taupiri Maunga, and Waikato Awa
- (h) The effects on values held by mana whenua where:
 - i. Sites contain or are adjacent to mapped archaeological sites, Sites and Areas of Significance to Maaori, Significant Natural Areas, Outstanding Natural Features or Outstanding Natural Landscapes; and/or
 - ii. Sites are adjacent to marae or an Open Space Zone.
- (i) In Ngaaruawaahia the potential to adversely affect the cultural connection between Tuurangawaewae Marae to Hakarimata Range, Taupiri Maunga, and Waikato Awa as a result of changing the existing outlook, effect the outlook from Tuurangawaewae Marae to Hakarimata Ranges, Taupiri Maunga, and Waikato Awa.

Notification

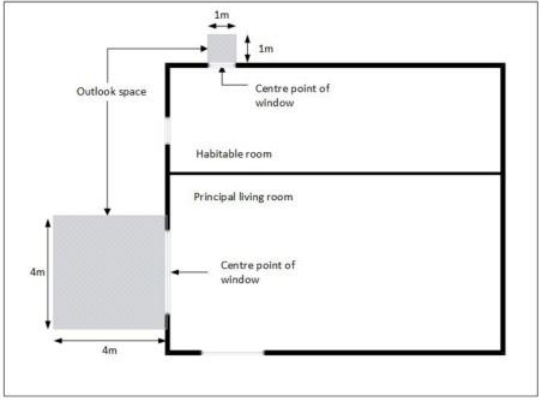
Any application for resource consent for one to three dwellings that does not meet the standard of MRZ2-S3 will be considered without public notification.

<p>(vi) Where a site in the MRZ— Medium density residential zone adjoins a site in the GRZ— General residential zone, LLRZ— Large lot residential or SETZ— Settlement zone, then buildings must not protrude through a height control plane rising at an angle of 45 degrees commencing at an elevation of 2.5m above natural ground level at every point of the site boundary abutting that GRZ— General residential zone, LLRZ— Large lot residential zone or SETZ— Settlement zone;</p> <p>(vii) Where the boundary adjoins a legal road.</p>							
<p>MRZ2-S3A</p>	<p>Height in relation to boundary in the Tuurangawaewae Marae surrounds QM</p>						
<p>(1) Activity status: PER Where: Within the Tuurangawaewae Marae Surrounds QM:</p> <p>(a) <u>Buildings and structures must not protrude through a height control plane rising at an angle of 45 degrees commencing at an elevation of 3m above natural ground level at every point of the site boundary, except</u></p> <p>(i) <u>Where the boundary forms part of a legal right of way, entrance strip or access site; the standard applies from the farthest boundary of that legal right of way, entrance strip or access site;</u></p> <p>(ii) <u>This standard does not apply to existing or proposed internal boundaries within a site;</u></p> <p>(iii) <u>Where the boundary adjoins a legal road.</u></p>	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <p>(a) <u>Height of the building;</u></p> <p>(b) <u>Design and location of the building;</u></p> <p>(c) <u>Extent of shading on adjacent sites;</u></p> <p>(d) <u>Privacy on adjoining sites.</u></p> <p>(e) <u>The visual dominance effects on adjoining sites.</u></p> <p>(f) <u>The relationship of the development with adjoining streets or public open spaces, including the provision of landscaping; and</u></p> <p>(g) <u>The potential to adversely affect the cultural connection between Tuurangawaewae Marae to Hakarimata Range, Taupiri Maunga, and Waikato Awa as a result of changing the existing outlook, effect on cultural viewshafts from Tuurangawaewae Marae to Hakarimata Range, and Taupiri Maunga, and the Waikato Awa.</u></p>						
<p>MRZ2-S4</p>	<p>Setbacks</p>						
<p>(1) Activity status: PER Where:</p> <p>(a) <u>Buildings must be set back from the relevant boundary by the minimum depth listed in the yards table below:</u></p> <table border="1" data-bbox="284 1863 782 2004"> <thead> <tr> <th>Yard</th> <th>Minimum depth</th> </tr> </thead> <tbody> <tr> <td>Front</td> <td>1.5m</td> </tr> <tr> <td>Side</td> <td>1m</td> </tr> </tbody> </table>	Yard	Minimum depth	Front	1.5m	Side	1m	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <p>(a) Road network safety and efficiency;</p> <p>(b) Potential to mitigate adverse effects on the streetscape through use of other design features;</p> <p>(c) Daylight admission to adjoining properties;</p>
Yard	Minimum depth						
Front	1.5m						
Side	1m						

<p><u>Rear</u></p> <p><u>1m (excluded on corner sites)</u></p> <p>(b) <u>This standard does not apply to site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.</u></p> <p>(a) <u>The finished external walls (excluding eaves) of a building must be set back a minimum of:</u></p> <p>(i) <u>3m from the road boundary;</u></p> <p>(ii) <u>3m from the edge of an indicative road (as demonstrated on a structure plan or planning maps);</u></p> <p>(iii) <u>1m from every boundary other than a road boundary; and</u></p> <p>(c) <u>Balconies greater than 1.5m above ground level shall be set back a minimum of 4m from every boundary other than a boundary to a road or public open space;</u></p> <p>(d) <u>MRZ-S10(1)(a) and (b) do not apply to structures that are not buildings.</u></p>		<p>(d) <u>Privacy overlooking on adjoining sites;</u></p> <p>(e) <u>The visual dominance effects on adjoining sites;</u></p> <p>(f) <u>Flooding effects including safe access and egress;</u></p> <p>(g) <u>Stormwater management and the use of Low Impact Design methods;</u></p> <p>(h) <u>Consistency with the relevant stormwater catchment management plan; and</u></p> <p>(i) <u>The extent to which the non-compliance compromises the ability for emergency services to access the property in an emergency.</u></p> <p><u>Notification</u> <u>Any application for resource consent for one to three dwellings that does not meet the standard of MRZ2-S4 will be considered without public notification.</u></p> <p><u>Advice note</u> <u>Compliance with the Code of Practice for Electrical Safe Distances (NZECP 34:2001) may require increased setbacks to electrical infrastructure.</u></p>
<p>MRZ2-S5</p>	<p>Building coverage</p> <p><u>This excludes land within the Tuurangawaewae Marae Surrounds QM.</u></p>	
<p><u>(1) Activity status: PER</u></p> <p><u>Where:</u></p> <p>(a) <u>The maximum building coverage must not exceed 50% of the net site area.</u></p> <p>(b) <u>The maximum building coverage must not exceed 45% of the net site area.</u></p> <p>(c) <u>MRZ-S6(1)(a) does not apply:</u></p> <p>(i) <u>To a structure that is not a building; or</u></p> <p>(ii) <u>Eaves of a building that project less than 750mm horizontally from the exterior wall of the building.</u></p> <p><u>Note: This standard does not apply to land within the Tuurangawaewae Marae Surrounds QM.</u></p>		<p><u>(2) Activity status where compliance not achieved: RDIS</u></p> <p><u>Council’s discretion is restricted to the following matters:</u></p> <p>(a) <u>Design, scale and location of the building;</u></p> <p>(b) <u>Provision for outdoor living space and service courts; and</u></p> <p>(c) <u>Effects on the planned urban built character and any qualifying matter on of the surrounding residential area;</u></p> <p>(d) <u>The visual dominance effects on adjoining sites;</u></p> <p>(e) <u>Whether there is sufficient space on site for a stormwater treatment device and infrastructure;</u></p> <p>(f) <u>Flooding effects including safe access and egress; and</u></p> <p>(g) <u>Stormwater management and the use of Low Impact Design methods; and</u></p>

	<p>(h) In Ngaaruawaahia in the Tuurangawaewewae Marae High Potential Effects Area <u>the potential to adversely affect the cultural connection between Tuurangawaewae Marae to Hakarimata Range, Taupiri Maunga, and Waikato Awa as a result of changing the existing outlook.</u> the potential to adversely effect the outlook from Tuurangawaewae Marae to Hakarimata Ranges, Taupiri Maunga, and Waikato Awa.</p> <p>Notification Any application for resource consent for one to three dwellings that does not meet the standard of MRZ2-S5 will be considered without public notification.</p>
MRZ2-S5A	Building Coverage within the Tuurangawaewae Marae surrounds QM
<p>(1) Activity status: PER Where:</p> <p>(a) the maximum building coverage must not exceed 45% of the net site area.</p> <p>(b) MRZ-S5A(1(a)) does not apply:</p> <p>(i) <u>To a structure that is not a building; or</u></p> <p>(ii) <u>Eaves of a building that project less than 750mm horizontally from the exterior wall of the building.</u></p>	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters:</p> <p>(a) <u>Design, scale and location of the building;</u></p> <p>(b) <u>Provision for outdoor living space and service courts;</u></p> <p>(c) <u>Effects on the planned urban built character and any qualifying matter on the surrounding residential area ;</u></p> <p>(d) <u>The visual dominance effects on adjoining sites;</u></p> <p>(e) <u>The potential to adversely affect the cultural connection between Tuurangawaewae Marae to Hakarimata Range, Taupiri Maunga, and Waikato Awa as a result of changing the existing outlook.</u> effect on cultural viewshafts from Tuurangawaewae Marae to Hakarimata Range, and Taupiri Maunga, and the Waikato Awa.R</p> <p>(f) <u>Whether there is sufficient space on site for a stormwater treatment device and infrastructure;</u></p> <p>(g) <u>Flooding effects including safe access and egress; and</u></p> <p>(h) <u>Stormwater management and the use of Low Impact Design methods.</u></p>
MRZ2-S6	Outdoor living space (per unit)
<p>(1) Activity status: PER Where:</p>	<p>(2) Activity status where compliance not achieved: RDIS</p>

<p>(a) <u>A residential unit at ground floor level must have an outdoor living space that is at least 20m² and that comprises ground floor, balcony, patio, or roof terrace space that meets all of the following standards:</u></p> <p>(i) <u>where located at ground level, has no dimension less than 3m; and</u></p> <p>(ii) <u>where provided in the form of a balcony, patio, or roof terrace, is at least 8m² and has a minimum dimension of 1.8m; and</u></p> <p>(iii) <u>is accessible from the residential unit; and</u></p> <p>(iv) <u>may be—</u></p> <p style="padding-left: 40px;">(1) <u>grouped cumulatively by area in one communally accessible location; or</u></p> <p style="padding-left: 40px;">(2) <u>located directly adjacent to the unit; and</u></p> <p>(v) <u>is free of buildings, parking spaces, and servicing and manoeuvring areas.</u></p> <p>(b) <u>A residential unit located above ground floor level must have an outdoor living space in the form of a balcony, patio, or roof terrace that—</u></p> <p>(i) <u>is at least 8m² and has a minimum dimension of 1.8m; and</u></p> <p>(ii) <u>is accessible from the residential unit; and</u></p> <p>(iii) <u>may be—</u></p> <p style="padding-left: 40px;">(1) <u>grouped cumulatively by area in one communally accessible location, in which case it may be located at ground level; or</u></p> <p style="padding-left: 40px;">(2) <u>located directly adjacent to the unit.</u></p> <p>(a) An outdoor living space must be provided for each residential unit that meets all of the following standards:</p> <p>(iv) It is for the exclusive use of the occupants of the residential unit;</p> <p>(v) It is readily accessible from a living area of the residential unit;</p> <p>(vi) Where the residential unit contains an internal habitable space (excluding garages, bathrooms, laundries, and hall or stairways) on the ground floor, an outdoor living court shall be provided</p>	<p>Council’s discretion is restricted to the following matters:</p> <p>(a) Design and location of the building;</p> <p>(b) Provision for outdoor living space including access to sunlight and open space and the usability and accessibility of the outdoor living space proposed;</p> <p>(c) Privacy and overlooking on adjoining sites; and</p> <p>(d) The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space.</p> <p><u>Notification</u></p> <p><u>Any application for resource consent for one to three dwellings that does not meet the standard of MRZ2-S6 will be considered without public notification.</u></p>
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<p>and shall have a minimum area of 20m² and a minimum dimension of 4m in any direction; and</p> <p>(vii) Where the residential unit has its principal living area at first floor level or above, a balcony shall be provided and shall have a minimum area of 5m² for studio and one bedroom dwellings, or 8m² for two or more bedroom dwellings and a minimum dimension of 1.5m.</p>	
<p>MRZ2-S7</p>	<p>Outlook space (per unit)</p>
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) <u>An outlook space must be provided for each residential unit as outlined below.</u></p> <p>(b) <u>An outlook space must be provided from habitable room windows as shown in the diagram below (enlarged as Figure 3 at the conclusion of this Chapter):</u></p>  <p>(c) <u>The minimum dimensions for a required outlook space are as follows:</u></p> <p>(i) <u>a principal living room must have an outlook space with a minimum dimension of 4m in depth and 4m in width; and</u></p> <p>(ii) <u>all other habitable rooms must have an outlook space with a minimum dimension of 1m in depth and 1m in width.</u></p> <p>(d) <u>The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.</u></p> <p>(e) <u>Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.</u></p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Measures to ensure that outlook spaces shall remain unobstructed, while providing an open outlook with access to daylight from the windows of habitable rooms;</p> <p>(b) The nature of the occupation of the room without the required outlook;</p> <p>(c) The effects on amenity of future occupants from a reduced outlook; and</p> <p>(d) Any privacy benefits from providing a reduced outlook.</p> <p>Notification</p> <p><u>Any application for resource consent for one to three dwellings that does not meet the standard of MRZ2-S7 will be considered without public notification.</u></p>

<p>(f) <u>Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building.</u></p> <p>(g) <u>Outlook spaces may be under or over a balcony.</u></p> <p>(h) <u>Outlook spaces required from different rooms within the same building may overlap.</u></p> <p>(i) <u>Outlook spaces must—</u></p> <p style="padding-left: 20px;">(i) <u>be clear and unobstructed by buildings; and</u></p> <p style="padding-left: 20px;">(ii) <u>not extend over an outlook space or outdoor living space required by another dwelling.</u></p>	
<p>MRZ2-S8</p>	<p>Windows to the street</p>
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) <u>Any residential unit facing the street must have a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors.</u></p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) The extent to which front facing glazing is provided from ground floor living areas that is visible and prominent from the street;</p> <p>(b) Whether the majority of the glazing provided on the street facing façade of the unit is clear glazing to habitable spaces within the unit;</p> <p>(c) The level of passive surveillance from the residential unit to the street; and</p> <p>(d) Any other building features such as porches or gables that will add visual interest.</p> <p>Notification <u>Any application for resource consent for one to three dwellings that does not meet the standard of MRZ2-S8 will be considered without public notification.</u></p>
<p>MRZ2-S9</p>	<p>Landscaped area</p>
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) <u>A residential unit at ground floor level must have a landscaped area of a minimum of 20% of a developed site with grass or plants and can include the canopy of trees regardless of the ground treatment below them.</u></p> <p>(b) <u>The landscaped area may be located on any part of the development site, and does not need to be associated with each residential unit.</u></p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) The on-site and/or neighbouring amenity provided by the proposed landscaping;</p> <p>(b) The extent of landscaping between the buildings and road boundary to soften and integrate the development into the surrounding area;</p>

	<p>(c) The extent to which the breach is necessary to enable more efficient, cost effective and/or practical use of the remainder of the site;</p> <p>(d) The additional accessibility and safety benefits of providing less landscaped area; and</p> <p>(e) The effect of any reduction in landscaping on adjoining properties, including the street or other public open spaces.</p> <p>Notification <u>Any application for resource consent for one to three dwellings that does not meet the standard of MRZ2-S9 will be considered without public notification.</u></p>
MRZ2-S10	Minimum residential unit size
<p>(1) Activity status: PER Where: (a) <u>Residential units must have a minimum net internal floor area of:</u> (i) <u>35m² for studio dwellings; and</u> (ii) <u>45m² for one or more bedroom dwellings.</u></p>	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: (a) <u>The functionality of the residential unit</u> <u>The ability to meet the day to day needs of residents; and</u> (b) <u>Internal residential amenity.</u></p>
MRZ2-S11	Impervious surfaces
<p>(1) Activity status: PER Where: (a) The impervious surfaces of a site must not exceed 70%.</p>	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: (a) Site design, layout and amenity; and (b) <u>The effectiveness of the stormwater system to manage flooding (including safe access and egress), nuisance or damage to other infrastructure, buildings and sites, including the rural environment</u> (c) <u>Stormwater management and the use of Low Impact Design methods; and</u> (d) <u>Whether there is sufficient space on site for a stormwater treatment device and infrastructure.</u></p>
MRZ2-S12	Ground floor internal habitable space
<p>(1) Activity status: PER Where: (a) Garages shall occupy less than 50% of the ground floor space internal to buildings on the site.</p>	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: (a) The visual dominance of garaging, parking, and vehicle manoeuvring areas and the balance across the site of</p>

	<p>internal habitable space, outdoor living courts, and landscaping at ground level; and</p> <p>(b) The design and location of garaging as viewed from streets or public open spaces.</p>
MRZ2-SI3	Fences or walls
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) <u>Boundary Fences and walls:</u></p> <p>(i) adjacent to between properties and any road boundaries;</p> <p>(ii) <u>Adjoining any OSZ - open space zone:</u> <u>or:</u></p> <p>(iii) <u>Between properties within the first 1.5m of the front yard</u></p> <p>(b) <u>Boundary fences and walls within (a)</u> must comply with all of the following standards:</p> <p>(i) Be no higher than 1.5m if solid;</p> <p>(ii) Be no higher than 1.8m if:</p> <p>(1) Visually permeable for the full 1.8m height of the fence or wall; or</p> <p>(2) Solid up to 1.5m and visually permeable between 1.5 and 1.8m.</p> <p><u>(c) Boundary fences and walls between properties further than 1.5m into the site must not exceed 2m.</u></p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Building materials and design;</p> <p>(b) Effects on streetscape amenity; and</p> <p>(c) Public space visibility</p> <p>(d) <u>Amenity effects associated with access to sunlight.</u></p> <p><u>Buildings must be set back from the relevant boundary by the minimum depth listed in the yards table below</u></p>
MRZ2-SI4	Building setbacks – water bodies
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) A building must be set back a minimum of:</p> <p>(i) 20m from the margin of any lake;</p> <p>(ii) 20m from the margin of any wetland;</p> <p>(iii) 21.5m^{23m} from the bank of any river (other than the Waikato River and Waipa River);</p> <p>(iv) 265.5m^{38m} from the margin of either the Waikato River and the Waipa River</p> <p>(v) 23m from mean high water springs</p> <p>(b) A public amenity of up to 25m² or pump shed within any building setback identified in MRZ2-SI3(1)(a);</p> <p>(c) This standard does not apply to a structure which is not a building.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Effects on the landscape, ecological, cultural and recreational values of the adjacent water body;</p> <p>(b) Adequacy of erosion and sediment control measures;</p> <p>(c) The functional or operational need for the building to be located close to the waterbody;</p> <p>(d) Effects on public access to the waterbody;</p> <p>(e) Effects on the amenity of the locality; and</p> <p>(f) Effects on natural character values including hydrology and flooding.</p> <p>(g) <u>Effect on hydrology and flooding.</u></p>

	<p>(h) <u>In the Waikato River catchment, the extent to which the application enhances or benefits the Waikato River and its tributaries including groundwater resources.</u></p> <p>(i) <u>Effects on cultural values identified in Maori Values and Maatauranga Maori Chapter; and</u></p> <p>(j) <u>The objectives and policies in Chapter 2-20 - Te Ture Whaimana -Vision and Strategy.</u></p>
MRZ2-SI5	Building setback – sensitive land use
<p>(1) Activity status: PER Where:</p> <p>(a) <u>Any new building or alteration to an existing building for a sensitive land use shall be set back a minimum of:</u></p> <p>(i) <u>5m from the designated boundary of the railway corridor;</u></p> <p>(ii) <u>15m from the boundary of a national route or regional arterial;</u></p> <p>(iii) <u>25m from the designated boundary of the Waikato Expressway;</u></p> <p>(iv) <u>300m from the edge of oxidation ponds that are part of a municipal wastewater treatment facility on another site;</u></p> <p>(v) <u>30m from a municipal wastewater treatment facility where the treatment process is fully enclosed; and</u></p> <p>(vi) <u>300m from the boundary of the Alstra Poultry intensive farming activities located on River Road and Great South Road, Ngaaruawaahia.</u></p> <p>(vii) <u>6m from the centre of a gas transmission line identified on the planning maps</u></p>	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters:</p> <p>(a) <u>Road network safety and efficiency;</u></p> <p>(b) <u>On-site amenity values;</u></p> <p>(c) <u>Odour, dust and noise levels received at the notional boundary of the building;</u></p> <p>(d) <u>Mitigation measures; and</u></p> <p>(e) <u>Potential for reverse sensitivity effects.</u></p>
MRZ2-SI6	Building setback – Environmental Protection Area
<p>(1) Activity status: PER Where:</p> <p>(a) <u>A building shall be set back a minimum of 3m from an Environmental Protection Area.</u></p>	<p>(2) Activity status where compliance not achieved: DIS</p>
MRZ2-SI7	Building and structure setback – rail corridor
<p>(1) Activity status: PER Where:</p> <p>(a) <u>Any new building or structure, or alteration to an existing building or</u></p>	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters:</p>

<p><u>structure, shall be setback a minim of 2.5m from the designated boundary of the railway corridor.</u></p> <p>(b) <u>Standard MRZ2-S17(1)(a) does not apply to fences or structures less than 2m in height, poles or aerials.</u></p> <p>(c) <u>Standard MRZ2-S17(1)(a) does not apply to retaining walls, which must be setback a minimum of 1.5m from the destined boundary of the railway corridor.</u></p>	<p>(a) <u>The location, size and design of the building as it relates to the ability to safely use, access and maintain buildings without requiring access on, above or over the rail corridor.</u></p> <p><i>Notification: Any restricted discretion activity under MRZ2-S17 shall not be notified or limited notified unless KiwiRail is determined to be an affected person in accordance with section 98B of the Resource Management Act 1991 or Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.</i></p>
<p>MRZ-S18</p>	<p>Building – Horotiu Acoustic Area (identified on the planning maps)</p>
<p>(1) Activity status: PER Where:</p> <p>(a) <u>Construction, addition to or alteration of a building for a noise sensitive activity within the Horotiu Acoustic Area shall be designed and constructed to achieve the internal design sound level specified in APPI – Acoustic insulation, Table 22 – Internal design sound levels</u></p>	<p>(2) Activity status where compliance not achieved: RDIS <u>Council’s discretion is restricted to the following matters:</u></p> <p>(a) <u>On-site amenity values;</u> (b) <u>Noise levels received at the notional boundary of the building;</u> (c) <u>Timing and duration of noise received at the notional boundary of the building;</u> <u>and</u> (d) <u>Potential for reverse sensitivity effects.</u></p>

Additional provisions applying to the Havelock Precinct

<p>PREC4-S1</p>	<p>Height – Havelock industry buffer height restriction areas</p>
<p>(1) Activity status: PER Where:</p> <p>(a) <u>A building or structure with a maximum height not exceeding 5m, measured from the natural ground level, where it is located within the any of the following height restriction areas identified on the planning maps:</u></p> <p>(i) <u>Havelock industry buffer height restriction area; and/or</u> (ii) <u>Havelock hilltop park height restriction area; and/or</u> (iii) <u>Havelock ridgeline height restriction area; and/or</u> (iv) <u>Area I Height Restriction area</u></p>	<p>(2) Activity status where compliance not achieved: DIS</p>
<p>PREC4-S2</p>	<p>Building restriction– sensitive land use within PREC4 – Havelock Precinct</p>
<p>(1) Activity status: PER Where:</p>	<p>(2) Activity status where compliance not achieved: NC</p>

