

under: the Resource Management Act 1991

in the matter of: Submissions and further submissions in relation to
Variation 3 to the Proposed Waikato District Plan

and: **Retirement Villages Association of New Zealand
Incorporated**

Submitter 107

and: **Ryman Healthcare Limited**

Submitter 108

Statement of Evidence of **Nicola Marie Williams** on behalf of the
Retirement Villages Association of New Zealand Incorporated and
Ryman Healthcare Limited

Dated: 7 July 2023

Reference: Luke Hinchey (luke.hinchey@chapmantripp.com)
Nicola de Wit (nicola.dewit@chapmantripp.com)

**STATEMENT OF EVIDENCE OF NICOLA MARIE WILLIAMS ON
BEHALF OF THE RETIREMENT VILLAGES ASSOCIATION OF NEW
ZEALAND INCORPORATED AND RYMAN HEALTHCARE LIMITED**

INTRODUCTION

- 1 My full name is Nicola Marie Williams and I am an Associate with Mitchell Daysh Limited. Mitchell Daysh Limited is a specialist environmental consulting practice with offices in Auckland, Hamilton, Tauranga, Napier, Nelson and Dunedin.
- 2 I hold a Bachelor of Regional Planning from Massey University (1988) and I am a member of the New Zealand Planning Institute and the Resource Management Law Association. I have worked as a consultant and in local government and I have had approximately 30 years of experience as a resource management adviser including 20 years' local government experience including plan preparation, policy planning work and resource consents.
- 3 Prior to joining Mitchell Daysh Limited I was the Manager for Research, Policy and Planning with Kāpiti Coast District Council and I had the primary responsibility for the Proposed District Plan and leading three variations to the Proposed District Plan:
 - 3.1 Variation 2: Waikanae Beach & Beach Character Setback;
 - 3.2 Variation 3: County Road, Otaki Low Density Precinct; and
 - 3.3 Variation 4 (A-H) Miscellaneous Changes and Corrections.
- 4 I was also previously the Principal Planner with Thames Coromandel District Council, responsible for the resource consent team and involved as a member of planning project teams in a range of policy planning projects including:
 - 4.1 Peer review of the Thames Coromandel Draft District Plan;
 - 4.2 Plan Change 21 Whitianga Town Centre;
 - 4.3 Whitianga Waterways Structure Plan; and
 - 4.4 Variation 2 – Whitianga Airfield.
- 5 I am an accredited Hearings Commissioner (with a Chair's endorsement) under the Ministry for the Environment's 'Making Good Decisions' course and have acted as a Hearings Commissioner on a number of occasions most recently as an Independent Hearings Commissioner for Auckland Council.

- 6 I have been involved in the preparation of a number of applications for new retirement villages in Wellington, Christchurch and Auckland and in various applications for variations to existing villages across New Zealand.
- 7 I have prepared this statement of evidence at the request of the Retirement Villages Association (*RVA*) and Ryman Healthcare Limited (*Ryman*).
- 8 In preparing this statement of evidence, I have reviewed:
 - 8.1 The National Policy Statement on Urban Development 2020 (*NPS-UD*);
 - 8.2 The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (*Enabling Housing Act*);
 - 8.3 The Proposed Waikato District Plan (*Proposed Plan*);
 - 8.4 Variation 3 of the Proposed Plan and accompanying Section 32 Report;
 - 8.5 Submissions and further submissions on behalf of the RVA and Ryman for Variation 3;
 - 8.6 The Section 42A report and the Section 42A Addendum Report (*Addendum*);
 - 8.7 The relevant statements of evidence of Susan Fairgray, Andrew Boldero, Katja Huls, Dr Ann McEwan, David Mansergh on behalf of Waikato District Council (*Council*);
 - 8.8 Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River (*Te Ture Whaimana*);
 - 8.9 The Waikato Regional Policy Statement (*WRPS*);
 - 8.10 The evidence of Mr John Collyns, Mr Matthew Brown and Professor Ngaire Kearse for the RVA and Ryman; and
 - 8.11 The evidence and legal submissions of the RVA and Ryman from the Strategic matters (*Joint Opening Hearing*) in relation to Plan Change 12 to the Hamilton City Plan, Plan Change 26 to the Waipā District Plan and Variation 3 to the Waikato District Plan, and in particular the evidence of my colleague Mr Kyle.

EXPERT WITNESS CODE OF CONDUCT

- 9 I have read the Environment Court’s Code of Conduct for Expert Witnesses contained within the Environment Court Practice Note 2023 and I agree to comply with it. My qualifications as an expert are set out above. I am satisfied that the matters which I address in this brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

SCOPE OF EVIDENCE

- 10 My evidence will:
- 10.1 For context, provide an overview of the submissions made by the RVA and Ryman;
 - 10.2 Comment on the overall planning framework that applies to Variation 3, including the requirements under section 32 of the Resource Management Act 1991 (*RMA*) and the relevant provisions of the NPS-UD, the Enabling Housing Act, the WRPS and the Proposed Plan;
 - 10.3 Comment on the specific planning matters raised in the submissions, and provide my response to the recommendations in the section 42A report; and
 - 10.4 Set out my conclusions.

EXECUTIVE SUMMARY

- 11 I note at the outset, that what follows will be generally familiar to the Panel, given its other recent hearings on Enabling Housing Act processes in the Waikato Region. However, given the position adopted in the section 42A report and reflecting on other IPI processes I am involved in for the RVA and Ryman, I have adapted this summary to highlight how the planning provisions proposed fit into the present process. I also highlight the key factual and policy context I rely on in support of my planning assessment.
- 12 The submissions by the RVA and Ryman seek that Variation 3 meets the housing intensification requirements of the Enabling Housing Act and the NPS-UD, in particular by:
- 12.1 recognising and responding to the growing undersupply of appropriate housing for the increasing ageing population within the Waikato District; and
 - 12.2 providing for retirement village activities through provisions that address the functional and operational

characteristics of villages and their day to day residential needs. The provisions also seek to ensure high quality development outcomes, along with attractive and safe streets and public open spaces.

- 13 As the Panel is aware, more broadly, the submitters are seeking a consistent planning regime for these purposes across New Zealand (including all the 'Tier 1' councils). In my view, a reasonable degree of consistency between councils will better enable common approaches to consent applications to be developed over time. These approaches will support and increase efficiency, ultimately speeding up the provision of housing.
- 14 Section 80E of the RMA requires the MDRS provisions to be incorporated into relevant residential zones. The MDRS provisions include objectives and policies that require territorial authorities to enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety.¹ Relevant residential zones must provide for a variety of housing types and sizes that respond to housing needs and demand.² District Plans must also enable housing to be designed to meet the day to day needs of residents.³ And, they must provide for developments not meeting permitted activity status, while encouraging high-quality developments.⁴
- 15 The MDRS provisions also address mandatory planning conventions for activities that do not meet the MDRS density standards. These activities include the construction and use of 1 or more residential units on a site if they do not comply with the building density standards in the district plan.⁵ Such activities include the categories of:
- 15.1 "Four or more" residential units per site; and
- 15.2 Residential units that do not meet other MDRS building density standards (eg height, height in relation to boundary, setbacks).
- 16 Certain notification requirements are precluded for these activities.⁶

¹ Objective 1, MDRS, Schedule 3A RMA.

² Objective 2, MDRS, Schedule 3A RMA.

³ Policy 4, MDRS, Schedule 3A RMA.

⁴ Policy 5, MDRS, Schedule 3A RMA.

⁵ Clause 4, MDRS, Schedule 3A RMA.

⁶ Clause 5, MDRS, Schedule 3A RMA.

- 17 Section 80E provides discretion for intensification planning instruments to include related provisions - objectives, policies, rules, standards, and zones - that support or are consequential on the MDRS provisions.⁷
- 18 The RVA and Ryman submit, and I agree, that retirement villages are a type of "four or more" residential unit development. That said, retirement villages are not "typical" residential developments. They provide a broad range of housing and associated amenities. Housing units range from independent living such as town houses and/or apartments through to assisted living and higher care options. Villages also have different designs and layouts, particularly internally, to meet the specialist day to day living needs of residents. Amenities for residents and their guests include internal and external communal spaces for recreating and services such as resident cafes, reflection areas, swimming pools and gyms. In my view, all normal activities in retirement villages are residential in nature. The RVA and Ryman's evidence supports this view.
- 19 As the RVA and Ryman's evidence also outlines, it is important that people have opportunities to 'age in place' as they grow older. As I understand it, sites for retirement villages in existing urban areas are rare. The ageing population is growing quickly. These issues, as well as delays in consenting retirement villages, are contributing to the growing shortfall of available housing and care options for older people.
- 20 As such, in my opinion, it is important that the specific needs of the ageing population are recognised and provided for in the District Plan through Variation 3.
- 21 To address these matters, the RVA and Ryman have used the MDRS as a "base case" for the relief they seek. They have adapted it to ensure it accounts for the unique needs and features of retirement villages and their residents. These provisions would sit alongside and be read together with other objectives and policies of the District Plan which seek to manage effects and complete the suite of provisions which would apply to retirement villages.
- 22 The key features of the residential zone provisions I support are as follows.

⁷ Section 80E(1)(b)(iii) RMA.

Objectives and policies

- 23 Related to, and supporting of, objectives 1 and 2 of the MDRS, a new 'ageing population' objective⁸ within the Medium Density Residential Zone 2 (MRZ2):

RESZ-OX Ageing population

Recognise and enable the housing and care needs of the ageing population.

- 24 To achieve those objectives and support related policies 1, 3, 4 and 5 of the MDRS, a specific policy within the MRZ2:⁹

MRZ2-PX: Provision of housing for an ageing population

1. Enable retirement villages that:
 - a. Provide for greater density than other forms of residential developments to enable shared spaces, services, amenities and / facilities, and affordability and the efficient provision of assisted living and care services.
 - b. Provide good quality on site amenity, recognising the unique layout, internal amenity and other day-to-day needs of residents as they age.
2. Encourage the scale and design of the retirement villages to:
 - a. Be of a high-quality and be aligned with the planned urban character of the zone;
 - b. Achieve attractive and safe streets and public open spaces, including by providing for passive surveillance; and
 - c. Achieve an appropriate level of residential amenity at neighbouring properties where relevant built form standards are exceeded.

⁸ Page 25 – Retirement Villages Association of New Zealand Submission on Variation 3 to the Waikato District Council.

⁹ Pages 25-26 - Retirement Villages Association of New Zealand Submission on Variation 3 to the Waikato District Council.

- 25 I also support the wider policies sought in the RVA and Ryman submissions to assist in achieving objectives 1 and 2 of the MDRS and the new 'ageing population' objective:

MRZ2-PX: Larger sites

Recognise that intensification opportunities provided by larger sites within the Medium Density Residential Zone 2 by providing for more efficient use of those sites.

MRZ2-PX: Role of density standards

Enable the density standards to be utilised as a baseline for the assessment of the effects of developments.

MRZ2-PX: Changing communities

To provide for the diverse and changing residential needs of communities, recognise that the existing character and amenity of the residential zones will change over time to enable a variety of housing types with a mix of densities.

Rules and standards

Activity status

- 26 I recommend the 'land use' component of a retirement village (the activity of retirement living) is provided for as a **permitted activity** in the Proposed Plan in the same manner as other residential activities (e.g. MRZ2-R1, LCZ-R4, COMZ-R4 and TCZ-R2). In my view, this approach will assist in avoiding potential debate about whether retirement villages are an appropriate land use in residential zones.
- 27 The development aspects (the physical built component of a village) should be assessed as a **restricted discretionary activity**, including where there are breaches of the MDRS density standards. As noted, I understand that this planning approach is consistent with the RMA Schedule 3A statutory requirements. Restricted discretionary activity status will enable retirement village developments. And it will also appropriately manage potential adverse effects and ensure high quality development outcomes, as appropriate for the scale of development proposed.
- 28 I also note that other district plan controls which manage operational and construction matters, such as earthworks, traffic and noise should in my view continue to apply to retirement villages.
- 29 In my experience, making the distinction between the use of land and the effects of the built form associated with those activities, is standard planning practice.

Standards

30 I propose that retirement villages generally be subject to the MDRS density standards. However, I propose adding new provisions to the MDRS density standards that address outdoor living space and outlook space for dwelling units within a retirement village. In my view, these changes are consequential on the MDRS because:

30.1 The MDRS definition of “residential unit” does not currently capture all residential unit types within a retirement village, particularly higher care units that do not have kitchens. This situation creates a disconnect in the regime, which will cause interpretation issues if not addressed.

30.2 As is highlighted in the RVA and Ryman’s evidence, the current MDRS outdoor living space and outlook space controls are not appropriate for retirement villages. This is because of the different unit types and internal communal amenities provided. If new provisions are not added, retirement villages may generally be expected to comply with these controls, which would result in unnecessary restrictions and would add unnecessary complexity to retirement village consenting processes.

31 To support these additions, I propose a new ‘retirement unit’ definition as follows:¹⁰

‘Retirement Unit’ – means any unit within a retirement village that is used or designed to be used for a residential activity (whether or not it includes cooking, bathing, and toilet facilities). A retirement unit is not a residential unit.

32 The definition is modelled off the MDRS “Residential Unit” definition, but ensures cooking, bathing, and toilet facilities are not required to qualify as a unit.

33 I note that other consequential changes are needed to ensure that all MDRS density standards that refer to “Residential Units” also apply to Retirement Units. The specific changes are outlined later.

Notification presumptions

34 For reasons outlined later, I support retirement villages being treated in the same way as other ‘4 or more residential unit’ activities. Public notification of an application for resource consent

¹⁰ Page 24 – Retirement Villages Association of New Zealand Submission on Variation 3 to the Waikato District Council.

should be precluded. Limited notification should also be precluded where the Density Standards are met.

Matters of discretion

- 35 I support retirement villages having their own matters of discretion, as is the current proposal by the Council. That said, I consider some additional matters are needed to support the current provisions, to focus on the functional and operational features of retirement villages and ensure positive effects are able to be considered.

Centre/business zones

- 36 I acknowledge at the outset that the MDRS are not required by Section 80E, RMA to be incorporated into centre/business zones. Section 80E requires IPIs to “give effect to” Policy 3 of the NPSUD. The national policy direction in these zones is about enabling building heights and density of urban form relative to the type of centre and access to existing and planned rapid transit stops. Policy 3 of the NPSUD also sits within the wider suite of NPSUD provisions, which I understand continue to be relevant in this process.¹¹
- 37 This policy situation enables a potentially different approach to residential intensification in centre/business zones than in residential zones.
- 38 For reasons explained more fully later in this evidence, I consider that centre/business zones are part of the solution to the housing intensification objectives of the current process. It is expected that more people will live within and close to centres. Housing for older people is no exception. I understand from the evidence of Mr Collyns and Mr Brown that opportunities for retirement village developments in and around centres are important. Enabling provisions for the “urban form” of retirement villages in centre/business zones will help:
- 38.1 support ‘ageing in place’;
 - 38.2 address the shortage of sites available for retirement villages; and
 - 38.3 alleviate the growing shortfall of available housing and care options for older people.
- 39 I also consider it will be clearer and more efficient to seek to apply similar provisions in the centres/business zones as for the relevant residential zones. That said, I acknowledge there are differences

¹¹ Minute (14 June 2023) concerning legal submissions on the *Southern Cross* decision.

between the zones which justify a different planning approach. A key example is the need to manage ground floor activities to ensure centre zones are not absorbed by non-commercial activities, impacting on their ongoing viability. Design controls in centres may also be different to reflect the different character and functionality expectations of these environments.

- 40 With those main points in mind, the key features of the provisions I support as giving effect to Policy 3 and the wider NPSUD provisions are as follows:
- 40.1 Insert three new policies within the Local Centre Zone (LCZ), Commercial Zone (COMZ) and Town Centre Zone (TCZ) (*collectively referred to as "business zones"*) – being the 'Provision of housing for an ageing population', 'Larger sites' and 'Role of density standards' policies as above;¹²
 - 40.2 Amend the permitted activity rules within the business zones to include the land use component of a retirement village;
 - 40.3 Replace the existing discretionary activity rule applying to retirement villages in the business zones (as an activity not specifically listed) with a new restricted discretionary rule;
 - 40.4 Apply similar non-notification presumptions as for MRZ2;
 - 40.5 Apply the relevant development standards, including controls on ground floor residential activities;
 - 40.6 Provide specific matters of discretion to manage the external effects of a village on the wider environment using and developing the existing criteria in the District Plan.
- Officer report**
- 41 The section 42A report and accompanying addendum report acknowledges several of the RVA and Ryman submission points in principle. However, the report recommends rejecting the majority of them. This recommendation is based on the premise that:
- 41.1 Variation 3 and the Proposed Plan already adequately provides for many of the provisions the submitters are seeking; and

¹² Pages 32, 34 and 36 – Retirement Villages Association of New Zealand Submission on Variation 3 to the Waikato District Council.

- 41.2 That the requests to amend and add new retirement village provisions in the zones are beyond the scope of Variation 3.
- 42 For reasons outlined, I consider that the notified Variation 3 provisions do not go far enough to give effect to the housing intensification requirements of the NPSUD as they relate to the housing and care needs for the ageing population. The proposed changes and additions to the MRZ2, in my opinion are necessary and support or are consequential on the MDRS. The proposed changes in the centre/business zones are necessary to give effect to Policy 3 and the wider NPSUD provisions.
- 43 I note that the analysis in the section 32 report for Variation 3 contains very little detail on the housing needs and requirements of the ageing population in the local Waikato retirement village context, or costs, benefits and the effects of retirement villages. In that regard, the evidence of Mr Collyns¹³ and Professor Kerse¹⁴ explains that the demand for retirement village accommodation is outstripping supply in many areas of the country, including the Waikato District. Mr Collyns, Mr Brown and Professor Kerse also highlight throughout their evidence the health, disability and wellbeing issues faced by older people in our communities. They set out how those factors translate to housing and care needs that differ from the general population. Mr Brown and Mr Collyns have also outlined the unique characteristics of retirement villages and how they are different from typical residential development.
- 44 In that context, in my view, responding to the issues associated with the ageing population and provision of suitable housing and care for this demographic is critical to ensuring the wellbeing of people and communities in the Waikato District in accordance with Objective 1 of the NPSUD. In that respect, I consider the Council section 32 and section 42A reporting is misaligned with the NPSUD and MDRS objectives and policies. Objectives 1 of the NPSUD and MDRS include clear directives to provide more intensification opportunities to address health and wellbeing. Those and the other applicable provisions also direct the enablement of a mix of housing opportunities for all ages, stages and day to day living needs.
- 45 While the Reporting Officer acknowledges that retirement housing is an important component of the district's communities and should be provided for in the PDP¹⁵, the Reporting Officer does not consider that the IPI process is an appropriate mechanism to achieve this. As such I respectfully consider that the Reporting

¹³ See the statement of evidence of Mr Collyns at paragraph 9.

