

## 29 Explanation and Reasons

### 29.1 Introduction

This chapter contains the principal reasons for rules in the plan. Rules from Chapter 20 are referred to first, then the combined reasons for rules in chapters 21 to 28 and the appendices. The reasons follow the same order as the rules appear in the chapters. This chapter is divided into:

- Introduction
- Reasons for rules in Chapter 20
- Reasons for rules in chapters 21 to 28 and appendices
  - Prohibited activities
  - Other activities
    - Land use effects rules
    - Building activities rules
    - Subdivision rules

### 29.2 Reasons for rules in Chapter 20

#### **General presumption**

The general presumption of the plan, that all uses are permitted unless they contravene a rule, differs from earlier district plans, where everything required consent unless expressly permitted. The presumption introduces a greater emphasis on the effects of activities, so that those that have acceptable effects can proceed as permitted activities. This is consistent with the Resource Management Act.

#### **Subdivision approach**

All subdivisions require consent. This is to ensure that the effects can be assessed on a case-by-case basis, and suitable conditions imposed. Subdivision proposals are too variable in scale and topography to state conditions in the plan to cover every case. Staged subdivision provisions are common to all zones and ensure that [services](#) are planned adequately from the start, and that each stage is satisfactorily completed. To meet these requirements each stage will have to be adequately financed, without having to rely on revenue from subsequent stages. It also ensures that problems from one stage are not perpetuated into the next.

#### **Notification**

Controlled activity applications will not be notified, because these are generally routine subdivisions that have no more than minor effects beyond the land being subdivided. In all other cases, applications will be required to be notified, or not notified, following the decision process set out in the Resource Management Act (s95). The Council may notify any application if the applicant requests, or if special circumstances exist.

**Additional matters of control and discretion**

The additional matters of control and discretion listed in paragraph 20.6 apply to every controlled activity and restricted discretionary activity. They are stated in Chapter 20, rather than repeated in each rule, to save space. These items are administrative matters of general application. More specific resource management issues or effects are addressed in the individual controlled and restricted discretionary rules in other chapters.

**Planning map**

The conventions adopted for mapping are self-explanatory. The planning maps do not purport to give site-specific information about natural hazards. The maps are intended only to generally indicate areas within which special inquiry about hazards needs to be made.

29.3 Reasons for rules in chapters 21 to 28 and appendices

**Prohibited activities**

**Living Zone**

This rule lists activities that will always be incompatible with residential amenity values. They are industrial activities, on-site solid waste disposal, hazardous waste storage, reprocessing and disposal.

**Rangitahi Living Zone**

This zone applies to the Rangitahi Peninsula Structure Plan Area and provides for a combination of village development precincts and significant open space areas. A number of non-residential activities under the general title of "Rangitahi Commercial Activity" are provided for subject to District Plan controls over scale to ensure they contribute to rather than detract from the intended seaside village character of Raglan. All development within the zone must be in accordance with the Rangitahi Peninsula Structure Plan in [21C.3](#). A Comprehensive Development Plan (which may be prepared in stages) is required to be approved prior to any new development or land-use activity occurring within the zone. The Comprehensive Development Plan is required to be closely similar to the Rangitahi Peninsula Structure Plan contained in [Schedule 21C.3](#) in order to have controlled activity status. A Comprehensive Development Plan that is not closely similar to the Rangitahi Peninsula Structure Plan is either a discretionary or non-complying activity, depending on the degree of variance.

**Pa Zone**

These items are common with other zones. See explanations under other zones.

**Business Zone**

Landfills and solid waste disposal are prohibited as these will always be incompatible with the amenity values of the Business Zone, which contains retailing and residential uses.

In addition to the above, activities with a residential or overnight stay component are expressly prohibited in the Tamahere Village Business Zone. This is due to the increase in wastewater

## Waikato District Plan - Waikato Section

disposal demands associated with these types of activities and the known limitations for disposal of wastewater within the site.