<p>(a) <u>Any new building or alteration to an existing building for a sensitive land use within the PREC4 – Havelock Precinct that is located outside the Havelock Pōkeno Industry Buffer identified on the planning maps.</u></p>	
<p>PREC4-S3 Building design – sensitive land use within PREC4 – Havelock Precinct</p>	
<p>(1) Activity status: PER Where:</p> <p>(a) <u>A building or structure with a maximum height not exceeding 8m, measured from the ground level immediately below that part of the structure, where it is located outside the Havelock Industry Buffer and the 'Height Restriction Area' (Rule-PREC4-S1) but within the 40 dB LAeq noise contour shown on the planning maps. (8m height 40dBa Noise Countour).</u></p> <p>(b) <u>Any new building or alteration to an existing building for a sensitive land use located outside the Pōkeno Havelock Industry Buffer but within the 40 dB LAeq noise contour shown on the planning maps that is designed and constructed so that internal noise levels do not exceed 25 dB LAeq in all habitable rooms.</u></p> <p>(c) <u>Provided that if compliance with clause (ab) above requires all external doors of the building and all windows of these rooms to be closed, the building design and construction as a minimum:</u></p> <p>(i) <u>Is mechanically ventilated and/or cooled to achieve an internal temperature no greater than 25°C based on external design conditions of dry bulb 25.1 °C and wet bulb 20.1 °C.</u></p> <p>(ii) <u>Includes either of the following for all habitable rooms on each level of a dwelling:</u></p> <p>(1) <u>Mechanical cooling installed; or</u></p> <p>(2) <u>A volume of outdoor air supply to all habitable rooms with an outdoor air supply rate of no less than:</u></p> <p>(a) <u>6 air changes per hour for rooms with less than 30% of the façade area glazed;</u></p> <p>(b) <u>15 air changes per hour for rooms with greater than 30% of the façade area glazed;</u></p> <p>(c) <u>3 air changes per hour for rooms with facades only facing south (between 120 degrees and 240 degrees) or where the glazing in</u></p>	<p>(2) <u>Activity status where compliance not achieved: DIS</u></p>

<p><u>the façade is not subject to any direct sunlight.</u></p> <p>(iii) <u>Provides relief for equivalent volumes of spill air.</u></p> <p>(iv) <u>All is certified by a suitably qualified and experienced person.</u></p>	
<p>PREC4-S4 <u>Landscape Plantings - Havelock Precinct (Slope Residential Area)</u></p>	
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) <u>Any new building or alteration to an existing building within the Slope Residential Area that is landscaped to the following minimum standards:</u></p> <p>(i) <u>25% of the site area; and</u></p> <p>(ii) <u>Comprises locally appropriate, eco sourced indigenous vegetation planted a maximum of 1.5m apart.</u></p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p><u>Council’s discretion is restricted to the following matters:</u></p> <p>(a) <u>Type, density and scale of indigenous vegetation; and</u></p> <p>(b) <u>The extent to which the vegetated character of Slope Residential Area is achieved and buildings are located within a revegetated landform.</u></p>
<p>PREC4-S5 <u>Building Reflectivity - Havelock Precinct</u></p>	
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) <u>Any new building or alteration to an existing building that is designed to the following minimum standards:</u></p> <p>(i) <u>The exterior finish of any building has a light reflectance value of no more than 20% for roofs and no more than 30% for exterior walls; and</u></p> <p>(ii) <u>All glazing on the elevations of any building shall be low reflectivity glass having a reflectivity of less than 16 per cent.</u></p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p><u>Council’s discretion is restricted to the following matters:</u></p> <p>(a) <u>Effects on landscape values and visual amenity of views from public places; and</u></p> <p>(b) <u>Mitigation of effects including through plantings.</u></p>
<p>PREC4-S6 <u>Residential unit within the Slope Residential Area</u></p>	
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) <u>One residential unit per site.</u></p>	<p>(2) Activity status where compliance not achieved: DIS</p>
<p>PREC4-S7 <u>Building coverage within the Slope Residential Area</u></p>	
<p>(1) Where:</p> <p>(a) <u>The maximum building coverage must not exceed 40% of the net site area.</u></p>	<p>(2) Activity status where compliance not achieved: DIS</p>

Medium Density Residential Standard Figures

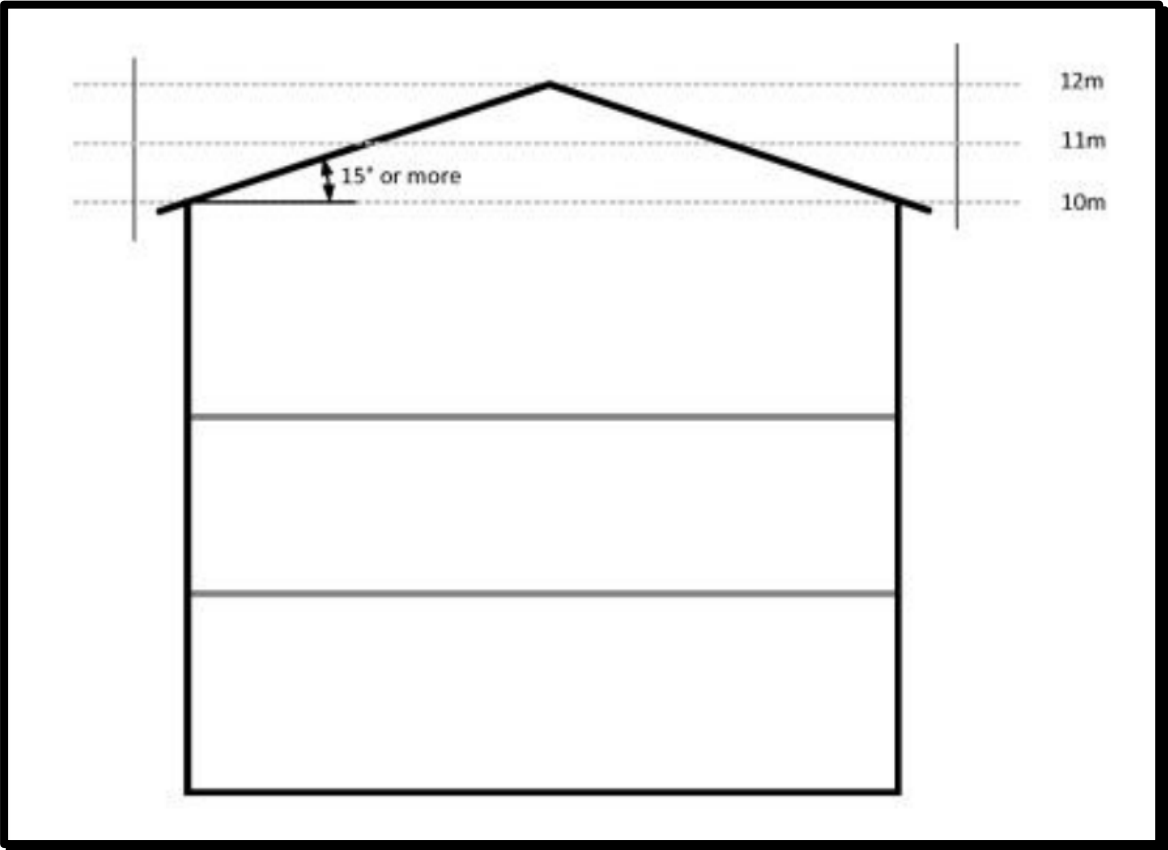


Figure 1: Building Height (refer to MRZ2-S2)

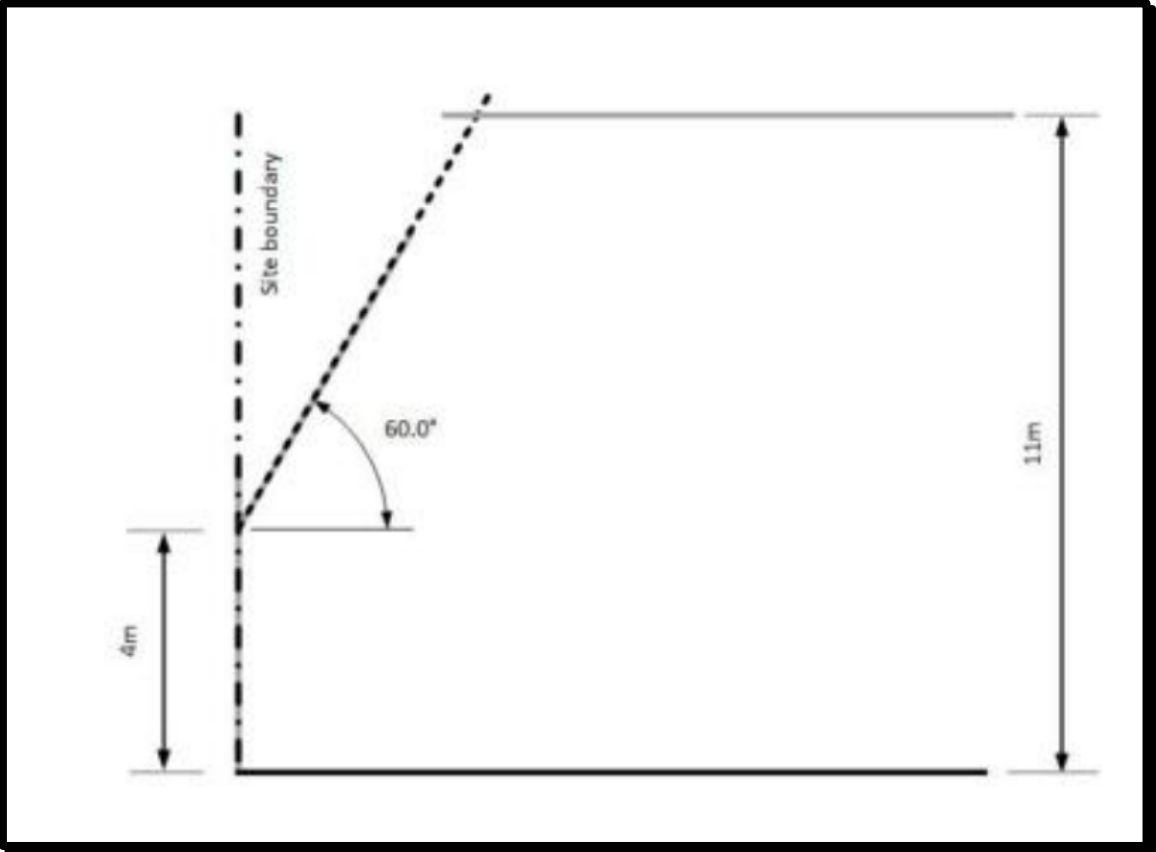


Figure 2: Height in relation to boundary (refer to MRZ2-S3)

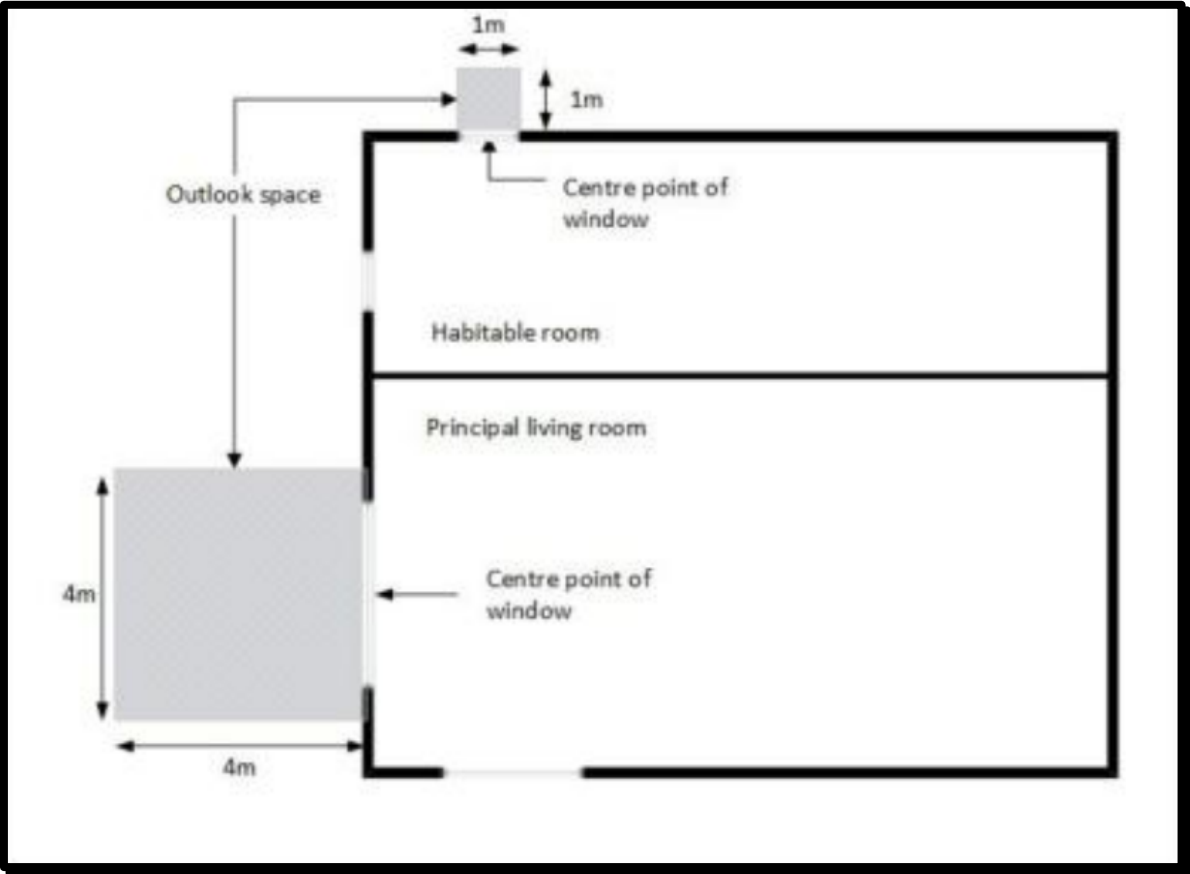


Figure 3: Outlook space per unit (refer to MRZ2-S7)

Independent Hearing Panel Recommendation Tracked Changes to Proposed Waikato District Plan

The amendments to Variation 3 to the Proposed Waikato District Plan as recommended by the Independent Hearing Panel are set out below.

Key

Text additions proposed by Council, the s42A authors or submitters that the Panel has accepted are shown underlined.

Text deletions proposed by Council, the s.42A authors or submitters that the Panel has accepted are shown ~~strikethrough~~.

Further text additions or deletions that the Panel has made following the hearing of evidence and submissions are identified with **grey shading**.

Text that is not underlined or struck through is original Proposed Waikato District Plan text.

GRUZ – General rural zone

The relevant district-wide chapter provisions apply in addition to this chapter.

Purpose

The GRUZ – General rural zone provides predominantly for primary production activities, including intensive indoor primary production. The zone also provides for occasional community facilities, agricultural produce processing facilities, rural-related commercial and industrial activities, conservation activities, network infrastructure, and quarrying activities. These diverse activities are set within a landscape that is visually dominated by openness and vegetation with significant separation between buildings and where natural character elements such as waterways, wetlands, water bodies, indigenous vegetation, and natural landforms are key contributors to the character of the rural zone.

Objectives

GRUZ-O1 Purpose of the zone.

- (1) Enable farming activities;
- (2) Protect high class soils for farming activities;
- (3) Provide for rural industry, infrastructure, rural commercial, conservation activities, community facilities, and extractive activities;
- (4) Maintain rural character and amenity;
- (5) Limit development to activities that have a functional need to locate in the zone.

GRUZ-O2 Productive capacity of soils.

The primary productive value of soils, in particular high class soils, is retained.

GRUZ-O3 Rural character and amenity.

- (1) Maintain rural character and amenity.
- (2) The attributes of areas and features valued for their contribution to landscape values and visual amenity are maintained or enhanced.

GRUZ-O4 Extractive activities

Recognise the contribution of extractive industries to the economic and social well-being of the district.

Policies

GRUZ-P1 High class soils.

Ensure the adverse effects of activities do not compromise the physical, chemical and biological properties of high class soils.

GRUZ-P2 Effects of subdivision and development on soils.

Subdivision, use and development minimises the fragmentation of productive rural land, particularly where high class soils are located.

GRUZ-P3 Contributing elements to rural character and amenity values.

Recognise that rural character and amenity values vary across the zone as a result of the natural and physical resources present and the scale and extent of land use activities.

GRUZ-P4 Productive rural activities.

- (1) Enable the on-going use of the rural environment zone as a productive working environment by:
 - (a) Recognising that buildings and structures associated with farming and forestry and other operational structures for productive rural activities contribute to rural character and amenity values;
 - (b) Ensuring productive rural activities are supported by appropriate rural industries and services;
 - (c) Providing for lawfully-established rural activities and protecting them from sensitive land uses and reverse sensitivity effects; and
 - (d) Recognising the economic, social and cultural benefits that result from use and development of rural resources.

GRUZ-P5 Other anticipated activities in rural areas

Enable activities that provide for the rural community's social, cultural, and recreational needs, subject to such activities being of a scale, intensity, and location that are in keeping with rural character and amenity values.

GRUZ-P6 Industrial and commercial activities.

- (1) Provide for rural industry and rural commercial activities provided they are either dependent on the rural soil resource or have a functional or operational need for a rural location.

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- (2) Such activities are to be managed to ensure that:
 - (a) Their scale, intensity, and built form maintain rural character;
 - (b) They maintain an appropriate level of amenity for neighbouring sites; and
 - (c) They minimise reverse sensitivity effects on existing productive rural, intensive farming, quarrying, or rural industrial activities.
- (3) Avoid locating industrial and commercial activities in rural areas that do not have a genuine functional connection with the rural land or soil resource.

GRUZ-P7 Intensive Farming activities.

Provide for intensive farming activities where they operate in accordance with industry best practice and the management of adverse effects beyond the site boundaries.

GRUZ-P8 Home businesses.

Enable home businesses, provided that it is of a scale that maintains rural the character and amenity.

GRUZ-P9 Meremere Dragway.

Enable the ongoing operation and activities at the Meremere Dragway, provided that its adverse effects are avoided, remedied or mitigated.

GRUZ-P10 Waste management activities.

- (1) Encourage the rehabilitation of existing quarry sites
- (2) Ensure waste management facilities are located and operated so that rural amenity and character are maintained and conflict with rural activities are minimised.
- (3) Avoid waste management facilities located within:
 - (a) An Outstanding Natural Landscape;
 - (b) An Outstanding Natural Feature;
 - (c) An Outstanding Natural Character Area.

GRUZ-P11 Agricultural Research Centres.

Enable and protect the continued operation and development of Agricultural Research Centres that are an integral part of the agricultural sector.

GRUZ-P12 Huntly Power Station – coal and ash management.

- (1) Recognise and protect facilities that are integral to energy production at Huntly Power Station.
- (2) Provide for specific facilities that involve the handling, stockpiling, and haulage of coal and the management of coal ash water within identified areas in close proximity to Huntly Power Station.

GRUZ-P13 Reverse sensitivity and separation of incompatible activities.

- (1) Contain, as far as practicable, adverse effects within the site where the effect is generated.

- (2) Provide adequate separation of the activity from the site boundaries.
- (3) Ensure that new or extended sensitive land uses achieve adequate separation distances from and/or adopt appropriate measures to avoid, remedy or mitigate potential reverse sensitivity effects on productive rural activities, intensive farming, rural industry, infrastructure, extractive activities, or Extraction Resource Areas.

GRUZ-PI4 Density of residential units and seasonal worker accommodation.

- (1) Maintain an open and spacious rural character by:
 - (a) Limiting residential units and seasonal worker accommodation to those associated with farming and productive rural activities;
 - (b) Limiting residential units to no more than one per Record of Title, except for particularly large titles where a minimum of 40ha is provided for each residential unit;
 - (c) Limiting the size, location, and number of minor residential units and requiring such units to be ancillary to an existing residential unit; and
 - (d) Limiting seasonal worker accommodation to no more than one facility per Record of Title that is at least 20ha in area.

GRUZ-PI5 Retirement villages.

Provide for alterations and additions to retirement villages existing or subject to a resource consent at 17 January 2022.

GRUZ-PI6 Building scale and location.

- (1) Provide for buildings and structures where they are necessary components of farming and rural-related activities including rural industry, rural commercial, and extractive activities.
- (2) Manage the size and location of buildings and structures to:
 - (a) Maintain adequate levels of outlook, daylight, and privacy for adjoining sensitive land uses and public reserves; and
 - (b) Maintain rural character, amenity, and landscape values, in particular where located in areas with high landscape values, the coastal environment, and adjacent to waterbodies.

GRUZ-PI7 Management of extractive activities.

- (1) Provide for extractive activities provided that adverse effects are appropriately avoided, remedied or mitigated; and, where this is not possible, off-set or compensated.
- (2) Protect access to, and extraction of, mineral, aggregate and coal resources by:
 - (a) Identifying on planning maps lawfully-established extractive activities as either Aggregate Extraction Areas and or Coal Mining Areas on planning maps;
 - (b) Identifying on planning maps the site of a potential extractive activity in an Extractive Resource Area;
- (3) Ensure that lawfully-established extractive activities are not compromised by new subdivision, use or development;

- (4) Avoid locating sensitive land uses within specified building setbacks in order to ensure the effective operation of an Aggregate Extraction Area, Coal Mining Area, or Extractive Resource Area.

Rules

Land use – activities

In addition to the activity-specific standards listed below, permitted activities must also comply with all relevant Land-use building standards in this chapter, as well as the standards in Part 2 / District-wide matters / General district-wide matters.