¹⁴ See the statement of evidence of Professor Kerse at paragraphs 32-33, 39-40.

Officer has misunderstood both the nature of retirement villages as a specific type of residential housing and the RVA and Ryman's proposed planning changes. That said, I acknowledge that the Officer has not yet sited the detailed evidence I rely on to support my planning assessment.

- 46 Overall, the submissions by the RVA and Ryman seek to ensure that the Proposed Plan provides a consistent and enabling regulatory framework for the establishment of retirement villages within the Waikato District. They do this by acknowledging the need to actively address the ageing population's housing needs as a key objective. The objective is then achieved by acknowledging retirement villages are a legitimate residential use that can be developed in an appropriate manner within suitable residential and business zones.

BACKGROUND

- 47 As explained in the evidence of Mr Collyns, Mr Brown and Professor Kerse, rapidly changing demographics are resulting in major pressures on social and health services for older New Zealanders, including the provision of housing. That evidence explains in detail the growth of the wider Waikato region's ageing population. Put simply, the population of people living in the Waikato District over the age of 65 is continuing to increase and is projected to continue to increase for the foreseeable future. As Mr Collyns¹⁶ and Professor Kerse's¹⁷ evidence notes, the 75+ age bracket is a particularly vulnerable demographic due to relative frailty and the increase of heightened care needs. The demand for retirement living and a range of care options, including dementia care and assisted living options, is growing.
- 48 A key overarching point raised in the submissions by the RVA and Ryman is that Variation 3 represents an opportunity to better enable the provision of a diverse range of housing options, including retirement villages, in the Waikato District. Based on the RVA and Ryman evidence, statistics provided within the submissions, and the Council's analysis, I consider that from a planning perspective, Variation 3 needs to enable the housing and care provided by retirement villages, particularly in the District's residential areas. In my experience and supported by the evidence of Mr Brown and Mr Collyns, a key barrier to meeting the increasing demand for retirement living is the timeframes and complexities associated with consenting these types of housing developments.

¹⁶ See the statement of evidence of Mr Collyns at paragraph 10.

¹⁷ See the statement of evidence of Professor Kerse at paragraph 40.

- 49 Finding suitable sites for the development of new retirement villages is challenging. This is partly due to the size of the sites that are typically required (which generally need to be large to provide a range of living and care options, as well as on-site amenities), and the desire of prospective residents to remain close to their families and existing communities. This challenge is also discussed in the RVA submission and by Mr Brown.¹⁸ As identified in the Housing Development Capacity Assessment 2021¹⁹ around half of the urban households within Waikato District are 1-2 person households. By 2050 this will be nearly two-thirds as both retirement demand and new housing types increase.
- 50 In my opinion, responding to the specific issues associated with an ageing population and the provision of suitable housing to meet the needs of older people is critical. Suitable provision for this specific type of housing needs to be made within residential and commercial areas within the Waikato District. As stated above, this outcome will also ensure the social, economic, and cultural wellbeing of people and communities in the wider Waikato region in accordance with Objective 1 of the NPSUD.²⁰
- 51 In this regard, the requirements of the NPSUD and the Enabling Housing Act have, in my opinion, fundamentally altered the expectations for development in and around the residential and commercial zones particularly in the urban environments of Tier 1 local authorities. There are significantly greater expectations for bulk and density in residential zones, and an associated recognition of the consequential changes of neighbourhood character and private residential amenity. I explain this further below.

OVERVIEW OF THE PLANNING FRAMEWORK

National Policy Statement on Urban Development 2020 and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021

- 52 The NPSUD directs local authorities to enable greater land supply for urban development. It also directs that planning be responsive to changes in demand. It also seeks to ensure that new development capacity enabled by local authorities is of a form and in locations that meet the diverse needs of communities and encourages well-functioning, liveable urban environments. It also

¹⁸ See the statement of evidence of Mr Brown at paragraph 63.

¹⁹ NPS-UD Housing Development Capacity Assessment Future Proof Partners, m.e consulting, dated 30 July 2021

²⁰ Schedule 3A, cl 6(1)(a), Objective 1, Enabling Housing Act.

requires local authorities to remove overly restrictive rules that affect urban development outcomes in cities.²¹

- 53 In my opinion, the section 42A report does not attach sufficient weight to the following explicit directives of the NPSUD when assessing the merits of the submissions by the RVA and Ryman:
- 53.1 Planning decisions ensure that urban environments provide for the needs of all demographics in the community, including by enabling a variety of dwelling types and price points;²²
 - 53.2 Planning decisions improve housing affordability by supporting competitive land and development markets;²³
 - 53.3 Policy Statements and District Plans within Tier 1 urban environments enable intensification in areas where there is a high demand for housing, and with directions to provide for building heights of at least 6 storeys in certain circumstances;²⁴ and
 - 53.4 Urban environments, including their amenity values, will develop and change over time in response to the diverse and changing needs of people and communities, and future generations.²⁵
- 54 The clear intent of the NPSUD is to be enabling of both business and residential development in urban environments through the provision of opportunity, choice, variety and flexibility of land supply for housing, subject to maintaining an appropriate level of residential amenity. As I discuss later in my evidence, I consider Variation 3 needs to expressly recognise the diversity of housing stock that will be needed in residential and business zones of the Waikato District in order to give effect to the NPSUD.
- 55 The Enabling Housing Act directs²⁶ the incorporation of MDRS for Tier 1 local authorities through Schedule 3A of the RMA. The MDRS requires that a variety of housing types and sizes are provided for, which respond to housing needs and demand and the

²¹ Objective 1, 3 and 6 and Policies 1, 2, 3 and 5 of the NPS-UD.

²² Objective 1 and Policy 1 of the NPS-UD.

²³ Objective 2 of the NPS-UD.

²⁴ Objective 3 and Policy 3 of the NPS-UD.

²⁵ Objective 4 and Policy 6 of the NPS-UD.

²⁶ Section 77G of the Enabling Housing Act.

neighbourhood's planned urban built character (including 3-storey buildings).²⁷

- 56 The Enabling Housing Act has also altered the scale / scope of residential development that can occur as a permitted activity in the MRZ2 and business zones. These new provisions essentially narrow the consideration of density effects in relation to on-site amenity and effects on the surrounding environment (when compared to existing district plans).
- 57 From a planning perspective, the clear direction is that the built form of the Waikato District will need to change in order to provide for the housing demands of a range of demographics. In my opinion, Variation 3 needs to be amended to clearly reflect this, particularly to have proper regard to the specific evolving housing needs of our ageing population.

Waikato Regional Policy Statement

- 58 The WRPS provides direction regarding the use, development and protection of natural resources in the Waikato Region. Variation 3 is required to give effect to the WRPS.
- 59 The section 42A report²⁸ notes that Waikato Regional Council notified Plan Change 1 (PC1) to the WRPS on 18 October 2022, with the purpose of implementing and supporting the NPSUD and to reflect the updated Future Proof Strategy (which covers the areas of Waipā and Waikato districts and Hamilton City). The Reporting Officer states that Variation 3 generally gives effect to the WRPS and that PC1 remains relevant as its purpose is to also give effect to the NPSUD.²⁹ I agree.
- 60 The operative WRPS includes a section on urban form and development. This section includes objectives and policies relating to maintaining and enhancing a compact, well designed and sustainable regional form.³⁰ It identifies that housing design and quality of housing developments can have a significant role in improving housing choice and affordability.³¹
- 61 Of relevance, PC1 introduces several amendments to the urban form and development chapter of the WRPS to incorporate the

²⁷ MDRS Objective 1 and 2 and see also Objective 4 and Policy 1 of the NPS-UD.

²⁸ Paragraphs 49-50 – Section 42A Report, Report on submissions and further submissions – Variation 3 to the Proposed Waikato District Plan, dated 15 June 2023.

²⁹ Paragraph 53 – Section 42A Report, Report on submissions and further submissions – Variation 3 to the Proposed Waikato District Plan, dated 15 June 2023.

³⁰ Policy UF-P12 of the WRPS.

³¹ Objective UFD-01, Policy UFD-P12 of the WRPS.

requirement of the NPS-UD. These include amendments to objective UFD-O1 to strategically plan for growth and development to create responsive and well-functioning urban environments that (amongst other things) improve housing choice, quality and affordability and ensure sufficient development capacity in line with the objectives and policies of the NPS-UD.

Proposed District Plan

- 62 The Proposed District Plan was notified on 17 January 2022. It provides for retirement villages as a permitted activity in the Medium Density Residential Zone subject to standards. It classifies retirement village developments that are unable to comply with activity-specific and particular land use building standards as a 'restricted discretionary activity'.³² The Proposed District Plan also contains the National Planning Standards 2019 definition for retirement village. This planning approach has been carried through into Variation 3 and also applied to the newly established Medium Density Residential 2 Zone. The restricted discretionary activity status continues to apply if any of the standards have been breached.³³
- 63 Acknowledging that current context, I consider that a more nuanced planning framework for retirement villages is necessary to meet the policy and new statutory directions as summarised below. Through Variation 3, the overall management regime for retirement villages has changed to respond to this policy and the statutory directions.

SPECIFIC PROVISION FOR RETIREMENT VILLAGES IN VARIATION 3

- 64 As detailed in the RVA and Ryman submissions, retirement villages are different from typical residential dwellings (in terms of design and layout). They therefore do not necessarily fit in with the typical controls imposed on other residential developments. I agree with the submitters that fit for purpose planning provisions for retirement villages are required. In my view, the framework comprises:
- 64.1 Appropriate retirement village activity status;
 - 64.2 Identified matters of discretion (to manage the external effects of the development);
 - 64.3 Notification presumptions; and

³² Rule MRZ-R2(1) and MRZ-R2(2) of the Proposed District Plan.

³³ Rule MRZ2-R2 (1) and MRZ2-R2(2) of Variation 3 to the Proposed District Plan.

- 64.4 Clear, targeted and appropriate development standards to guide the notification and planning assessment of these bespoke retirement village developments.
- 65 I acknowledge that retirement villages have some elements in common with medium density residential development (such as the residential use and the bulk and scale of the development). However the specific design and layout of retirement villages is fundamentally different from typical medium density housing for the following main reasons:
- 65.1 Retirement villages provide most, if not all, of the required resident amenities on-site with less need for external community infrastructure and open spaces;
- 65.2 Retirement village buildings and layouts are carefully designed with resident needs in mind. In many modern retirement villages, there is often a central building that contains accommodation for people that need higher care and a range of communal village amenities. Access to that building for other village residents must be convenient, safe and sheltered from weather. This central building can often be bulkier and of a different height to surrounding residential activities to enable these functional and operational requirements;
- 65.3 Unit types vary from relatively typical independent townhouses or apartments, through to serviced care suites, hospital care beds and areas for people with dementia. The size and amenity requirements of these units vary substantially from more typical housing typologies;
- 65.4 Older residents have a lesser degree of interaction with the surrounding neighbourhood on a day-to-day basis compared to those of a conventional residential apartment or residential subdivision. This is because the majority of retirement village residents are generally far less mobile and therefore have significantly reduced traffic generation requirements and requirements for access to public transport infrastructure and parking;
- 65.5 Because of the frailty and vulnerability of older people, retirement villages need to be safe and secure. In practice, that means having restricted access and, as a general proposition, not having public roads running through the sites; and
- 65.6 Data collected over many years shows that retirement villages place lesser demand on the water, wastewater

and transport networks, noting that these systems are always comprehensively designed on-site to cater for the required demand.

- 66 The above factors combine to mean that retirement villages are generally large format activities. Whilst not dissimilar to other medium density residential developments in terms of purpose and scale, they can have a different look and feel to standard housing. Applying conventional planning approaches used for standard housing to retirement villages has, in my experience, led to substantial consenting issues.
- 67 I agree with the submissions made by the RVA and Ryman that further refinement of the existing retirement village regime within the Proposed Plan is required. I acknowledge that Variation 3 goes some way to provide a regime for retirement villages within the MRZ2. However, in my view, it is not sufficient. An activity-specific policy is needed. And more nuanced rules. The provisions would more clearly enable retirement villages in both the residential and business zones. I note that the proposed retirement village provisions would not fully 'standalone'. The existing objectives and policies which guide the assessment of effects from built form would remain relevant.
- 68 The section 42A report does not recommend including the policy and rule changes proposed in the submissions by the RVA and Ryman. This is on the basis that the changes do not support or are not consequential to the MDRS or Policies 3, 4 and 5 of the NPS-UD, and are therefore not 'related provisions' under section 80E of the RMA.³⁴ On this basis, the section 42A report recommends the rejection of the RVA and Ryman submissions in both the MRZ2 and business zones.
- 69 As outlined in the evidence of Mr Collyns and Mr Brown³⁵ retirement villages are considered by residents and their family and friends to be their home and are part of the residential environment. In addition, the villages are developed with careful consideration of the relevant planning standards and compliance with the relevant development standards including setbacks and height.
- 70 In my opinion, Variation 3 is required to address matters to better enable all people and the community to provide for their social, economic and cultural wellbeing and in particular the health and

³⁴ Paragraph 20, Section 42A Report Enabling Housing Supply – Addendum 1, dated 23 June 2023.

³⁵ See the statement of evidence of Mr Collyns at paragraph 46 and Mr Brown at paragraphs 68-76.

safety of older people.³⁶ Moreover, it provides the opportunity to improve housing affordability,³⁷ including for older people. Suitably targeted Plan provisions will assist to enable older people to continue to reside in the communities they helped to build, close to family and established social contacts.

- 71 I set out in **Appendix A**, a table identifying in greater detail the connection between the NPS-UD, the MDRS provisions and the provisions that I support for the ageing population.
- 72 I also consider that the NPS-UD and Enabling Housing Act are not limited to residential zones. It is my understanding that councils are required to ensure district plans provide for residential intensification in specific non-residential urban zones, which includes retirement villages. Policy 3 of the NPS-UD seeks to enable residential intensification in centre zones and walkable catchments within all Tier 1 urban environments, including the Waikato District. As I discuss later in my evidence, it is anticipated that the form and layout of retirement villages in the residential and business zones would vary to appropriately integrate into its location and context.
- 73 I will now set out the specific recommendations I consider necessary to give appropriate effect to the NPS-UD and MDRS provisions.

APPLICATION OF MDRS STANDARDS

RVA and Ryman Submissions

- 74 The RVA and Ryman sought that the extent of the area zoned for MRZ2 be reconsidered, along with the removal of the Urban Fringe Qualifying Matter so that the General Residential and MRZ1 zones are rezoned to MRZ2.

Section 42A Report

- 75 The section 42A report writer confirms that the MDRS has not been applied to Raglan and Te Kauwhata as neither towns contain urban environments defined by the RMA and NPS-UD.³⁸

Response

- 76 I concur with the section 42A report writer that it is not appropriate to impose the planning framework proposed by the

³⁶ Objective 1 of the NPS-UD.

³⁷ Objective 2 of the NPS-UD.

³⁸ Paragraph 111 – Section 42A Report, Report on submissions and further submissions – Variation 3 to the Proposed Waikato District Plan, dated 15 June 2023.

RVA and Ryman into this zone given the small, distinct nature of these towns.

PART 1 – DEFINITIONS

RVA and Ryman Submissions

- 77 As identified earlier, the RVA and Ryman sought that a new definition of 'retirement unit' be included within Variation 3. The proposed 'retirement unit' definition was developed as a subset of the 'residential dwelling' definition in the MDRS. The purpose of the definition is to enable the Variation 3 provisions to acknowledge the differences between a retirement village development and typical multi residential development in terms of layout and amenity needs. The definition ensures efficient implementation of the MDRS for retirement villages is achieved by resolving potential interpretation issues on whether retirement villages fit within the MDRS, which I address further below. Mr Brown and Mr Collyns³⁹ set out the features of retirement units that differ from typical dwellings, including that some units in retirement villages are designed for higher care and do not have the likes of kitchens.

Section 42A Report

- 78 The section 42A report does not comment on the proposed submission point regarding the retirement unit definition.

Response

- 79 I consider that the unique characteristics of a retirement unit need to be recognised through a separate definition. If such a definition is not provided, I anticipate consenting complexities will arise because 'retirement units' will be assessed as 'residential units' to which the residential unit standards will apply. My experience in other council jurisdictions is that this leads to considerable consenting complexity and inefficiency. Processing planning staff attempt to 'shoehorn' a retirement village proposal into the standard residential standards. Some of these standards are not at all suited to the needs of the residents that will ultimately reside in the village. For example, some units in the villages are designed for higher care and therefore may not need individual outdoor living spaces or may not have kitchens. Technically, such unit types would not qualify as "residential units" despite their residential use.
- 80 Accordingly, I support the definition proposed by the RVA and Ryman:

³⁹ See the statement of evidence of Mr Collyns at paragraphs 49-55 and Mr Brown at paragraphs 50-61.

'Retirement Unit' – means any unit within a retirement village that is used or designed to be used for a residential activity (whether or not it includes cooking, bathing, and toilet facilities). A retirement unit is not a residential unit.

PART 2 – DISTRICT WIDE MATTERS – STRATEGIC DIRECTIONS

RVA and Ryman Submissions

- 81 The RVA and Ryman sought deletion of SD-P1 as it was inconsistent with the purpose of the MDRS and NPS-UD to enable housing development.

Section 42A Report

- 82 The section 42A report writer identified that there were three urban expansion areas within the Waikato District that immediately adjoin the Hamilton City boundary. These areas are protected from urban development to avoid compromising future development and are predominantly zoned "General rural" with some small parts of Rural lifestyle and do not affect any areas that are identified as relevant residential zones.⁴⁰

Response

- 83 I agree with the section 42A report writer and have no further comments on this matter.

PART 3 – AREA SPECIFIC MATTERS

Objectives and Policies: Medium Density Residential 2 Zone, Local Centre Zone, Commercial Zone and Town Centre Zone *RVA and Ryman Submissions*

- 84 The submissions sought a number of the objectives and policies throughout the residential and business zones to be either removed or amended.
- 85 The submissions sought the following key changes to the MRZ2 objectives and policies:

MRZ2-03 – Residential Amenity

Achieve a level of residential amenity commensurate with a medium density environment ~~comprised of primarily~~ including three-storey buildings, including semidetached and terraced housing, townhouses and low-rise apartments and retirement villages.

⁴⁰ Paragraph 225 – Section 42A Report, Report on submissions and further submissions – Variation 3 to the Proposed Waikato District Plan, dated 15 June 2023.

~~MRZ2-05 — Qualifying Matters~~

~~The capacity to accommodate medium density residential development may be limited to recognise and/or protect one or more qualifying matters.~~

~~MRZ2-06 — 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; and~~

~~b. The design of subdivisions and developments.~~

MRZ2-P5 – Streetscape, yards and outdoor living spaces

1. ... [as notified]

2. Require development to have sufficient side yard setbacks while considering to provide for:

a. ...

b. ...

c. ...