Large format retail, warehousing and drive through services are not considered to be consistent with the level of amenity and character anticipated in a rural residential village centre.

### **Industrial Zone**

Residential activities are inappropriate in the Industrial Zone due to the generally lower level of amenity in industrial areas. Caretaker or security personnel accommodation required on an industrial site is a special situation and is a permitted activity in the zone, subject to the general rules applying to activities.

## Rural and Coastal Zone

Subdivision in the Rural and Coastal Zone is controlled by several key factors.

- Date of issue of certificate of title – the date used has been carried forward from previous subdivision regimes and restricts landowners with newer titles from subdividing on the basis that recent subdivision has occurred. This constraint is imposed so that the same land is not repeatedly subdivided, with related cumulative effects such as fragmentation, reduced opportunities for productive rural activities and loss of rural amenity. Landowners with titles issued after 6 December 1997 as a result of a subdivision under different legislation, minor boundary adjustments, or where subdivision occurred exclusively to provide for a network utility, may subdivide again. The separation of amalgamated allotments to create new certificates of title is a non-complying activity, as it provides for additional levels of development beyond that envisaged by the rules which would require careful assessment.
- Policy areas and other special areas – land within these areas has either special qualities e.g. landscape, or it is not desirable to allow people to live in particular areas because of the risk of hazards or the potential conflict between activities.
- Number of allotments – One additional allotment is provided for as a restricted discretionary activity, subject to relevant standards being met. Restricting the creation of additional allotments to no more than one ensures that larger areas are available for rural productive purposes, and protects rural character, landscapes and soils, while still providing for lifestyle choice associated with a level of rural use of the land. To subdivide off more than one allotment requires resource consent for a non-complying activity so that matters such as cumulative effects on rural character and sustainability of the soil resource and in the Coastal Zone, effect on natural character, can be assessed. By restricting the number of additional lots, the rules control adverse effects, including cumulative effects that result from continued fragmentation of rural land, while enabling subdivision to occur where appropriate. The retention of large sites allows a small part of the site to be developed as dwelling curtilage, and maintains rural character and the potential versatility of land. Note that subdivision on high quality soils is more restrictive and in some cases may be a prohibited activity.
- The effects of subdivision on existing lawfully established activities in rural areas need to be considered, as some activities may be affected by reverse sensitivity. These activities include productive rural activities and recreational use of existing amenities and public open space. Complaints from a sensitive land use such as a rural residential lifestyle lot regarding adverse effects from a neighbouring activity may result in constraints being placed upon that existing neighbourhood activity. In a worst case scenario, complaints from new residential land uses locating into an area may result in constraints and/or additional costs being placed upon the existing activity such as rural production, recreational or infrastructure activities.

## Country Living Zone

The effects of the activities prohibited in this zone will always be incompatible with the residential nature of the zone. These provisions seek to maintain the essentially residential character of the zone, while enhancing the rural amenity values in the area.

# Waikato District Plan - Waikato Section

### **Tamahere Country Living Zone**

The Tamahere Country Living Zone is an area under transition from rural to large lot residential. It is important to preserve potential future corridors for roads and other infrastructure and these corridors should not be compromised. The construction of a building other than simple structures or network utility buildings, on the route of an indicative road will significantly hinder future development of that road. For this reason the construction of a building with a value over \$15,000 within an indicative road corridor is prohibited.

### **Newell Road access**

Newell Road has reached saturation point in terms of the effects of entrances on traffic safety and efficiency.

### **Airport Noise Outer Control Boundary**

Increase in the number of allotments within the Airport Noise Outer Control Boundary increases the number of households potentially affected by noise from aircraft. This rule ensures that the number of new allotments never exceeds that provided for as a controlled activity, thereby enabling greater control over the number exposed to aircraft noise.