GRUZ-R1	Farming		
(1) Activity status: PER		(2) Activity status where compliance not achieved: n/a	
Activity-specific standards: Nil.			
GRUZ-R2	A home business		
(1) Activity status: PER		(2) Activity status where compliance not achieved: DIS	
Activity-specific standards: (a) It is wholly contained within a building; (b) The storage of materials or machinery associated with the home business is either wholly contained within a building, or where outside occupies no more than 100m ² of site area and is located where it is not visible from other sites or public roads; (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 after 7:00am and before 7:00pm on any day; (e) Machinery can be operated after 7:30am and up to 7:00pm on any day; (f) The home business shall not occupy more than 200m ² in total within buildings and outdoor storage areas.			
GRUZ-R3	Meremere Dragway activity		
(1) Activity status: PER		(2) Activity status where compliance not achieved: n/a	
Activity-specific standards: Nil.			
GRUZ-R4	Afforestation not in an Outstanding Natural Landscape or Outstanding Natural Feature		
(1) Activity status: PER		(2) Activity status where compliance not achieved: DIS	
Activity-specific standards: (a) Be undertaken in accordance with Resource Management (National Environmental Standards for Plantation			

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	Forestry) Regulations 2017. Where compliance is not achieved with the permitted activity standards in the NES, then the activity is subject to the activity status as set out in the NES.	
GRUZ-R5	Plantation forestry	
(1) Activity status: PER Activity-specific standards: (a) Be undertaken in accordance with Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. Where compliance is not achieved with the permitted activity standards in the NES, then the activity is subject to the activity status as set out in the NES.		(2) Activity status where compliance not achieved: DIS
GRUZ-R6	Produce stall	
(1) Activity status: PER Activity-specific standards: Nil.		(2) Activity status where compliance not achieved: n/a
GRUZ-R7	Home stay	
(1) Activity status: PER Activity-specific standards: (a) Have no more than 5 guests.		(2) Activity status where compliance not achieved: DIS
GRUZ-R8	Equestrian centre	
(1) Activity status: PER Activity-specific standards: Nil.		(2) Activity status where compliance not achieved: n/a
GRUZ-R9	Horse training centre	
(1) Activity status: PER Activity-specific standards: Nil.		(2) Activity status where compliance not achieved: n/a
GRUZ-R10	Visitors' accommodation	
(1) Activity status: PER Activity-specific standards: (a) Have no more than 5 guests; and (b) Be within a building that was existing as at 17 January 2022; and (c) Standards GRUZ-R10(a) and (b) do not apply to occupation of a single residential unit for short term rental.		(2) Activity status where compliance not achieved: DIS
GRUZ-R11	Residential activity, unless specified below. This includes occupation of a single residential unit for short term rental.	
(1) Activity status: PER Activity-specific standards: Nil.		(2) Activity status where compliance not achieved: n/a
GRUZ-R12	Conservation activity	

<p>(1) Activity status: PER Activity-specific standards: Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
<p>GRUZ-R13 Child care facility</p>	
<p>(1) Activity status: PER Activity-specific standards: (a) Have no more than four non-resident children.</p>	<p>(2) Activity status: RDIS Where: (a) A child care facility for five or more non-resident children, which is not in an Urban Expansion Area.</p> <p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (b) The extent to which the scale and nature of the activity is consistent with managing urban growth through the consolidation of townships and the extent to which it is necessary to locate in the GRUZ – General Rural Zone; (c) Effects on rural character and amenity of both the streetscape and neighbours with particular regard to the bulk and location of buildings; (d) Nuisance effects including light spill and glare, odour, dust, and noise; (e) Traffic effects; (f) Reverse sensitivity effects on existing farming, intensive farming, rural industry, or quarrying activities; and (g) The extent to which the facilities are designed to meet Crime Prevention Through Environmental Design outcomes. <p>(3) Activity status: DIS Where: (a) A child care facility located in an Urban Expansion Area.</p>
<p>GRUZ-R14 Maintenance, operation, and alterations to Tamahere Hospital (Section 55 SO 457609). Note: additions to this facility are subject to Rule GRUZ-R37.</p>	
<p>(1) Activity status: PER Activity-specific standards: (a) The alterations do not increase net floor area.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
<p>GRUZ-R15 Educational Facilities including student and staff accommodation at Dilworth Rural Campus (Lot 2 DP 52908 and Lot 1 DP 210936</p>	
<p>(1) Activity status: PER Activity-specific standards:</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

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<p>(a) Land Use – building standards for the zone except: (i) GRUZ-S1 (Number of residential units) does not apply; (ii) GRUZ-S2 (Minor residential units) does not apply; (b) Student or staff accommodation must be ancillary to the educational facilities.</p>	
<p>GRUZ-R16</p>	<p>Mineral exploration and prospecting, including: (a) Sampling by methods involving hand tools; (b) Mechanical sampling where there is existing vehicle access to the area to be trenched or sampled; (c) Samples taken using explosives; and (d) Geophysical surveys not using explosives.</p>
<p>(1) Activity status: PER Activity-specific standards: (a) Shall not be located within all or part of any of the following landscape and natural character areas: (i) Outstanding Natural Feature; (ii) Outstanding Natural Landscape; (iii) High natural character area; (iv) Outstanding Natural Character area. (b) All drilling is limited to 150mm in diameter and a density of one drill site per hectare. (c) The cumulative length of trenching or sampling does not exceed 50 lineal metres per hectare. (d) Where areas are disturbed, topsoil shall be stockpiled and replaced over such areas, and the site shall be rehabilitated and restored generally to its original condition within 1 month of sampling being completed. (e) The use of explosives for sampling shall only occur between 7:00am to 7:00pm.</p>	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters: (a) Separation from sensitive activities; (b) The visual and amenity effects of stockpiles; (c) Amenity effects relating to the hours of operation and noise; (d) Landscape and ecological effects; (e) Effects on waterbodies, riparian margins, and wetlands; (f) Site restoration; and (g) Financial contributions towards landscaping, site restoration, and roading.</p>
<p>GRUZ-R17</p>	<p>Free range pig or poultry farming, and poultry hatcheries</p>
<p>(1) Activity status: PER Activity-specific standards: Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
<p>GRUZ-R18</p>	<p>Seasonal worker accommodation</p>
<p>(1) Activity status: PER Activity-specific standards: (a) Is used solely for part of the year to meet labour requirements for primary production;</p>	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters: (a) The effectiveness of methods to avoid, remedy, or mitigate the effects on existing activities, including the provision</p>

<p>(b) Comprises of communal kitchen and eating areas and separate sleeping and ablution facilities;</p> <p>(c) Accommodates no more than 12 workers; and</p> <p>(d) Complies with Code of Practice for Able Bodied Seasonal Workers, published by Dept of Building and Housing 2008.</p>	<p>of screening, landscaping, and methods for noise control; and</p> <p>(b) The extent to which the application complies with the Code of Practice for Able Bodied Seasonal Workers, published by the Department of Building and Housing 2008.</p>
<p>GRUZ-R19 Recreational hunting and freshwater fishing</p>	
<p>(1) Activity status: PER Activity-specific standards: Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
<p>GRUZ-R20 Gardening</p>	
<p>(1) Activity status: PER Activity-specific standards: Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
<p>GRUZ-R21 Buildings, structures and sensitive land use within the National Grid Yard on sites existing as of 18 July 2018</p>	
<p>(1) Activity status: PER Activity-specific standards:</p> <p>(a) Within National Grid Yard:</p> <p>(i) Building alterations and additions to an existing building or structure that does not involve an increase in the building height or footprint; or</p> <p>(ii) Infrastructure (other than for the reticulation and storage of water for irrigation purposes) undertaken by a network utility operator as defined in the Resource Management Act 1991; or</p> <p>(iii) Non-habitable buildings or structures for farming activities in rural zones including accessory structures and yards for milking/dairy sheds (but not including any intensive farming buildings, commercial greenhouses and milking/dairy sheds); or</p> <p>(iv) Non-habitable horticultural buildings; or</p> <p>(v) Artificial crop protection and support structures (excluding commercial greenhouses and Pseudomonas syringae pv. Actinidiae (Psa) disease control structures);</p> <p>(vi) Fences less than 2.5m in height, measured from the natural ground level immediately below the structure; and</p> <p>(vii) Minor structures associated with farming activity that are not situated</p>	<p>(2) Activity status where compliance not achieved: NC</p>

<p>within 12m of the outer visible foundation of any National Grid tower or 10m of the outer visible foundation of a National Grid tower, including: fences, gates, stock exclusion structures, cattle-stops, stock underpasses, stock bridges and culvert crossings, and drinking water supply pipelines, troughs, and water storage tanks.</p> <p>(b) All buildings or structures permitted by Rule GRUZ-R21(1)(a) must:</p> <p>(i) Comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663 under all National Grid transmission line operating conditions; and</p> <p>(1) Locate a minimum 12m from the outer visible foundation of any National Grid support structure foundation and associated stay wire, unless it is:</p> <p>(2) A building or structure where Transpower has given written approval in accordance with clause 2.4.1 of the NZECP; or</p> <p>(3) Fences less than 2.5m in height, measured from the natural ground level immediately below the structure, and located a minimum of 5m from the nearest National Grid support structure foundation; or</p> <p>(ii) Network utilities (other than for the reticulation and storage of water for irrigation purposes) or any part of electricity infrastructure undertaken by a network utility operator as defined in the Resource Management Act 1991, that connects to the National Grid; and</p> <p>(iii) Not permanently physically impede existing vehicular access to a National Grid support structure;</p> <p>(c) Artificial crop protection structures and support structures between 8m and 12m from a pole support structure but not a tower and any associated guy wire that:</p> <p>(i) Meet the requirements of the NZECP 34:2001 ISSN 0114-0663 for separation distances from the conductor;</p>	
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<ul style="list-style-type: none"> (ii) Are no higher than 2.5m; (iii) Are removable or temporary, to allow a clear working space of at least 12 metres from the pole when necessary for maintenance and emergency repair purposes; (iv) Allow all-weather access to the pole and a sufficient area for maintenance equipment, including a crane. 	
GRUZ-R22	Construction or alteration of a building for a sensitive land use
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <ul style="list-style-type: none"> (a) The construction or alteration of a building for a sensitive land use that complies with all of the following standards: <ul style="list-style-type: none"> (i) It is set back a minimum of 10m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of up to 110kV; or (ii) It is set back a minimum of 12m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of 110kV or more. 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Effects on the amenity values of the site; (b) The risk of electrical hazards affecting the safety of people; (c) The risk of damage to property; and (d) Effects on the operation, maintenance and upgrading of the electrical distribution or transmission lines.
GRUZ-R23	Construction, demolition, addition, and alteration of a building or structure
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>Nil</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
GRUZ-R24	An agricultural or horticultural research activity, including laboratories and administrative facilities within the Agricultural Research Centres specific control area identified on the planning maps
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>Nil</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
GRUZ-R25	An educational facility, including conference and teaching facilities within the Agricultural Research Centres specific control area identified on the planning maps
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <ul style="list-style-type: none"> (a) That is incidental to agricultural or horticultural research. 	<p>(2) Activity status where compliance not achieved: DIS</p>
GRUZ-R26	An industrial activity within the Agricultural Research Centres specific control area identified on the planning maps
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

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	(a) That is incidental to agricultural or horticultural research.	
GRUZ-R27	A trade or engineering workshop within the Agricultural Research Centres specific control area identified on the planning maps	
(1) Activity status: PER Activity-specific standards: (a) That is incidental to agricultural or horticultural research.		(2) Activity status where compliance not achieved: DIS
GRUZ-R28	Intensive farming within the Agricultural Research Centres specific control area identified on the planning maps	
(1) Activity status: PER Activity-specific standards: (a) That is incidental to agricultural or horticultural research; and (b) Where an associated building and animal feedlot are located at least 200m inside any boundary of an Agricultural Research Centre site.		(2) Activity status where compliance not achieved: DIS
GRUZ-R29	The on-site disposal or storage of solid organic waste or cleanfill within the Agricultural Research Centres specific control area identified on the planning maps	
(1) Activity status: PER Activity-specific standards: (a) That is incidental to agricultural or horticultural research; and (b) Where the solid organic waste or cleanfill is generated on the site.		(2) Activity status where compliance not achieved: DIS
GRUZ-R30	A staff facility, including: (a) A recreational facility (b) Staff residential units (c) Cafeterias and cafés (d) Social clubs within the Agricultural Research Centres specific control area identified on the planning maps	
(2) Activity status: PER Activity-specific standards: (a) That is incidental to agricultural or horticultural research.		(3) Activity status where compliance not achieved: DIS
GRUZ-R31	Coal related activities within the Huntly Power Station - Coal and Ash Management specific control area identified on the planning maps	
(1) Activity status: PER Activity-specific standards: (a) Coal related activities within the Huntly Power Station - Coal and Ash Management specific control area identified on the planning maps involving: (i) Stockpiling; (ii) Screening and sorting;		(2) Activity status where compliance not achieved: DIS

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<ul style="list-style-type: none"> (iii) Use of transportation conveyors; (iv) Erection, operation, and maintenance of loading and unloading facilities; and (v) An activity that is ancillary to those listed in (i) – (iv) above. 	
GRUZ-R32	The management, stockpiling, transportation, and disposal of coal ash and coal ash water within the Huntly Power Station - Coal and Ash Management specific control area identified on the planning maps
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <ul style="list-style-type: none"> (a) The management, stockpiling, transportation, and disposal of coal ash and coal ash water where: <ul style="list-style-type: none"> (i) These materials are transported between the Huntly Power Station and the ash ponds located adjacent to Te Ohaaki Road via the pipeline located within the Huntly Power Station - Coal and Ash Management specific control area; (ii) They involve the operation and maintenance of the ash disposal ponds located adjacent to Te Ohaaki Road within within the Huntly Power Station - Coal and Ash Management specific control area; and (iii) They involve the transportation of ash from the ash ponds to a long-term disposal facility, provided the heavy vehicle movement are not more than 85 per day. 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Visual amenity; and (b) Traffic effects.
GRUZ-R33	Energy corridor – transportation of minerals and substances within the Huntly Power Station - Coal and Ash Management specific control area identified on the planning maps
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <ul style="list-style-type: none"> (a) The transportation of minerals and substances in an energy corridor must comply with all the following standards: <ul style="list-style-type: none"> (i) be limited to coal ash, aggregate, overburden, cleanfill, wastewater and other liquids (other than a hazardous substance); (ii) not deposit discernible minerals or dust; and (iii) not result in odour identified outside the energy corridor. 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Adverse amenity effects.
GRUZ-R34	Intensive farming
<p>(1) Activity status: RDIS</p> <p>Activity-specific standards:</p> <p>Nil.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

Council's discretion is restricted to the following matters:

- (a) Intensive Farming that meets all of the following standards:
 - (i) Land use – effects standards for the zone;
 - (ii) Land use – building standards for the zone;
 - (iii) Building coverage does not exceed 3% of the site:
 - (1) GRUZ-S9 – GRUZ-S11 (Building coverage) does not apply;
 - (iv) Building height does not exceed 15m;
 - (1) GRUZ-S4 – GRUZ-S7 (Building height) does not apply.
- (b) Intensive farming s not located in:
 - (i) An Outstanding Natural Feature;
 - (ii) An Outstanding Natural Landscape;
 - (iii) An Outstanding Natural Character Area; or
 - (iv) A High Natural Character Area.
- (c) For intensive pig farming, buildings and outdoor enclosures are set back at least:
 - (i) 300 metres from any site boundary;
 - (ii) From any boundary of a GRZ – General residential zone, MRZ1 – Medium density residential zone 1, MRZ2 – Medium density residential zone 2, LLRZ – Large lot residential zone, SETZ – Settlement zone or RLZ – Rural lifestyle zone:
 - (1) 1200 metres (500 or fewer less pigs); or
 - (2) 2000 metres (more than 500 pigs).
- (d) For housed or free-range poultry that meets the definition for intensive farming and all other intensive farming, buildings and outdoor enclosures are set back at least:
 - (i) 300 metres from any site boundary; and
 - (ii) 500 metres from any boundary of a GRZ – General Residential, MRZ1 – Medium density residential zone 1, MRZ2 – Medium density residential zone 2, LLRZ – Large Lot Residential, SETZ - Settlement or RLZ – Rural Lifestyle Zone.
 - (iii) The extent to which the activity may adversely impact on the noise environment.

<p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (e) Traffic effects; (f) Effects on amenity values, including odour, visual impact, landscaping; (g) Location, type and scale of development; and (h) Noise effects.; (i) Odour and dust effects, except where a Certificate of Compliance or resource consent has been obtained from the Waikato Regional Council for air discharges; and (j) The extent to which the farm will operate in accordance with an approved farm Environment Plan or relevant industry codes of practice. 	
<p>GRUZ-R35</p>	<p>Rural Industry, including packhouses and coolstores that handle produce sourced from other sites, feed mills and animal feed production, and rural contractors' depots</p>
<p>(1) Activity status: RDIS</p> <p>Activity-specific standards:</p> <ul style="list-style-type: none"> (a) Rural Industry, including packhouses and coolstores that handle produce sourced from other sites, feed mills and animal feed production, and rural contractors' depots; that meet the following standards: <ul style="list-style-type: none"> (i) Not in an Urban Expansion Area; and (ii) Is not an extractive activity. <p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (b) The extent to which the scale and nature of the activity is consistent with managing urban growth through the consolidation of townships and the extent to which it is necessary to locate in the GRUZ – General rural zone; (c) Effects on rural character and amenity of both the streetscape and neighbours with particular regard to the bulk and location of buildings, (d) Location, type and scale of development; (e) Nuisance effects including light spill and glare, odour, dust, noise; and (k) Traffic effects. 	<p>(2) Activity status where compliance not achieved: DIS</p>
<p>GRUZ-R36</p>	<p>Educational facilities that are primary or secondary schools not otherwise provided for as a permitted activity by Rule GRUZ-R15(1) or GRUZ-R25(1)</p>

<p>(1) Activity status: RDIS</p> <p>Activity-specific standards:</p> <p>(a) Educational facilities that are primary or secondary schools not otherwise provided for as a permitted activity by Rule GRUZ-R15(1) or GRUZ-R25(1) which meet the following standard:</p> <p>(i) Not in an Urban Expansion Area.</p> <p>Council's discretion is restricted to the following matters:</p> <p>(b) The extent to which the scale and nature of the activity is consistent with managing urban growth through the consolidation of townships and the extent to which it is necessary to locate in the GRUZ – General rural zone;</p> <p>(c) Effects on rural character and amenity of both the streetscape and neighbours with particular regard to the bulk and location of buildings;</p> <p>(d) Nuisance effects including light spill and glare, odour, dust, and noise;</p> <p>(e) Traffic effects;</p> <p>(f) Reverse sensitivity effects on existing farming, intensive farming, rural industry, or quarrying activities; and</p> <p>(g) The extent to which the facilities are designed to meet Crime Prevention Through Environmental Design outcomes.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
<p>GRUZ-R37 Community facility</p>	
<p>(1) Activity status: RDIS</p> <p>Activity-specific standards:</p> <p>(a) A Community facility which meets the following standard:</p> <p>(i) Not in an Urban Expansion Area.</p> <p>Council's discretion is restricted to the following matters:</p> <p>(b) The extent to which the scale and nature of the activity is consistent with managing urban growth through the consolidation of townships and the extent to which it is necessary to locate in the GRUZ – General rural zone;</p> <p>(c) Effects on rural character and amenity of both the streetscape and neighbours with particular regard to the bulk and location of buildings;</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

<p>(d) Nuisance effects including light spill and glare, odour, dust, and noise;</p> <p>(e) Traffic effects;</p> <p>(f) Reverse sensitivity effects on existing farming, intensive farming, rural industry, or quarrying activities; and</p> <p>(g) The extent to which the facilities are designed to meet Crime Prevention Through Environmental Design outcomes.</p>	
<p>GRUZ-R38 Rural commercial</p>	
<p>(1) Activity status: RDIS</p> <p>Activity-specific standards:</p> <p>(a) Rural commercial that meet the following standard:</p> <p>(i) Not in an Urban Expansion Area.</p> <p>Council's discretion is restricted to the following matters:</p> <p>(b) The extent to which the scale and nature of the activity is consistent with managing urban growth through the consolidation of townships and the extent to which it is necessary to locate in the GRUZ – General rural zone;</p> <p>(c) Effects on rural character and amenity of both the streetscape and neighbours with particular regard to the bulk and location of buildings;</p> <p>(d) Nuisance effects including light spill and glare, odour, dust, and noise;</p> <p>(e) Traffic effects; and</p> <p>(f) Reverse sensitivity effects on existing farming, intensive farming, rural industry, or quarrying activities.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
<p>GRUZ-R39 Agricultural and horticultural research facilities</p>	
<p>(1) Activity status: RDIS</p> <p>Activity-specific standards:</p> <p>(a) Agricultural and horticultural research facilities that meet the following standard:</p> <p>(i) Not in an Urban Expansion Area.</p> <p>Note: For research activities undertaken within an Agriculture Research Centre Specific Area, rules GRUZ-R24 – GRUZ-30 also apply.</p> <p>Council's discretion is restricted to the following matters:</p> <p>(b) Effects on rural character and amenity;</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

Part 3: Area-specific matters / Zones / Rural zones / GRUZ – General rural zone

<p>(c) Nuisance effects including light spill and glare, odour, dust, and noise;</p> <p>(d) Traffic effects;</p> <p>(e) Reverse sensitivity effects on existing farming, intensive farming, rural industry, or quarrying activities;</p> <p>(f) The extent to which the scale and nature of the activity is consistent with managing urban growth through the consolidation of townships.</p>	
GRUZ-R40	An extractive activity or waste management activity located within an Aggregate Extraction Area, Coal Mining Area or Extractive Resource Area
<p>(1) Activity status: RDIS</p> <p>Activity-specific standards:</p> <p>Nil</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) Effects on rural character and amenity;</p> <p>(b) Location, type and scale of development;</p> <p>(c) Nuisance effects including dust, noise, vibration, odour and light spill;</p> <p>(d) Industry best practice and use of management plans;</p> <p>(e) Traffic effects;</p> <p>(f) Erosion and sediment control; and</p> <p>(g) Rehabilitation and end use including back filling.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
GRUZ-R41	A waste management facility located outside an Aggregate Extraction Area, Coal Mining Area or Extractive Resource Area.
(1) Activity status: DIS	
GRUZ-R42	Hazardous waste storage, processing or disposal.
(1) Activity status: DIS	
GRUZ-R43	An educational facility that is not a primary or secondary school.
(1) Activity status: DIS	
GRUZ-R44	A correctional facility
(1) Activity status: DIS	
GRUZ-R45	An extractive activity located outside an Aggregate Extraction Area, Coal Mining Area or Extractive Resource Area.
(1) Activity status: DIS	
GRUZ-R46	Visitors' accommodation for 6 or more people or that is within a building that was constructed after 17 January 2022.
(1) Activity status: DIS	
GRUZ-R47	Motorised sport and recreation
(1) Activity status: DIS	
GRUZ-R48	Transport depot
(1) Activity status: DIS	

Part 3: Area-specific matters / Zones / Rural zones / GRUZ – General rural zone

GRUZ-R49	Afforestation of any part of an Outstanding Natural Landscape or Outstanding Natural Feature
(I) Activity status: DIS	
GRUZ-R50	A dog or cat boarding, daycare, breeding or animal training establishment
(I) Activity status: DIS	
GRUZ-R51	Construction of a building located on an indicative road prior to that road being constructed and vested in Council.
(I) Activity status: NC	
GRUZ-R52	Any new building for a sensitive land use, or addition to an existing building that involves an increase in the building envelope or height for a sensitive land use, within the National Grid Yard
(I) Activity status: NC	
GRUZ-R53	Any change of use of an existing building to a sensitive land use within the National Grid Yard
(I) Activity status: NC	
GRUZ-R54	The establishment of any new sensitive land use within the National Grid Yard
(I) Activity status: NC	
GRUZ-R55	Dairy/milking sheds (excluding accessory structures and buildings), commercial greenhouses, Pseudomonas syringae pv. Actinidiae (Psa) disease control structures, or buildings for intensive farming within the National Grid Yard
(I) Activity status: NC	
GRUZ-R56	An extractive activity industry located within all or part of any of the following landscape and natural character areas: <ul style="list-style-type: none"> (a) Outstanding Natural Feature; (b) Outstanding Natural Landscape; (c) High natural character area; or (d) Outstanding Natural Character area.
(I) Activity status: NC	
GRUZ-R57	A waste management facility located within all or part of any of the following landscape and natural character areas: <ul style="list-style-type: none"> (a) Outstanding Natural Feature; (b) Outstanding Natural Landscape; (c) High Natural Character area; or (d) Outstanding Natural Character Area.
(I) Activity status: NC	
GRUZ-R58	The following activities located within the Urban Expansion Area, the following activities: <ul style="list-style-type: none"> (a) Intensive farming; (b) Storage, processing or disposal of hazardous waste; (c) Correctional facility; (d) Extractive activity; (e) Industrial activity, including rural industry; (f) Rural commercial; (g) Agricultural and horticultural research facilities; (h) Motorised sport and recreation activity; or (i) Transport depot.
(I) Activity status: NC	

GRUZ-R59	Industrial activity, excluding a rural industrial activity
(1) Activity status: NC	
GRUZ-R60	Commercial activity, excluding a produce stall or rural commercial activity.
(1) Activity status: NC	
GRUZ-R61	Any activity that is not specifically listed as a permitted, controlled, restricted discretionary or non-complying activity
(1) Activity status: NC	
GRUZ-R62	Any building, structure, objects or vegetation that obscure the sight line of the Raglan navigation beacons for vessels entering Whaingaroa (Raglan Harbour) (APP8 – Raglan navigation beacon).
Activity status: PR	

Land use – building

GRUZ-S1	Number of residential units and seasonal worker accommodation within a lot	
(1) Activity status: PER		(2) Activity status: DIS
Where:		Where:
<ul style="list-style-type: none"> (a) One residential unit within a Record of Title containing an area less than 40ha; (b) Within a lot Record of Title containing an area of 40ha or more, one additional residential unit is permitted for every additional 40ha of area up to a maximum of three residential units; (c) One seasonal worker accommodation shall be located within a Record of Title containing an area of 20ha or more (this is in addition to the residential unit in GRUZ-S1(1)(a)); (d) Any residential unit(s) under GRUZ-S1(1)(a) and (b), or seasonal worker accommodation under GRUZ-S1(1)(a)(c) must not be located within any of the following landscape and natural character areas: <ul style="list-style-type: none"> (i) Outstanding Natural Feature; (ii) Outstanding Natural Landscape; (iii) Outstanding Natural Character Area; or (iv) High Natural Character Area. 		<ul style="list-style-type: none"> (a) A residential unit that complies with GRUZ-S1(1)(a) or (b) and is located within an area listed in (d); or (b) Seasonal worker accommodation that complies with GRUZ-S1(1)(c) and is located within an area listed in (d).
		(3) Activity status: NC
		Where
		<ul style="list-style-type: none"> (a) A residential unit that does not comply with GRUZ-S1(1)(a) or (b); (b) Seasonal worker accommodation that does not comply with GRUZ-S1(1)(c).
GRUZ-S2	Minor residential units	
(1) Activity status: PER		(2) Activity status where compliance not achieved: DIS
Where:		
<ul style="list-style-type: none"> (a) One minor residential unit not exceeding 120m² gross floor area (excluding accessory buildings) within a Record of Title lot. (b) The minor residential unit shall be located on the same Record of Title as an existing residential unit and shall: 		

<ul style="list-style-type: none"> (i) Be located within 100m of the existing residential unit; (ii) Share a single driveway access with the existing residential unit. (c) Any minor residential unit must not be located within any of the following landscape or natural character areas: <ul style="list-style-type: none"> (i) Outstanding Natural Feature; (ii) Outstanding Natural Landscape; (iii) Outstanding Natural Character Area; or (iv) High Natural Character Area. 	
<p>GRUZ-S3 Building height – general</p>	
<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) The maximum height of any building or structure measured from the natural ground level immediately below that part of the structure must not exceed 15m, except: <ul style="list-style-type: none"> (i) The maximum height is 10m where located within 50m of a road or internal boundary; (ii) For hose drying towers associated with emergency service facilities the maximum height is 15m. (b) Chimneys not exceeding 1m in width and finials shall not exceed a maximum height of 17m measured from the natural ground level immediately below the structure, except where located within 50m of a road or internal boundary where the maximum height is 12m. <p>Advice note: the height of frost fans is subject to GRUZ-S4.</p>	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Height of the building; (b) Design and location of the building; (c) Admission of daylight and sunlight to the site and other site; (d) Privacy on any other site; and (e) Amenity values of the locality.
<p>GRUZ-S4 Building height – frost fans</p>	
<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) The height of the support structure for a frost fan must not exceed 10.5m; and (b) The fan blades must not rotate higher than 13.5m above natural ground level. 	<p>(2) Activity status where compliance not achieved: DIS</p>
<p>GRUZ-S5 Building height – within a Campus (Agricultural Research Centres specific control area)</p>	
<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) A building or structure within a campus identified on the planning maps must not exceed a height of 15m measured from 	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Effects on visual amenity.