3. Require the provision of outdoor living spaces that:

a. Are ~~attractive,~~ functional and accessible

b. ...

MRZ2-P6 – Qualifying Matters

Restrict residential development to an appropriate level to provide for ~~and protect~~ any relevant qualifying matters through amendments to the MDRS rules and standards.

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 and those changes are not, of themselves, an adverse effect.

~~MRZ2-P11 — Reverse Sensitivity~~

~~Maintain appropriate setback distances between new sensitive land uses and existing lawfully established activities that may result in reverse sensitivity effects.~~

- 86 By way of summary, the submissions sought to ensure that the objectives and policies of the MRZ2 zone better reflect the intentions of the NPS-UD and meet the requirements of the Enabling Housing Act, as well as recognising the unique features of retirement villages such as the layout and internal amenity needs.
- 87 Within the business zones, the submissions sought for the objectives and policies to be amended to recognise that residential activities are appropriate within these zones.
- 88 In addition, the submissions sought to insert one new objective (into the residential zone only), and four new policies (noting that the 'ageing population', 'larger sites' and 'role of density standards' policies are the only three sought in the business zones) as follows:

Objective RESZ-OX – Ageing population

Recognise and enable the housing and care needs of the ageing population.

Policy PX – Provision of housing for an ageing population

- a. Provide for a diverse range of housing and care options that are suitable for the particular needs and characteristics of older persons in residential zones, such as retirement villages.
- b. Recognise the functional and operational needs of retirement villages, including that they:
- i. May require greater density than the planned urban built character to enable efficient provision of services.
 - ii. Have unique layout and internal amenity needs to cater for the requirements of residents as they age.

Policy RESZ-PX – Changing communities

To provide for the diverse and changing residential needs of communities, recognise that the existing character and amenity of the residential zones will change over time to enable a variety of housing types with a mix of densities.

Policy RESZ-PX – Larger sites

Recognise the intensification opportunities provided by larger sites within residential zones by providing for more efficient use of those sites.

Policy RESZ-PX – Role of density standards

Enable the density standards to be utilised as a baseline for the assessment of the effects of developments.

- 89 By way of summary, the submissions highlighted that housing and caring for the ageing population is an important resource management issue for the District. Further, because retirement villages are a critical and expected component of residential areas, it is important that they are expressly acknowledged in the policies. Doing so ensures that the “planned urban built environment” within Waikato District is clearly understood at consent stage. Otherwise, officers and the community will default to expectations of typical residential activities, as has been the case in the past.
- 90 The more general policies for ‘changing communities’, ‘Larger sites’ and ‘Role of density standards’ respond to wider NPS-UD and MDRS objectives, as noted earlier.
- 91 Furthermore, with regard to the business zones, the NPS-UD is not limited to residential zones. Councils are required to ensure district plans provide for intensification in urban non-residential zones.
- 92 The above noted objective and policy support sought will sufficiently enable retirement villages within these zones.

Section 42A Report

- 93 The Reporting Officer has recommended rejecting the submission points for the following reasons:
- 93.1 The zone descriptions for the business zones are consistent with the zone descriptions provided within the National Planning Standards and therefore it is not necessary to amend them;⁴¹
- 93.2 The objectives and policies⁴² within the business zones specifically provide for residential activities on upper floors (so as to avoid ground floor residential activities that could undermine commercial viability within a centre). These are

⁴¹ Paragraph 215 – Section 42A Report, Report on submissions and further submissions – Variation 3 to the Proposed Waikato District Plan, dated 15 June 2023.

⁴² LCZ-O3, LCZ-P5, TCZ-O3, TCZ-P5, COMZ-O3 and COMZ-P6.

considered to be adequate and therefore no amendments are required;⁴³

93.3 With regards to the 'Larger Sites' and 'Role of Density Standards' policies, the MDRS provides sufficient opportunity for intensification across all MRZ2 sites, regardless of the site size and the new policy is not considered necessary. Further, the Proposed Plan, case law and the RMA adequately set out the assessment requirement for resource consents;⁴⁴ and

93.4 In relation to the proposed policies for housing an ageing population, the inclusion of specific provisions / policies for retirement villages do not support or are consequential on the MDRS or Policies 3,4 and 5 of the NPS-UD.⁴⁵

94 Despite the above, the section 42A report writer acknowledges that retirement housing is an important component of communities and should be provided for in the Proposed Plan. The report writer goes on to provide the following comments:

94.1 *"MRZ2-O1 seeks to provide for a variety of housing types that respond to housing needs and demands. In my view this includes housing for the elderly and retirement villages"; and*

94.2 *"MRZ2-P3 relates to housing design that meets the day-to-day needs of residents. In my view this is relevant to retirement villages and the range of needs of its residents".⁴⁶*

Response

95 I agree with the RVA and Ryman submissions. I consider that as currently drafted, the objectives and policies in Variation 3 do not provide adequately for the enablement of retirement villages as a subset of a 4 or more residential unit development, nor do they recognise or address the unique features of these housing types.

⁴³ Paragraph 216 – Section 42A Report, Report on submissions and further submissions – Variation 3 to the Proposed Waikato District Plan, dated 15 June 2023.

⁴⁴ Paragraph 227 - 229 – Section 42A Report, Report on submissions and further submissions – Variation 3 to the Proposed Waikato District Plan, dated 15 June 2023.

⁴⁵ Paragraph 213 – Section 42A Report, Report on submissions and further submissions – Variation 3 to the Proposed Waikato District Plan, dated 15 June 2023.

⁴⁶ Paragraph 30-31, Section 42A Report Enabling Housing Supply – Addendum 1, dated 23 June 2023.

- 96 In my view, the proposed new policies appropriately recognise the functional and operational needs of retirement villages (through more enabling language such as 'provide for' and 'may require') and provide for a variety of housing types for all people.⁴⁷ I consider that a retirement village-specific policy needs to be a key component of the regime in order to explicitly provide for housing for the ageing population within the relevant zones. As outlined in the evidence of Mr Collyns, the growth of 75 + age bracket in Waikato is greater than the national average. I consider the benefits of providing a standalone policy for retirement villages that provides for both the enabling of retirement villages and also better provides a clear link between the provisions for retirement villages as a restricted discretionary activity and the relevant matters of discretion is appropriate.
- 97 In my view, such a policy:
- 97.1 Would provide greater clarity regarding the considerations applying to the development of retirement villages, e.g., the fact that they have atypical elements compared to conventional housing, such as hospital level care and resident amenities such as resident- only hair salons, however also ensuring that externalities arising from building form are appropriately managed to fit into their neighbourhoods; and
- 97.2 Can be drafted to avoid any unintended consequences of the current RVA / Ryman policies being interpreted as too enabling and confusion arising.
- 98 As such, set out below is an amended policy which I consider better reflects both the enabling of retirement villages, but also the need to align with the planned urban character of the residential zones in the Waikato.

Retirement Villages

1. Enable retirement villages that:
- a. Provide for greater density than other forms of residential developments to enable shared spaces, services, amenities and / facilities, and affordability and the efficient provision of assisted living and care services.
- b. Provide good quality on site amenity, recognising the unique layout, internal amenity and other day-to-day needs of residents as they age.

⁴⁷ Policy 1 of the NPS-UD.

2. Encourage the scale and design of the retirement villages to:

- a. be of a high-quality and be aligned with the planned urban character of the zone;
- b. achieve attractive and safe streets and public open spaces, including by providing for passive surveillance; and
- c. Achieve an appropriate level of residential amenity at neighbouring properties where relevant built form standards are exceeded.

- 99 With regards to the MRZ2, I also consider that the inclusion of the proposed retirement village specific policy along with the policies relating to 'changing communities', 'larger sites', and 'role of density standards' will assist to reduce complications at the consenting process (for example, in relation to rule requirements prescribing the maximum number of dwellings permitted on a site, which are often infringed by retirement village proposals on larger sites).
- 100 With regards to the business zones, I also consider that the inclusion of the 'larger sites' policy, would provide a much clearer and stronger policy framework (with greater vertical integration between Plan provisions) for retirement villages (and other forms of development) in the Proposed Plan. This policy will better enable the efficient use of the larger sites that the likes of Ryman and the RVA's other members often need to utilise. It will also minimise complications during the consenting process.
- 101 I consider that the 'role of density' policy proposed by the RVA and Ryman provides some further context in relation to the NPS-UD to enable more density providing for intensification relative to the demand for housing. In particular having a specific policy provides a baseline for assessment when assessing the effects of retirement village, to ensure the focus is primarily on the effects of breaches of standards and to ensure an efficient consenting process.
- 102 Likewise, I disagree with the Reporting Officer's recommendations regarding the deletions/amendments to the objectives and policies in MRZ2 and the business zones. I consider that the suggested amendments provide a useful and clear link to the NPS-UD requirements. Furthermore, I do not consider that the policies as notified adequately align with the directive of Policy 6 of the NPS-UD and Policy 5 of the Enabling Housing Act, namely:

- 102.1 Housing intensification may detract from amenity values and are not of themselves an adverse effect;⁴⁸ and
- 102.2 Provide for development not meeting permitted activity status, while encouraging high quality development.⁴⁹
- 103 The objectives and policies proposed by the RVA and Ryman do not seek to exempt retirement villages from the wider package of objectives and policies in the Proposed Plan and Variation 3. Instead, they are designed to provide specific provisions that recognize the unique requirements of retirement villages. In my opinion, doing so aligns with the NPS-UD and Enabling Housing Act.
- 104 I have addressed the matter of whether the provisions support or are consequential on the MDRS and give effect to Policy 3 comprehensively earlier. As I have observed above, the Officer concludes that the objective and policies of MDRS provisions are encompassing of a regime that provides housing for the older population. In my opinion, the issue is more about the merits of including these additional provisions to clarify existing MDRS provisions. In my view there is merit as the MDRS provisions are too general.
- 105 The Reporting Officer refers to the recent Auckland Council 'interim guidance' and notes it supports their position on what are "related provisions". I do not consider it appropriate to do so given the guidance relates to a different process and a different district plan. I note however for context, that I am involved in that process for the submitters. The planning framework and provisions sought have many differences to the present situation. The Panel in Auckland has not yet heard the substantive evidence on behalf of the RVA and Ryman on the particular justifications and reasoning for its provisions.
- Activity Status, Notification and Matters of Discretion -
Medium Density Residential 2 Zone, Local Centre Zone,
Commercial Zone and Town Centre Zone
RVA and Ryman Submissions**
- 106 The RVA and Ryman submission sought a number of amendments to the rules, notification clauses and matters of discretion within the MRZ2 and business zone chapters
- 107 The key aspects of the submission points related to:

⁴⁸ Policy 6 of the NPS-UD.

⁴⁹ Schedule 3A, cl 6(2)(e), Policy 5, Enabling Act.

- 107.1 Modification of the permitted activity rule MRZ2-R2 for the use of land for a retirement village;
- 107.2 Insertion of a new permitted activity rule in the business zones;
- 107.3 An amended restricted discretionary activity rule for the construction of retirement village buildings in residential zones and a new restricted discretionary activity rule to be inserted in the business zones, with specific matters of discretion limited to managing the external effects of a village on the wider environment.
- 107.4 A presumption of non-notification for retirement villages that meet the relevant building controls.

Section 42A Report

- 108 The Reporting Officer has recommended rejecting the submission points in relation to both the amendments to the MRZ2 and business zones primarily for the legal scope issue noted earlier.⁵⁰
- 109 However, despite the above, the section 42A report writer acknowledges that retirement housing is an important component of communities and should be provided for in the Proposed Plan. The report writer goes on to provide the following comments:
 - 109.1 *"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";* and
 - 109.2 *"I am of the view that the MRZ2 contains adequate provisions for retirement villages within the relevant residential zone (i.e. MRZ2). I consider there to be an appropriate balance between enabling the establishment of new villages while giving Council (and at time the community through public consultation) sufficient discretion to manage potential effects on the residents of the community and the wider environment".*⁵¹

Response

- 110 While I acknowledge that MRZ2 provides for retirement villages as a permitted activity, I agree with the RVA and Ryman submission that some amendments to the retirement villages provisions in the

⁵⁰ Paragraph 213 – Section 42A Report, Report on submissions and further submissions – Variation 3 to the Proposed Waikato District Plan, dated 15 June 2023.

⁵¹ Paragraph 30-31, Section 42A Report Enabling Housing Supply – Addendum 1, dated 23 June 2023.

MRZ2 are required to better reflect the unique features of retirement villages. Amendments in the business zones are also required to better provide for retirement villages as a subset of the 4 or more multi- unit development which I outline further below.

MRZ2 Zone Rules

- 111 As noted above, and confirmed by the section 42A writer, the MRZ2 zone goes some way to providing for retirement villages. MRZ-O1, MRZ-P3 and the rule framework allow for a variety of housing types to meet the day to day needs of residents, with retirement villages (new or altered) being provided for as a permitted activity, and where standards are not met, becoming a restricted discretionary activity.
- 112 The changes sought by the RVA and Ryman in this respect are primarily focussed on providing clarity in terms of the matters for discretion which are triggered during the resource consent process to focus on the external effects of the development, and that they are proportionate for the type and scale of the effects arising from the works.
- 113 The proposed tracked provisions I propose are included within **Appendix B** and include retirement villages within MRZ2-R1 as a permitted activity, and an amended rule MRZ2-R2 for the construction of retirement villages as a restricted discretionary activity. I also propose amended matters of discretion incorporating the existing elements of the rule where appropriate, such as including the discretion to assess infrastructure connections, provide for adequate waste and recycling storage, and explicitly reference back to the proposed retirement village policy (discussed above). The amended matters of discretion set out in **Appendix B**, in my assessment, are more suitable for appropriately managing the potential effects of retirement village development on the wider environment whilst fitting in with the existing rule regime as notified.

Business Zone Rules

- 114 With respect to the business zones, the reporting officer identifies that residential activities are provided for within the business zones through the objective and policy framework, along with rules that provide for permitted residential activities above the ground floor level. I consider that retirement villages should be treated in a similar manner to other multi-unit development and that it is appropriate to protect the viability of the business zones and the related business activities. However, I do not agree that it is appropriate to restrict residential activities at the ground floor in all instances to achieve this. I consider that it may be appropriate for residential activities to be provided for at the ground level in some circumstances (i.e. rear sites, and sites setback from the street etc). Where these standards are not met, the matters for

discretion should provide the flexibility to assess a development on a case by case basis and how it fits into the purpose of the zone.

- 115 Further, I agree with the submission point that a new rule in the business zones for the construction of retirement village buildings as a “restricted discretionary” activity with specific and tailored matters for discretion ensuring the scale, design and layout of the development can be appropriately managed. I do not support the current default to a more restrictive activity status when rule requirements are not met. The same rationale as above is also appropriate for the assessment of effects of retirement village developments within the business zones.
- 116 Therefore, I recommend some revised drafting of the relevant residential activity rules within the business zones which have been illustrated within the tracked changes in **Appendix B**.

Notification Presumption

- 117 With respect to the matter of limited or public notification for both the residential and business zones, ultimately, if a proposed development is able to comply with the rule requirements that apply to its boundary interface, there is no resource management reason for notifying neighbours of the application. Where applications for retirement villages have been notified, in my experience, this has led to a protracted and inefficient consenting process that add significantly to the consenting timeframes and uncertainty. If there is a breach of the permitted activity standards applying to a boundary interface, then limited notification may be appropriate, but not full public notification. This approach is required by the mandatory MDRS regime and also adopted in other district plans around New Zealand (including Christchurch and Auckland). As such, I consider Variation 3 needs to provide clear direction regarding the non-notification and limited notification of resource consent applications for retirement villages in the manner set out in the submissions by the RVA and Ryman.

**Built Form Standards – Medium Density Residential 2 Zone, Local Centre Zone, Commercial Zone and Town Centre Zone
RVA and Ryman Submissions**

- 118 The RVA and Ryman submitted on various standards for the MRZ2 and business zones. While the RVA and Ryman were generally in support of the notified requirements where they reflect the MDRS, they sought to amend those standards which are not directly relevant to retirement villages or where the standard was more restrictive than the MDRS. The RVA and Ryman also sought to include consequential provisions including the ‘retirement unit’ definition.

Section 42A Report

- 119 With regards to the MRZ2 zone, the section 42A report writer does not specifically address the submission points relating to the requests for retirement villages to be excluded from a number of standards or for amendment of the standards to include reference to the new retirement unit definition.
- 120 The section 42A report writer does, however, reject all submission points relating to amendment to standards in the business zones for the following reasons (noting the reasoning is the same for all business zones):
- 120.1 *"The overall building height permitted within the TCZ and the LCZ is 12m (i.e. higher than the MRZ2) and therefore a greater height in relation to boundary requirement than the MRZ2 would better provide for appropriate amenity outcomes on adjoining residential properties";⁵²*
- 120.2 *"A much wider range of non-residential activities are permitted within the TCZ and LCZ than within the MRZ2, therefore a greater height in relation to boundary requirement than the MRZ2 can better provide for appropriate amenity outcomes on adjoining residential properties";⁵³*
- 120.3 *"The TCZ and the LCZ are not relevant residential zones and therefore are not required to have MDRS incorporated";⁵⁴ and*
- 120.4 *"No changes are proposed to the outdoor living space standards (TCZ-S11 and LCZ-S10) which requires a minimum balcony of 15 square metres and a circle with a diameter of at least 2.4 metres. I am of the view that a minimum outdoor living space requirement that is greater than the MDRS is appropriate within the TCZ and LCZ context. I note that no building setbacks are required within the TCZ and LCZ (to adjoining TCZ and LCZ properties respectively) and that the quality of potential outdoor living spaces could be compromised as a result – especially in relation to access to sunlight and visual mass of adjoining properties. In my view, a larger minimum*

⁵² Paragraph 25, Section 42A Report Enabling Housing Supply – Addendum 1, dated 23 June 2023.

⁵³ Paragraph 25, Section 42A Report Enabling Housing Supply – Addendum 1, dated 23 June 2023.

⁵⁴ Paragraph 26, Section 42A Report Enabling Housing Supply – Addendum 1, dated 23 June 2023.

*outdoor living space requirement would contribute to reducing those potential adverse effects”.*⁵⁵

Response

- 121 As I have set out earlier, the evidence of Mr Brown and Mr Collyns highlights the unique characteristics of retirement villages and how they are different from typical residential developments, particularly regarding their unique layout and internal amenity needs. This consequently requires a slightly modified set of rule requirements (from the MDRS) for internal amenity from those of typical residential development (which I have discussed earlier in the context of the proposed new “retirement unit” definition). I therefore consider the amendments by the RVA and Ryman appropriately recognise that retirement villages have different functional and operational needs than conventional housing types, better enables the achievement of key objectives within the NPS-UD and should therefore be adopted in this case.
- 122 As explained above, I consider that the business zones provide the opportunity for housing intensification providing for people to ‘age in place’ and address the shortage of sites available for retirement villages. I also consider that it will be clearer and more efficient to seek to apply similar provisions in the business zones as for the MRZ2 zone while ensuring the effects of retirement villages are managed to ensure that the vibrancy and vitality of business zoned are retained and enhanced.