### **Raglan Navigation Beacons**

Three leading navigation beacons are in place in the Raglan Harbour (Whaingaroa) and boats use these beacons to navigate safely across the bar and into the harbour. Section 200 of the Maritime Transport Act 1994 provides further protection of navigational aids.

### **Other activities: Land use – activities**

#### **Living Zone**

The rule ensures that only activities of a residential nature or scale are permitted, maintaining amenity expectations in the zone.

### **Te Kauwhata Lakeside Precinct Plan Area**

The Te Kauwhata Lakeside Precinct Plan Area comprises Living and Rural (with an open space overlay and a cultural and heritage overlay) zoning with a small Business zone block. The combination of these zones and overlays which apply to the Te Kauwhata Lakeside Precinct Plan Area provide for a combination of village development at medium and higher density and significant open space areas. The housing typologies will complement the existing range of buildings provided for within Te Kauwhata. It will reinforce Te Kauwhata as a rural township with a diverse community. Provision is made for a retirement village.

Significant rural zoning with overlays and development of a walkway network will open up the foreshore of Lake Waikare to the Te Kauwhata community and public. A limited number of non-residential activities are provided for subject to District Plan controls over scale to ensure they contribute to rather than detract from the existing Te Kauwhata village.

All development within the zones must be in accordance with the Te Kauwhata Lakeside Precinct

## Waikato District Plan - Waikato Section

Plan in 21E.3. A Comprehensive Subdivision (which may be prepared in stages) is required to be implemented prior to any new development or land-use activity occurring within the zone. The Comprehensive Subdivision is required to be in accordance with the Te Kauwhata Lakeside Precinct Plans contained in Schedule 21E.3 in order to have controlled activity status. A Comprehensive Subdivision Consent that is not in accordance with the Te Kauwhata Lakeside Precinct Plan is a discretionary activity.

Significant areas of private open space are created within the Precinct. These areas are zoned Rural but with a unique overlay applying to the Lakeside Precinct. The overlay provides for a range of open space uses and a network of walkways and cycleways. It also provides wetlands associated with stormwater and possibly wastewater treatment. A particular cultural heritage overlay applies to the iwi reserve recognising the cultural importance of this land associated with the Waikato Maori Land Wars. This overlay provides for open space uses enabling walkway connections, shelter, public art and the opportunity for an appropriate memorial and / or information kiosk recognising the environment, heritage and history of this location.

The Lakeside development has the opportunity to be self-sufficient in wastewater or could proceed once the Council's upgrade to Te Kauwhata wastewater system is complete. There is the opportunity for an integrated wastewater system servicing both the existing Te Kauwhata area and Lakeside. Housing development will only proceed after an appropriate wastewater network for Lakeside has been consented.

Additional roading access to enhance connectivity to the "village" and adequate roading capacity is provided to the north-east once more than 400 allotments are developed within the Precinct.

### **Pa Zone**

The zone recognises the importance of the pa and its associated activities, and facilitates development. Autonomy is sought by tangata whenua to develop their pa in a way which suits their needs and cultural aspirations. The zone enables tangata whenua to sustainably manage a range of activities and opportunities for development of their lands that is compatible with the surrounding environment.

### **Business Zone**

The zone allows for a wide variety of commercial activities and is generally located in town centres with some small areas in villages. It does not permit industrial activities with the exception of those provided for at the Waikato Innovation Park and Raglan Wharf. The wharf is recognised as being the only facility in the district available for loading and unloading of boats and it is therefore appropriate to enable such activities to continue.

### **Tamahere Village Business Zone - Tamahere Development Plan**

An application to develop the Tamahere Village Business Zone should include a proposed development plan defining all details of the development over the entire Tamahere Village Business Zone including any details relating to staging the development.

The Tamahere Village Business Zone Development Plan Guideline in [Schedule 23B](#) sets out the matters to be addressed by the proposed development plan.