<p>the natural ground level immediately below that part of the structure.</p> <p>(b) Chimneys not exceeding 1m in width and finials shall not exceed a maximum height of 17m measured from the natural ground level immediately below the structure</p> <p>(c) GRUZ-S3 (Building height – general) does not apply.</p>	
GRUZ-S6	Building height – within the Huntly Power Station Coal and Ash Management specific control area
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) A building measured from the natural ground level immediately below that part of the structure must not exceed a height of:</p> <p>(i) 30m within an area of up to 1500m²; and</p> <p>(ii) 20m for the balance of the Huntly Power Station Coal and Ash Management specific control area.</p> <p>(b) GRUZ-S3 (Building height – general) does not apply.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
GRUZ-S7	Height – buildings, structures and vegetation in a battlefield view shaft
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) The maximum height of any building, structure or vegetation within a battlefield view shaft as shown on the planning map must not exceed 5m.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
GRUZ-S8	Height in relation to boundary
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) A building or structure (excluding poles or aerials) must not protrude through the height in relation to boundary rising at an angle of 45 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Height of the building;</p> <p>(b) Design and location of the building;</p> <p>(c) Admission of daylight and sunlight to the site and other site;</p> <p>(d) Privacy on any other site; and</p> <p>(e) Amenity values of the locality.</p>
GRUZ-S9	Building coverage
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) The total building coverage must not exceed:</p> <p>(i) 2% of the site area or 500m² (whichever is larger) for sites smaller than 10ha;</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matter:</p> <p>(a) Design, scale and location of the building.</p>

<p>(ii) 5,000m² for sites larger than 10ha.</p> <p>(b) GRUZ-S9(1)(a) does not apply:</p> <p>(i) To a structure that is not a building; or</p> <p>(ii) Eaves of a building that project less than 750mm horizontally from the exterior wall of the building.</p> <p>(c) No site coverage limit applies to Artificial Crop Protection Structures that meet the following standards:</p> <p>(i) Green or black cloth shall be used on vertical faces within 30m of the site boundary;</p> <p>(ii) Green, black or white cloth shall be used on horizontal surfaces.</p>	
GRUZ-S10	Building coverage
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) The total building coverage at Dilworth Rural Campus (Lot 2 DP 52908 and Lot 1 DP 210935) must not exceed 10,000m².</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
GRUZ-S11	Building coverage – within a Campus (Agricultural Research Centres specific control area)
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Building coverage must not exceed 70% of a campus identified on the planning maps.</p> <p>(b) GRUZ-S9 (Building coverage) does not apply.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Effects on visual amenity; and</p> <p>(b) Stormwater management.</p>
GRUZ-S12	Building setbacks – all boundaries
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) A habitable building located on a Record of Title less than 1.6ha must be set back a minimum of:</p> <p>(i) 7.5m from the road boundary;</p> <p>(ii) 17.5m from the centre line of an indicative road;</p> <p>(iii) 25m from the boundary of an adjoining site that is 6ha or more;</p> <p>(iv) 12m from the boundary of an adjoining site that is less than 6ha;</p> <p>(b) A non-habitable building or structure located on a Record of Title less than 1.6ha must be set back a minimum of:</p> <p>(i) 7.5m from the road boundary;</p> <p>(ii) 17.5m from the centre line of an indicative road;</p> <p>(iii) 12m from every boundary other than a road boundary.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Effects on rural amenity values;</p> <p>(b) Transport network safety and efficiency;</p> <p>(c) Reverse sensitivity effects; and</p> <p>(d) Where the road boundary is with an unformed paper road the likelihood of the road being formed or readily utilised by the public.</p>

<p>(c) Standard GRUZ-S12(1)(b) does not apply to fences or structures less than 2m in height, retaining walls, poles or aerals.</p> <p>(d) A habitable building located on a Record of Title 1.6ha or more must be set back a minimum of:</p> <ul style="list-style-type: none"> (i) 12m from the road boundary; (ii) 22m from the centre line of an indicative road; (iii) 25m from every boundary other than a road boundary. <p>(e) A non-habitable building or structure located on a Record of Title 1.6ha or more must be set back a minimum of:</p> <ul style="list-style-type: none"> (i) 12m from the road boundary; (ii) 22m from the centre line of an indicative road; (iii) 12m from every boundary other than a road boundary. <p>(f) Standard GRUZ-S12(1)(e) does not apply to fences or structures less than 2m in height, retaining walls, poles or aerals;</p> <p>(g) Any building at Dilworth Rural Campus (Lot 2 DP 52908 and Lot 1 DP 210936) must be set back a minimum of 12m from any site boundary.</p>	
<p>GRUZ-S13 Building setbacks – sensitive land use</p>	
<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Any building for a sensitive land use must be set back a minimum of: <ul style="list-style-type: none"> (i) 5m from the designated boundary of the railway corridor; (ii) 15m from a national route or regional arterial road; (iii) 35m from the designated boundary of the Waikato Expressway; (iv) 200m from an Aggregate Extraction Area or Extractive Resource Area containing a sand resource; (v) 500m from an Aggregate Extraction Area or Extractive Resource Area containing a rock resource, or a Coal Mining Area; (vi) 100m from a site in the Tamahere Commercial Areas A and C; (vii) 300m from the boundary of buildings or outdoor enclosures used for an intensive farming activity. This setback does not apply to sensitive activities 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Road network safety and efficiency; (b) On-site amenity values; (c) Odour, dust and noise levels received at the notional boundary of the building; (d) Mitigation measures; and (e) Potential for reverse sensitivity effects.

<p>located on the same site as the intensive farming activity;</p> <p>(viii) 300m from oxidation ponds that are part of a municipal wastewater treatment facility on another site;</p> <p>(ix) 30m from a municipal wastewater treatment facility where the treatment process is fully enclosed; and</p> <p>(x) Not be located within the Te Uku wind farm setback shown on the planning maps.</p>	
<p>GRUZ-S14 Building setback – noise sensitive activities</p>	
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Construction of, or addition, or alteration to a building containing a noise sensitive activity must comply with APP1 – Acoustic insulation within:</p> <p>(i) 350m of the Huntly Power Station site boundary; or</p> <p>(ii) The Waikato Gun Club Noise Control Boundary.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Internal design sound levels;</p> <p>(b) On-site amenity values; and</p> <p>(c) Potential for reverse sensitivity effects.</p>
<p>GRUZ-S15 Building setback – waterbodies</p>	
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) A building other than provided for under Standards GRUZ-S15(1)(b) and (c) must be set back a minimum of:</p> <p>(i) 32m from the margin of any lake with a size of 8ha or more;</p> <p>(ii) 32m from the margin of any wetland;</p> <p>(iii) 32m from the bank of a river with an average width of 3m or more, other than the Waikato River and Waipa River;</p> <p>(iv) 37m from a bank of the Waikato River and Waipa River;</p> <p>(v) 12m from the bank of any river with an average width of 3m or less;</p> <p>(vi) 12m from the margin of any lake with a size of less than 8ha;</p> <p>(vii) 32m from mean high water springs</p> <p>(b) A public amenity building, or maimai used for temporary waterfowl hunting purposes, of up to 25m² in size;</p> <p>(c) A pump shed (public or private) set back a minimum of 5m from any waterbody.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Effects on the landscape, ecological, cultural and recreational values of the adjacent water body;</p> <p>(b) Adequacy of erosion and sediment control measures;</p> <p>(c) The functional or operational need for the building to be located close to the waterbody;</p> <p>(d) Effects on public access to the waterbody;</p> <p>(e) Effects on rural character and amenity; and</p> <p>(f) Effects on natural character values.</p>
<p>GRUZ-S16 Building setback – Te Kauwhata Environmental Protection Area</p>	
<p>(1) Activity status: PER</p> <p>Where:</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

<p>(a) Any building must be set back a minimum of 3m from the Te Kauwhata Environmental Protection Area identified on the planning maps.</p>	
<p>GRUZ-S17</p>	<p>Building setback and location within the Huntly Power Station Coal and Ash Management specific control area</p>
<p>(1) Activity status: PER Where: (a) A building must be: (i) Set back at least 20m from every boundary of the Huntly Power Station Coal and Ash Management specific control area where its height exceeds 20m; and (ii) Set back at least 10m from every boundary of the Huntly Power Station Coal and Ash Management specific control area where its height is up to 20m; or (iii) Located within an energy corridor (refer to the Huntly Power Station Coal and Ash Management specific control area on the planning maps). (b) GRUZ-S12 – GRUZ-S16 do not apply.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
<p>GRUZ-S18</p>	<p>Coal stockpile height, setback and coverage within the Huntly Power Station Coal and Ash Management specific control area</p>
<p>(1) Activity status: PER Where: (a) Coal stockpiles must: (i) not exceed a height of 15m; (ii) be set back at least 5m from the boundary of the Huntly Power Station Coal and Ash Management specific control area; (iii) not exceed 25% of the the Huntly Power Station Coal and Ash Management specific control area. (b) GRUZ-S12 – GRUZ-S16 do not apply.</p>	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: (a) Visual amenity.</p>

Independent Hearing Panel Recommendation Tracked Changes to Proposed Waikato District Plan

The amendments to Variation 3 to the Proposed Waikato District Plan as recommended by the Independent Hearing Panel are set out below.

Key

Text additions proposed by Council, the s42A authors or submitters that the Panel has accepted are shown underlined.

Text deletions proposed by Council, the s.42A authors or submitters that the Panel has accepted are shown ~~strikethrough~~.

Further text additions or deletions that the Panel has made following the hearing of evidence and submissions are identified with **grey shading**.

Text that is not underlined or struck through is original Proposed Waikato District Plan text.

LCZ – Local centre zone

The relevant district-wide chapter provisions apply in addition to this chapter.

Purpose

The LCZ – Local centre zone provides for a range of commercial and community activities that service the needs of the residential catchment.

Objectives

LCZ-O1 Economic growth of industry.

Commercial activity is focussed within a differentiation of commercial zones (comprising the TCZ – Town centre zone, LCZ – Local centre zone, COMZ – Commercial zone, and the BTZ – Business Tamahere zone).

LCZ-O2 Local centre zone character.

The commercial scale, form of buildings and character of the zone is maintained.

LCZ-O3 Local centre zone amenity.

The amenity values of residential activities within, and activities in, adjoining zones are protected from the adverse effects of developments and activities in the zone.

Policies

LCZ-PI Commercial function and purpose.

Provide for commercial activities which serve the local convenience needs of the surrounding area, including retail within the zone.

- LCZ-P2 Commercial purpose.
- The role of the zone is to support the local economy and the needs of businesses by ensuring that:
- (a) The scale of commercial activities supports the local convenience needs of the surrounding residential and rural areas; and
 - (b) Enhances their vitality and amenity while providing for a range of commercial and community activities and facilities.
- LCZ-P3 Employment opportunities.
- Commercial development within the zone increases employment opportunities within the district.
- LCZ-P4 Retail.
- (1) Locate small scale retail activities within the TCZ – Town centre zone and LCZ – Local centre zone and discourage large scale activities with the exception of supermarkets from establishing within the TCZ – Town centre zone.
 - (2) Locate large scale retail and commercial activities within the COMZ – Commercial zone.
- LCZ-P5 Residential upper floors.
- (1) Maintain the commercial viability of the zone while:
 - (a) Providing for mixed use developments, ensuring residential activities are preferably located above ground floor; and
 - (b) Avoiding residential activity located at ground level, where it could undermine commercial activity and frontage.
- LCZ-P6 Landscaping of onsite parking areas.
- Provide a degree of amenity for onsite parking areas within the zone by ensuring a planting strip is established and maintained.
- LCZ-P7 Strategic infrastructure setback.
- (1) Ensure buildings within the zone are designed and set back from strategic infrastructure by:
 - (a) Retaining the predominant building setback within the street; and
 - (b) Allowing sufficient space for the establishment of landscaping on the site.
- LCZ-P8 Height.
- Ensure the height of new buildings is complementary to, and promotes, the existing character of the zone and adjoining residential zones.
- LCZ-P9 Reverse sensitivity.
- Development within the zone is acoustically insulated to mitigate the adverse effects of noise.

LCZ-PI0 Adjoining site amenity.

- (1) Maintain amenity of adjoining GRZ – General residential zone, MRZ1 – Medium density residential zone 1, MRZ2 – Medium density residential zone 2 or OSZ – Open space zone by:
- (a) Requiring buildings within the zone to be set back from boundaries adjoining GRZ – General residential, MRZ1 – Medium density residential zone 1, MRZ2 – Medium density residential zone 2 and OSZ – Open space zoned land; and
 - (b) The progressive reduction in the height of buildings in the zone, the closer they are located to boundaries adjoining GRZ – General residential, MRZ1 – Medium density residential zone 1, MRZ2 – Medium density residential zone 2 and OSZ – Open space zoned land.

LCZ-PI1 Outdoor storage.

The adverse visual effects of outdoor storage in the zone are mitigated through appropriate location, screening or landscaping.

LCZ-PI2 Objectionable odour.

Within the zone ensure that the adverse effects of objectionable odour from activities do not detract from the amenity of other sites.

Rules

Land use – activities

In addition to the activity-specific standards listed below, permitted activities must also comply with all relevant Land-use effects standards and Land-use building standards in this chapter, as well as the standards in Part 2 / District-wide matters / General district-wide matters.

LCZ-R1	Commercial activity	
(1) Activity status: PER Activity-specific standards: Nil.		(2) Activity status where compliance not achieved: n/a
LCZ-R2	Supermarket	
(1) Activity status: PER Activity-specific standards: Nil.		(2) Activity status where compliance not achieved: n/a
LCZ-R3	Community facility	
(1) Activity status: PER Activity-specific standards: (a) Excluding a cemetery.		(2) Activity status where compliance not achieved: DIS
LCZ-R4	Residential activity, unless specified below This includes occupation of a single residential unit for short term rental.	
(1) Activity status: PER Activity-specific standards: (a) Located above ground floor level.		(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:

		(a) The extent to which the residential activity effects the primary purpose of the zone to provide for commercial activities.
LCZ-R5	Educational facility	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a	
LCZ-R6	Child care facility	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a	
LCZ-R7	Office	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a	
LCZ-R8	Public amenity	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a	
LCZ-R9	Health facility	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a	
LCZ-R10	Visitor accommodation	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a	
LCZ-R11	Public transport facility	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a	
LCZ-R12	Community corrections activity	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a	
LCZ-R13	Construction or alteration of a building for a sensitive land use	
(1) Activity status: PER Activity-specific standards: (a) The construction or alteration of a building for a sensitive land use that complies with all of the following standards: (i) It is set back a minimum of 10m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid,	(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: (a) Effects on the amenity values of the site; (b) The risk of electrical hazards affecting the safety of people; (c) The risk of damage to property; and	

<p>that operate at a voltage of up to 110kV; or</p> <p>(ii) It is set back a minimum of 12m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of 110kV or more.</p>	<p>(d) Effects on the operation, maintenance and upgrading of the electrical distribution or transmission lines.</p>						
<p>LCZ-R14</p>	<p>Construction or demolition of, or alteration or addition to, a building or structure</p>						
<p>(1) Activity status: PER Activity-specific standards: Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>						
<p>LCZ-R15</p>	<p>A multi-unit development</p>						
<p>(1) Activity status: RDIS Activity-specific standards:</p> <p>(a) A multi-unit development that meets all of the following standards:</p> <p>(i) Land use – effects standards for the zone;</p> <p>(ii) Land use – buildings standards for the zone, except the following rules do not apply;</p> <p>(1) LCZ-S9 (Residential units) does not apply;</p> <p>(2) LCZ-S10 (Outdoor living space) does not apply;</p> <p>(b) A detailed site plan depicting the proposed Record of Title boundaries for each residential unit and any common areas (including access and services) must be provided, ensuring that a freehold (fee simple) or unit title subdivision complies with Rule SUB-R85 (Subdivision of multi-unit developments);</p> <p>(c) Each residential unit must be designed and constructed to achieve the internal design sound levels specified in APP1 – Acoustic insulation, Table 25 – Internal sound levels;</p> <p>(d) A communal service court is provided comprising;</p> <p>(i) minimum area of 20m²; and</p> <p>(ii) minimum dimension of 3m.</p> <p>(e) Outdoor living space areas are provided to meet the following minimum requirements for each residential unit:</p>	<p>(2) Activity status where compliance not achieved: DIS</p>						
<table border="1"> <thead> <tr> <th data-bbox="193 1895 400 1973">Residential Unit</th> <th data-bbox="402 1895 572 1973">Minimum outdoor Living space area</th> <th data-bbox="574 1895 796 1973">Minimum Dimensions</th> </tr> </thead> <tbody> <tr> <td data-bbox="193 1975 400 2024">Studio unit or 1 bedroom</td> <td data-bbox="402 1975 572 2024">10m²</td> <td data-bbox="574 1975 796 2024">2m</td> </tr> </tbody> </table>	Residential Unit	Minimum outdoor Living space area	Minimum Dimensions	Studio unit or 1 bedroom	10m ²	2m	
Residential Unit	Minimum outdoor Living space area	Minimum Dimensions					
Studio unit or 1 bedroom	10m ²	2m					

2 or more bedrooms	15m ²	2m	
(f) Each residential unit must meet the following minimum unit size:			
Unit or Apartment Area		Minimum Unit	
Studio Unit		35m ²	
1 or more bedroom unit		45m ²	
Council's discretion is restricted to the following matters:			
<u>Design:</u>			
(g) The extent to which that portion of the building or site which fronts a road or public space:			
(i) Provides for passive surveillance of the street from habitable rooms at ground and upper floor levels.			
(ii) Avoids the use of impermeable screens or fencing that obstruct visual connections.			
(iii) Avoids unrelieved and blank façades.			
(iv) Creates visual interest through the use of cladding materials, colour and articulation of the façade.			
(v) Utilises soft or hard landscape elements to contribute positively to streetscape amenity.			
(vi) Minimises vehicle garaging/parking or manoeuvring areas.			
(vii) Service courts are screened or obscured.			
<u>On-site amenity:</u>			
(h) The extent to which the design:			
(i) Maximises opportunities for accessibility, privacy between units, access to daylight and shelter, including outdoor living spaces.			
(ii) Incorporates measures that may be required to mitigate the potential for reverse sensitivity effects.			
(iii) Maximises opportunities for passive solar gain within units.			
<u>Infrastructure:</u>			
(i) The extent to which the design can be efficiently serviced with 3 waters infrastructure.			
<u>Natural hazards:</u>			
(j) The extent to which the design avoids or mitigates effects arising from the presence of natural hazards.			
<u>Staging:</u>			

	(k) The extent to which staging is necessary to ensure that development is carried out in a coordinated and timely manner.	
LCZ-RI6	Any activity that is not specifically listed as a permitted, controlled, restricted discretionary or non-complying activity	
Activity status: DIS		
LCZ-RI7	Any building, structure, objects or vegetation that obscure the sight line of the Raglan navigation beacons for vessels entering Whaingaroa (Raglan Harbour) (APP8 – Raglan navigation beacon).	
Activity status: PR		

Land use – effects

LCZ-S1	Servicing and hours of operation	
(1) Activity status: PER Where: (a) The loading and unloading of vehicles and the receiving of customers and deliveries associated with a commercial activity on a site adjoining the GRZ - General residential zone, MRZ1 – Medium density residential zone 1, <u>MRZ2 – Medium density residential zone 2</u> , LLRZ – Large lot residential zone or SETZ – Settlement zone must only occur between 6.00am and 8.00pm.	(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters: (a) Effects on amenity values on adjoining sites within the GRZ - General residential zone, MRZ1 – Medium density residential zone 1, <u>MRZ2 – Medium density residential zone 2</u> , LLRZ – Large lot residential zone or SETZ – Settlement zone; (b) Timing, duration and frequency of adverse effects; (c) Location of activity in relation to zone boundary; (d) Location of activity in relation to residential units on adjoining sites; (e) The means to avoid, remedy or mitigate adverse effects on adjoining sites.	
LCZ-S2	Onsite parking areas – landscaping	
(1) Activity status: PER Where: (a) Onsite car parking area for 5 or more parking spaces located adjoining a road, must comply with the following standards: (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; and (ii) Plants within the planting and pedestrian strip must be maintained to a height no greater than 1m.	(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters: (a) Design and location of the parking area and landscaping strip; and (b) Effects on streetscape amenity.	
LCZ-S3	Outdoor storage	
(1) Activity status: PER Where:	(2) Activity status where compliance not achieved: RDIS	

<p>(a) Outdoor storage of goods or materials must comply with all of the following standards:</p> <ul style="list-style-type: none"> (i) Be associated with the activity operating from the site; (ii) Not encroach on parking or loading areas; (iii) Standards LCZ-S4 Height and LCZ-S5 Height in relation to boundary; and (iv) 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: <ul style="list-style-type: none"> (1) Public road; (2) Public reserve; and (3) Adjoining site in another zone. 	<p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Visual amenity; (b) Effects on loading and parking areas; (c) Size and location of storage area; and (d) Measures to mitigate adverse effects.
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Land use – building

LCZ-S4	Building height
<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) The maximum height of any building or structure measured from the natural ground level immediately below that part of the structure must not exceed 12m; (b) Chimneys not exceeding 1m in width and finials shall not exceed a maximum height of 14m measured from the natural ground level immediately below the structure; and (c) The maximum height of hose drying towers associated with emergency service facilities measured from the natural ground level immediately below that part of the structure must not exceed 15m. 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Height of the building; (b) Design and location of the building (c) Extent of shading on an adjoining site; and (d) Privacy on adjoining sites.
LCZ-S5	Height in relation to boundary
<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Any building or structure must not protrude through a height control plane rising at an angle of 45 degrees commencing at an elevation of 2.5m above ground level at the site boundary where it adjoins the: <ul style="list-style-type: none"> (i) GRZ – General residential zone; (ii) MRZ_I – Medium density residential zone _I; (iii) LLRZ – Large lot residential zone; 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Height of the building; (b) Design and location of the building; (c) Level of shading on any other adjoining sites; (d) Privacy on other sites; and (e) Amenity values of the locality.