CONCLUSION

- 123 Waikato District’s ageing population is increasing in demand for medium to high density housing options, noting the growth of the 75 + age bracket in Waikato is greater than the national average. This is particularly evident in the demand being experienced by the RVA members for their retirement village developments.
- 124 As noted within my evidence, the submissions by the RVA and Ryman are seeking to ensure that Variation 3 provides a consistent and enabling regulatory framework for the establishment of retirement villages within Waikato District.
- 125 In my opinion, the relevant residential and business zones require amendments to appropriately enable retirement villages as a residential use in order to meet needs of the older population. I support the rule framework proposed by the RVA and Ryman to include provision for retirement villages as permitted activities with the construction of the villages being managed through a restricted discretionary activity. This framework would provide a consistent

⁵⁵ Paragraph 27, Section 42A Report Enabling Housing Supply – Addendum 1, dated 23 June 2023.

approach throughout the country to ensure efficient, clear and appropriately focused assessments of effects and consenting of retirement villages. I provide a Section 32AA assessment of the amendments in **Appendix C**.

- 126 Overall, I agree with the submissions by Ryman and the RVA that further amendments to Variation 3 are warranted in order to provide a planning framework that appropriately gives effect to the NPS-UD, responds to the retirement housing and care shortage, and enables a consistent approach across the country.

Nicola Williams

7 July 2023

Appendix A

How provisions support or are consequential on the MDRS and / or give effect to the NPSUD

RVA/Ryman provision	Related MDRS provisions	Related NPS-UD provisions	Summary comment (see EIC and other RVA and Ryman evidence for fuller discussion)
<p><u>Objective MRZ2-07</u> Recognise and enable the housing and care needs of the ageing population</p>	<p><u>MRZ2-01 – Housing typology</u> <u>Provide for a variety of housing types and sizes that respond to:</u> <u>(a) Housing needs and demand; and</u> <u>(b) The neighbourhood’s planned urban built character, including three-storey buildings</u> <u>SD-O14 -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</u></p>	<p>Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.</p> <p>Objective 4: New Zealand’s urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.</p>	<p>Supports both MDRS and NPS-UD provisions:</p> <ul style="list-style-type: none"> Provides particular focus on an important demographic that has specialist housing needs required to provide for their wellbeing and health and safety. Responds to the changing needs of the community – the growing ageing population.
<p><u>MRZ2-P16 Retirement Villages</u> (1) Enable retirement villages that:</p>	<p><u>MRZ2-P1 Housing Typology.</u> Enable a variety of housing typologies with a mix of densities within the zone, including three-storey attached</p>	<p>Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:</p>	<p>Supports both MDRS and NPS-UD provisions:</p> <ul style="list-style-type: none"> Will better enable a variety of housing types for all people, given the

<p>a. Provide for a greater density than other forms of residential developments to enable shared spaces, services, amenities / facilities and affordability and the efficient provision of assisted living and care services;</p> <p>b. Provide good quality on site amenity, recognising the unique layout, internal amenity and other day-to-day needs of residents as they age and the types of retirement units they live in;</p> <p>(2) Encourage the scale and design of the retirement village to:</p> <p>a. Be of a high-quality and compatible with the planned urban character;</p> <p>b. Achieve attractive and safe streets and public open spaces, including by</p>	<p>and detached dwellings, and low-rise apartments.</p> <p><u>MRZ2-P2 Residential Amenity.</u></p> <p>Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.</p> <p><u>MRZ2-P3 Housing Design.</u></p> <p>Enable housing to be designed to meet the day-to-day needs of residents.</p> <p><u>MRZ2-P4 Enabling Housing Development.</u></p> <p>Provide for developments not meeting permitted activity status, while encouraging high-quality developments.</p>	<p>(a) have or enable a variety of homes that:</p> <p>(i) meet the needs, in terms of type, price, and location, of different households;...</p> <p>Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:</p> <p>... (c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)</p> <p>Policy 8: Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments ...</p>	<p>growing demand for the retirement village typology</p> <ul style="list-style-type: none"> • Will help realise the benefits of urban development and contribute to a well-functioning urban environment. • Will help add significantly to development capacity for a particular demographic in need of housing and care. • Provides further specificity (additional to MRZ2-P3) on the day to day living needs of retirement village residents. • Largely replicates the requirements of MRZ2-P2 to ensure it is clear that these apply to retirement villages. • Provides for retirement villages, which are not a permitted residential development, and ensures high quality outcomes that
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<p>providing for passive surveillance; and</p> <p>c. Achieve an appropriate level of residential amenity at neighbouring properties where relevant built form standards are exceeded</p>			<p>are compatible with planned urban character and neighbouring properties.</p>
<p><u>MRZ2-P12 Changing communities</u></p> <p>To provide for the diverse and changing residential needs of communities and recognise that the existing character and amenity of the residential zones will change over time to enable a variety of housing types with a mix of densities.</p>	<p><u>MRZ2-P1 Housing Typology.</u></p> <p>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.</p> <p><u>MRZ2-P4 Enabling Housing Development</u></p> <p>Provide for developments not meeting permitted activity status, while encouraging high-quality developments.</p> <p>MRZ2-P8 Changes to amenity values.</p> <p>Recognise that the planned urban built form may result in changes to the amenity values</p>	<p>Objective 4: New Zealand’s urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.</p> <p>Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:</p> <p>(a) have or enable a variety of homes that:</p> <p style="padding-left: 40px;">(i) meet the needs, in terms of type, price, and location, of different households;...</p> <p>Policy 6: When making planning decisions that affect urban environments, decision-makers have</p>	<p>Supports both MDRS and NPS-UD provisions:</p> <ul style="list-style-type: none"> • Provides direction on the need to respond to the diverse and changing needs of communities, not just the status quo. This is particularly important for responding to the aging population, which is a major demographic change. • Provides support for enabling the different types of residential development that are needed to provide for residential needs. This is particularly important for retirement villages, which

	<p>and characteristics of the urban character over time.</p>	<p>particular regard to the following matters:</p> <p>... (b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:</p> <ul style="list-style-type: none">(i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and(ii) are not, of themselves, an adverse effect <p>(c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)</p>	<p>are different to standard residential development.</p>
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<p><u>MRZ2-P13 Larger sites</u></p> <p>Recognise the intensification opportunities provided by larger sites within the Residential Zone by providing for more efficient use of those sites</p>	<p><u>MRZ2-P1 Housing Typology.</u></p> <p>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.</p> <p><u>MRZ2-P4 Enabling Housing Development</u></p> <p>Provide for developments not meeting permitted activity status, while encouraging high-quality developments.</p>	<p>Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:</p> <p>(a) have or enable a variety of homes that:</p> <p style="padding-left: 40px;">(i) meet the needs, in terms of type, price, and location, of different households; ...</p> <p>(b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and ...</p> <p>Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:</p> <p>... (c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1).</p>	<p>Supports both MDRS and NPS-UD provisions:</p> <ul style="list-style-type: none"> Will better enable a variety of housing types for all people, given the growing demand for the retirement village typology that requires larger sites to meet functional and operational requirements. <p>Provides for more efficient use of sites in relevant zones, recognising that these larger sites provide development opportunity differently to that of smaller lot sizes. They provide opportunities to achieve high quality design, with higher levels of intensification.</p>
<p><u>Residential Zone</u></p> <p>MRZ2-R1-2</p> <p>...</p>	<p><u>MRZ2-P1 Housing Typology.</u></p> <p>Enable a variety of housing typologies with a mix of densities within the zone,</p>	<p>Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their</p>	<p>Supports both MDRS and NPS-UD provisions:</p> <ul style="list-style-type: none"> Will better enable a variety of housing types

<p>(1) Activity status: PER/RDIS (a) The effects arising from exceeding any of the following standards (both individually and cumulatively): MRZ2-Council's discretion is restricted to the following matters: S2 (Height – building general), MRZ2-S3 (Height in relation to boundary), MRZ2S4 (Setback), MRZ2-S5 (Building coverage) and where relevant MRZ2-S7 (Outlook space), MRZ2-S8 (Windows to street) and MRZ2-S9 (Landscaped area);</p> <p>(b) The effects of the retirement village on the safety of adjacent streets or public open spaces;</p> <p>(c) The effects arising from the quality of the interface between the retirement village and adjacent streets or public open spaces;</p> <p>(d) The extent to which articulation, modulation and materiality addresses</p>	<p>including three-storey attached and detached dwellings, and low-rise apartments.</p> <p><u>MRZ2-P2 Residential Amenity.</u></p> <p>Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.</p> <p><u>MRZ2-P3 Housing Design.</u></p> <p>Enable housing to be designed to meet the day-to-day needs of residents.</p> <p><u>MRZ2-P4 Enabling Housing Development.</u></p> <p>Provide for developments not meeting permitted activity status, while encouraging high-quality developments.</p> <p>MRZ2-R1 Residential activity, unless specified below... (1) Activity status: PER Activity-specific standards: Nil</p> <p>MRZ2-R9 Construction, demolition, addition, and alteration of a building or structure</p>	<p>health and safety, now and into the future.</p> <p>Objective 4: New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.</p> <p>Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:</p> <p>(a) have or enable a variety of homes that:</p> <p style="padding-left: 40px;">(i) meet the needs, in terms of type, price, and location, of different households; ...</p> <p>Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:</p> <p style="padding-left: 40px;">... (c) the benefits of urban development that are consistent with well-functioning urban</p>	<p>for all people, given the growing demand for the retirement village typology by providing a specific rule framework.</p> <ul style="list-style-type: none"> • Will help realise the benefits of urban development and contribute to a well-functioning urban environment. • Will help add significantly to development capacity for a particular demographic in need of housing and care. • Provides further specificity on the day to day living needs of retirement village residents. • Provides for retirement villages, which are not a permitted residential development and ensures high quality outcomes by ensuring the matters of discretion are tailored to this particular activity.
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<p>adverse visual dominance effects;</p> <p>(e) The matters in MRZ2-P15;</p> <p>(f) The site is connected to public water and wastewater infrastructure;</p> <p>(g) The provision of adequate waste and recycling storage; and</p> <p>(h) The positive effects of the construction, development and use of the retirement village.</p> <p>The following land use – effects standard does not apply:</p> <p>(i) SIGN-R1, SIGN-R8 – SIGN-R10 (Signs).</p> <p>The following Land Use – Building standards do not apply:</p> <p>(ii) MRZ2-S1 (Residential unit (per unit));</p> <p>(iii) MRZ2-S6 (Outdoor living space); and</p>	<p>(1) Activity status: PER Activity-specific standards: Nil</p>	<p>environments (as described in Policy 1).</p>	<p>Consequential to MDRS provisions as:</p> <ul style="list-style-type: none"> • Ensures retirement village development is enabled in line with multi unit 4 or more developments, but with amendments to recognise the functional and operational needs of retirement villages and recognises the interface with the adjacent environment. • Addresses cross references to 'non-density' aspects/ other standards that were already in the existing provision to ensure there are no gaps.
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<p>The following infrastructure and energy rule does not apply:</p> <p>(iv) Rule TRPT-R4(1)(a) (Traffic generation).</p>			
<p>Relevant Standards submitted on.</p>	<p><u>MRZ2-P3 Housing Design</u></p> <p>Enable housing to be designed to meet the day-to-day needs of residents.</p> <p>MRZ-S2 Height – building general</p> <p>MRZ-S3 Height in relation to boundary</p> <p>MRZ-S4 Setbacks</p> <p>MRZ-S5 Building coverage</p> <p>MRZ-S6 Outdoor Living Space</p> <p>MRZ-S7 Outlook space</p> <p>MRZ-S8 Windows to the Street</p> <p>MRZ-S9 Landscaped Area</p>	<p>Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:</p> <p>(a) have or enable a variety of homes that:</p> <p>(i) meet the needs, in terms of type, price, and location, of different households;...</p> <p>Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:</p> <p>... (c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1).</p>	<p>Supports both MDRS and NPS-UD provisions.</p> <ul style="list-style-type: none"> • Will help add significantly to development capacity for a particular demographic in need of housing and care. • Provides further specificity on the day to day living needs of retirement village residents. • Provides for retirement villages, which are not a permitted residential development and ensures high quality outcomes. <p>Consequential to MDRS provisions as:</p> <ul style="list-style-type: none"> • Provides clarity and efficiency by ensuring the standards are workable

			when applied to this specific development type.
<p>Retirement unit definition.</p> <p><i>"Means any unit within a retirement village that is used or designed to be used for a residential activity (whether or not it includes cooking, bathing, and toilet facilities). A retirement unit is not a residential unit".</i></p>	<p><u>MRZ2-P3 Housing Design</u></p> <p>Enable housing to be designed to meet the day-to-day needs of residents.</p>	<p>Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:</p> <p>(a) have or enable a variety of homes that:</p> <p style="padding-left: 40px;">(i) meet the needs, in terms of type, price, and location, of different households; ...</p> <p>Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:</p> <p>... (c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1).</p>	<p>Supports both MDRS and NPS-UD provisions:</p> <ul style="list-style-type: none"> • Provides further specificity on the day to day living needs of retirement village residents. • Provides for retirement villages, which are not a permitted residential development and ensures high quality outcomes. <p>Consequential to MDRS provisions as:</p> <ul style="list-style-type: none"> • Provides clarity and efficiency in terms of how a number of the performance standards are to apply to retirement villages.

Appendix B
Track Change provisions

Interpretation

Definitions

Explanatory note for the purpose of the IPI and to be removed upon completion of the process:

Proposed additional definitions are shown in green underline. No modifications are proposed to any existing definitions within the proposed Waikato District Plan and are therefore not shown as part of the IPI.

Red underline or ~~red strikethrough~~ reflect the changes recommended within the section 42A report.

Blue underline or ~~blue strikethrough~~ reflect the changes proposed by the RVA and Ryman.

Term	Definition
<u>Active transport</u>	<p><u>Has the same meaning as in the National Policy Statement on Urban Development 2020 (as set out in the box below).</u></p> <p><u>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.</u></p>
<u>Landscaped area</u>	<p><u>Means any part of the site that</u> is has grassed and/or planted and can include the canopy of in <u>trees, regardless of the ground treatment below them.</u> shrubs, or ground cover and may include ancillary water, rocks, paved areas or amenity features.</p>
<u>MDRS</u>	<p><u>Has the same meaning as in section 2 of the Resource Management Act 1991 (as set out in the box below).</u></p> <p><u>Means the requirements, conditions, and permissions set out in Schedule 3A.</u></p>
<u>Qualifying matters</u>	<p><u>Has the same meaning as in section 2 of the Resource Management Act 1991 (as set out in the box below).</u></p> <p><u>Means a matter referred to in section 77I or 77O of the Resource Management Act 1991</u></p>
<u>Servicing area</u>	<p><u>Means the use of land for services, storage or waste management to serve a dwelling or residential activity.</u></p>
<u>Retirement Unit</u>	<p><u>Means any unit within a retirement village that is used or designed to be used for a residential activity (whether or not it includes cooking, bathing, and toilet facilities). A retirement unit is not a residential unit.</u></p>

INTERPRETATION

Abbreviations

Abbreviation	Full term
CPTED	Crime prevention through environmental design
GFA	Gross floor area
MDRS	Medium Density Residential Standard
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

MRZ2 – Medium density residential zone 2

Explanatory note for the purpose of the IPI and to be removed upon completion of the process:

The provisions in this chapter are based on the provisions of the MRZ – Medium density residential zone of the proposed Waikato District Plan.

Standard text is used for existing provisions contained in the proposed Waikato District Plan.

Green underline text is used for new provisions.

~~Black Strikethrough~~ is used to show the deletion of existing provisions.

Red underline or ~~red-strikethrough~~ reflect the changes recommended within the section 42A report.

Blue underline or ~~blue-strikethrough~~ reflect the changes proposed by the RVA and Ryman.

The provisions in this chapter incorporate the density standards in Part 2 of Schedule 3A of the Resource Management Act 1991 (the Act) and the objectives and policies in Clause 3 of Schedule 3A of the Act. In accordance with Section 80H of the Act these provisions are shown shaded grey.

Provisions that have legal effect are marked in this chapter with a gavel (as shown in the margin of this paragraph).

Rules providing for residential units in the Medium density residential zone 2 as a permitted activity in accordance with the density standards in Schedule 3A of the Act have immediate legal effect under Section 86BA of the Act unless the site is within a qualifying matter area or a new residential zone. A new residential zone means an area that was not shown as a residential zone in the Operative Waikato District Plan. Applicable qualifying matters include the rules set out in the table below:

Qualifying matter	Topic	District wide rules	Zone rules
Matter of national importance under s6 (s77I(a))	<p>Natural character of the lakes and rivers and their margins s6(a)</p> <p>Maintenance and enhancement of public access to and along lakes and rivers s6(d)</p>		<p>GRZ-S22 Building setbacks – water bodies</p> <p>MRZ2-S13 Building setbacks – water bodies</p> <p>GRZ-R15 Building within the Huntly North Wetland specific control</p>

	<p>Outstanding natural features and landscapes s6(b)</p>	<p>NFL-R2 Earthworks within an ONF or ONL</p> <p>NFL-R3 Subdivision</p>	<p>GRZ-S22 Building setbacks – water bodies</p> <p>MRZ2-S13 Building Setbacks – water bodies</p>
	<p>Significant indigenous vegetation and significant habitats of indigenous fauna s6(c)</p>	<p>ECO-R3 Earthworks in an SNA</p> <p>ECO-R8 Vegetation clearance within an SNA</p> <p>ECO-R11 Vegetation clearance outside an SNA</p>	
	<p>Relationship of Maaori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga s6(e)</p>	<p>SASM-R4 Earthworks</p> <p>SASM-R5 Title boundaries</p>	
	<p>Protection of historic heritage from inappropriate subdivision, use and development s6(f)</p>	<p>HH-R2 All site development</p> <p>HH-R4 Additions and alterations to a historic heritage item</p> <p>HH-R5 Construction or alteration to a building in the Huntly heritage area</p> <p>HH-R7 Demolition, removal or relocation of any B ranked historic heritage item</p> <p>HH-R8 Demolition, removal or relocation of any A ranked historic heritage item</p>	

		HH-R9 Subdivision of land containing a historic heritage item	
	Management of significant risks from natural hazards s6(h)	Flood plain management area NH-R10 High risk flood area NH-R20, NH-R19 Defended area NH-R25, NH-R24 Mine subsidence risk area NH-R72, NH-R73, NH-R74	
Matter required to give effect to a national policy statement (s77I(b))	National Policy Statement for Electricity Transmission	EW-R2 Earthworks activities within the National Grid Yard	GRZ-R14 New sensitive land use within National Grid Yard MRZ2-R10 Buildings, structures and sensitive land uses within the National Grid Yard MRZ2-R10 New sensitive land use within the National Grid Yard SUB-R26 Subdivision within the National Grid Corridor SUB-R162 Subdivision within National Grid Corridor
Matter required to give effect to Te Ture Whaimana (s77I(c))			GRZ-S22 Building setbacks – water bodies MRZ2 – S13 Building setbacks – water bodies
Matter required for the purpose of	State Highways		

ensuring the safe or efficient operation of nationally significant infrastructure (s77I(e))	North Island Main Trunk rail		GRZ-S20 Building setback – sensitive land use
	Gas transmission line		MRZ2-R14 Building setback – sensitive land use
Any other matter that makes higher density inappropriate in an area (s77I(j))	Urban fringe		MDRS not proposed to apply to the GRZ
	Reverse sensitivity		GRZ-S20 Building setback – sensitive land use GRZ-S21 Building setback – sensitive land use located outside Amenity Setback PREC4-S2 Building setback – sensitive land use within Havelock Precinct MRZ2-S14 Building setback – sensitive land use
	Notable trees	TREE-R1 Removal or destruction TREE-R3 Activities within the dripline TREE-R4 Subdivision of land containing a notable tree	

The relevant district-wide chapter provisions apply in addition to this chapter.