The proposed development plan will be submitted for approval as part of the application for resource consent and once approved, all future development will need to be in accordance with this plan.

### **Tamahere Village Business Zone Development Plan Guideline**

The Tamahere Village Business Zone Development Plan Guideline contains detailed information to guide the developer on what information is required to be included in the development plan. The list is not exhaustive and therefore the content of the development plan should be discussed and agreed with the Council at the time of preparing the development proposal for the site.

### **Mixed Use Policy Area**

The extension of the town centre in Te Kauwhata will be zoned Business with a Mixed Use Policy Area overlay. A range of compatible activities is expected in the policy area. A Concept Plan is an integral part of the expansion of the area and expects that full integration of activities, such as business, residential, travellers' accommodation, community facilities, ecological and retail will occur. For this reason all development in the policy area will be subject to a Mixed Use Comprehensive Development Plan. This plan will look at the Policy Area as a whole and allow Council to work with developers to integrate activities and achieve the best outcome for this strategically important area for future business and community development, to ensure that the relationship between the mix of activities can be properly integrated.

In order to achieve this, all development is subject to restricted discretionary resource consent and will be assessed against an integrated concept plan for the area. (Shown in [Schedule 23A](#)) Good



urban design will be required to ensure that the relationship between the mix of activities anticipated can be properly integrated creating “a sense of place” with high quality building design, an attractive, active and safe environment along with public areas that reflect the importance of the area as a significant natural feature. Development will reflect a largely pedestrian environment with linkages for private and public transport, and service vehicle facilities. The pedestrian route will create a strong linkage from the Whangamarino Wetland to the existing town centre. The inclusion of residential development within the Policy Area could give rise to residents being affected by noise. Acoustic insulation should be included within buildings. [Appendix M](#) provides guidance on insulation requirements.

### **Tamahere Village Business Zone**

The Tamahere Village Business Zone permits a mixture of small scale retail activities along with offices and professional businesses, non-residential health care facilities, food outlets and community facilities. The preference is for small scale business activities such as boutique or specialist retail stores, travel agencies, real estate agencies and cafés. Businesses of this scale are considered to be consistent with the character of a small rural residential village centre.

The scale of individual retail units is controlled by restricting the gross leasable floor area within each building.

### **Waikato Innovation Park**

The Waikato Innovation Park (WIP) contributes to the social and economic wellbeing of the Waikato community. Recognising the importance of the ‘knowledge wave’ concept, controls are required to protect the on-going operations of the WIP site while not compromising the surrounding environment.

Careful attention is given to the site layout through a ‘Concept Layout Plan’ identifying key features divided into two distinct precincts. Built elements will be located in the ‘Development Area’ and a buffer landscape ‘Open Space Area’ which surrounds the site and accommodates stormwater ponds.

The concept layout plan and accompanying schedule ([25B](#)) set out specific rules. The rules set permitted activities to manage effects that may have impacts beyond the WIP boundary. The possible future extension is in the area to the east towards the existing Ruakura Abattoir. The timing of any such extensions will be planned in conjunction with other land in the vicinity.

### **Industrial zones**

This rule permits a wide range of activities with some exceptions, which have particular characteristics that require assessment through the resource consent process.

### **Rural, Country Living and Coastal Zone**

The various activities for which resource consent is required all have effects that need to be assessed on a case-by-case basis. New intensive farming activity requires resource consent in order to control any adverse effects on surrounding amenity.

## Waikato District Plan - Waikato Section

Industry Management Standards will often be relevant to the assessment of applications (eg pork and poultry industry standards). The Landscape Policy Area represents 'outstanding natural features and landscapes' which will be particularly sensitive to the effects of extractive industries. These activities are in most cases non-complying in the LPA of the Rural Zone and non-complying in the LPA of the Coastal Zone.

One exception to this is a former quarry site on Hakarimata Road which immediately borders the Hakarimata LPA, where the activity status is discretionary to reflect local circumstances associated with a former quarry. Notwithstanding, landscape issues throughout all LPA areas are managed in accordance with the protection provided under section 6(b) of the ACT.