<ul style="list-style-type: none"> (iv) SETZ – Settlement zone; (v) RLZ – Rural lifestyle zone; or (vi) OSZ – Open space zone; <u>or</u> (vii) <u>MRZ2</u> – Medium density residential zone 2. 	
<p>LCZ-S6 Building setbacks – zone boundaries</p>	
<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) A building must be set back a minimum of at least: <ul style="list-style-type: none"> (i) 3.0 m from rear and side boundaries adjoining any: <ul style="list-style-type: none"> (1) GRZ – General residential zone; (2) <u>MRZ1</u> – Medium density residential zone 1; (3) LLRZ – Large lot residential zone; (4) SETZ - Settlement zone; (5) RLZ – Rural lifestyle zone; or (6) OSZ – Open space zone; <u>or</u> (7) <u>MRZ2</u> – Medium density residential zone 2. (ii) 1.5m from rear and side boundaries adjoining any: <ul style="list-style-type: none"> (1) GRUZ – General rural zone; (2) GIZ – General industrial zone; or (3) HIZ – Heavy industrial zone. (iii) 15m from SH23 for any site between Greenslade Road and Hills Road, Raglan. (b) LCZ-S6(1)(a) does not apply to a structure which is not a building. 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Height, design and location of the building relative to the boundary; (b) Impacts on the privacy for adjoining site(s); (c) Impacts on amenity values, including main living areas, outdoor living space of adjoining site(s); and (d) Landscaping and/or screening.
<p>LCZ-S7 Building setback – waterbodies</p>	
<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) A building that is set back a minimum of: <ul style="list-style-type: none"> (i) 27.5m from the margin of any lake; (ii) 27.5m from the margin of any wetland; (iii) 27.5 from the bank of any river (other than the Waikato River and Waipa River); (iv) 32.5m from the margin of either the Waikato River and the Waipa River; (v) 27.5m from mean high water springs; (vi) 10m from any artificial wetland; (b) A public amenity of up to 25m² or pump shed (private or public) within any building setback identified in Standard LCZ-S7(1)(a); 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Effects on the landscape, ecological, cultural and recreational values of the adjacent water body; (b) Adequacy of erosion and sediment control measures; (c) The functional or operational need for the building to be located close to the waterbody; (d) Effects on public access to the waterbody; (e) Effects on the amenity of the locality; and (f) Effects on natural character values.

(c) LCZ-S7(1)(a) does not apply to a structure which is not a building.		
LCZ-S8	Horotiu acoustic area	
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Construction, addition to or alteration of a building for a noise-sensitive activity within the Horotiu Acoustic Area must be designed and constructed to achieve the internal design sound level specified in APPI – Acoustic insulation, Table 22 – Internal design sound levels.</p>		<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) On-site amenity values;</p> <p>(b) Noise levels received at the notional boundary of the residential unit;</p> <p>(c) Timing and duration of noise received at the notional boundary of the residential unit;</p> <p>(d) Potential for reverse sensitivity effects.</p>
LCZ-S9	Residential units	
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) One residential unit on the Record of Title must comply with all of the following standards:</p> <p>(i) The residential unit must not be located at ground level;</p> <p>(ii) The residential unit is designed and constructed to achieve the internal design sound levels specified in APPI – Acoustic insulation, Table 25 – Internal sound levels.</p> <p>(b) Standard LCZ-S9(1)(a) does not apply to multi-unit development (refer to Rule LCZ-R15 (Multi-unit development)).</p>		<p>(2) Activity status where compliance not achieved: DIS</p>
LCZ-S10	Outdoor living space	
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) An outdoor living space must be provided for each residential unit that meets all of the following standards:</p> <p>(i) It is for the exclusive use of the occupants of the residential unit;</p> <p>(ii) It is readily accessible from a living area of the residential unit; and</p> <p>(iii) It is located on a balcony containing at least 15m² and a circle with a diameter of at least 2.4m.</p>		<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Design and location of the building;</p> <p>(b) Provision of outdoor living including access to daylight and open space and the useability and accessibility of the outdoor living space proposed;</p> <p>(c) Privacy on adjoining sites;</p> <p>(d) The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space.</p>

Independent Hearing Panel Recommendation Tracked Changes to Proposed Waikato District Plan

The amendments to Variation 3 to the Proposed Waikato District Plan as recommended by the Independent Hearing Panel are set out below.

Key

Text additions proposed by Council, the s42A authors or submitters that the Panel has accepted are shown underlined.

Text deletions proposed by Council, the s.42A authors or submitters that the Panel has accepted are shown ~~strikethrough~~.

Further text additions or deletions that the Panel has made following the hearing of evidence and submissions are identified with **grey shading**.

Text that is not underlined or struck through is original Proposed Waikato District Plan text.

COMZ – Commercial zone

The relevant district-wide chapter provisions apply in addition to this chapter.

Purpose

The COMZ - Commercial zone identifies areas used predominantly for a range of commercial and community activities.

Objectives

COMZ-O1 Economic growth of industry.

Commercial activity is focussed within a differentiation of commercial zones (comprising the TCZ – Town centre zone, LCZ – Local centre zone, COMZ – Commercial zone, and the BTZ – Business Tamahere zone.

COMZ-O2 Commercial zone character.

The commercial scale, form of buildings and character of the zone is maintained.

COMZ-O3 Commercial zone amenity.

The amenity values of residential activities within, and activities in, adjoining zones are protected from the adverse effects of developments and activities in the zone.

COMZ-O4 Huntly Commercial Precinct

Land within the Huntly Commercial Precinct is efficiently used to provide for mixed uses, including high-density urban living that increases housing capacity and choice.

COMZ-O5 Outlook from Tuurangawaewae Marae

In Ngaaruawaahia the outlook from Tuurangawaewae Marae to Hakarimata Range Taupiri Maunga and Waikato Awa is recognised and provided for.

Policies

COMZ-P1 Commercial function and purpose.

Larger scale commercial activities are provided for within the zone.

COMZ-P2 Commercial purpose.

- (1) The role of the zone is to support the local economy and the needs of businesses by:
- (a) Providing for a wide range of commercial activities; and
 - (b) Providing for commercial activities at a scale that supports the commercial viability of towns and villages; and
 - (c) Ensuring that commercial activities complement and support the role of business town centres.

COMZ-P3 Role and function of the zone.

- (1) Ensure the role of the zone is complementary to the TCZ – Town centre zone by:
- (a) Enabling a wide range of commercial activities including large format retail activities within the zone; and
 - (b) Discouraging small scale retail activities, administration and commercial services within the zone.

COMZ-P4 Employment opportunities.

Commercial development within the zone increases employment opportunities within the district.

COMZ-P5 Retail.

- (1) Locate small scale retail activities within the TCZ – Town centre zone and LCZ – Local centre zone and discourage large scale activities with the exception of supermarkets from establishing within the TCZ – Town centre zone.
- (2) Locate large scale retail and commercial activities within the COMZ – Commercial zone.

COMZ-P6 Residential upper floors.

- (1) Maintain the commercial viability of the zone while:
- (a) Providing for mixed use developments, ensuring residential activities are preferably located above ground floor; and
 - (b) Avoiding residential activity located at ground level, where it could undermine commercial activity and frontage.

Part 3: Area-specific matters / Zones / Commercial and mixed use zones / COMZ – Commercial zone

COMZ-P7 Landscaping of onsite parking areas.

Provide a degree of amenity for onsite parking areas within the zone by ensuring a planting strip is established and maintained.

COMZ-P8 Strategic infrastructure setback.

- (1) Ensure buildings within the zone are designed and set back from strategic infrastructure by:
 - (a) Retaining the predominant building setback within the street; and
 - (b) Allowing sufficient space for the establishment of landscaping on the site.

COMZ-P9 Height.

- (1) Ensure the height of new buildings is complementary to, and promotes, the existing character of the zone and adjoining residential zones, except within the Huntly Commercial Precinct.
- (2) In Ngaaruawaahia, provide for the cultural relationship between Tuurangawaewae Marae the Hakarimata Ranges, Taupiri Maunga and the Waikato Awa within the Tuurangawaewae Marae Outlook High Potential Effects Area identified on the Planning Maps.
- (3) In Ngaaruawaahia, provide for the cultural relationship between Tuurangawaewae Marae and the Hakarimata Ranges and Taupiri Maunga within the Tuurangawaewae Marae Building Height Assessment Overlay identified on the Planning Maps.

COMZ-P10 Reverse sensitivity.

Development within the zone is acoustically insulated to mitigate the adverse effects of noise.

COMZ-P11 Adjoining site amenity.

- (1) Maintain amenity of adjoining GRZ – General residential zone, MRZ1 – Medium density residential zone 1, MRZ2 – Medium density residential zone 2 or OSZ – Open space zone by:
 - (a) Requiring buildings within the zone to be set back from boundaries adjoining GRZ – General residential, MRZ1 – Medium density residential zone 1, MRZ2 – Medium density residential zone 2 and OSZ – Open space zoned land; and
 - (b) The progressive reduction in the height of buildings in the zone, the closer they are located to boundaries adjoining GRZ – General residential, MRZ1 – Medium density residential zone 1, MRZ2 – Medium density residential zone 2 and OSZ – Open space zoned land.

COMZ-P12 Huntly Commercial Precinct – Multi unit development building heights

- (1) Enable a planned built character of up to 6 storeys for multi-unit development provided that:
 - (a) Development provides quality on-site residential amenity for residents and supports attractive and safe streets.

Part 3: Area-specific matters / Zones / Commercial and mixed use zones / COMZ – Commercial zone

- (b) The bulk, form and appearance of development above 3 storeys is required to mitigate visual dominance and overlooking of adjacent sites.

Rules

Land use – activities

In addition to the activity-specific standards listed below, permitted activities must also comply with all relevant Land-use effects standards and Land-use building standards in this chapter, as well as the standards in Part 2 / District-wide matters / General district-wide matters.

COMZ-R1	Commercial activity	
(1) Activity status: PER Activity-specific standards: (a) Any individual tenancy must have a gross floor area of greater than 350m ² .		(2) Activity status where compliance not achieved: DIS
COMZ-R2	Supermarket	
(1) Activity status: PER Activity-specific standards: Nil.		(2) Activity status where compliance not achieved: n/a
COMZ-R3	Community facility	
(1) Activity status: PER Activity-specific standards: (a) Excluding a cemetery.		(2) Activity status where compliance not achieved: DIS
COMZ-R4	Residential activity, unless specified below This includes occupation of a single residential unit for short term rental.	
(1) Activity status: PER Activity-specific standards: (a) Located above ground floor level.		(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters: (a) The extent to which the residential activity effects the primary purpose of the zone to provide for commercial activities.
COMZ-R5	Educational facility	
(1) Activity status: PER Activity-specific standards: Nil.		(2) Activity status where compliance not achieved: n/a
COMZ-R6	Child care facility	
(1) Activity status: PER Activity-specific standards: Nil.		(2) Activity status where compliance not achieved: n/a
COMZ-R7	Office	
(1) Activity status: PER Activity-specific standards: Nil.		(2) Activity status where compliance not achieved: n/a
COMZ-R8	Public amenity	

Part 3: Area-specific matters / Zones / Commercial and mixed use zones / COMZ – Commercial zone

<p>(1) Activity status: PER Activity-specific standards: Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
<p>COMZ-R9 Health facility</p>	
<p>(1) Activity status: PER Activity-specific standards: Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
<p>COMZ-R10 Visitor accommodation</p>	
<p>(1) Activity status: PER Activity-specific standards: Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
<p>COMZ-R11 Public transport facility</p>	
<p>(1) Activity status: PER Activity-specific standards: Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
<p>COMZ-R12 Servicing of boats at Raglan Wharf</p>	
<p>(1) Activity status: PER Activity-specific standards: Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
<p>COMZ-R13 Community corrections activity</p>	
<p>(1) Activity status: PER Activity-specific standards: Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
<p>COMZ-R14 Buildings, structures and sensitive land use within the National Grid Yard on sites existing as of 18 July 2018</p>	
<p>(1) Activity status: PER Activity-specific standards:</p> <ul style="list-style-type: none"> (a) Within National Grid Yard: <ul style="list-style-type: none"> (i) Building alterations and additions to an existing building or structure that does not involve an increase in the building height or footprint; or (ii) Infrastructure (other than for the reticulation and storage of water for irrigation purposes) undertaken by a network utility operator as defined in the Resource Management Act 1991; or (iii) Non-habitable buildings or structures for farming activities in rural zones including accessory structures and yards for milking/dairy sheds (but not including any intensive farming buildings, commercial greenhouses and milking/dairy sheds); or (iv) Non-habitable horticultural buildings; or (v) Artificial crop protection and support structures (excluding commercial 	<p>(2) Activity status where compliance not achieved: NC</p>

<p>greenhouses and <i>Pseudomonas syringae</i> pv. <i>Actinidiae</i> (Psa) disease control structures);</p> <p>(vi) Fences less than 2.5m in height, measured from the natural ground level immediately below the structure; and</p> <p>(vii) Minor structures associated with farming activity that are not situated within 12m of the outer visible foundation of any National Grid tower or 10m of the outer visible foundation of a National Grid tower, including: fences, gates, stock exclusion structures, cattle-stops, stock underpasses, stock bridges and culvert crossings, and drinking water supply pipelines, troughs, and water storage tanks.</p> <p>(b) All buildings or structures permitted by Rule COMZ-RI4(1)(a) must:</p> <p>(i) Comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663 under all National Grid transmission line operating conditions; and</p> <p>(1) Locate a minimum 12m from the outer visible foundation of any National Grid support structure foundation and associated stay wire, unless it is:</p> <p>(2) A building or structure where Transpower has given written approval in accordance with clause 2.4.1 of the NZECP; or</p> <p>(3) Fences less than 2.5m in height, measured from the natural ground level immediately below the structure, and located a minimum of 5m from the nearest National Grid support structure foundation; or</p> <p>(ii) Network utilities (other than for the reticulation and storage of water for irrigation purposes) or any part of electricity infrastructure undertaken by a network utility operator as defined in the Resource Management Act 1991, that connects to the National Grid; and</p>	
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Part 3: Area-specific matters / Zones / Commercial and mixed use zones / COMZ – Commercial zone

<ul style="list-style-type: none"> (iii) Not permanently physically impede existing vehicular access to a National Grid support structure; (c) Artificial crop protection structures and support structures between 8m and 12m from a pole support structure but not a tower and any associated guy wire that: <ul style="list-style-type: none"> (i) Meet the requirements of the NZECP 34:2001 ISSN 0114-0663 for separation distances from the conductor; (ii) Are no higher than 2.5m; (iii) Are removable or temporary, to allow a clear working space of at least 12 metres from the pole when necessary for maintenance and emergency repair purposes; (iv) Allow all-weather access to the pole and a sufficient area for maintenance equipment, including a crane. 	
COMZ-R15	Construction or alteration of a building for a sensitive land use
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <ul style="list-style-type: none"> (a) The construction or alteration of a building for a sensitive land use that complies with all of the following standards: <ul style="list-style-type: none"> (i) It is set back a minimum of 10m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of up to 110kV; or (ii) It is set back a minimum of 12m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of 110kV or more. 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Effects on the amenity values of the site; (b) The risk of electrical hazards affecting the safety of people; (c) The risk of damage to property; and (d) Effects on the operation, maintenance and upgrading of the electrical distribution or transmission lines.
COMZ-R16	Construction or demolition of, or alteration or addition to, a building or structure
<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
COMZ-R17	A multi-unit development
<p>(1) Activity status: RDIS</p> <p>Activity-specific standards:</p> <ul style="list-style-type: none"> (a) A multi-unit development that meets all of the following standards: <ul style="list-style-type: none"> (i) Land use – effects standards for the zone; 	<p>(2) Activity status where compliance not achieved: DIS</p>

- (ii) Land use – building standards for the zone, except the following rules do not apply;
- (1) COMZ-S9 (Residential units) does not apply;
 - (2) COMZ-S10 (Outdoor living space) does not apply;
- (b) A detailed site plan depicting the proposed Record of Title boundaries for each residential unit and any common areas (including access and services) must be provided, ensuring that a freehold (fee simple) or unit title subdivision complies with Rule SUB-R93 (Subdivision of multi-unit developments);
- (c) Each residential unit must be designed and constructed to achieve the internal design sound levels specified in APP1 – Acoustic insulation, Table 25 – Internal sound levels;
- (d) A communal service court is provided comprising;
- (i) minimum area of 20m²; and
 - (ii) minimum dimension of 3m.
- (e) Outdoor living space areas are provided to meet the following minimum requirements for each residential unit:

Residential Unit	Minimum outdoor Living space area	Minimum Dimensions
Studio unit or 1 bedroom	10m ²	2m
2 or more bedrooms	15m ²	2m

- (f) Each residential unit must meet the following minimum unit size:

Unit or Apartment Area	Minimum Unit
Studio Unit	35m ²
1 or more bedroom unit	45m ²

- (g) In the Huntly Commercial Precinct: For all side and rear boundaries that are not zone boundaries buildings above 12m in height must fit within a height plane of 12m, at the boundary plus 60 degrees. Must not protrude through a height control plane rising at an angle of 60 degrees commencing at an elevation of 12m above natural ground level at every point on the side and rear boundary.
- (h) In the Huntly Commercial Precinct: Residential units must have an outlook space of 6m in depth by 4m in width measured from the exterior of a unit's principal living room window. All other

habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width. This outlook area must be free of buildings and either be contained within the site or extend into public space or road. Outlook areas must not overlap outlook areas for other dwellings.

Council's discretion is restricted to the following matters:

Design:

- (i) The extent to which that portion of the building or site which fronts a road or public space:
 - (i) Provides for passive surveillance of the street from habitable rooms at ground and upper floor levels.
 - (ii) Avoids the use of impermeable screens or fencing that obstruct visual connections.
 - (iii) Avoids unrelieved and blank façades.
 - (iv) Creates visual interest through the use of cladding materials, colour and articulation of the façade.
 - (v) Utilises soft or hard landscape elements to contribute positively to streetscape amenity.
 - (vi) Minimises vehicle garaging/parking or manoeuvring areas.
 - (vii) Service courts are screened or obscured.

Additional Design matters within the Huntly Commercial Precinct:

- ~~(a)~~(j) Sunlight and daylight access to adjoining sites; and
- ~~(b)~~(k) Privacy and overlooking of adjoining sites;
- ~~(c)~~(l) The effects on the heritage values of any scheduled heritage item
- ~~(d)~~(m) The design and appearance of buildings including modulation and articulation of building mass to create visual interest and to break down larger elements;
- ~~(e)~~(n) Landscape treatment of yards and frontages, including screening of taller buildings when

<p><u>viewed from adjoining residential zones.</u></p> <p>(f)(o) <u>The effectiveness of screening of car parking and service areas from the view of people using public spaces.</u></p> <p>(g)(p) <u>The maintenance or enhancement of amenity for pedestrians using public spaces or streets:</u></p> <p><u>On-site amenity:</u></p> <p>(j)(q) <u>The extent to which the design:</u></p> <ul style="list-style-type: none"> (i) Maximises opportunities for accessibility, privacy between units, access to daylight and shelter, including outdoor living spaces. (ii) Incorporates measures that may be required to mitigate the potential for reverse sensitivity effects. (iii) Maximises opportunities for passive solar gain within units. <p><u>Additional on-site amenity matters within the Huntly Commercial Precinct:</u></p> <p>(h)(r) <u>Dimensions of outlook area:</u></p> <p>(i)(s) <u>Visual privacy and dominance effects on adjoining sites</u></p> <p>(j)(t) <u>Internal amenity outcome.</u></p> <p>(k)(u) <u>Methods to secure outlook if over adjoining site</u></p> <p><u>Infrastructure:</u></p> <p>(k)(v) <u>The extent to which the design can be efficiently serviced with 3 waters infrastructure.</u></p> <p><u>Natural hazards:</u></p> <p>(l)(w) <u>The extent to which the design avoids or mitigates effects arising from the presence of natural hazards.</u></p> <p><u>Staging:</u></p> <p>(m)(x) <u>The extent to which staging is necessary to ensure that development is carried out in a coordinated and timely manner.</u></p>	
<p>COMZ-R18</p>	<p>Commercial activities within in the Motorway service centre specific control</p>

<p>(1) Activity status: RDIS</p> <p>Activity-specific standards: Nil.</p> <p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Effects on amenity of the locality; (b) Landscaping; (c) Design and layout; (d) Effects on efficiency and safety of the land transport network, including the Waikato Expressway; (e) Access design; and (f) Potential reverse sensitivity effects. 	<p>(2) Activity status: NC</p> <p>Where:</p> <ul style="list-style-type: none"> (a) Any other activity within the Motorway service centre specific control area. <p>Advice note: The other land-use activities listed within the COMZ – Commercial zone do not apply to the Motorway service centre specific control area, however the land-use effects and land-use standards do apply.</p>
COMZ-R19	Any activity that is not specifically listed as a permitted, controlled, restricted discretionary or non-complying activity
(1) Activity status: DIS	
COMZ-R20	Any new building for a sensitive land use, or addition to an existing building that involves an increase in the building envelope or height for a sensitive land use, within the National Grid Yard
(1) Activity status: NC	
COMZ-R21	Any change of use of an existing building to a sensitive land use within the National Grid Yard
(1) Activity status: NC	
COMZ-R22	The establishment of any new sensitive land use within the National Grid Yard
(1) Activity status: NC	
COMZ-R23	Dairy/milking sheds (excluding accessory structures and buildings), commercial greenhouses, Pseudomonas syringae pv. Actinidiae (Psa) disease control structures, or buildings for intensive farming within the National Grid Yard
(1) Activity status: NC	
COMZ-R24	Any building, structure, objects or vegetation that obscure the sight line of the Raglan navigation beacons for vessels entering Whaingaroa (Raglan Harbour) (APP8 – Raglan navigation beacon).
(1) Activity status: PR	

Land use – effects

COMZ-SI	Servicing and hours of operation	
<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) The loading and unloading of vehicles and the receiving of customers and deliveries associated with a commercial activity on a site adjoining the GRZ - General residential zone, MRZ1 – Medium density residential zone 1, MRZ2 – Medium density residential zone 2, LLRZ – Large lot residential zone or SETZ – Settlement 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Effects on amenity values on adjoining sites within the GRZ - General residential zone, MRZ1 – Medium density residential zone 1, MRZ2 – Medium density residential zone 2, LLRZ – Large lot residential zone or SETZ – Settlement zone; 	

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<p>zone must only occur between 6.00am and 8.00pm.</p>	<p>(b) Timing, duration and frequency of adverse effects; (c) Location of activity in relation to zone boundary; (d) Location of activity in relation to residential units on adjoining sites; (e) The means to avoid, remedy or mitigate adverse effects on adjoining sites.</p>
<p>COMZ-S2 Onsite parking areas – landscaping</p>	
<p>(1) Activity status: PER Where: (a) Onsite car parking area for 5 or more parking spaces located adjoining a road, must comply with the following standards: (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; and (ii) Plants within the planting and pedestrian strip must be maintained to a height no greater than 1m.</p>	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters: (a) Design and location of the parking area and landscaping strip; and (b) Effects on streetscape amenity.</p>
<p>COMZ-S3 Outdoor storage</p>	
<p>(1) Activity status: PER Where: (a) Outdoor storage of goods or materials must comply with all of the following standards: (i) Be associated with the activity operating from the site; (ii) Not encroach on parking or loading areas; (iii) Standards COMZ-S4 Height and COMZ-S7 Height in relation to boundary; and (iv) 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: (1) Public road; (2) Public reserve; and (3) Adjoining site in another zone.</p>	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters: (a) Visual amenity; (b) Effects on loading and parking areas; (c) Size and location of storage area; and (d) Measures to mitigate adverse effects.</p>

Land use – building

<p>COMZ-S4 Building height</p>	
<p>(1) Activity status: PER Where: (a) The maximum height of any building or structure measured from the natural</p>	<p>(2) Activity status where compliance not achieved: RDIS</p>

<p>ground level immediately below that part of the structure must not exceed 12m;</p> <p>(b) Chimneys not exceeding 1m in width and finials shall not exceed a maximum height of 14m measured from the natural ground level immediately below the structure;</p> <p>(c) The maximum height of hose drying towers associated with emergency service facilities measured from the natural ground level immediately below that part of the structure must not exceed 15m.</p> <p>(d) <u>The maximum height of any multi-unit development in the Huntly Commercial Precinct must not exceed 22m.</u></p>	<p>Council's discretion is restricted to the following matters:</p> <p>(a) Height of the building;</p> <p>(b) Design and location of the building;</p> <p>(c) Extent of shading on an adjoining site;</p> <p>(d) Privacy on adjoining sites; <u>and</u></p> <p>(e) <u>The potential to adversely affect the cultural connection between Tuurangawaewae Marae to Hakarimata Range, Taupiri Maunga, and Waikato Awa as a result of changing the outlook.</u></p> <p>(f) <u>In Ngaaruawaahia, in the Tuurangawaewae Marae High Potential Effects Area the potential to adversely affect the outlook from Tuurangawaewae Marae to Hakarimata Ranges, Taupiri Maunga, and Waikato Awa; and</u></p> <p>(g) <u>In Ngaaruawaahia, in the Tuurangawaewae Marae Building Height Assessment Overlay the potential to adversely affect the outlook from Tuurangawaewae Marae to Hakarimata Ranges and Taupiri Maunga.</u></p>
<p>COMZ-S5 Height in relation to adjoining zone boundary</p>	
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Any building or structure must not protrude through a height control plane rising at an angle of 45 degrees commencing at an elevation of 2.5m above ground level at the site boundary where it adjoins the:</p> <p>(i) GRZ – General residential zone;</p> <p>(ii) MRZ1 – Medium density residential zone 1;</p> <p>(iii) LLRZ – Large lot residential zone;</p> <p>(iv) SETZ – Settlement zone;</p> <p>(v) RLZ – Rural lifestyle zone; <u>or</u></p> <p>(vi) OSZ – Open space zone; <u>or</u></p> <p>(vii) <u>MRZ2 – Medium density residential zone 2.</u></p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) Height of the building;</p> <p>(b) Design and location of the building;</p> <p>(c) Level of shading on any other adjoining sites;</p> <p>(d) Privacy on other sites; <u>and</u></p> <p>(e) Amenity values of the locality <u>and</u></p> <p>(f) <u>The potential to adversely affect the cultural connection between Tuurangawaewae Marae to Hakarimata Range, Taupiri Maunga, and Waikato Awa as a result of changing the outlook.</u></p> <p>(g) <u>In Ngaaruawaahia in the Tuurangawaewae Marae High Potential Effects Area the potential to adversely affect the outlook from Tuurangawaewae Marae to Hakarimata Ranges, Taupiri Maunga, and Waikato Awa.</u></p>
<p>COMZ-S6 Building setbacks – zone boundaries</p>	
<p>(1) Activity status: PER</p> <p>Where:</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p>