Purpose

The purpose of the MRZ2 – Medium density residential zone 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 2 provides for this form of development within ~~a walkable catchment of the town centres of~~ Huntly, Ngaaruawaahia, Pookeno and Tuakau. The zone 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 (s77I(a)) of the RMA
- Matter required to give effect to a national policy statement (s77I(b))
- Matter required to give effect to Te Ture Whaimana (s77I(c))
- Matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure (s77I(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.

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 including three-storey buildings, including semi-

detached and terraced housing, townhouses and low-rise apartments and retirement villages.

MRZ2-O4 Activities.

An appropriate mix of complementary and compatible activities 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.

(1) ~~Avoid or M~~inimise 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 Ageing population

Recognise and enable the housing and care needs of the ageing population

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 while considering ~~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.

MRZ2-P6 [Qualifying Matters](#)

[Restrict residential development to an appropriate level to provide for ~~and protect any relevant qualifying matters~~ through amendments to the MDRS rules and standards.](#)

MRZ2-P7 Efficient use of land and infrastructure.

- (1) Enable land to be used for higher intensity residential living, [including](#) where such land is:
- (a) [In close proximity 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 [and those changes are not, of themselves, an adverse effect.](#)

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.

Maintain appropriate setback distances between new sensitive land uses and existing lawfully established activities that may result in reverse sensitivity effects.

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 Changing communities

To provide for the diverse and changing residential needs of communities and recognise that the existing character and amenity of the residential zones will change over time to enable a variety of housing types with a mix of densities.

MRZ2-P14 Larger sites

Recognise the intensification opportunities provided by larger sites within the Residential Zone by providing for more efficient use of those sites.

MRZ2-P15 Role of density standards

Enable the density standards to be utilised as a baseline for the assessment of the effects of developments.

MRZ2-P16 Retirement Villages

(1) Enable retirement villages that:

- a. Provide for a greater density than other forms of residential developments to enable shared spaces, services, amenities / facilities and affordability and the efficient provision of assisted living and care services;
- b. Provide good quality on site amenity, recognising the unique layout, internal amenity and other day-to-day needs of residents as they age and the types of retirement units they live in;

(2) Encourage the scale and design of the retirement village to:

- a. Be of a high-quality and compatible with the planned urban character;
- b. Achieve attractive and safe streets and public open spaces, including by providing for passive surveillance; and
- c. Achieve an appropriate level of residential amenity at neighbouring properties where relevant built form standards are exceeded.

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.

<p>MRZ2-R1</p>	<p>Residential activity (including retirement villages), unless specified below</p> <p>This includes occupation of a single residential unit for short term rental.</p>
<p>(1) Activity status: PER Activity-specific standards: Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
<p>MRZ2-R2</p>	<p>A new or Construction of buildings for a Retirement village or alterations to an existing retirement village</p>
<p>(1) Activity status: PER <u>RDIS</u> Activity-specific standards:</p> <ul style="list-style-type: none"> (a) The site is connected to public water and wastewater infrastructure; (b) The minimum living space or balcony area and dimensions are: <ul style="list-style-type: none"> (i) Apartment—10m² area with a 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. (c) The minimum service court is either: <ul style="list-style-type: none"> (i) Apartment—Communal outdoor space (i.e. no individual service courts required); or (ii) All other units—10m² for each unit. (d) The following land use—effects standard does not apply: <ul style="list-style-type: none"> (i) SIGN R1, SIGN R8—SIGN R10 (Signs). (e) The following Land Use—Building standards do not apply: <ul style="list-style-type: none"> (i) MRZ2-S1 (Residential unit (per unit)); (ii) MRZ2-S6 (Outdoor living space); and (f) The following infrastructure and energy rule does not apply: <ul style="list-style-type: none"> (i) Rule TRPT R4(1)(a) (Traffic generation). <p><u>Council’s discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> <u>(a) The effects arising from exceeding any of the following standards (both individually and cumulatively): MRZ2-S2 (Height – building general), MRZ2-S3 (Height in relation to boundary), MRZ2S4</u> 	<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><u>Notification:</u></p> <p><u>Any application for resource consent for the construction of a retirement village will be considered without public notification.</u></p> <p><u>An application for the construction of a retirement village that complies with standards MRZ2-S2 (Height – building general), MRZ2-S3 (Height in relation to boundary) and MRZ2-S4 (Setback) will be considered without public or limited notification.</u></p>

<p><u>(Setback), MRZ2-S5 (Building coverage) and where relevant MRZ2-S7 (Outlook space), MRZ2-S8 (Windows to street) and MRZ2-S9 (Landscaped area);</u></p> <p>(b) <u>The effects of the retirement village on the safety of adjacent streets or public open spaces;</u></p> <p>(c) <u>The effects arising from the quality of the interface between the retirement village and adjacent streets or public open spaces;</u></p> <p>(d) <u>The extent to which articulation, modulation and materiality addresses adverse visual dominance effects;</u></p> <p>(e) <u>The matters in MRZ2-P15;</u></p> <p>(f) <u>The site is connected to public water and wastewater infrastructure;</u></p> <p>(g) <u>The provision of adequate waste and recycling storage; and</u></p> <p>(h) <u>The positive effects of the construction, development and use of the retirement village.</u></p> <p><u>The following land use – effects standard does not apply:</u></p> <p>(i) <u>SIGN-R1, SIGN-R8 – SIGN-R10 (Signs).</u></p> <p><u>The following Land Use – Building standards do not apply:</u></p> <p>(ii) <u>MRZ2-S1 (Residential unit (per unit));</u></p> <p>(iii) <u>MRZ2-S6 (Outdoor living space); and</u></p> <p><u>The following infrastructure and energy rule does not apply:</u></p> <p>(iv) <u>Rule TRPT-R4(1)(a) (Traffic generation).</u></p> <p><u>For clarity, no other rules or matters of discretion relating to the effects of density apply to buildings for a Retirement Village.</u></p>	
MRZ2-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>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:</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> <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-R8 Construction or alteration of a building for a sensitive land use</p>	

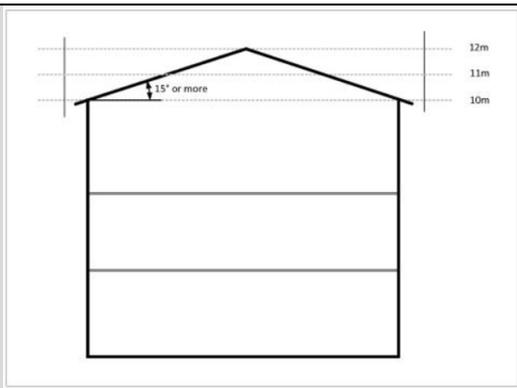
<p>(1) Activity status: PER Activity-specific standards:</p> <p>(a) The construction or alteration of a building for a sensitive land use that complies with all of the following standards:</p> <p>(i) It is set back a minimum of 10m from the centre of line of any electrical distribution or transmission 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>MR22-R9</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>MR22-R10</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><u>(1) Activity status: PER</u> <u>Activity-specific standards:</u></p> <p>(a) <u>Within the National Grid Yard:</u></p> <p>(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></p> <p>(ii) <u>New, or additions to existing buildings or structures that are not for a sensitive land use;</u></p> <p>(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></p> <p>(iv) <u>Fences less than 2.5m in height, measured from the natural ground level immediately below.</u></p> <p>(b) <u>All buildings or structures permitted by Rule GR22-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>(c) <u>A building or structure where Transpower has given written approval</u></p>	<p><u>(2) Activity status where compliance not achieved: NC</u></p>

<p>in accordance with clause 2.4.1 of the NZECP34:2001 ISSN 0114-0663;</p> <p>(d) 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;</p> <p>(e) 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>(f) Not permanently physically impede existing vehicular access to a National Grid support structure.</p>	
MRZ2-R11	The establishment of any new sensitive land use within the National Grid Yard
Activity status: NC	
MRZ2-R12	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-RX	Any new building within the Huntly North Wetland specific control identified on the planning maps
(1) Activity status: NC	

Land use – building

MRZ2-S1	Residential unit	
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) The site is outside the Stormwater Constraints and Flood Hazard Overlay and the QM for 5851 Great South Road uHp to three residential units per site.</p> <p>(b) The site is within the Stormwater Constraints Overlay - Medium Risk one residential unit per site, and one minor dwelling per site provided that the 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.</p> <p>(c) Within the QM for 5851 Great South Road 1 residential unit per 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) Intensity of the development; and</p> <p>(b) Design, scale and layout of buildings and outdoor living spaces in relation to the planned urban character of the zone;</p> <p>(c) The relationship of the development with adjoining streets or public open spaces, 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</p>

	<p>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> <p>(h) The objectives and policies in Chapter 2-20 Te Ture Whaimana Vision and Strategy</p> <p>(i) Where located within the catchment of the Waikato River the extent to which the application enhances or benefits the Waikato River and its tributaries</p> <p>(j) Flooding effects including safe access and egress</p> <p>(k) Stormwater Management and Low Impact Design methods</p> <p>(l) Within QM 5851 Great South Road affects on the values associated with the SASM</p> <p>Notification</p> <p>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.</p>
<p>MRZ2-S1a Residential Unit</p>	
<p>(1) Activity Status: NC</p> <p>Where:</p> <p>a. The site is within the Stormwater Constraints Overlay – High Risk Area; and</p> <p>b. There are more than two residential units per site</p>	
<p>MRZ2-S2</p>	<p>Height – building general</p>
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Except in the Tuurangawaewae Marae surrounds QM 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).</p> 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>For Residential units:</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> <p>(e) The visual dominance effects on adjoining sites; and</p>



In the Tuurangawae Marae surrounds QM:

- (a) The permitted height of any building or structure is 11m measured from the natural ground level immediately below that part of the structure;
- (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;
- (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.
- (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;

- (f) The relationship of the development with adjoining streets or public open spaces, including the provision of landscaping; and
- (g) In addition, within the Tuurangawae Marae surrounds QM: The effect on cultural viewshafts from Tuurangawae Marae to Hakarimata Range and Taupiri Maunga.

For Retirement villages:

- (a) The matters of discretion within MRZ2-R2A apply.

Notification

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. The notification provision does not apply to the Tuurangawae Marae surrounds QM

MRZ2-S3

Height in relation to boundary

(1) Activity status: PER

Where:

- (a) Except in the Tuurangawae Marae surrounds QM 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

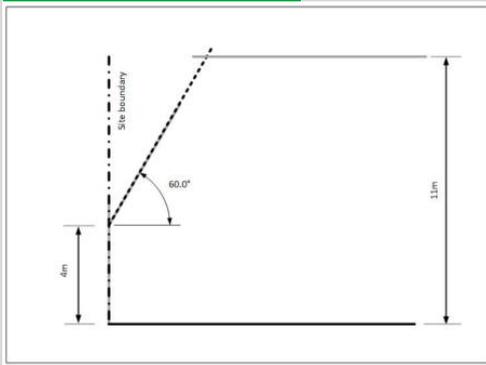


(2) Activity status where compliance not achieved: RDIS

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; and
- (g) In addition, within the Tuurangawae Marae surrounds QM: The effect on cultural viewshafts from Tuurangawae Marae to Hakarimata Range and Taupiri Maunga

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.
 - (iv) Boundaries adjoining the Settlement Zone, Local Centre Zone, Commercial Zone or General Industrial Zone.

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
- (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;
 - (ii) This standard does not apply to existing or proposed internal boundaries within a site;
 - (iii) 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 —

For Retirement villages:

- (a) The matters of discretion within MRZ2-R2A apply.

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. The notification provision does not apply to the Tuurangawaewae Marae surrounds QM

Large lot residential zone or SETZ—
Settlement zone;
(iv) Where the boundary adjoins a
legal road.

MRZ2-S4 | Setbacks

(1) Activity status: PER
Where:

(a) The site is outside of the Flood Hazards Overlay and outside of the Stormwater Constraints Overlay
bBuildings must be set back from the relevant boundary by the minimum depth listed in the yards table below:

<u>Yard</u>	<u>Minimum depth</u>
<u>Front</u>	<u>1.5m</u>
<u>Side</u>	<u>1m</u>
<u>Rear</u>	<u>1m (excluded on corner sites)</u>

- (b) 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.
- (c) The site is within the Stormwater Constraints Overlay and within the Flood Hazards Overlay buildings must be set back from the relevant boundary by the minimum depth listed in the yards table below:

<u>Yard</u>	<u>Minimum Depth</u>
<u>Front</u>	<u>3m</u>
<u>Side</u>	<u>1.5m</u>
<u>Rear</u>	<u>1.5m (excluded on corner sites).</u>

- (a) The finished external walls (excluding eaves) of a building must be set back a minimum of:
- (i) 3m from the road boundary;
 - (ii) 3m from the edge of an indicative road (as demonstrated on a structure plan or planning maps);
 - (iii) 1m from every boundary other than a road boundary; and
- (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;



(2) Activity status where compliance not achieved: RDIS
Council's discretion is restricted to the following matters:

- (a) Road network safety and efficiency;
- (b) Potential to mitigate adverse effects on the streetscape through use of other design features;
- (c) Daylight admission to adjoining properties; ~~and~~
- (d) Privacy overlooking on adjoining sites.
- (e) The visual dominance effects on adjoining sites.
- (f) Flooding effects including safe access and egress
- (g) Stormwater Management and the use of Low Impact Design methods
- (h) The objectives and policies in Chapter 2-20 Te Ture Whaimana – Vision and Strategy

For Retirement villages:

- (a) The matters of discretion within MRZ2-R2A apply.

Notification

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.

Advice note

Compliance with the Code of Practice for Electrical Safe Distances (NZECP 34:2001) may require increased setbacks to electrical infrastructure.

(c) MRZ-S10(1)(a) and (b) do not apply to structures that are not buildings.	
MRZ2-S5	Building coverage
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) <u>Except in the Tuurangawaewae Marae surrounds QM and in the Stormwater Constraints Overlay and Flood Hazards Overlay the maximum building coverage must not exceed 50% of the net site area.</u></p> <p>(b) <u>The site is within the Tuurangawaewae Marae surrounds QM the maximum building coverage must not exceed 45% of the net site area.</u></p> <p>(c) <u>The site is within the Stormwater Constraints Overlay or the Flood Hazards Overlay the building coverage must not exceed 40% of the net site area.</u></p> <p>(d) MRZ-S6(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>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) Design, scale and location of the building;</p> <p>(b) Provision for outdoor living space and service courts; and</p> <p>(c) Effects on the planned urban built character <u>and any qualifying matter on of</u> the surrounding residential area;</p> <p>(d) <u>The visual dominance effects on adjoining sites;</u></p> <p>(e) <u>In addition, within the Tuurangawaewae Marae surrounds QM: The effect on cultural viewshafts from Tuurangawaewae Marae to Hakarimata Range and Taupiri Maunga</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>The objectives and policies in Chapter 2-20 Te Ture Whaimana – Vision and Strategy.</u></p> <p>For Retirement villages:</p> <p>(a) <u>The matters of discretion within MRZ2-R2A apply.</u></p> <p>Notification</p> <p><u>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. The notification provision does not apply to the Tuurangawaewae Marae surrounds QM</u></p>
MRZ2-S6	Outdoor living space (per unit)
<p>(1) Activity status: PER</p> <p>Where:</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>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <p>For Residential units:</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>

- (ii) 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
- (iii) is accessible from the residential unit; and
- (iv) may be—
 - (1) grouped cumulatively by area in one communally accessible location; or
 - (2) located directly adjacent to the unit; and
- (v) is free of buildings, parking spaces, and servicing and manoeuvring areas.

- (b) 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—
 - (i) is at least 8m² and has a minimum dimension of 1.8m; and
 - (ii) is accessible from the residential unit; and
 - (iii) may be—
 - (1) grouped cumulatively by area in one communally accessible location, in which case it may be located at ground level; or
 - (2) located directly adjacent to the unit.

- (c) For retirement units, clauses (a) and (b) apply with the following modifications:
 - (i) the outdoor living space may be in whole or in part grouped cumulatively in 1 or more communally accessible location(s) and/or located directly adjacent to each retirement unit; and
 - (ii) a retirement village may provide indoor living spaces in one or more communally accessible locations in lieu of up to 50% of the required outdoor living space.

- (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;~~
 - ~~(iii) Where the residential unit contains an internal habitable space (excluding garages, bathrooms, laundries, and hall or stairways) on the ground floor, an~~

- (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.

For Retirement units:

- (a) The matters of discretion within MRZ2-R2A apply.

Notification

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.

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.

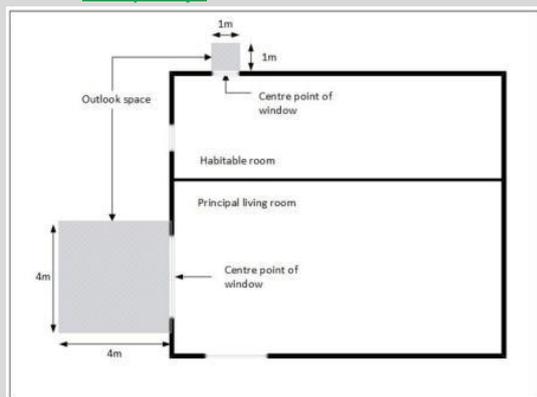
MRZ2-S7

Outlook space (per unit)

(1) Activity status: PER

Where:

- (a) An outlook space must be provided for each residential unit as outlined below.
- (b) 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):



- (c) The minimum dimensions for a required outlook space are as follows:
- (i) a principal living room must have an outlook space with a minimum dimension of 4m in depth and 4m in width; and
- (ii) all other habitable rooms must have an outlook space with a minimum dimension of 1m in depth and 1m in width.
- (d) The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.
- (e) Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.
- (f) Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building.