Outside the LPA extractive industries are provided for as discretionary activities in the Rural Zone and Coastal Zone (non-complying if within 1000m of mean high water springs).

In the Country Living Zone, provision is made for certain activities that would otherwise require a resource consent if they comply with the conditions for a home occupation. This is so that amenity expectations are maintained.

## **Recreation Zone**

These are Council owned reserves, and as such are controlled under reserves management plans which have been through a public consultation process.

The Tamahere Recreation Zone which includes the Village Green, is to be developed in accordance with the [Tamahere Village Design Guide](#) and [Concept Plan](#) in Schedule 23B. This is to ensure that there is consistency with the design, layout and character of the development within the Recreation Zone and the adjacent Tamahere Village Business Zone.

The Village Green is located within the Tamahere Recreation Zone and is adjacent to, and can function in conjunction with the Tamahere Village retail development. The Village Green is to be developed as a public open space facility for community events such as community markets, festivals, or concerts as well as a limited level of retail activity such as a cafe.

Development that is in accordance with the Design Guide and Concept Plan will also ensure that connectivity between the Recreation Zone and the Business Zone is developed and maintained.

## **Home occupation**

The rules aim to ensure that the scale, hours of operation, and the type of activity undertaken as home occupations maintain residential character, while still providing the flexibility for people to work from their homes.

In the Tamahere Country Living Zone the criteria for a home occupation includes a restriction on the total gross floor area to be utilised by the home occupation. This is to ensure that all home occupations within this zone remain at a scale that maintains the residential character of the zone and ensures that the provision for a home occupation does not undermine the development potential within the Tamahere Village Business Zone. Businesses that do not comply with the criteria for a home occupation will be encouraged to either locate within the Tamahere Village Business Zone or another zone that specifically provides for the activity.

## **Temporary and Cultural events**

Activities of a temporary nature occur throughout the district, at different times and for different purposes. As the effects of many of these activities are minor some activities are permitted as of right. Normal activity standards are set to preserve the amenity of an area. However an activity may generate more than minor adverse effects on amenity, but the activity can be permitted as the community generally tolerates infrequent and short-term duration events. These temporary activities often have social, cultural or economic benefit for the local community. However, there will be circumstances where temporary activities will generate more than minor adverse effects and resource consent will be required.

## **Intensive farming activities**

The rules, especially setback rules, are intended to ensure that the intensive farming activity does not have significant adverse effects on the environment beyond the site boundary and supports Council's policy approach that activities should contain their effects on site so as not to impose

buffers on neighbouring properties. Noise, odour and visual impacts are major considerations for Council when a new intensive farming operation is proposed and need to be managed accordingly. The rules allow Council the ability to ensure integrated management of sites. This allows each application to be fully assessed so that all adverse effects are appropriately managed. The Rural Zone rules will continue to apply to intensive farming activities, except where [Rule 25.11B](#) over-rides those other rules. Standard rules relating to earthworks, filling, and building height, coverage and size do not apply because the internal buffers and accepted scale of activities mean that normal thresholds are not appropriate. If the proposed new farm or expansion does not meet internal setback distances, account will be taken of site specific factors such as topographic and natural features and technology changes when assessing the need for full internal buffers.

In assessing the possible adverse effects from odour and wastewater discharges emanating from an intensive farming activity, Council shall concern itself with integrated land use management and amenity impacts in terms of its functions under section 31 of the Resource Management Act 1991 ('the Act'), leaving consenting of the actual discharges to the Regional Council (as provided under section 30 of the Act).

Information supplied by an applicant to the Regional Council will be sufficient for the consideration of odour by the District Council.