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<p>(a) A building must be set back a minimum of at least:</p> <p>(i) 3.0 m from rear and side boundaries adjoining any:</p> <p>(1) GRZ – General residential zone;</p> <p>(2) MRZ₁ – Medium density residential zone <u>1</u>;</p> <p>(3) LLRZ – Large lot residential zone;</p> <p>(4) SETZ - Settlement zone;</p> <p>(5) RLZ – Rural lifestyle zone; or</p> <p>(6) OSZ – Open space zone; <u>or</u></p> <p>(7) MRZ₂ – Medium density residential zone <u>2</u>.</p> <p>(ii) 1.5m from rear and side boundaries adjoining any:</p> <p>(1) GRUZ – General rural zone;</p> <p>(2) GIZ – General industrial zone; or</p> <p>(3) HIZ – Heavy industrial zone.</p> <p>(iii) 15m from SH23 for any site between Greenslade Road and Hills Road, Raglan.</p> <p>(b) COMZ-S6(1)(a) does not apply to a structure which is not a building.</p>	<p>(a) Height, design and location of the building relative to the boundary;</p> <p>(b) Impacts on the privacy for adjoining site(s);</p> <p>(c) Impacts on amenity values, including main living areas, outdoor living space of adjoining site(s); and</p> <p>(d) Landscaping and/or screening.</p>
<p>COMZ-S7 Building setback – waterbodies</p>	
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) A building that is set back a minimum of:</p> <p>(i) 27.5m from the margin of any lake;</p> <p>(ii) 27.5m from the margin of any wetland;</p> <p>(iii) 27.5 from the bank of any river (other than the Waikato River and Waipa River);</p> <p>(iv) 32.5m from the margin of either the Waikato River and the Waipa River;</p> <p>(v) 27.5m from mean high water springs;</p> <p>(vi) 10m from any artificial wetland;</p> <p>(b) A public amenity of up to 25m² or pump shed (private or public) within any building setback identified in Standard COMZ-S7(1)(a);</p> <p>(c) COMZ-S7(1)(a) does not apply to a structure which is not a building.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Effects on the landscape, ecological, cultural and recreational values of the adjacent water body;</p> <p>(b) Adequacy of erosion and sediment control measures;</p> <p>(c) The functional or operational need for the building to be located close to the waterbody;</p> <p>(d) Effects on public access to the waterbody;</p> <p>(e) Effects on the amenity of the locality; and</p> <p>(f) Effects on natural character values.</p>
<p>COMZ-S8 Horotiu acoustic area</p>	
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Construction, addition to or alteration of a building for a noise-sensitive activity within the Horotiu Acoustic Area must</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) On-site amenity values;</p>

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<p>be designed and constructed to achieve the internal design sound level specified in APPI – Acoustic insulation, Table 22 – Internal design sound levels</p>	<p>(b) Noise levels received at the notional boundary of the residential unit; (c) Timing and duration of noise received at the notional boundary of the residential unit; (d) Potential for reverse sensitivity effects.</p>
<p>COMZ-S9 Residential units</p>	
<p>(1) Activity status: PER Where: (a) One residential unit on the Record of Title must comply with all of the following standards: (i) The residential unit must not be located at ground level; (ii) The residential unit is designed and constructed to achieve the internal design sound levels specified in APPI – Acoustic insulation, Table 22 – Internal design sound levels. (b) Standard COMZ-S9(1)(a) does not apply to multi-unit development (refer to Rule COMZ-R17 (Multi-unit development)).</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
<p>COMZ-S10 Outdoor living space</p>	
<p>(1) Activity status: PER Where: (a) An outdoor living space must be provided for each residential unit that meets all of the following standards: (i) It is for the exclusive use of the occupants of the residential unit; (ii) It is readily accessible from a living area of the residential unit; and (iii) It is located on a balcony containing at least 15m² and a circle with a diameter of at least 2.4m.</p>	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters: (a) Design and location of the building; (b) Provision of outdoor living including access to daylight and open space and the useability and accessibility of the outdoor living space proposed; (c) Privacy on adjoining sites; (d) The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space.</p>

Independent Hearing Panel Recommendation Tracked Changes to Proposed Waikato District Plan

The amendments to Variation 3 to the Proposed Waikato District Plan as recommended by the Independent Hearing Panel are set out below.

Key

Text additions proposed by Council, the s42A authors or submitters that the Panel has accepted are shown underlined.

Text deletions proposed by Council, the s.42A authors or submitters that the Panel has accepted are shown ~~strikethrough~~.

Further text additions or deletions that the Panel has made following the hearing of evidence and submissions are identified with **grey shading**.

Text that is not underlined or struck through is original Proposed Waikato District Plan text.

TCZ – Town centre zone

The relevant district-wide chapter provisions apply in addition to this chapter.

Purpose

The TCZ – Town centre zone provides for a range of commercial, community, recreational and residential activities.

Objectives

TCZ-O1 Economic growth of industry.

Commercial activity is focussed within a differentiation of commercial zones (comprising the TCZ – Town centre zone, LCZ – Local centre zone, COMZ – Commercial zone, and the BTZ – Business Tamahere zone.

TCZ-O2 Town centre zone character.

(1) The commercial and mixed use character of Raglan, Huntly, Ngaaruawaahia, Te Kauwhata, Pokeno and Tuakau town centres is maintained and enhanced.

(2) The zone is promoted as a community focal point.

(3) Development of town centres is designed in a functional and attractive manner serving the needs of the community.

TCZ-O3 Town centre zone amenity.

The amenity values of residential activities within, and activities in, adjoining zones are protected from the adverse effects of developments and activities in the zone.

TCZ-O4 Outlook from Tuurangawaewae Marae.

In Ngaaruawaahia the outlook from Tuurangawaewae Marae to Hakarimata Range Taupiri Maunga and Waikato Awa is recognised and provided for.

Policies

TCZ-P1 Commercial function and purpose.

- (1) Commercial activity develops in a way that ensures the town centre within each town is maintained as the primary focal point for retail, administration, commercial services and civic functions.

TCZ-P2 Commercial purpose.

- (1) The role of the zone in Raglan, Huntly, Ngaaruawaahia, Te Kauwhata, Pokeno and Tuakau is strengthened by ensuring that:

- (a) They are recognised and maintained as the primary retail, administration, commercial service and civic centre for each town; and
- (b) The scale of commercial activities supports their continued viability as the primary retail, administration and commercial service centre for each town; and
- (c) Enhances their vitality and amenity while providing for a range of commercial and community activities and facilities.

TCZ-P3 Employment opportunities.

Commercial development within the zone increases employment opportunities within the district.

TCZ-P4 Retail.

- (1) Locate small scale retail activities within the TCZ – Town centre zone and LCZ – Local centre zone and discourage large scale activities with the exception of supermarkets from establishing within the TCZ – Town centre zone.
- (2) Locate large scale retail and commercial activities within the COMZ – Commercial zone.

TCZ-P5 Residential upper floors.

- (1) Maintain the commercial viability of the zone while:
- (a) Providing for mixed use developments, ensuring residential activities are preferably located above ground floor; and
 - (b) Avoiding residential activity located at ground level, where it could undermine commercial activity and frontage.

TCZ-P6 Town centre zone built form.

- (1) The scale and form of new development in the zone is to:
- (a) Provide for a safe, accessible, compact and attractive town centre environment;

- (b) Facilitate the integration of retail shopping, administration and commercial services, residential, civic and community activities;
- (c) Reflect the role and character of the town centre;
- (d) Increase the prominence of buildings on street corners;
- (e) Maintain a low rise built form and small scale, pedestrian focussed retail activities; and
- (f) Manage adverse effects on the surrounding environment, particularly at the interface with residential areas.

TCZ-P7 Huntly town centre.

- (I) Development maintains and enhances the role of the Huntly town centre by:
 - (a) Maintaining wide footpaths and high quality public space, prioritising and providing for pedestrian movement and safety;
 - (b) Maintaining a pedestrian focus by discouraging vehicle access across footpaths; and
 - (c) Providing for a building scale appropriate to the town centre.

TCZ-P8 Ngaruawaahia town centre.

- (I) Development maintains and enhances the role of the Ngaruawaahia town centre by:
 - (a) Maintaining wide footpaths, prioritising and providing for pedestrian movement and safety;
 - (b) Maintaining a pedestrian focus by discouraging vehicle access across footpaths;
 - (c) Promoting improved pedestrian and cycle linkages with Te Awa River ride, Ngaruawaahia swimming pool and the town centre; and
 - (d) Providing for an appropriate building scale with narrow frontages

TCZ-P9 Te Kauwhata town centre.

- (I) Development maintains and enhances the role of the Te Kauwhata town centre by:
 - (a) Maintaining wide footpaths, prioritising and providing for pedestrian movement and safety;
 - (b) Maintaining a pedestrian focus by discouraging vehicle access across footpaths;
 - (c) Providing for an appropriate building scale with narrow frontages; and
 - (d) Protecting and enhancing the character of existing buildings through new built form.

TCZ-P10 Pokeno town centre.

- (I) Development maintains and enhances the role of the Pokeno town centre by:
 - (a) Maintaining wide footpaths, prioritising and providing for pedestrian movement and safety;
 - (b) Maintaining a pedestrian focus by discouraging vehicle access across footpaths;
 - (c) Providing for an appropriate building scale with narrow frontages; and

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- (d) Protecting and enhancing the character of existing buildings through new built form.

TCZ-P11 Tuakau town centre.

- (1) Development maintains and enhances the role of the Tuakau town centre by:
 - (a) Maintaining wide open streets, with wide pedestrian footpaths;
 - (b) Maintaining a pedestrian focus by discouraging vehicle access across footpaths; and
 - (c) Providing for an appropriate building scale with narrow frontages.

TCZ-P12 Pedestrian frontages: active street frontages.

- (1) Provide for active street frontages in the design or redesign of buildings, and avoid car parking and accessways on sites within the pedestrian frontage area of the zone to enable the maintenance of:
 - (a) Passive surveillance;
 - (b) Continuous verandahs;
 - (c) Display windows and building façades;
 - (d) Pedestrian safety; and
 - (e) Buildings located up to the street boundary.

TCZ-P13 Corner buildings.

- (1) Ensure buildings within zone positively reinforce corner locations through:
 - (a) Building design;
 - (b) The position of the building on the site;
 - (c) Architectural details; and
 - (d) Having prominent building entrances.

TCZ-P14 Landscaping.

- (1) Within the zone and outside of the pedestrian frontage areas, ensure that landscaping contributes to the adjacent streetscape.

TCZ-P15 Height.

- (1) Ensure the height of new buildings is complementary to, and promotes, the existing character of the business town centre within each town.
- (2) In Ngaaruawaahia, provide for the cultural relationship between Tuurangawaewae Marae the Hakarimata Ranges, Taupiri Maunga and the Waikato Awa within the Tuurangawaewae Marae Outlook High Potential Effects Area identified on the Planning Maps.
- (3) In Ngaaruawaahia, provide for the cultural relationship between Tuurangawaewae Marae and the Hakarimata Ranges and Taupiri Maunga within the Tuurangawaewae Marae Building Height Assessment Overlay identified on the Planning Maps.

TCZ-PI6 New buildings

- (I) New buildings within the zone:
- (a) Respond to the specific site characteristics and wider street and town context;
 - (b) Promote architectural form, building features and placement;
 - (c) The design of buildings contributes to vibrancy, character and commercial viability of the town centre;
 - (d) Provide landscape and open space design that responds to the characteristics and qualities of the area;
 - (e) Minimise visual and amenity impacts of accessways and parking facilities; and
 - (f) Maximise pedestrian access and safety.

TCZ-PI7 Reverse sensitivity.

Development within the zone is acoustically insulated to mitigate the adverse effects of noise.

TCZ-PI8 Adjoining site amenity.

- (I) Maintain amenity of adjoining GRZ – General residential zone, MRZ1 – Medium density residential zone 1, MRZ2 – Medium density residential zone 2 or OSZ – Open space zone by:
- (a) Requiring buildings within the zone to be set back from boundaries adjoining GRZ – General residential, MRZ1 – Medium density residential zone 1, MRZ2 – Medium density residential zone 2, and OSZ – Open space zoned land; and
 - (b) The progressive reduction in the height of buildings in the zone, the closer they are located to boundaries adjoining GRZ – General residential, MRZ1 – Medium density residential zone 1, MRZ2 – Medium density residential zone 2 and OSZ – Open space zoned land.

TCZ-PI9 Outdoor storage.

The adverse visual effects of outdoor storage in the zone are mitigated through appropriate location, screening or landscaping.

TCZ-P20 Objectionable odour.

Within the zone ensure that the adverse effects of objectionable odour from activities do not detract from the amenity of other sites.

Rules

Land use – activities

In addition to the activity-specific standards listed below, permitted activities must also comply with all relevant Land-use effects standards and Land-use building standards in this chapter, as well as the standards in Part 2 / District-wide matters / General district-wide matters.

TCZ-RI	Commercial activity
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<p>(1) Activity status: PER Activity-specific standards: Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
<p>TCZ-R2</p>	<p>Residential activity, unless specified below This includes occupation of a single residential unit for short term rental.</p>
<p>(1) Activity status: PER Activity-specific standards: (a) Located above ground floor level; and (b) The entrance lobby, stairwell or lift may be located on the ground floor level</p>	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters: (a) Streetscape effects; (b) The extent to which the residential activity effects the primary purpose of the zone to provide for retail, administration, civic and commercial activities.</p>
<p>TCZ-R3</p>	<p>Supermarket</p>
<p>(1) Activity status: PER Activity-specific standards: Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
<p>TCZ-R4</p>	<p>Visitor accommodation</p>
<p>(1) Activity status: PER Activity-specific standards: Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
<p>TCZ-R5</p>	<p>Community facility</p>
<p>(1) Activity status: PER Activity-specific standards: (a) Excluding a cemetery.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
<p>TCZ-R6</p>	<p>Health facility</p>
<p>(1) Activity status: PER Activity-specific standards: (a) Excluding a hospital.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
<p>TCZ-R7</p>	<p>Office</p>
<p>(1) Activity status: PER Activity-specific standards: (a) Located above ground floor level within the Verandah Line notation on the planning maps.</p>	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters: (a) Streetscape effects including ways in which to activate visual connection and interest between pedestrians and the office; and (b) Extent of glazing and length of frontage of the office to the street.</p>
<p>TCZ-R8</p>	<p>Public transport facility</p>
<p>(1) Activity status: PER Activity-specific standards: Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
<p>TCZ-R9</p>	<p>Community corrections activity</p>

<p>(1) Activity status: PER Activity-specific standards: Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
<p>TCZ-R10 Construction or alteration of a building for a sensitive land use</p>	
<p>(1) Activity status: PER Activity-specific standards:</p> <p>(a) The construction or alteration of a building for a sensitive land use that complies with all of the following standards:</p> <p>(i) It is set back a minimum of 10m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of up to 110kV; or</p> <p>(ii) It is set back a minimum of 12m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of 110kV or more.</p>	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters:</p> <p>(a) Effects on the amenity values of the site;</p> <p>(b) The risk of electrical hazards affecting the safety of people;</p> <p>(c) The risk of damage to property; and</p> <p>(d) Effects on the operation, maintenance and upgrading of the electrical distribution or transmission lines.</p>
<p>TCZ-R11 Demolition of, or alteration or addition to, a building or structure</p>	
<p>(1) Activity status: PER Activity-specific standards: Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
<p>TCZ-R12 A multi-unit development</p>	
<p>(1) Activity status: RDIS Activity-specific standards:</p> <p>(a) A multi-unit development that meets all of the following standards:</p> <p>(i) Land use – effects;</p> <p>(ii) Land use – building, except the following standards do not apply;</p> <p>(1) Standard TCZ-S6 (Display windows) does not apply;</p> <p>(2) Standard TCZ-S7 (Verandahs) does not apply</p> <p>(3) TCZ-S10 (Residential units) does not apply;</p> <p>(4) TCZ-S11 (Outdoor living space) does not apply;</p> <p>(b) A detailed site plan depicting the proposed Record of Title boundaries for each residential unit and any common areas (including access and services) must be provided, ensuring that a freehold (fee simple) or unit title subdivision complies with Rule SUB-R100 (Subdivision of multi- unit developments);</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

<p>(c) Each residential unit must be designed and constructed to achieve the internal design sound levels specified in APP1 – Acoustic insulation, Table 25 – Internal sound levels;</p> <p>(d) A communal service court is provided comprising:</p> <ul style="list-style-type: none"> (i) minimum area of 20m²; and (ii) minimum dimension of 3m. <p>(e) Outdoor living space areas are provided to meet the following minimum requirements for each residential unit:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">Residential Unit</th> <th style="width: 35%;">Minimum outdoor Living space area</th> <th style="width: 35%;">Minimum Dimensions</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> <p>(f) Each residential unit must meet the following minimum unit size:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 70%;">Unit or Apartment Area</th> <th style="width: 30%;">Minimum Unit</th> </tr> </thead> <tbody> <tr> <td>Studio Unit</td> <td>35m²</td> </tr> <tr> <td>1 or more bedroom unit</td> <td>45m²</td> </tr> </tbody> </table> <p>Council's discretion is restricted to the following matters:</p> <p><u>Design:</u></p> <ul style="list-style-type: none"> (g) The extent to which that portion of the building or site which fronts a road or public space: <ul style="list-style-type: none"> (i) Provides for passive surveillance of the street from habitable rooms at ground and upper floor levels. (ii) Avoids the use of impermeable screens or fencing that obstruct visual connections. (iii) Avoids unrelieved and blank façades. (iv) Creates visual interest through the use of cladding materials, colour and articulation of the façade. (v) Utilises soft or hard landscape elements to contribute positively to streetscape amenity. (vi) Minimises vehicle garaging/parking or manoeuvring areas. (vii) Service courts are screened or obscured. <p><u>On-site amenity:</u></p> <ul style="list-style-type: none"> (h) The extent to which the design: <ul style="list-style-type: none"> (i) Maximises opportunities for accessibility, privacy between units, 	Residential Unit	Minimum outdoor Living space area	Minimum Dimensions	Studio unit or 1 bedroom	10m ²	2m	2 or more bedrooms	15m ²	2m	Unit or Apartment Area	Minimum Unit	Studio Unit	35m ²	1 or more bedroom unit	45m ²	
Residential Unit	Minimum outdoor Living space area	Minimum Dimensions														
Studio unit or 1 bedroom	10m ²	2m														
2 or more bedrooms	15m ²	2m														
Unit or Apartment Area	Minimum Unit															
Studio Unit	35m ²															
1 or more bedroom unit	45m ²															

<p>access to daylight and shelter, including outdoor living spaces.</p> <p>(ii) Incorporates measures that may be required to mitigate the potential for reverse sensitivity effects.</p> <p>(iii) Maximises opportunities for passive solar gain within units.</p> <p>Infrastructure:</p> <p>(i) The extent to which the design can be efficiently serviced with 3 waters infrastructure.</p> <p>Natural hazards:</p> <p>(j) The extent to which the design avoids or mitigates effects arising from the presence of natural hazards.</p> <p>Staging:</p> <p>(k) The extent to which staging is necessary to ensure that development is carried out in a coordinated and timely manner.</p>	
<p>TCZ-RI3 Construction of any new building</p>	
<p>(1) Activity status: RDIS</p> <p>Activity-specific standards:</p> <p>(a) The construction of any new building that meets all of the following conditions standards:</p> <p>(i) Land use – effects;</p> <p>(ii) Land use – building except;</p> <p>(1) TCZ-S10 (Residential units) does not apply;</p> <p>(2) TCZ-S11 (Outdoor living space) does not apply.</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(b) The extent to which the building is consistent with the following matters:</p> <p>(i) A site and contextual analysis;</p> <p>(ii) A connectivity and movement network analysis;</p> <p>(iii) A neighbourhood character assessment; and</p> <p>(iv) Design illustrating how the building will promote character elements</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
<p>TCZ-RI4 Educational facility</p>	
<p>(1) Activity status: RDIS</p> <p>Activity-specific standards:</p> <p>Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>

Council's discretion is restricted to the following matters:	
<ul style="list-style-type: none"> (a) The extent to which it is necessary to locate the activity with the TCZ – Town Centre Zone; (b) Reverse sensitivity effects of adjacent activities; (c) The extent to which the activity may adversely impact on the transport network; (d) The extent to which the activity may adversely impact on the streetscape; and (e) The effects of noise. 	
TCZ-R15	Emergency service facilities
Activity status: DIS	
TCZ-R16	Any activity that is not specifically listed as a permitted, controlled, restricted discretionary or non-complying activity
Activity status: DIS	
TCZ-R17	Construction of a building located on an indicative road
Activity status: NC	
TCZ-R18	Any building, structure, objects or vegetation that obscure the sight line of the Raglan navigation beacons for vessels entering Whaingaroa (Raglan Harbour) (APP8 – Raglan navigation beacon).
Activity status: PR	

Land use – effects

TCZ-S1	Servicing and hours of operation
<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) The loading and unloading of vehicles and the receiving of customers and deliveries associated with a commercial activity on a site adjoining the GRZ - General residential zone, MRZ1 – Medium density residential zone 1, MRZ2 – Medium density residential zone 2, LLRZ – Large lot residential zone or SETZ – Settlement zone must only occur between 6.00am and 8.00pm. 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Effects on amenity values on adjoining sites within the GRZ - General residential zone, MRZ1 – Medium density residential zone 1, MRZ2 – Medium density residential zone 2, LLRZ – Large lot residential zone or SETZ – Settlement zone; (b) Timing, duration and frequency of adverse effects; (c) Location of activity in relation to zone boundary; (d) Location of activity in relation to residential units on adjoining sites; (e) The means to avoid, remedy or mitigate adverse effects on adjoining sites.
TCZ-S2	Outdoor storage
<p>(1) Activity status: PER</p> <p>Where:</p>	<p>(2) Activity status where compliance not achieved: RDIS</p>

<p>(a) Outdoor storage of goods or materials must comply with all of the following standards:</p> <ul style="list-style-type: none"> (i) Be associated with the activity operating from the site; (ii) Not encroach on parking or loading areas; (iii) Standards TCZ-S3 Height and TCZ-S4 Height in relation to boundary; and (iv) 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: <ul style="list-style-type: none"> (1) Public road; (2) Public reserve; and (3) Adjoining site in another zone. 	<p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Visual amenity; (b) Effects on loading and parking areas; (c) Size and location of storage area; and (d) Measures to mitigate adverse effects.
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Land use – building