(2) Activity status where compliance not achieved: RDIS

Council's discretion is restricted to the following matters:

For Residential units:

- (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;
- (b) The nature of the occupation of the room without the required outlook;
- (c) The effects on amenity of future occupants from a reduced outlook; and
- (d) Any privacy benefits from providing a reduced outlook.

For Retirement units:

- (a) The matters of discretion within MRZ2-R2A apply.

Notification

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.

<p>(g) Outlook spaces may be under or over a balcony.</p> <p>(h) Outlook spaces required from different rooms within the same building may overlap.</p> <p>(i) Outlook spaces must—</p> <p>(i) be clear and unobstructed by buildings; and</p> <p>(ii) not extend over an outlook space or outdoor living space required by another dwelling.</p> <p>(j) For retirement units, clauses (a) – (i) apply with the following modification: The minimum dimensions for a required outlook space are 1 metre in depth and 1 metre in width for a principal living room and all other habitable rooms.</p>	
<p>MRZ2-S8</p>	<p>Windows to the street</p>
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Any residential unit or retirement unit facing the public street must have a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors.</p> 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>For Residential units:</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>For Retirement units:</p> <p>(a) The matters of discretion within MRZ2-R2A apply.</p> <p>Notification</p> <p>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.</p>
<p>MRZ2-S9</p>	<p>Landscaped area</p>
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) A residential unit or retirement unit at ground floor level must have a landscaped area of a minimum of 20%</p> 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>For Residential units:</p>

<p>of a developed site with grass or plants and can include the canopy of trees regardless of the ground treatment below them.</p> <p>(b) The landscaped area may be located on any part of the development site, and does not need to be associated with each residential unit or retirement unit.</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>For Retirement units:</p> <p>(a) The matters of discretion within MRZ2-R2A apply.</p> <p>Notification</p> <p>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.</p>
MRZ-S2	Minimum residential unit size
<p>(3) 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>(4) 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>Internal residential amenity:</p>
MRZ2-S10	Impervious surfaces
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) The impervious surfaces of a site must not exceed 70%.</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) Site design, layout and amenity; and</p> <p>(b) The risk of flooding, nuisance or damage to the site or other buildings and sites.</p> <p>(c) Stormwater Management and the use of Low Impact Design methods</p> <p>(d) The objectives and policies in Chapter 2-20 Te Ture Whaimana – Vision and Strategy</p> <p>(e) The effects of any on-site stormwater retention or detention devices.</p>
MRZ2-S11	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 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.</p>
<p>MRZ2-S12 Fences or walls - <u>road boundaries and OSZ - Open space zone boundaries</u></p>	
<p>(1) Activity status: PER Where: (a) Boundary fences and walls <u>adjacent to between properties and</u> any road boundaries <u>or OSZ - open space zone</u>, must comply with all of the following standards: (i) Be no higher than 1.5m if solid; (ii) Be no higher than 1.8m if: (1) Visually permeable for the full 1.8m height of the fence or wall; or (2) Solid up to 1.5m and visually permeable between 1.5 and 1.8m.</p>	<p>(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 streetscape amenity; and (c) Public space visibility.</p>
<p>MRZ2-S13 Building setbacks – water bodies</p>	
<p>(1) Activity status: PER Where: (a) <u>Within the Stormwater Constraints Overlay a building must be set back a minimum of:</u> (i) <u>23m from the margin of any lake;</u> (ii) <u>23m from the margin of any wetland;</u> (iii) <u>23m from the bank of any river (other than the Waikato and the Waipa River);</u> (iv) <u>28m from the margin of either the Waikato or the Waipa River.</u> (b) <u>Outside the Stormwater Constraints Overlay and the Flood Hazards Overlay</u> A building must be set back a minimum of: (i) 20m from the margin of any lake; (ii) 20m from the margin of any wetland; (iii) <u>21.5m</u>23m from the bank of any river (other than the Waikato River and Waipa River);</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 <u>including hydrology and flooding.</u> (g) <u>Where located within the catchment of the Waikato River the extent to which the application enhances or benefits the Waikato River and its tributaries</u> (h) <u>Effects on cultural values identified in Maaori Values and Maatauranga Maaori Chapter.</u></p>

<p>(iv) 25.5m 38m from the margin of either the Waikato River and the Waipa River</p> <p>(v) 23m from mean high water springs</p> <p>(c) A public amenity of up to 25m² or pump shed within any building setback identified in MRZ2-S13(1)(a);</p> <p>(d) This standard does not apply to a structure which is not a building.</p>	<p>(i) <u>The objectives and policies in Chapter 2-20 Te Ture Whaimana -Vision and Strategy</u></p>
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MRZ2-S14	<u>Building setback – sensitive land use</u>
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<p>(1) Activity status: PER</p> <p>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) 6m from the centre of a gas transmission line identified on the planning maps</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>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>
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MRZ2-S15	Building setback – Environmental Protection Area
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<p>(1) Activity status: PER</p> <p>Where:</p> <p>a. A building shall be set back a minimum of 3m from an Environmental Protection Area.</p>	<p>(3) Activity status where compliance not achieved: DIS</p>
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Additional provisions applying to the Havelock Precinct

PREC4-SX	<u>Residential unit within the Slope Residential Area</u>
<p>(1) Activity status: PER</p> <p>Where:</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

(a) <u>One residential unit per site.</u>	
PREC4-SX	<u>Building coverage within the Slope Residential Area</u>
Where: a. <u>The maximum building coverage must not exceed 40% of the net site area.</u>	<u>(4) Activity status where compliance not achieved: DIS</u>
PREC4-SX	<u>Height – buildings or structures adjoining Hilltop parks within PREC4 – Havelock precinct</u>
(1) Activity status: PER Where: a. <u>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.</u>	<u>(2) Activity status where compliance not achieved: DIS</u>
PREC4-SX	<u>Height – Havelock industry buffer height restriction area</u>
(1) Activity status: PER Where: 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 Havelock industry buffer height restriction area.</u>	<u>(2) Activity status where compliance not achieved: DIS</u>
PREC4-SX	<u>Building setback – sensitive land use within PREC4 – Havelock precinct</u>
(1) Activity status: PER Where: 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 Pōkeno Industry Buffer identified on the planning maps.</u>	<u>Activity status where compliance not achieved: NC</u>
PREC4-SX	<u>Building design – sensitive land use with PREC4 – Havelock precinct</u>
(2) Activity status: PER Where: a. <u>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 LAeq noise contour shown on the planning maps that is designed and constructed so that</u>	<u>(3) Activity status where compliance not achieved: DIS</u>

internal noise levels do not exceed 25 dB LAeq 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:
- 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:
 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:
 - i. 6 air changes per hour for rooms with less than 30% of the façade area glazed;
 - ii. 15 air changes per hour for rooms with greater than 30% of the façade area glazed;
 - iii. 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.
 - iii. Provides relief for equivalent volumes of spill air.

All is certified by a suitably qualified and experienced person.

Medium Density Residential Standard Figures

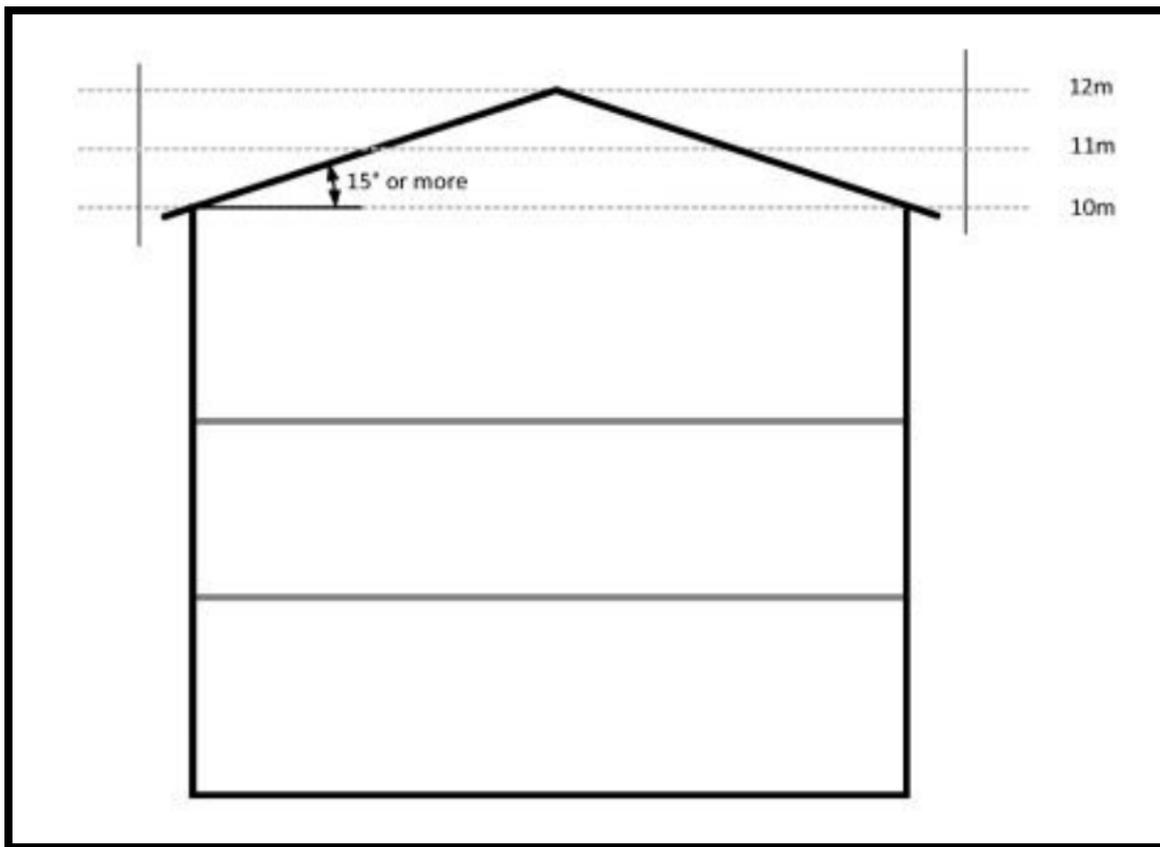


Figure 1: Building Height (refer to MRZ2-S2)

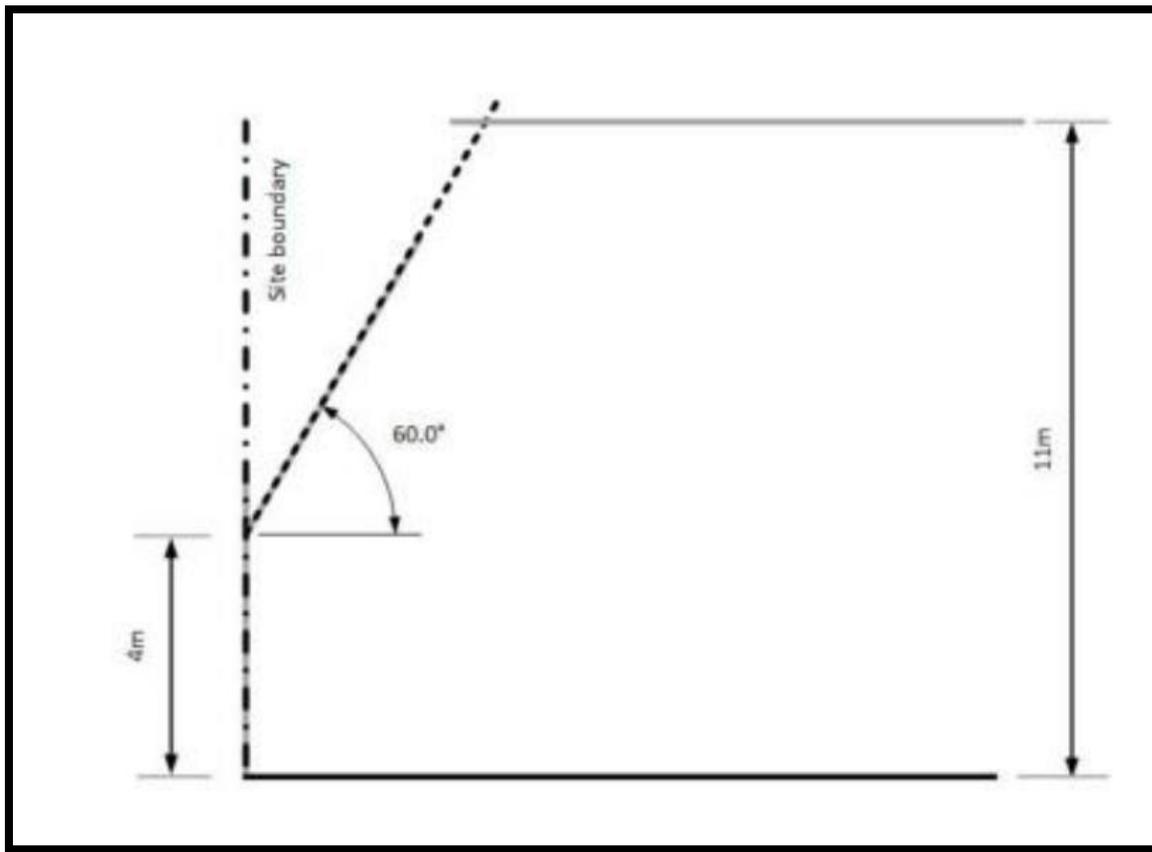


Figure 2: Height in relation to boundary (refer to MRZ2-S3)

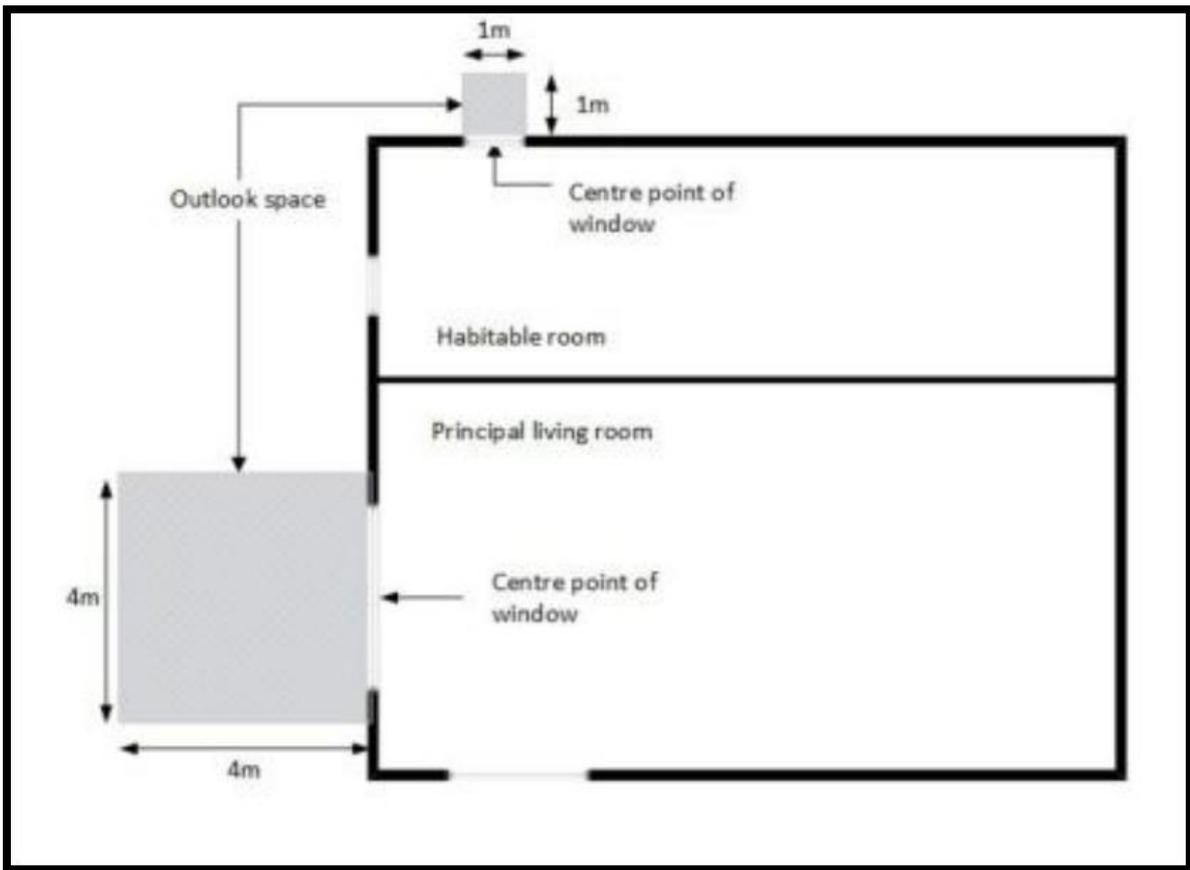


Figure 3: Outlook space per unit (refer to MRZ2-S7)

LCZ – Local centre zone

The relevant district-wide chapter provisions apply in addition to this chapter.

Blue underline or ~~blue strikethrough~~ reflect the changes proposed by the RVA and Ryman.

Purpose

The LCZ – Local centre zone provides for a range of commercial, residential and community activities that service the needs of the residential catchment.

Objectives

LCZ-O1 Economic growth of industry.

Commercial activity is focused 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, while providing for a range of commercial, residential and community activities.

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-P1 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.~~ [Residential Activities.](#)

(±)

Maintain the commercial viability of the zone while [providing for residential activities within the LCZ – Local Centre Zone, by:](#)

- (a) Providing for mixed use developments, ensuring residential activities are preferably located above ground floor; and
- (b) ~~Avoiding~~ [Managing](#) residential activity located at ground level, ~~where it could~~ [so that it does not](#) 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-P10

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-P11 Outdoor storage.

The adverse visual effects of outdoor storage in the zone are mitigated through appropriate location, screening or landscaping.

LCZ-P12 Objectionable odour.

Within the zone ensure that the adverse effects of objectionable odour from activities do not detract from the amenity of other sites.