TCZ-S3	Building height
<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) The maximum height of any building or structure measured from the natural ground level immediately below that part of the structure must not exceed 12; (b) Chimneys not exceeding 1m in width and finials shall not exceed a maximum height of 14m measured from the natural ground level immediately below the structure; (c) The maximum height of hose drying towers associated with emergency service facilities measured from the natural ground level immediately below that part of the structure must not exceed 15m. 	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Height of the building; (b) Design and location of the building (c) Extent of shading on an adjoining site; and (d) Privacy on adjoining sites; and (e) <u>The potential to adversely affect the cultural connection between Tuurangawaewae Marae to Hakarimata Range, Taupiri Maunga, and Waikato Awa as a result of changing the outlook.</u> (f) <u>In Ngaaruawaahia, in the Tuurangawaewae Marae High Potential Effects Area, the potential to adversely affect the outlook from Tuurangawaewae Marae to Hakarimata Ranges, Taupiri Maunga, and the Waikato Awa; and</u> (g) <u>In Ngaaruawaahia, in the Tuurangawaewae Marae Building Height Assessment Overlay, the potential to adversely affect the outlook from Tuurangawaewae Marae to Hakarimata Ranges and Taupiri Maunga.</u>
TCZ-S4	Height in relation to boundary
<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) Any building or structure must not protrude through a height control 	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p>

<p>plane rising at an angle of 45 degrees commencing at an elevation of 2.5m above ground level at the site boundary where it adjoins the:</p> <ul style="list-style-type: none"> (i) GRZ – General residential zone; (ii) MRZ1 – Medium density residential zone 1; (iii) LLRZ – Large lot residential zone; (iv) SETZ – Settlement zone; (v) RLZ – Rural lifestyle zone; or (vi) OSZ – Open space zone; or (vii) <u>MRZ2 – Medium density residential zone 2</u> 	<ul style="list-style-type: none"> (a) Height of the building; (b) Design and location of the building; (c) Level of shading on any other sites adjoining site; (d) Privacy on other site; and (e) Amenity values of the locality; <u>and</u> (f) <u>The potential to adversely affect the cultural connection between Tuurangawaewae Marae to Hakarimata Range, Taupiri Maunga, and Waikato Awa as a result of changing the outlook.</u> (g) <u>In Ngaaruawaahia, in the Tuurangawaewae Marae High Potential Effects Area, the potential to adversely affect the outlook from Tuurangawaewae Marae to Hakarimata Ranges, Taupiri Maunga, and the Waikato Awa.</u>
TCZ-S5	Gross leasable floor area
<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) Every individual tenancy (excluding supermarkets) must have a gross leasable floor area of no more than 350m² 	<p>(2) Activity status where compliance not achieved: DIS</p>
TCZ-S6	Display windows and building façades
<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) Any new building façade adjoining a road boundary, or alteration of an existing building façade, adjoining a road boundary must comply with the following standards: <ul style="list-style-type: none"> (i) Not be set back from the road boundary at ground floor level; and (ii) Provide display windows comprising at least 50% of the building façade at ground floor level. (b) Standard TCZ-S6(1)(a) does not apply to the entrance lobby, stairwell or lift located at ground floor level that services an above ground level multi-unit development. 	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Design and location of the building having regard to the operational and functional requirements of the activity to be accommodated (b) Extent to which the activity achieves the intent of the control by other means, to enable passive surveillance and promote pedestrian safety (c) Effects on amenity values and town centre character.
TCZ-S7	Verandahs
<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) Any new building, or alteration to the frontage of an existing building, on land with a verandah line identified on the planning maps, must be provided with a 	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) The effects on the amenity of the streetscape, including providing

<p>verandah that complies with the following standards:</p> <ul style="list-style-type: none"> (i) Is attached to the façade of the building; (ii) Has a height above the footpath of at least 2.5m but not more than 3.5m; (iii) Has a minimum width of 3m; (iv) The outer edge of the verandah is set back 0.5m from the kerb; (v) It is attached to any verandahs on adjoining buildings, so as to provide continuous pedestrian shelter; (vi) It is cantilevered from the building. <p>(b) Standard TCZ-S7(1)(a) does not apply to a building included in SCHED I – Historic heritage items.</p>	<p>continuous pedestrian shelter and town centre character;</p> <ul style="list-style-type: none"> (b) The character and layout of the building; (c) The nature, design and location of the verandah; and (d) The functional requirements of the activities that the buildings are intended to accommodate.
<p>TCZ-S8 Building setbacks – zone boundaries</p>	
<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) A building must be set back a minimum of at least: <ul style="list-style-type: none"> (i) 3m from rear and side boundaries adjoining any: <ul style="list-style-type: none"> (1) GRZ – General residential zone; (2) MRZ₁ – Medium density residential zone ₁; (3) RLZ – Rural lifestyle zone; (4) LLRZ – Large lot residential zone; (5) SETZ - Settlement zone; or (6) OSZ – Open space zone; or (7) <u>MRZ₂ – Medium density residential zone 2</u> (ii) 1.5m from rear and side boundaries adjoining any: <ul style="list-style-type: none"> (1) GRUZ – General rural zone; (2) GIZ – General industrial zone; or (3) HIZ – Heavy industrial zone. (b) TCZ-S8(1)(a) does not apply to a structure which is not a building. 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Height, design and location of the building relative to the boundary; (b) Impacts on the privacy for adjoining site(s); (c) Impacts on amenity values, including main living areas, outdoor living space of adjoining site(s); and (d) Landscaping and/or screening.
<p>TCZ-S9 Building setback – waterbodies</p>	
<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) A building must be set back a minimum of: <ul style="list-style-type: none"> (i) 27.5m from the margin of any lake; (ii) 27.5m from the margin of any wetland; 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Effects on the landscape, ecological, cultural and recreational values of the adjacent water body; (b) Adequacy of erosion and sediment control measures;

<ul style="list-style-type: none"> (iii) 27.5 from the bank of any river (other than the Waikato River and Waipa River); (iv) 32.5m from the margin of either the Waikato River and the Waipa River; (v) 27.5m from mean high water springs; (vi) 10m from any artificial wetland; (b) A public amenity of up to 25m² or pump shed (private or public) within any building setback identified in Standard TCZ-S9(1)(a); (c) TCZ-S9(1)(a) does not apply to a structure which is not a building. 	<ul style="list-style-type: none"> (c) The functional or operational need for the building to be located close to the waterbody; (d) Effects on public access to the waterbody; (e) Effects on the amenity of the locality; and (f) Effects on natural character values.
<p>TCZ-S10 Residential units</p>	
<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) One residential unit on the Record of Title; (b) The residential unit must comply with all of the following standards: <ul style="list-style-type: none"> (i) The residential unit must not be located at ground level; (ii) The entrance lobby, stairwell or lift may be located on the ground floor level; (iii) The residential unit must achieve the internal design sound levels specified achieve the internal design sound levels specified in APPI – Acoustic insulation, Table 25 – Internal sound levels. (c) Standard TCZ-S10(1) does not apply to multi-unit development (refer to Rule TCZ-R12 (Multi-unit development)). 	<p>(2) Activity status where compliance not achieved: DIS</p>
<p>TCZ-S11 Outdoor living space</p>	
<p>(1) Activity status: PER</p> <p>Where:</p> <ul style="list-style-type: none"> (a) An outdoor living space must be provided for each residential unit that meets all of the following standards: <ul style="list-style-type: none"> (i) It is for the exclusive use of the occupants of the residential unit; (ii) It is readily accessible from a living area of the residential unit; and (iii) It is located on a balcony containing at least 15m² and a circle with a diameter of at least 2.4m. 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Design and location of the building; (b) Provision of outdoor living including access to daylight and open space and the useability and accessibility of the outdoor living space proposed; (c) Privacy on adjoining sites; (d) The proximity of the site to communal or public open space that has the potential to mitigate any lack of private outdoor living space.

Independent Hearing Panel Recommendation Tracked Changes to Proposed Waikato District Plan

The amendments to Variation 3 to the Proposed Waikato District Plan as recommended by the Independent Hearing Panel are set out below.

Key

Text additions proposed by Council, the s42A authors or submitters that the Panel has accepted are shown underlined.

Text deletions proposed by Council, the s.42A authors or submitters that the Panel has accepted are shown ~~strikethrough~~.

Further text additions or deletions that the Panel has made following the hearing of evidence and submissions are identified with **grey shading**.

Text that is not underlined or struck through is original Proposed Waikato District Plan text.

GIZ – General industrial zone

The relevant district-wide chapter provisions apply in addition to this chapter.

Purpose

The GIZ – General industrial zone contains areas used predominantly for a range of industrial activities, other than Heavy Industrial Activities, but also other compatible activities.

Objectives

GIZ-O1 Economic growth of industry.

The existing and future growth of the district's industry is supported and strengthened.

Policies

GIZ-PI Provide industrial zones with different functions.

- (1) Provide for the operation and growth of a variety of industrial activities in two industrial zones as follows:
 - (a) A HIZ – Heavy industrial zone that caters for those industrial and other compatible activities that may have significant adverse effects beyond the boundary of the zone, and where adverse effects of those activities is avoided, remedied or mitigated; and
 - (b) A GIZ – General industrial zone that caters for those industrial and other compatible activities, where the significant adverse effects of those activities are confined to locations within the zone, and where the adverse effects of those activities are avoided, remedied or mitigated.

Part 3: Area-specific matters / Zones / Industrial zones / GIZ – General industrial zone

- GIZ-P2 Maintain sufficient industrial land.
- (1) Maintain a sufficient supply of industrially zoned land to meet reasonably foreseeable future demand for industrial land.
 - (2) Utilise industrial land primarily for industrial purposes so as to preserve the functionality of industrially zoned land.
 - (3) Protect industrial activities, and in particular heavy industrial activities, from reverse sensitivity effects associated with activities in non-industrial zones.
- GIZ-P3 Management of environmental effects in the zone.
- (1) Avoid significant adverse effects of activities in the zone on the environment of other immediately adjacent zones.
 - (2) (b) Avoid, remedy or mitigate other environmental effects of activities in the zone to the extent necessary to:
 - (a) Maintain the functionality of the zone; and
 - (b) Maintain the functionality of adjacent zones.
- GIZ-P4 Support of regionally significant industry.
- Support the operation and growth of the district’s regionally significant industries.

Rules

Land use – activities

In addition to the activity-specific standards listed below, permitted activities must also comply with all relevant Land-use effects standards and Land-use building standards in this chapter, as well as the standards in Part 2 / District-wide matters / General district-wide matters.

GIZ-R1	Industrial activity	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a	
GIZ-R2	Trade and industry training activity	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a	
GIZ-R3	Truck stop for refuelling	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a	
GIZ-R4	Office ancillary to an industrial activity	
(1) Activity status: PER Activity-specific standards: (a) Less than 100m ² gross floor area; or (b) Does not exceed 30% gross floor area of all buildings on the site.	(2) Activity status where compliance not achieved: DIS	
GIZ-R5	Food outlet	

Part 3: Area-specific matters / Zones / Industrial zones / GIZ – General industrial zone

(1) Activity status: PER Activity-specific standards: (a) Less than 200m ² gross floor area.	(2) Activity status where compliance not achieved: DIS
GIZ-R6	Ancillary retail
(1) Activity status: PER Activity-specific standards: (a) Does not exceed 10% gross floor area of all buildings on the site.	(2) Activity status where compliance not achieved: DIS
GIZ-R7	Hire centre
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
GIZ-R8	Wholesale
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
GIZ-R9	Trade supply outlet
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
GIZ-R10	Transport depot
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
GIZ-R11	Garden centre
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
GIZ-R12	Retailing of agricultural and industrial motor vehicles and machinery
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
GIZ-R13	Ancillary activity
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
GIZ-R14	Construction or demolition of, or alteration or addition to, a building or structure
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
GIZ-R15	Community corrections activity
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
GIZ-R16	Service station

<p>(1) Activity status: PER Activity-specific standards: Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
<p>GIZ-RI7 Caretaker's or security person's residential unit</p>	
<p>(1) Activity status: PER Activity-specific standards: (a) Is located within an industrial building; (b) Does not exceed 70m² gross floor area; and (c) Accommodates no more than two people.</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
<p>GIZ-RI8 Buildings, structures and sensitive land use within the National Grid Yard in all other zones as of 18 July 2018</p>	
<p>(1) Activity status: PER Activity-specific standards: (a) Within National Grid Yard: (i) Building alterations and additions to an existing building or structure that does not involve an increase in the building height or footprint; or (ii) Infrastructure (other than for the reticulation and storage of water for irrigation purposes) undertaken by a network utility operator as defined in the Resource Management Act 1991; or (iii) Non-habitable buildings or structures for farming activities in rural zones including accessory structures and yards for milking/dairy sheds (but not including any intensive farming buildings, commercial greenhouses and milking/dairy sheds); or (iv) Non-habitable horticultural buildings; or (v) Artificial crop protection and support structures (excluding commercial greenhouses and Pseudomonas syringae pv. Actinidiae (Psa) disease control structures); (vi) Fences less than 2.5m in height, measured from the natural ground level immediately below the structure; and (vii) Minor structures associated with farming activity that are not situated within 12m of the outer visible foundation of any National Grid tower or 10m of the outer visible foundation of a National Grid tower, including: fences, gates, stock</p>	<p>(2) Activity status where compliance not achieved: NC</p>

<p>exclusion structures, cattle-stops, stock underpasses, stock bridges and culvert crossings, and drinking water supply pipelines, troughs, and water storage tanks.</p> <p>(b) All buildings or structures permitted by Rule GIZ-R18(1)(a) must:</p> <p>(i) Comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 ISSN 0114-0663 under all National Grid transmission line operating conditions; and</p> <p>(ii) Locate a minimum 12m from the outer visible foundation of any National Grid support structure foundation and associated stay wire, unless it is:</p> <p>(1) A building or structure where Transpower has given written approval in accordance with clause 2.4.1 of the NZECP; or</p> <p>(2) Fences less than 2.5m in height, measured from the natural ground level immediately below the structure, and located a minimum of 5m from the nearest National Grid support structure foundation; or</p> <p>(3) Network utilities (other than for the reticulation and storage of water for irrigation purposes) or any part of electricity infrastructure undertaken by a network utility operator as defined in the Resource Management Act 1991, that connects to the National Grid; and</p> <p>(iii) Not permanently physically impede existing vehicular access to a National Grid support structure;</p> <p>(c) Artificial crop protection structures and support structures between 8m and 12m from a pole support structure but not a tower and any associated guy wire that:</p> <p>(i) Meet the requirements of the NZECP 34:2001 ISSN 0114-0663 for separation distances from the conductor;</p> <p>(ii) Are no higher than 2.5m;</p> <p>(iii) Are removable or temporary, to allow a clear working space of at least</p>	
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Part 3: Area-specific matters / Zones / Industrial zones / GIZ – General industrial zone

	12 metres from the pole when necessary for maintenance and emergency repair purposes; (iv) Allow all-weather access to the pole and a sufficient area for maintenance equipment, including a crane.	
GIZ-R19	Construction or alteration of a building for a sensitive land use	
	<p>(1) Activity status: PER Activity-specific standards:</p> <p>(a) The construction or alteration of a building for a sensitive land use that complies with all of the following standards:</p> <p>(i) It is set back a minimum of 10m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of up to 110kV; or</p> <p>(ii) It is set back a minimum of 12m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of 110kV or more.</p>	<p>(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted to the following matters:</p> <p>(a) Effects on the amenity values of the site;</p> <p>(b) The risk of electrical hazards affecting the safety of people;</p> <p>(c) The risk of damage to property; and</p> <p>(d) Effects on the operation, maintenance and upgrading of the electrical distribution or transmission lines.</p>
GIZ-R20	Construction or demolition of, or alteration or addition to, a building or structure	
	<p>(1) Activity status: PER Activity-specific standards: Nil.</p>	(2) Activity status where compliance not achieved: n/a
GIZ-R21	A waste management facility	
	(1) Activity status: DIS	
GIZ-R22	Hazardous waste storage, processing or disposal	
	Activity status: DIS	
GIZ-R23	Quarrying activities	
	(1) Activity status: DIS	
GIZ-R24	An office not provided for by Rule GIZ-R4(1)	
	(1) Activity status: DIS	
GIZ-R25	A retail activity not provided for by GIZ-R6(1)	
	(1) Activity status: DIS	
GIZ-R26	Any activity that is not specifically listed as a permitted, controlled, restricted discretionary or non-complying activity	
	(1) Activity status: DIS	
GIZ-R27	Any new building for a sensitive land use, or addition to an existing building that involves an increase in the building envelope or height for a sensitive land use, within the National Grid Yard	
	(1) Activity status: NC	
GIZ-R28	Any change of use of an existing building to a sensitive land use within the National Grid Yard	

(1) Activity status: NC	
GIZ-R29	The establishment of any new sensitive land use within the National Grid Yard
(1) Activity status: NC	
GIZ-R30	Dairy/milking sheds (excluding accessory structures and buildings), commercial greenhouses, Pseudomonas syringae pv. Actinidiae (Psa) disease control structures, or buildings for intensive farming within the National Grid Yard
(1) Activity status: NC	
GIZ-R31	A noise-sensitive activity, except as provided for by Rule GIZ-R17
(1) Activity status: NC	
GIZ-R32	A sensitive land use, except as provided for by Rule GIZ-R17
(1) Activity status: NC	

Land use – effects

GIZ-S1	Landscape planting	
(1) Activity status: PER Where:	(a) Any building or land use activity on a record of title that has a side and/or rear boundary adjoining any GRZ – General residential zone, MRZ1 – Medium density residential zone 1, MRZ2 – Medium density residential zone 2, LLRZ – Large lot residential zone, SETZ – Settlement zone, RLZ – Rural lifestyle zone or OSZ – Open space zone that is landscaped to the following minimum standards: (i) A 3m depth measured from the side and/or rear boundary; and (ii) Comprises a mixture of shrubs and trees planted a maximum of 1.5m metres apart.	(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters: (a) Type, density and scale of landscape plantings; and (b) The extent to which the amenity of the adjoining GRZ – General residential zone, MRZ1 – Medium density residential zone 1, MRZ2 – Medium density residential zone 2, LLRZ – Large lot residential zone, SETZ – Settlement zone, RLZ – Rural lifestyle zone or OSZ – Open space zone is maintained.
GIZ-S2	Landscape planting	
(1) Activity status: PER Where:	(a) Any building or land use activity on a record of title that contains, or adjoins, a river or a permanent stream that is landscaped to the following minimum standards: (i) A 4m depth measured from the bank and extending across the entire length of the water body; and (ii) Comprises mixed indigenous vegetation planted a maximum of 1.5m apart.	(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters: (a) Type, density and scale of indigenous vegetation; and (b) The extent to which the natural character and cultural values of a river or stream are maintained.
PREC7-SI	Land use activities within PREC7 – Huntly North precinct	
(3) Activity status: PER Where:	(4) Activity status where compliance not achieved: RDIS	

<p>(a) Any land use activity where it is on a site that:</p> <ul style="list-style-type: none"> (i) Was created by a subdivision consent decision that had regard to a stop bank breach assessment; and (ii) The stop bank breach assessment assessed risk to the site and future development on the site; and (iii) All flood hazard mitigation measures recommended in the stop bank breach assessment are in place. 	<p>Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) The avoidance and mitigation of flooding hazards; and (b) Preparation of, and responses to recommendations in, a stop bank breach assessment.
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Land use – building

GIZ-S3	Building height	
<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) A building measured from the natural ground level immediately below that part of the structure that does not exceed a height of: <ul style="list-style-type: none"> (i) 15m; or (ii) 18m if located on Whangarata and Bollard Road in Tuakau; or (iii) 10m if located on Tregoweth Lane and within 50m of the GRZ – General residential zone in Huntly. (b) Chimneys not exceeding 1m in width and finials measured from the natural ground level immediately below the structure shall not exceed that do not exceed a height of <ul style="list-style-type: none"> (i) 17m; or (ii) 20m if located on Whangarata and Bollard Road in Tuakau; or (iii) 12m if located on Tregoweth Lane and within 50m of the GRZ – General residential zone in Huntly. 		<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) Effects on the amenity of neighbouring properties.
GIZ-S4	Building height in an Outstanding Natural Feature or Outstanding Natural Landscape	
<p>(1) Activity status: PER Where:</p> <ul style="list-style-type: none"> (a) A building measured from the natural ground level immediately below that part of the structure that does not exceed a height of 5m in an Outstanding Natural Feature or Outstanding Natural Landscape. 		<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (a) The extent to which the aesthetic value of the identified feature or landscape is maintained
GIZ-S5	Height in relation to boundary	

<p>(1) Activity status: PER Where: (a) A building or structure that does not project beyond a 45 degree height control plane measured from a point 3m above natural ground level along the boundary of a site located outside of a HIZ – Heavy industrial zone or GIZ – General industrial zone.</p>	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters: (a) Effect on the amenity of neighbouring properties.</p>
<p>GIZ-S6 Building setbacks – all boundaries</p>	
<p>(1) Activity status: PER Where: (a) A building that is set back at least: (i) 5m from a road boundary; and (ii) 3m from any other boundary where the site adjoins another zone, other than the HIZ – Heavy industrial zone. (b) GIZ-S6(1)(a) does not apply to a structure which is not a building.</p>	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters: (a) Effects on amenity values; (b) Effects on streetscape; and (c) Traffic and road safety.</p>
<p>GIZ-S7 Building setback – waterbodies</p>	
<p>(1) Activity status: PER Where: (a) A building that is set back a minimum of: (i) 30m from a lake margin; (ii) 30m from a wetland that is identified on the planning maps; (iii) 37m from the bank of the Waikato River; (iv) 10m from the bank of a river, other than the Waikato River; (v) 10m from the bank of a perennial or intermittent stream; (vi) 10m from a wetland that is not identified on the planning maps (b) A pump shed, or a public amenity of not exceeding an area of 25m², that is located within the building setbacks identified in Standards GIZ-S7(1)(a); (c) GIZ-S7(1)(a) does not apply to a structure which is not a building.</p>	<p>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters: (a) Effects on natural character values.</p>

Independent Hearing Panel Recommendation Tracked Changes to Proposed Waikato District Plan

The amendments to Variation 3 to the Proposed Waikato District Plan as recommended by the Independent Hearing Panel are set out below.

Key

Text additions proposed by Council, the s42A authors or submitters that the Panel has accepted are shown underlined.

Text deletions proposed by Council, the s.42A authors or submitters that the Panel has accepted are shown ~~strikethrough~~.

Further text additions or deletions that the Panel has made following the hearing of evidence and submissions are identified with **grey shading**.

Text that is not underlined or struck through is original Proposed Waikato District Plan text.

APPI – Acoustic insulation

I. Application

(I) This appendix is referred to in the rules related to:

(a) Buildings for noise-sensitive activities in the noise control boundaries and buffers for:

- (i) Hamilton Airport;
- (ii) Te Kowhai Airpark
- (iii) Waikato Gun Club;
- (iv) Horotiu Acoustic Area;
- (v) Stated building setbacks from Huntly Power Station;
- (vi) the LCZ – Local centre zone;
- (vii) the COMZ – Commercial zone;
- (viii) the TCZ – Town centre zone;
- (ix) A multi-unit development;
- (x) A comprehensive development on Rangitahi Peninsula; and
- (xi) Mercer Airport.

2. Hamilton Airport

2.1 Standards for Permitted Activities inside the Hamilton Airport Noise Outer Control Boundary (previously referred to as the Waikato Regional Airport Noise Outer Control Boundary)

(1) Prior to the issue of a building consent for any building to which this rule applies, compliance with the requirements of the rule shall be demonstrated by either option one or option two below:

(a) Option One

- (i) The production of a design certificate from an appropriately-qualified and experienced acoustic specialist certifying that an internal noise level will not exceed the following:

Table 16 – Internal noise level

Area	Internal noise level
Habitable rooms	Ldn 40dBA / SEL 65dBA

And

- (ii) Inside the Hamilton Airport Noise Outer Control Boundary the internal noise level shall be calculated in accordance with the predicted external level at the subject site shown on Figure 1 below - 'Hamilton Airport, Ldn Contours for Sound Insulation Design' - and in accordance with the adjustments to the dBA level to establish an un-weighted external source spectrum for aircraft noise outlined in the Table 17 below

Table 17 – External aircraft noise octave band adjustments for sound insulation design

63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz
6	5	0	-3	-6	-8	-11

Adjustments derived from ASTM E 1332-90 (2003) Tables.

The Hamilton Airport, Ldn Contours for Sound Insulation Design in Figure 30 below illustrates the Ldn contours within the Airport Noise Outer Control Boundary (as shown on the planning maps) in two decibel increments. It is provided to calculate internal noise levels in accordance with the standards for permitted activities.

Part 4: Schedules and appendices / APPI – Acoustic insulation

1. Standard external cladding with minimum surface density of 8 kilograms per square metre such as brick, concrete, plaster, timber or plastic weatherboard and fibre cement, and
2. Internal wall linings of gypsum plasterboard of at least 12 millimetres thickness or similar density material, and
3. Continuous ceiling linings without cut-outs and of gypsum plasterboard of at least 10 millimetres thickness or similar density material, and
4. Fibrous thermal insulation batts (not polystyrene) in wall and ceiling cavities, and
5. Standard roof cladding of steel, tiles, metal tiles or butynol on 17mm plywood, and
6. Standard external window and door glazing of minimum 6 millimetres thickness, or equivalent double glazing, and
7. Aluminium external joinery fitted with airtight seals throughout, and room glazing with a total area of no more than 50 percent of the room's total floor area.

(2) For both option one and option two

- (a) Where a building is partly or wholly contained within the airport outer control noise boundary, a mechanical ventilation system or systems that will allow windows to be closed if necessary to achieve the required internal design sound level for habitable rooms is required to be installed. The mechanical system or systems are to be designed, installed and operating so that a habitable space (with windows and doors closed) is ventilated with fresh air in accordance with the New Zealand Building Code, Section G4 - Ventilation.
- (b) The noise generated by the mechanical ventilation system shall not exceed the noise limits set out in Table 18 – Noise limits for ventilation systems.
- (c) Compliance with this rule shall be confirmed by providing the product specifications, or a design certificate (prior to occupation) prepared by a suitably-qualified acoustics specialist, stating that the design proposed is capable of meeting the standards set out in Table 18.

Table 18 – Noise limits for ventilation systems

Room type	Noise level measured at least 1m from the diffuser (L_{eq} dBA)	
	Low setting	High setting
Habitable rooms (excluding sleeping areas)	35	40
Sleeping areas	30	35

(3) Where any building listed in Section (1)(b) is proposed to be located within the SEL 95 Boundary as shown on the planning maps:

- (a) A design certificate shall be produced from an appropriately-qualified and experienced acoustic specialist, certifying that an internal noise level not exceeding Sound Exposure Level (SEL) 65dBA will be achieved in sleeping areas by construction in accordance with the proposed design.

- (b) The internal noise level shall be calculated in accordance with the predicted external level at the subject site shown on the planning maps and in accordance with Table 19 adjustments to the dBA level to establish an un-weighted external source spectrum for aircraft noise.

Table 19 – External aircraft noise octave band adjustments for sound insulation design

63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz
6	5	0	-3	-6	-8	-11

(Adjustments derived from ASTM E 1332-90 (2003) Table 1)

- (c) Where a building is partly or wholly contained within the airport outer control noise boundary, a mechanical ventilation system or systems that will allow windows to be closed if necessary to achieve the required internal design sound level for habitable rooms is required to be installed. The mechanical system or systems are to be designed, installed and operating so that a habitable space (with windows and doors closed) is ventilated with fresh air in accordance with the New Zealand Building Code, Section G4 - Ventilation.
- (d) The noise generated by the mechanical ventilation system shall not exceed the noise limits set out in Table 20 – Noise limits for ventilation systems.
- (e) Compliance with this rule shall be confirmed by providing the product specifications, or a design certificate (prior to occupation) prepared by a suitably- qualified acoustics specialist, stating that the design proposed is capable of meeting the activity standards.

Table 20 – Noise limits for ventilation systems

Room type	Noise level measured at least 1m from the diffuser (L_{eq} dBA)	
	Low setting	High setting
Sleeping area	30	35

2.2 Airport Noise Outer Control Boundary and SEL 95 Boundary Consent Notice

The Owner (as defined in the Resource Management Act 1991) of the land shall, on a continuing basis, ensure that:

- (1) Written notice of the following matters shall be given on the title:
- (a) The land is located within either
- (i) The Airport Noise Outer Control Boundary and the SEL 95 Boundary (as shown on the Waikato District Plan maps) associated with Hamilton Airport and that activities on the land will be affected by the noise of aircraft.
- (b) The noise generated by aircraft movements associated with the airport is predicted to reach levels between 55dBA Ldn and 65dBA Ldn within the Airport Noise Outer Control Boundary and up to Sound Exposure Level (SEL) 95dBA within the SEL 95 Boundary. Those noise levels, which are identified in the Waikato District Plan, may be higher than the present levels of aircraft noise affecting the land, as allowance has been made for predicted expansion of airport facilities and activities.
- (c) The requirements for acoustic insulation of residential units set out in the Waikato District Plan and in this Consent Notice are intended to manage the effects that airport noise may have on residential activity and reduce the potential for constraints on airport development and activities.

- (2) Any residential unit, or building listed in section (1)(b), which is hereafter erected on land within the Airport Noise Outer Control Boundary shown on the Waikato District Plan maps, shall be designed and constructed to incorporate appropriate acoustic insulation measures to ensure an internal Ldn not exceeding 40dBA.
- (3) Any alteration or addition to any existing residential unit, or building listed in section (1)(b), which is on land within the Airport Noise Outer Control Boundary shown on the Waikato District Plan maps, shall be designed and constructed to incorporate appropriate acoustic insulation measures to ensure an internal Ldn not exceeding 40dBA.
- (4) Any residential unit, or building listed in section (1)(b), which is hereafter erected on land within the SEL 95 Boundary shown on the Waikato District planning maps, shall be designed and constructed to incorporate appropriate acoustic insulation measures to ensure an internal SEL not exceeding 65dBA in sleeping areas.
- (5) Any alteration or addition to any existing residential unit, or building listed in section (1)(b), which is on land within the SEL 95 Boundary shown on the Waikato District planning maps, shall be designed and constructed to incorporate appropriate acoustic insulation measures to ensure an internal SEL not exceeding 65dBA in sleeping areas.
- (6) Where a building is partly or wholly contained within the airport outer control noise boundary, a mechanical ventilation system or systems that will allow windows to be closed if necessary to achieve the required internal design sound level for habitable rooms is required to be installed. The mechanical system or systems are to be designed, installed and operating so that a habitable space (with windows and doors closed) is ventilated with fresh air in accordance with the New Zealand Building Code, Section G4 - Ventilation.
- (7) The noise generated by the mechanical ventilation system shall not exceed the noise limits set out in Table 21 – Noise limits for ventilation systems.
- (8) Compliance with this rule shall be confirmed by providing the product specifications, or a design certificate (prior to occupation) prepared by a suitably-qualified acoustics specialist, stating that the design proposed is capable of meeting the activity standards.

Table 21 – Noise limits for ventilation systems

Room Type	Noise level measured at least 1m from the diffuser (dB LAeq)	
	Low setting	High setting
Habitable rooms (excluding sleeping areas)	35	40
Sleeping areas	30	35

- (9) Prior to the issue of a building consent for any residential unit or building listed in section (1)(b), compliance shall be demonstrated with the plan requirements for acoustic design, construction and performance of such buildings located within the Airport Noise Outer Control Boundary and the SEL 95 Boundary.

2.3 Noise mitigation programme

- (1) The Operator of Hamilton Airport shall make an offer to the owners to install (“the Offer”), and if the Offer is accepted shall install, acoustic treatment and related ventilation measures (“the Treatment Measures”) to achieve an internal acoustic environment in the existing or consented sleeping areas of the building (with all external doors of the building and all windows of the habitable rooms closed) of SEL 65dBA, provided that no such Offer shall be required in respect of any site owned by the Operator of Hamilton Airport. The offer shall include all

Part 4: Schedules and appendices / APP1 – Acoustic insulation

building consent and certification fees payable to the Council. The Offer shall be made within two months of the commencement of scheduled wide-body jet operations between 10pm and 7am on more than three occasions per week.

- (2) The Treatment Measures shall achieve the standards of acoustical treatment and ventilation set out in the Standards for Permitted Activities in section 2.1 of this appendix.
- (3) The Offer shall be made on the following basis:
 - (a) Any structural or other changes required under the Building Act 2004 or otherwise, to enable the installation of the Treatment Measures shall be at the expense of the Operator of Hamilton Airport, except that nothing in this clause shall require the Airport Operator to fund any measures required to bring a building up to the standard required in any building bylaws or any provisions of any statute that applied when the building or relevant part was constructed, or to improve the standard of finishes in the building;
 - (b) It will remain open for acceptance on a willing participant basis for three years from the date on which it was made, after which time the Operator of Hamilton Airport obligations under this rule will be deemed to be fulfilled; and
 - (c) Where the Operator of Hamilton Airport installs any Treatment Measures, the Airport Operator shall provide Council with a certificate from a suitably-qualified person nominated by the Airport Operator and approved by the Council, that the installation of those Measures has been properly undertaken in accordance with sound practice.

3. Te Kowhai Airpark

The Te Kowhai Airpark Noise Control Boundaries identify areas that experience high noise levels from aircraft landing and taking off from the Te Kowhai Airpark. Buildings containing Noise Sensitive Activities within the Te Kowhai Airpark Noise Control Boundaries that are required to be acoustically insulated must achieve the internal noise standards specified in sections 3.1 below.

3.1 Standards for Buildings containing Noise-Sensitive Activities inside the Te Kowhai Aerodrome Airport Noise Control Boundaries.

(1) Mechanical ventilation

Buildings that are required to have acoustic insulation must be designed, constructed, have installed and be maintained with a mechanical ventilation system so that windows can be kept closed. The mechanical ventilation system must achieve the following requirements:

- (a) For habitable rooms for a residential activity:
 - (i) Provide mechanical ventilation to satisfy clause G4 of the New Zealand Building Code;
 - (ii) Be adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour;
 - (iii) Provide relief for equivalent volumes of spill air;
 - (iv) In principal living rooms, provide cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18 degree Celsius and 25 degree Celsius;
 - (v) Generate less than 35 dB LAeq(30s) in bedrooms and 40 dB LAeq(30s) in living rooms when measured 1m away from any grille or diffuser.
 - (b) For other spaces, a specification as determined by a suitably qualified and experienced person.
- (2) A commissioning report must be submitted to the Council prior to occupation of the building demonstrating compliance with all of the mechanical ventilation system performance requirements in 3.1(1).

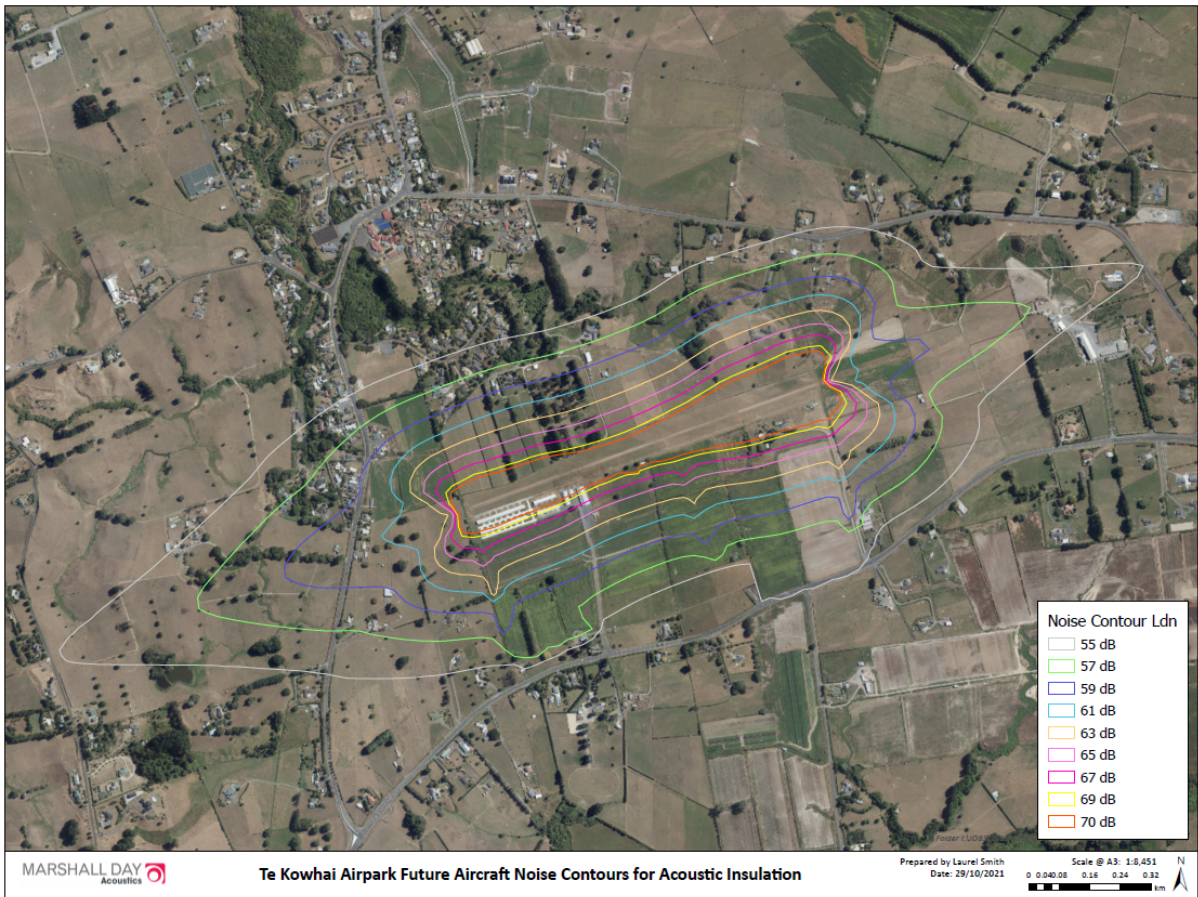


Figure 31 – Te Kowhai Air Noise Boundaries

4. Horotiu Acoustic Area

The Horotiu Acoustic Area is located on land within the COMZ – Commercial zone, LCZ – Local centre zone, MRZ2 – Medium density residential zone 2, GRZ – General residential zone and RLZ – Rural lifestyle zone in Horotiu. Acoustic insulation is required to mitigate noise from the Horotiu industrial zoning.

The internal design sound levels within the Horotiu Acoustic Area for residential units within the Residential and Country Living Zones and buildings for a sensitive land use within the LCZ – Local centre zone or COMZ – Commercial zone are listed in Table 22.

4.1 Standards for Permitted Activities

- (1) Compliance with the internal sound levels shall be demonstrated through the production of a design certificate from an appropriately-qualified and experienced acoustic specialist certifying that the internal noise level will not exceed the levels listed in Table 22.

Table 22 – Internal design sound levels

Internal Design Sound Levels	
Type of occupancy/activity	Internal design sound level, dB LAeq (1hr)
Residential Activity buildings: - bedrooms - other habitable rooms	35 40
Visitors' accommodation/ Home occupation / Home-stays and Papakainga housing: - bedrooms	35
Educational buildings (teaching spaces)	35
Hospitals - wards - all other noise-sensitive areas	3540

Mechanical ventilation

- (2) Buildings that are required to have acoustic insulation must be designed, constructed and maintained with a mechanical ventilation system so that windows can be kept closed. The mechanical ventilation system must achieve the following requirements:
- (a) For habitable rooms for a residential activity:
- (i) Provide mechanical ventilation to satisfy clause G4 of the New Zealand Building Code;
 - (ii) Be adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour;
 - (iii) Provide relief for equivalent volumes of spill air;
 - (iv) Provide cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18 degrees Celsius and 25 degrees Celsius; and

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- (v) Generate less than 35 dB $L_{Aeq(30s)}$ when measured 1m away from any grill or diffuser.
 - (vi) For other spaces, a specification as determined by a suitably qualified and experienced person.
- (3) A commissioning report must be submitted to the Council prior to occupation of the building demonstrating compliance with all of the mechanical ventilation system performance requirements in 4.1(2)(a).

5. Waikato Gun Club - Noise Control Boundary

5.1 Standards for permitted activities

- (1) Compliance with the internal sound levels shall be demonstrated through the production of a design certificate from an appropriately-qualified and experienced acoustic specialist certifying that the internal noise level will not exceed the levels listed in Table 24.
- (2) The external level of noise shall be based on the following octave band adjustments:

Table 23 – External gun noise octave band adjustments for sound insulation design

63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz
6	-4	-3	-5	-4	-7	-13

Table 24 – Internal sound levels

Area	Internal design sound level
Waikato Gun Club	40 dB L_{AFmax}

Mechanical ventilation

- (3) Buildings that are required to have acoustic insulation must be designed, constructed and maintained with a mechanical ventilation system so that windows can be kept closed. The mechanical ventilation system must achieve the following requirements:
 - (a) For habitable rooms for a residential activity:
 - (i) Provide mechanical ventilation to satisfy clause G4 of the New Zealand Building Code;
 - (ii) Be adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour;
 - (iii) Provide relief for equivalent volumes of spill air;
 - (iv) Provide cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18 degrees Celsius and 25 degrees Celsius; and
 - (v) Generate less than 35 dB $L_{Aeq(30s)}$ when measured 1m away from any grill or diffuser.
 - (vi) For other spaces, a specification as determined by a suitably qualified and experienced person.
- (4) A commissioning report must be submitted to the Council prior to occupation of the building demonstrating compliance with all of the mechanical ventilation system performance requirements in 5.1(3)(a).

6. Acoustic insulation for other areas

- Residential units within the LCZ – Local centre zone
- Residential units within the COMZ – Commercial zone
- Residential units within the TCZ – Town centre zone
- Buildings containing noise-sensitive activities within 350m of the Huntly Power Station site boundary
- Buildings containing noise-sensitive activities within 100m of the Tamahere Commercial Areas A, B and C
- Residential units within a Multi-Unit Development, and
- Residential units within a Comprehensive Development – Rangitahi Peninsula

Residential units and other buildings containing sensitive land uses within high noise environments are to be acoustically insulated to an appropriate standard to achieve the internal design sound level specified in Table 25 – Internal sound level.

6.1 Standards for permitted activities

- (1) Compliance with the internal design sound levels shall be demonstrated through the production of a design certificate from an appropriately-qualified and experienced acoustic specialist certifying that the internal sound level will not exceed the levels listed in Table 25.

Table 25 – Internal sound levels

Area	Internal design sound level
Within 350m of the Huntly Power Station <ul style="list-style-type: none"> • Residential units in the LCZ – Local centre zone • Residential units in the COMZ – Commercial zone • Residential units in the TCZ – Town centre zone • Within 100m of the Tamahere Commercial Areas A, B and C • Multi-Unit development • Comprehensive Development – Rangitahi Peninsula 	40dB L _{Aeq}

Mechanical ventilation

- (2) Buildings that are required to have acoustic insulation must be designed, constructed and maintained with a mechanical ventilation system so that windows can be kept closed. The mechanical ventilation system must achieve the following requirements:
- (a) For habitable rooms for a residential activity:
- (i) Provide mechanical ventilation to satisfy clause G4 of the New Zealand Building Code;
 - (ii) Be adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour;
 - (iii) Provide relief for equivalent volumes of spill air;
 - (iv) Provide cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18 degrees Celsius and 25 degrees Celsius; and

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- (v) Generate less than 35 dB $L_{Aeq(30s)}$ when measured 1m away from any grill or diffuser.
 - (vi) For other spaces, a specification as determined by a suitably qualified and experienced person.
- (3) A commissioning report must be submitted to the Council prior to occupation of the building demonstrating compliance with all of the mechanical ventilation system performance requirements in 6.1(2)(a).

7. Mercer Airport

The Mercer Airport Outer Control Boundary (OCB) identifies an area that experiences high noise levels from aircraft landing and taking off from the Mercer Airport. Habitable buildings within the Mercer Airport Outer Control boundary are required to be acoustically insulated to achieve the internal noise standards specified in sections 7.1 and 7.2 below.

7.1 Standards for permitted activities inside the Mercer Airport Outer Control Boundary

- (1) Prior to the issue of a building consent for any building to which this rule applies, compliance with the requirements of the rule shall be demonstrated through the production of a design certificate from an appropriately qualified and experienced acoustic specialist certifying that an internal noise level will not exceed the level shown in Table 26 below:

Table 26 – Internal noise levels

Area	Internal noise level
Habitable rooms	Ldn 40 dBA

- (2) The internal noise level shall be achieved based on the predicted external level at the subject site shown on Figure 32 below and in accordance with the adjustments to the dBA level to establish an un-weighted external source spectrum for aircraft noise outlined in Table 27 below.

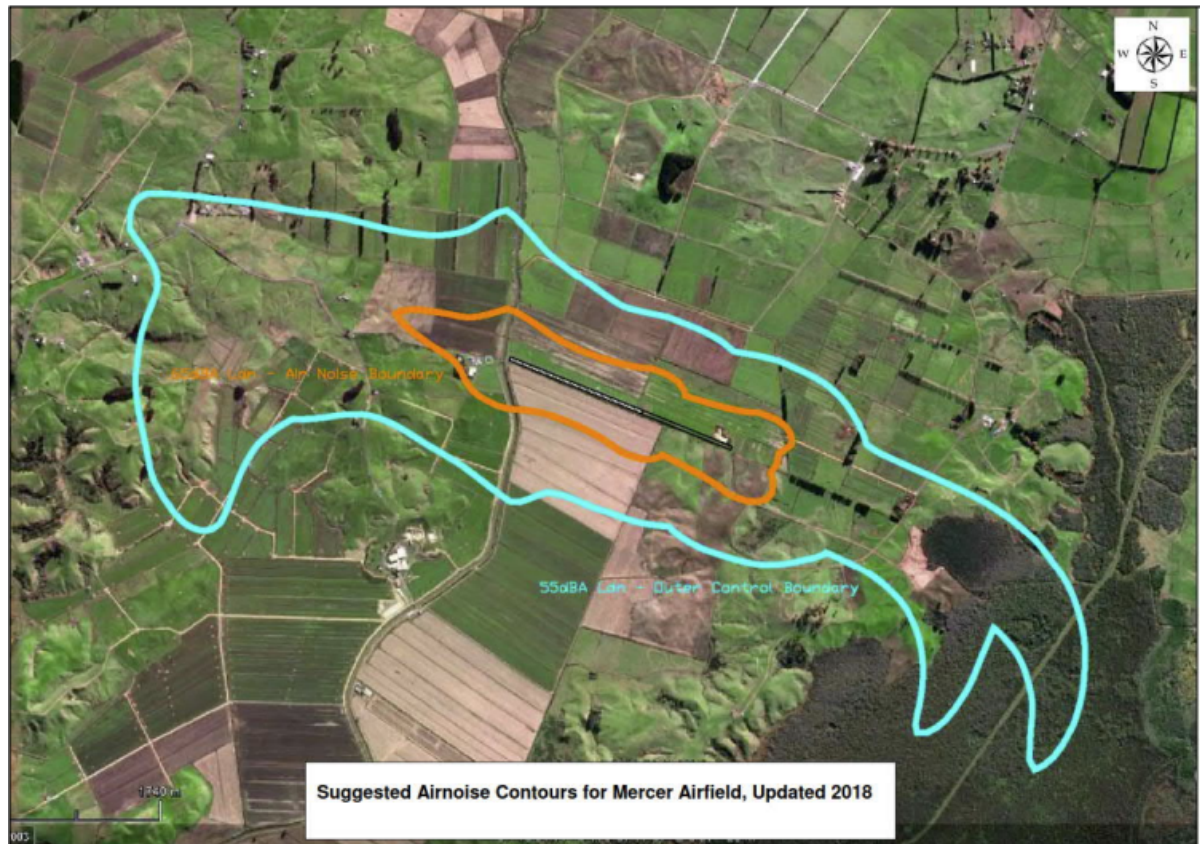


Figure 32 – Mercer Airport, Ldn contours

- (3) Where a building is partly or wholly contained within the Mercer Airport OCB, a mechanical ventilation system or systems that will allow windows to be closed if necessary to achieve the required internal design sound level for habitable rooms is required to be installed. The mechanical system or systems are to be designed, installed and operating so that a habitable space (with windows and doors closed) is ventilated with fresh air in accordance with the New Zealand Building Code, Section G4 - Ventilation.
- (4) The noise generated by the mechanical ventilation system shall not exceed the noise limits set out in Table 27 – Noise limits for ventilation systems.
- (5) Compliance with rules (4) and (5) above shall be confirmed by providing the product specifications, or a design certificate (prior to occupation) prepared by a suitably-qualified acoustics specialist, stating the design proposed is capable of meeting the activity standards.

Table 27 – Noise limits for ventilation systems

Room type	Noise level measured at least 1 m from the diffuser (Leq dBA)	
	Low setting	High setting
Habitable rooms (excluding sleeping areas)	35	40
Sleeping areas	30	35