[LCZ-P13 Retirement Villages](#)

(1) [Enable retirement villages that:](#)

- a. [Provide for greater density than other forms of residential developments to enable shared spaces, services, amenities and / facilities, and affordability and the efficient provision of assisted living and care services.](#)
- b. [Provide good quality on site amenity, recognising the unique layout, internal amenity and other day-to-day needs of residents as they age.](#)

(2) [Encourage the scale and design of the retirement villages to:](#)

- a. [be of a high-quality and be aligned with the planned urban character of the zone; and](#)
- b. [achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.](#)

[LCZ-P14 Larger sites](#)

[Recognise the intensification opportunities provided by larger sites within the Local Centre Zone by providing for more efficient use of those sites.](#)

[LCZ-P15 Density standards](#)

[Enable the density standards to be utilised as a baseline for the assessment of effects of developments.](#)

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, that operate at a voltage of up to 100 kV; or (ii) It is set back a minimum of 12m from the centre of line of any electrical distribution or transmission lines, not associated	(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.

with the National Grid, that operate at a voltage of 100 kV or more.	
LCZ-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
LCZ-R15	A multi-unit development
(1) Activity status: RDIS Activity-specific standards: (a) A multi-unit development that meets all of the following standards: (i) Land use – effects standards for the zone; (ii) Land use – buildings standards for the zone, except the following rules do not apply: (1) LCZ-S9 (Residential units) does not apply; (2) LCZ-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-R85 (Subdivision of multi-unit developments); (c) Each residential unit must be designed and constructed to achieve the internal design sound levels specified in APPI – Acoustic Insulation, Table 25 – Internal sound levels; (d) A communal service court is provided comprising: (i) Minimum area of 20 m ² ; and (ii) Minimum dimension of 3 m. (e) Outdoor living space	(2) Activity status where compliance not achieved: DIS

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	10 m ²	2 m
2 or more bedrooms	15 m ²	2 m

(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:

Design:

- (a) 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 facades.
 - (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

<p>streetscape amenity.</p> <p>(vi) Minimises vehicle garaging/parking or manoeuvring areas.</p> <p>(vii) Service courts are screened or obscured.</p> <p><u>On-site amenity:</u></p> <p>(b) The extent to which the design:</p> <p>(i) Maximise opportunities for accessibility, privacy between units, 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 unit.</p> <p>Infrastructure:</p> <p>(c) The extent to which the design can be efficiently serviced with three waters infrastructure.</p> <p>Natural Hazards:</p> <p>(d) The extent to which the design avoids or mitigates effects arising from the presence of natural hazards.</p> <p>Staging:</p> <p>(e) The extent to which staging is necessary to ensure that development is carried out in a coordinated and timely manner.</p>	
<p><u>LCZ-RXX</u></p>	<p><u>Construction of buildings for a Retirement Village</u></p>
<p><u>(1) Activity status: RDIS</u></p> <p><u>Activity-specific standards:</u></p> <p><u>(a) Each residential unit must be designed and constructed to achieve the internal design sound levels specified in APPI – Acoustic Insulation, Table 25 – Internal sound levels;</u></p> <p><u>Council’s discretion is restricted to the following matters:</u></p>	<p><u>(2) Activity status where compliance not achieved: n/a</u></p> <p><u>Notification:</u></p> <p><u>Any application for resource consent for the construction of a retirement village will be considered without public notification.</u></p> <p><u>An application for the construction of a retirement village that complies with</u></p>

Standards:

- (b) The effects arising from exceeding any of the following standards (both individually and cumulatively): LCZ-S4 (Building Height), LCZ-S5 (Height in relation to boundary), LCZ-S6 (Building setback – zone boundaries), and, where relevant, LCZ-S7 (Building setback – waterbodies), LCZ-S8 (Horotiu acoustic area) and LCZ-S10 (Outdoor living space).

Design:

- (c) The extent to which that portion of the building or site which fronts a road or public space:
- a. Provides for passive surveillance of the street from habitable rooms at ground and upper floor levels.
 - b. Avoids the use of impermeable screens or fencing that obstruct visual connections.
 - c. Avoids unrelieved and blank facades.
 - d. Creates visual interest through the use of cladding materials, colour and articulation of the façade.
 - e. Utilises soft or hard landscape elements to contribute positively to streetscape amenity.
 - f. Minimises vehicle garaging/parking or manoeuvring areas.
 - g. Service courts are screened or obscured.

Infrastructure:

- (d) The extent to which the design can be efficiently serviced with three

standards LCZ-S4, LCZ-S5, LCZ-S6 will be considered without public or limited notification.

<p>waters infrastructure.</p> <p>Natural Hazards:</p> <p>(e) The extent to which the design avoids or mitigates effects arising from the presence of natural hazards.</p> <p>Staging:</p> <p>(f) The extent to which staging is necessary to ensure that development is carried out in a coordinated and timely manner.</p> <p>Positive Effects:</p> <p>(g) The positive effects of the construction, development and use of the retirement village.</p> <p>(h) The functional and operational requirements of retirement villages.</p> <p>For clarity, no other rules or matters of discretion relating to the effects of density apply to buildings for a Retirement Village.</p>	
LCZ-R16	Any activity that is not specifically listed as a permitted, controlled, restricted discretionary or non-complying activity.
Activity status: DIS	
LCZ-R17	Any building, structure, objects or vegetation that obscure the sight line of the Raglan navigation beacons for vessels entering Whaingaoara (Raglan Harbour) (APP8 – Raglan navigation beacon).
Activity status: PR	

Land- use – effects

LCZ-S1	Servicing and hours of operation
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) The loading and unloading of vehicles and the receiving of customers and deliveries associated with a</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 on adjoining sites within the GRZ – General</p>

<p>commercial activity on a site adjoining 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 or SETZ – Settlement zone must only occur between 6.00am and 8.00pm.</p>	<p>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;</p> <p>(b) Timing, duration and frequency of adverse effects;</p> <p>(c) Location of activity in relation to zone boundary;</p> <p>(d) Location of activity in relation to residential units on adjoining sites;</p> <p>(e) The means to avoid, remedy or mitigate adverse effects on adjoining sites.</p>
<p>LCZ-S2</p>	<p>Onsite parking areas - landscaping</p>
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Onsite car parking area for 5 or more parking spaces located adjoining a road, must comply with the following standards:</p> <p>(i) The car parking area must be separated from the road by a 1.5m wide planting strip, with the exception of vehicle access points; and</p> <p>(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</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Design and location of the parking area and landscaping strip; and</p> <p>(b) Effects on streetscape amenity.</p>
<p>LCZ-S3</p>	<p>Outdoor storage</p>
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Outdoor storage of goods or materials must comply with all of the following standards:</p> <p>(i) Be associated with the activity operating from the site;</p> <p>(ii) Not encroach on parking or loading areas;</p> <p>(iii) Standards LCZ-S4</p>	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p>(a) Visual amenity;</p> <p>(b) Effects on loading and parking areas;</p> <p>(c) Size and location of the storage area; and</p> <p>(d) Measures to mitigate adverse effects.</p>

<p>Height and LCZ-S5 Height in relation to boundary; and</p> <p>(iv) Be fully screened from view by a close boarded fence or soli fence or wall to a height of 1.8m fencing or landscaping from any:</p> <p>(1) Public road;</p> <p>(2) Public reserve; and</p> <p>(3) Adjoining site in another zone.</p>	
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Land use – building

LCZ-S4	Building height
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(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;</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; and</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>(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 an adjoining site; and</p> <p>(d) Privacy on adjoining sites.</p>
LCZ-S5	Height in relation to boundary
<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>(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>

<ul style="list-style-type: none"> (ii) MRZ<u>1</u> – Medium density residential zone <u>1</u>; (iii) LLRZ – Large lot residential zone; (iv) SETZ – Settlement zone; (v) RLZ – Rural lifestyle zone; or (vi) OSZ – Open space zone; <u>or</u> (vii) <u>MRZ2 – Medium density residential zone 2.</u> 	<ul style="list-style-type: none"> (d) Privacy on other sites; and (e) Amenity values of the locality.
LCZ-S6	Building setbacks – zone boundaries
<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: (b) 3.0 m from rear and side boundaries adjoining any: (c) GRZ General residential zone; (d) MRZ1 – Medium density residential zone 1; (e) LLRZ – Large lot residential zone; (f) SETZ – Settlement zone; (g) RLZ – Rural lifestyle zone; (h) OSZ – Open space zone; (i) MRZ2 – Medium density residential zone 2. (j) 1.5 m from rear and side boundaries adjoining any: (k) GRUZ – General rural zone; (l) GIZ- General industrial zone; or (m) HIZ – Heavy industrial zone. (n) 15 m from SH23 for any site between Greenslade Road and Hills Road, Raglan. (o) 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 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.

LCZ-S7	Building setbacks – waterbodies
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) A building that is set back a minimum of:</p> <ul style="list-style-type: none"> (i) 27.5 m from the margin of any lake; (ii) 27.5 m from the margin of any wetland; (iii) 27.5 m from the bank of any river (other than the Waikato River and Waipa River); (iv) 32.5 m from the margin of either the Waikato River and the Waipa River; (v) 27.5 m from mean high water springs; (vi) 10 m from any artificial wetland; <p>(b) A public amenity of up to 25 m² or pump shed (private or public) within any building setback identified in Standard LCZ-S7(1)(a);</p> <p>(c) LCZ-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> <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 the amenity of the locality; and (e) Effects on natural character values.
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> <ul style="list-style-type: none"> (a) On-site amenity values; (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.

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;</p> <p>(iii) It is located on a balcony containing at least 15 m² and a circle with a diameter of at least 2.4 m.</p>		<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council’s discretion is restricted to the following matters:</p> <p><u>For Residential Units:</u></p> <p>(3) Design and location of the building;</p> <p>(4) Provision of outdoor living including access to daylight and open space and the useability and accessibility of the outdoor living space proposed;</p> <p>(5) Privacy on adjoining sites;</p> <p>(6) 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>For Retirement Units:</u></p> <p><u>(a) The matters of discretion within LCZ-R17 apply.</u></p>

COMZ – COMMERCIAL ZONE

The relevant district-wide chapter provisions apply in addition to this chapter.

Blue underline or ~~blue strikethrough~~ reflect the changes proposed by the RVA and Ryman.

Purpose

The COMZ - Commercial zone identifies areas used predominantly for a range of commercial, residential 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 while providing for a range of commercial, residential and community activities.

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.

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	<p>Retail.</p> <p>(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.</p> <p>(2) Locate large scale retail and commercial activities within the COMZ – Commercial zone.</p>
COMZ-P6	<p>Residential upper floors: Residential Activities.</p> <p>Maintain the commercial viability of the zone while providing for residential activities within the LCZ – Local Centre Zone, by:</p> <p>(a) Providing for mixed use developments, ensuring residential activities are preferably located above ground floor; and</p> <p>(b) Avoiding Managing residential activity located at ground level, where it could so that it does not undermine commercial activity and frontage.</p>
COMZ-P7	<p>Landscaping of onsite parking areas.</p> <p>Provide a degree of amenity for onsite parking areas within the zone by ensuring a planting strip is established and maintained.</p>
COMZ-P8	<p>Strategic infrastructure setback.</p> <p>(1) Ensure buildings within the zone are designed and set back from strategic infrastructure by:</p> <p>(a) Retaining the predominant building setback within the street; and</p> <p>(b) Allowing sufficient space for the establishment of landscaping on the site.</p>
COMZ-P9	<p>Height.</p> <p>Ensure the height of new buildings is complementary to, and promotes, the existing character of the zone and adjoining residential zones.</p>
COMZ-PI0	<p>Reverse sensitivity.</p> <p>Development within the zone is acoustically insulated to mitigate the adverse effects of noise.</p>
COMZ-PI I	<p>Adjoining site amenity.</p> <p>(1) Maintain amenity of adjoining GRZ – General residential zone, MRZ<u>1</u> – Medium density residential zone <u>1</u>, MRZ2 – Medium density residential zone 2 or OSZ – Open space zone by:</p> <p>(a) Requiring buildings within the zone to be set back from boundaries adjoining GRZ – General residential, MRZ<u>1</u> –</p>

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 Retirement Villages](#)

(3) [Enable retirement villages that:](#)

- a. [Provide for greater density than other forms of residential developments to enable shared spaces, services, amenities and / facilities, and affordability and the efficient provision of assisted living and care services.](#)
- b. [Provide good quality on site amenity, recognising the unique layout, internal amenity and other day-to-day needs of residents as they age.](#)

(4) [Encourage the scale and design of the retirement villages to:](#)

- a. [be of a high-quality and be aligned with the planned urban character of the zone; and](#)
- b. [achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.](#)

[COMZ-P13 Larger sites.](#)

[Recognise the intensification opportunities provided by larger sites within the Commercial Zone by providing for more efficient use of those sites.](#)

[COMZ-P14 Density standards.](#)

[Enable the density standards to be utilised as a baseline for the assessment of effects of developments.](#)

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:		(2) Activity status where compliance not achieved: DIS

(a) Any individual tenancy must have a gross floor area of greater than 350 m ² .		
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	
(1) Activity status: PER Activity-specific standards: Nil.		(2) Activity status where compliance not achieved: n/a
COMZ-R9	Health facility	
(1) Activity status: PER Activity-specific standards: Nil.		(2) Activity status where compliance not achieved: n/a
COMZ-R10	Visitor accommodation	
(1) Activity status: PER Activity-specific standards: Nil.		(2) Activity status where compliance not achieved: n/a
COMZ-R11	Public transport facility	

(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
COMZ-R12	Servicing of boats at Raglan Wharf
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
COMZ-R13	Community corrections activity
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
COMS-R14	Buildings, structures and sensitive land use within the National Grid Yard on sites existing as of 18 July 2018
(1) Activity status: PER Activity-specific standards: (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 greenhouses and <i>Pseudomonas syringae</i> pv. <i>Actinidiae</i> (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 	(2) Activity status where compliance not achieved: NC

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.

- (b) All buildings or structures permitted by Rule COMZ-R14(1)(a) must:
- (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
 - (1) Locate a minimum 12 m from the outer visible foundation of any National Grid support structure foundation and associated stay wire, unless it is:
 - (2) A building or structure where Transpower has given written approval in accordance with clause 2.4.1 of the NZECP; or
 - (3) Fences less than 2.5 m in height, measured from the natural ground level immediately below the structure, and located a minimum of 5 m from the nearest National Grid support structure foundation; or
 - (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
 - (iii) Not permanently physically impede existing vehicular access to a National Grid support structure;
- (c) Artificial crop protection structures and support structures between 8 m and 12 m from a pole support

<p>structure but not a tower and any associated guy wire that:</p> <ul style="list-style-type: none"> (i) Meet the requirements of the NZECP 34:2001 ISSN 0114-0663 or separation distances from the conductor; (ii) Are no higher than 2.5 m; (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 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> <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 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 the 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 Activity-specific standards: Nil.</p>	<p>(2) Activity status where compliance not achieved: n/a</p>
COMZ-RXX	Construction of buildings for a Retirement Village
<p>(a) Activity status: RDIS Activity-specific standards:</p> <p>(a) Each residential unit must be designed and constructed to achieve the internal design sound levels specified in APPI – Acoustic Insulation, Table 25 – Internal sound levels;</p>	<p>(1) Activity status where compliance not achieved: n/a</p> <p>Notification:</p> <p>Any application for resource consent for the construction of</p>

Council's discretion is restricted to the following matters:

Standards:

(b) The effects arising from exceeding any of the following standards (both individually and cumulatively): COMZ-S4 (Building Height), COMZ-S5 (Height in relation to boundary), COMZ-S6 (Building setback – zone boundaries), and where relevant, COMZ-S7 (Building setback – waterbodies), COMZ-S8 (Horotiu acoustic area) and COMZ-S10 (Outdoor living space).

Design:

(c) The extent to which that portion of the building or site which fronts a road or public space:

- a. Provides for passive surveillance of the street from habitable rooms at ground and upper floor levels.
- b. Avoids the use of impermeable screens or fencing that obstruct visual connections.
- c. Avoids unrelieved and blank facades.
- d. Creates visual interest through the use of cladding materials, colour and articulation of the façade.
- e. Utilises soft or hard landscape elements to contribute positively to streetscape amenity.
- f. Minimises vehicle garaging/parking or manoeuvring areas.
- g. Service courts are screened or obscured.

Infrastructure:

(d) The extent to which the design can be efficiently serviced with 3 waters infrastructure.

Natural hazards:

a retirement village will be considered without public notification.

An application for the construction of a retirement village that complies with standards COMZ-S4, COMZ-S5, COMZ-S6 will be considered without public or limited notification.

<p>(e) <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>(f) <u>The extent to which staging is necessary to ensure that development is carried out in a coordinated and timely manner.</u></p> <p><u>Positive Effects:</u></p> <p>(g) <u>The positive effects of the construction, development and use of the retirement village.</u></p> <p>(h) <u>The functional and operational requirements of retirement villages.</u></p> <p><u>For clarity, no other rules or matters of discretion relating to the effects of density apply to buildings for a Retirement Village.</u></p>	
<p>COMZ-R17</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> <ul style="list-style-type: none"> (i) Land use-effects standards for the zone; (ii) Land use-building standards for the zone, except the following rules do not apply; <ul style="list-style-type: none"> (1) COMZ-S9 (Residential units) does not apply; (2) COMZ-S10 (Outdoor living space) does not apply; <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-R93 (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>(2) Activity status where compliance achieved: DIS not</p>

(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

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 facades.
 - (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.

<p>(vii) Service courts are screened or obscured.</p> <p><u>On-site amenity:</u></p> <p>(j) The extent to which the design:</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>Infrastructure:</p> <p>(k) The extent to which the design can be efficiently serviced with 3 waters infrastructure.</p> <p>Natural hazards:</p> <p>(l) The extent to which the design avoids or mitigates effects arising from the presence of natural hazards.</p> <p>Staging:</p> <p>(m) The extent to which staging is necessary to ensure that development is carried out in a coordinated and timely manner.</p>	
COMZ-R18	Commercial activities within in the Motorway service centre specific control
<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> <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 and 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-S1	Servicing and hours of operation
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(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 <u>1</u>, <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.</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 on adjoining sites within the GRZ- General residential zone, MRZ¹ – Medium density residential zone <u>1</u>, <u>MRZ2 – Medium density residential zone 2</u>, LLRZ – Large lot residential zone or SETZ – Settlement zone;</p> <p>(b) Timing, duration and frequency of adverse effects;</p> <p>(c) Location of activity in relation to zone boundary;</p> <p>(d) Location of activity in relation to residential units on adjoining sites;</p>

		(e) The means to avoid, remedy or mitigate adverse effects on adjoining sites.
COMZ-S2	On-site parking areas – landscaping	
<p>(1) Activity status: PER Where:</p> <p>(a) Onsite car parking area for 5 or more parking spaces located adjoining a road, must comply with the following standards:</p> <p>(i) The car parking area must be separated from the road by a 1.5m wide planting strip, with the exception of vehicle access points; and</p> <p>(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:</p> <p>(a) Design and location of the parking area and landscaping strip; and</p> <p>(b) Effects on streetscape amenity.</p>
COMZ-S3	Outdoor storage	
<p>(1) Activity status: PER Where:</p> <p>(a) Outdoor storage of goods or materials must comply with all of the following standards:</p> <p>(i) Be associated with the activity operating from the site;</p> <p>(ii) Not encroach on parking or loading areas;</p> <p>(iii) Standards COMZ-S4 Height and COMZ-S7 Height in relation to boundary; and</p> <p>(iv) Be fully screened from view by a close boarded fence or solid fence or wall to a height of 1.8 m fencing or landscaping from any:</p> <p>(1) Public road;</p> <p>(2) Public reserve; and</p> <p>(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:</p> <p>(a) Visual amenity;</p> <p>(b) Effects on loading and parking areas;</p> <p>(c) Size and location of storage area; and</p> <p>(d) Measures to mitigate adverse effects.</p>

Land use – building

COMZ-S4	Building height
<p>(1) Activity status: PER Where:</p> <p>(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 m;</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>(2) Activity status where compliance not achieved: RDIS 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; and</p> <p>(d) Privacy on adjoining sites.</p>

TCZ – Town centre zone

The relevant district-wide chapter provisions apply in addition to this chapter.

Blue underline or ~~blue strikethrough~~ reflect the changes proposed by the RVA and Ryman.

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 for commercial, community, recreational and residential activities.
- 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.

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 Ngaaruawahia, 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.~~ [Residential Activities.](#)

Maintain the commercial viability of the zone while [providing for residential activities within the LCZ – Local Centre Zone, by:](#)

- (a) Providing for mixed use developments, ensuring residential activities are preferably located above ground floor; and
- (b) ~~Avoiding~~ [Managing](#) residential activity located at ground level, ~~where it could~~ [so that it does not](#) 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.

- (1) Development maintains and enhances the role of the Huntly town centre by:
 - (a) Maintaining wide footpaths and high quality public space, prioritizing 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

Ngaaruawaahia town centre.

- (1) Development maintains and enhances the role of the Ngaaruawaahia 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, Ngaaruawaahia swimming pool and the town centre; and
 - (d) Providing for an appropriate building scale with narrow frontages.

TCZ-P9

Te Kauwhata town centre.

- (1) 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.

- (1) 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
 - (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 facades;
 - (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.
- TCZ-P16 New buildings.
- (1) 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-P17 Reverse sensitivity.
- Development within the zone is acoustically insulated to mitigate the adverse effects of noise.
- TCZ-P18 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.
- TCZ-P19 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.

TCZ-P21 Retirement Villages

(5) Enable retirement villages that:

- a. Provide for greater density than other forms of residential developments to enable shared spaces, services, amenities and / facilities, and affordability and the efficient provision of assisted living and care services.
- b. Provide good quality on site amenity, recognising the unique layout, internal amenity and other day-to-day needs of residents as they age.

(6) Encourage the scale and design of the retirement villages to:

- a. be of a high-quality and be aligned with the planned urban character of the zone; and
- b. achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.

TCZ-P22 Larger sites.

Recognise the intensification opportunities provided by larger sites within the Town Centre Zone by providing for more efficient use of those sites.

TCZ-P23 Density standards.

Enable the density standards to be utilised as a baseline for the assessment of effects of developments.

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-R1	Commercial activity	
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a	
TCZ-R2	Residential activity, unless specified below This includes occupation of a single residential unit for a short term rental.	

<p>(1) Activity status: PER</p> <p>Activity-specific standards:</p> <p>(a) Located above ground floor level; and</p> <p>(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</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) Streetscape effects;</p> <p>(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</p> <p>Activity-specific standards:</p> <p>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</p> <p>Activity-specific standards:</p> <p>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</p> <p>Activity-specific standards:</p> <p>(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</p> <p>Activity-specific standards:</p> <p>(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</p> <p>Activity-specific standards:</p> <p>(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</p> <p>Council's discretion is restricted to the following matters:</p> <p>(a) Streetscape effects including ways in which to activate visual connection and interest between</p>

	pedestrians and the office; and (b) Extent of glazing and length of frontage of the office to the street.
TCZ-R8	Public transport facility
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
TCZ-R9	Community corrections activity
(1) Activity status: PER Activity-specific standards: Nil.	(2) Activity status where compliance not achieved: n/a
TCZ-R10	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 10 m 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 110 kV; 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 110 kV 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.
TCZ-R11	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>
<p>TCZ-R12</p>	<p>A multi-unit development</p>
<p>(1) Activity status: RDIS</p> <p>Activity-specific standards:</p> <p>(a) A multi-unit development that meets all of the following standards:</p> <ul style="list-style-type: none"> (i) Land use – effects; (ii) Land use – building, except the following standards do not apply: <ul style="list-style-type: none"> (1) Standard TCZ-S6 (Display windows) does not apply; (2) Standard TCZ-S7 (Verandahs) does not apply; (3) TCZ-S10 (Residential units) does not apply; (4) TCZ-S11 (Outdoor living space) does not apply; <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>(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>(2) Activity status where compliance not achieved: DIS</p>

- (i) Minimum area of 20 m²; 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

Council's discretion is restricted to the following matters:

Design:

- (a) 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 facades.

<p>(iv) Creates visual interest through the use of cladding materials, colour and articulation of the façade.</p> <p>(v) Utilises soft or hard landscape elements to contribute positively to streetscape amenity.</p> <p>(vi) Minimises vehicle garaging/parking or manoeuvring areas.</p> <p>(vii) Service courts are screened or obscured.</p> <p><u>On-site amenity:</u></p> <p>(b) The extent to which the design:</p> <p>(i) Maximises opportunities for accessibility, privacy between units, 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>(c) The extent to which the design can be efficiently serviced with 3 waters infrastructure.</p> <p>Natural hazards:</p> <p>(d) The extent to which the design avoids or mitigates effects arising from the presence of natural hazards.</p> <p>Staging:</p> <p>(e) The extent to which staging is necessary to ensure that development is carried out in a coordinated and timely manner.</p>	
<p>TCZ-R13</p>	<p>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> <ul style="list-style-type: none"> (i) Land use – effects; (ii) Land use – building except; <ul style="list-style-type: none"> (1) TCZ-S10 (Residential units) does not apply; (2) TCZ-S11 (Outdoor living space) does not apply. <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> <ul style="list-style-type: none"> (i) A site and contextual analysis; (ii) A connectivity and movement network analysis; (iii) A neighbourhood character assessment; and (iv) Design illustrating how the building will promote character elements. 	<p>(2) Activity status where compliance not achieved: DIS</p>
<p>TCZ-R14</p>	<p>Educational facility</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 with the TCZ –</p>	<p>(2) Activity status where compliance not achieved: n/a</p>

<p>Town Centre Zone;</p> <p>(b) Reverse sensitivity effect 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</p> <p>(e) The effects of noise.</p>	
<p><u>TCZ-RXX</u></p>	<p><u>Construction of buildings for a Retirement Village</u></p>
<p><u>(a) Activity status: RDIS</u></p> <p><u>Activity-specific standards:</u></p> <p><u>(a) Each residential unit must be designed and constructed to achieve the internal design sound levels specified in APPI – Acoustic Insulation, Table 25 – Internal sound levels;</u></p> <p><u>Council’s discretion is restricted to the following matters:</u></p> <p><u>Standards:</u></p> <p><u>(b) The effects arising from exceeding any of the following standards (both individually and cumulatively): TCZ-S3 (Building Height), TCZ-S4 (Height in relation to boundary), TCZ-S8 (Building setback – zone boundaries), and, where relevant, TCZ-S9 (Building setback – waterbodies) and TCZ-S11 (Outdoor living space).</u></p> <p><u>Design:</u></p> <p><u>(c) The extent to which that portion of the building or site which fronts a road or public space:</u></p> <p style="padding-left: 20px;"><u>a. Provides for passive surveillance of the street from habitable rooms at ground and upper floor</u></p>	<p><u>(1) Activity status where compliance not achieved: n/a</u></p> <p><u>Notification:</u></p> <p><u>Any application for resource consent for the construction of a retirement village will be considered without public notification.</u></p> <p><u>An application for the construction of a retirement village that complies with standards TCZ-S3, TCZ-S4, TCZ-S8 will be considered without public or limited notification.</u></p>

levels.

- b. Avoids the use of impermeable screens or fencing that obstruct visual connections.
- c. Avoids unrelieved and blank facades.
- d. Creates visual interest through the use of cladding materials, colour and articulation of the façade.
- e. Utilises soft or hard landscape elements to contribute positively to streetscape amenity.
- f. Minimises vehicle garaging/parking or manoeuvring areas.
- g. Service courts are screened or obscured.

Infrastructure:

- (d) The extent to which the design can be efficiently serviced with 3 waters infrastructure.

Natural hazards:

- (e) The extent to which the design avoids or mitigates effects arising from the presence of natural hazards.

Staging:

- (f) The extent to which staging is necessary to ensure that development is carried out in a coordinated and timely manner.

Positive Effects

- (g) The positive effects of the construction, development and use of the retirement village.
- (h) The functional and operational requirements of retirement villages.

For clarity, no other rules or matters of discretion relating to the effects of density apply to buildings for a Retirement Village.	
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 (Ragland 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> <p>(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 <u>1</u>, 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>	<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 on adjoining sites within the GRZ – General residential zone, MRZ₁ – Medium density residential zone <u>1</u>, MRZ2 – Medium density residential zone 2, LLRZ – Large lot residential zone or SETZ – Settlement zone;</p> <p>(b) Timing, duration and frequency of adverse effects;</p>

		(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	
(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 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: (1) Public road; (2) Public reserve; and (3) Adjoining site in another zone.		(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.

Land use – building

TCZ-S3	Building height	
(1) Activity status: PER Where: (a) The maximum height of any building or structure measured from the		(2) Activity status where compliance not achieved: RDIS Council's discretion is restricted

<p>natural 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>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; and</p> <p>(d) Privacy on adjoining sites.</p>
<p>TCZ-S4</p>	<p>Height in relation to 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; or</p> <p>(vi) OSZ – Open space zone; or</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 sites adjoining site;</p> <p>(d) Privacy on other site; and</p> <p>(e) Amenity values of the locality.</p>
<p>TCZ-S5</p>	<p>Gross leasable floor area</p>

<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) Every individual tenancy (excluding supermarkets) must have a gross leasable floor area of no more than 350 m²</p>	<p>(2) Activity status where compliance not achieved: DIS</p>
<p>TCZ-S6</p>	<p>Display windows and building facades</p>
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(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:</p> <p>(i) Not be set back from the road boundary at ground floor level; and</p> <p>(ii) Provide display windows comprising at least 50% of the building façade at ground floor level.</p> <p>(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 apartment.</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 having regard to the operational and functional requirements of the activity to be accommodated;</p> <p>(b) Extent to which the activity achieves the intent of the control by other means, to enable passive surveillance and promote pedestrian safety</p> <p>(c) Effects on amenity values and town centre character.</p>
<p>TCZ-S7</p>	<p>Verandahs</p>
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(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 verandah that complies with the following standards:</p> <p>(i) Is attached to the façade of the building;</p> <p>(ii) Has a height above the footpath of at least 2.5m but not</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 effects on the amenity of the streetscape, including providing continuous pedestrian shelter and town centre character;</p> <p>(b) The character and layout of the building;</p> <p>(c) The nature, design</p>

<p>more than 3.5m;</p> <p>(iii) Has a minimum width of 3m;</p> <p>(iv) The outer edge of the verandah is set back 0.5m from the kerb;</p> <p>(v) It is attached to any verandahs on adjoining buildings, so as to provide continuous pedestrian shelter;</p> <p>(vi) It is cantilevered from the building.</p> <p>(b) Standard TCZ-S7(1)(a) does not apply to a building included in SCHED1 – Historic heritage items.</p>	<p>and location of the verandah; and</p> <p>(d) The functional requirements of the activities that the buildings are intended to accommodate.</p>
<p>TCZ-S8</p>	<p>Building setbacks – zone boundaries</p>
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) A building must be set back a minimum of at least:</p> <p>(i) 3m 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) RLZ – Rural lifestyle zone;</p> <p>(4) LLRZ – Large lot residential zone;</p> <p>(5) SETZ – Settlement zone; or</p> <p>(6) OSZ – Open space zone; <u>or</u></p> <p>(7) <u>MRZ2 – Medium density residential zone 2.</u></p> <p>(ii) 1.5m from rear and side boundaries adjoining any:</p> <p>(1) GRUZ – General rural 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) 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>(2) GIZ – General industrial zone; or (3) HIZ – Heavy industrial zone.</p> <p>(b) TCZ-S8(1)(a) does not apply to a structure which is not a building.</p>	
TCZ-S9	Building setback - waterbodies
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) A building must be set back a minimum of:</p> <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) 27.5m 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; <p>(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);</p> <p>(c) TCZ-S9(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> <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.
TCZ-S10	Residential units
<p>(1) Activity status: PER</p> <p>Where:</p> <p>(a) One residential unit on the</p>	<p>(2) Activity status where compliance not achieved: DIS</p>

<p>Record of Title;</p> <p>(b) The residential unit 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 entrance lobby, stairwell or lift may be located on the ground floor level;</p> <p>(iii) The residential unit must achieve the internal design sound levels specified in APP1 – Acoustic insulation, Table 25 – Internal sound levels.</p> <p>(c) Standard TCZ-S10(1) does not apply to multi-unit development (refer to Rule TCZ-R13) (Multi-unit development).</p>	
<p>TCZ-S11</p>	<p>Outdoor living space</p>
<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 15 m² 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><u>For Residential Units</u></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> <p><u>For Retirement Units</u></p>

	(a) The matters of discretion within TCZ-RXX apply.
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Appendix C
Section 32AA Evaluation

The s32AA evaluation is to be undertaken at a scale and degree that is commensurate with the anticipated effects of the amendments.

Having regard to Section 32AA, the following is noted:

<p>The specific provisions recommended to be amended are:</p> <ul style="list-style-type: none"> • Insert a new objective into the Medium Density Residential 2 Zone (being the 'Ageing population' objective); • Insert four new policies (being the 'Retirement Villages', 'Changing communities', 'Larger sites' and 'Role of density standards' policies) into the Medium Density Residential 2 Zone; • Insert three new policies into the Local Centre, Commercial, and Town Centre Zones (being the 'Retirement Villages', 'Larger Sites' and 'Role of density standards' policies); • Amend the permitted activity rule for the residential activity land use which encompasses a retirement village into the Medium Density Residential 2 Zone. 	<p>Effectiveness and Efficiency</p> <p>The recommended insertions/amendments fill a critical gap in the policy and rule regime of Variation 3 to the Proposed District Plan, that is, actively supporting the provision of housing and care for the ageing population, and in particular retirement villages, in the Waikato District.</p> <p>The provisions are considered to appropriately respond to the acute housing and care needs of the ageing population. They will more appropriately achieve the efficient use of land and patterns of development which are compatible with the role, function and predominant planned character of each particular zone.</p> <p>The provisions provide clarity that retirement villages are anticipated activities and focus regulation on what adverse effects need to be managed, and provide direction on how to assess effects and determine where notification is necessary, and therefore will improve the efficiency of the consenting processes.</p> <p>The recommended insertions/amendments add to the MDRS to better fit the particular characteristics of retirement villages. They will be more efficient and effective to implement. Without the provisions, retirement villages will be subject to unnecessary restrictions and added consenting uncertainty and complexity.</p> <p>They provide tailored rules in the business zones, rather than relying on 'catch all' rules, which is also a more efficient and effective approach to planning.</p> <p>The adoption of a similar approach in the business zones as in the residential zones, with amendments to address the commercial context, will be more efficient. Common understandings of meaning will develop. There will be no confusion as to how retirement villages are managed in the business zones.</p>
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<ul style="list-style-type: none"> • Amend the matters of discretion applying to the restricted discretionary activity rule for the construction of retirement village buildings in the MRZ2; • Insert a restricted discretionary activity rule for the construction of retirement villages in the Local Centre, Commercial, and Town Centre Zones; • Insert a new definition for 'retirement unit'; • Insert notification rules for retirement villages into the Medium Density Residential 2 Zone and the Local Centre, Commercial, and Town Centre Zones; and • Amend the built form standards applying to the above rules. <p><u>The specific amendments are set out in Appendix B.</u></p>	<p>The provisions will contribute to a nationally consistent approach being sought by the RVA and therefore will provide efficiency benefits for the delivery of retirement villages.</p> <p>Costs/Benefits</p> <p>The provisions will enable retirement village operators to better respond to the critical shortage of appropriate housing and care for the ageing population, and therefore will provide substantial wellbeing benefits for a vulnerable sector of the community. Broader employment and economic benefits for the Waikato District will also result from enabling the construction and operation of villages.</p> <p>The recommended insertions/amendments better enable retirement village development to occur within the Medium Density Residential 2 Zone and the Local Centre, Commercial and Town Centre Zones in line with the direction of the NPS-UD and Enabling Housing Act. This will have benefit in encouraging residential intensification to support the outcomes expressed in both Variation 3 and the NPS-UD. It will also enable older people to 'age in place' thereby supporting their wellbeing.</p> <p>The provisions will encourage quality design outcomes for retirement villages, without the costs associated with unnecessary regulatory controls.</p> <p>The provisions continue to ensure the adverse effects of retirement villages will be managed in line with the direction of the NPS-UD and Enabling Housing Act, and therefore do not result in inappropriate or unanticipated environmental costs.</p> <p>Risk of acting or not acting</p> <p>I do not consider there is uncertain or insufficient information about the subject matter of the recommended insertions/recommendations. Retirement villages and their environmental effects are well understood. The evidence presented by the RVA and Ryman sets out sufficient section 32 information to support the provisions. Nevertheless, I have considered the risk of acting or not acting for completeness.</p> <p>The risk of not acting is that the housing and care needs of the growing ageing population will not be met. This would have significant wellbeing impacts of this portion of the community and their families.</p> <p>I consider that the appropriateness of adopting the relief sought must also be considered in the context of the direction set out in the higher order policy documents, and in particular the NPS-UD</p>
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and the Enabling Housing Act. These documents provide for a significant step change in meeting the needs of communities, including providing a variety of homes for a range of households.

The NPS-UD seeks to enable growth by requiring local authorities to provide development capacity to meet the demands of communities, address overly restrictive rules, and encourage quality, liveable urban environments. It also aims to provide growth that is strategically planned and results in vibrant urban areas. In my opinion, the relief sought by the RVA and Ryman will better achieve the outcomes expressed in the NPS-UD. The risk of not acting is that intensification will occur without providing for the variety of homes required to meet the needs of the ageing population.

For business zones in particular if not clearly provided for, a default activity status rule may be applied to retirement villages and they may be viewed as inappropriate in business zones. This risks are material given the more express coverage in the residential zone. This approach may suggest that the plan has intentionally excluded retirement villages from these zones. Based on the officer report, that does not appear to be the intent. If it is, it would be inconsistent with the NPS-UD expectations as outlined in the evidence.

The risk of unintended consequences arising from the exclusion of 'retirement units' from 'residential units' can be addressed through minor consequential drafting amendments.