### **Other Activities: Land use - effects**

#### **On site services**

It is important that each site has necessary [services](#) such as telephone, electricity, water supply and wastewater disposal for amenity, health and safety reasons. The effects of development on stormwater runoff and drainage systems must also be addressed.

As development increases within the Tamahere Country Living Zone, additional pressure will be placed on the efficiency of the current stormwater drainage system. The effects of high groundwater, soils characterised by low infiltration and high runoff contribute to localised ponding of surface water. Council holds information in regards to stormwater management which will provide landowners with the ability to give wider consideration to the stormwater issues within the Tamahere catchment. The management of stormwater within each site must be addressed at the time of landuse development and subdivision to ensure that potential ponding areas are avoided or mitigated and primary overland flowpaths are not obstructed.

As large lot residential development intensifies within the Tamahere Country Living Zone the number of individual wastewater disposal systems will also increase and cumulatively these systems have the potential to create adverse effects on ground water. When systems are designed, installed, correctly sited and maintained on a regular basis, the risk of adverse effects is generally very low.

Wastewater disposal systems must address the conditions on individual properties to ensure there will be no detectable adverse effects on groundwater and downstream properties.

Development in the Tamahere Village Business Zone is required to connect to reticulated services where these are available. Where reticulated services are not available to the site, suitable onsite

systems are required to be designed to address the conditions within the site and to ensure there is no detectable adverse effects on groundwater to downstream properties.

### **Network utility**

Utilities such as gas, electricity, telecommunications, water supply, stormwater and wastewater are part of the essential infrastructure in the district. The rule allows underground placement, and utilities associated with roads and maintenance, as a permitted activity because they have minor effects. Above ground network utilities, high-pressure gas lines and some electricity lines, present a higher risk to the community, and can have more impact on the environment and affect amenity values. Resource consent is required for these activities, so that potential adverse effects on the environment can be assessed. Above ground placement of electricity and telecommunications lines on poles is permitted in the Rural and Coastal zones, as undergrounding throughout these zones may not be practical. The height and location limitations ensure visual amenity and rural and/or coastal character is maintained.

### **Existing electricity and telecommunications lines**

This rule provides for the operation, maintenance, minor upgrading and removal of existing electricity and telecommunications lines as permitted activities, while ensuring that amenity and public health and safety are maintained.

### **Access, vehicle entrance, parking, loading bays, service lane and manoeuvring space**

These rules promote on-site and streetscape amenity, and road safety. [Appendix A](#) (Traffic) contains detailed standards to ensure uniformity of approach.

### **Servicing hours**

This rule restricts the loading or unloading of vehicles, and the receipt of customers and deliveries on sites in the Business or Industrial zones that adjoin the Living Zone, and also the Country Living Zone in so far as it relates to the Tamahere Village Business Zone. This is so that the adverse effects of such activities are kept to within reasonable hours, i.e. occupants of residential properties are not unreasonably disturbed by activities on the adjoining business or industrial site.

### **Traffic movements**

Adverse effects of traffic movements on amenity include noise, dust, odour and the visual clutter of parked cars. The rule seeks to control activities that will result in adverse effects on amenity, by setting a standard compatible with the amenity of each zone. It does not address effects of activities on the road network, such as safety and efficiency effects, which are not zone specific. Effects on the road network will be assessed without reference to this rule.

### **Transportation – Road Network Safety and Functions**

Rule [A14.A.1](#) (c) and Rule [A21.A.1](#)(c)

These rules seek to ensure that actual and potential effects, resulting from new activities or expansion of existing activities, on the wider transport network and State Highway network are

considered through a resource consent process. The rule does not capture the permitted or controlled activities for the zone, or activities where traffic safety and efficiency are expressly excluded from consideration under the relevant rule(s) (such as [Rule 24.15](#)). Rule [A14.A.1\(c\)](#) and Rule [A21.A.1\(c\)](#) do not restrict the application of any other provisions within this plan.

### **Landscaping**

This rule ensures that adverse visual effects where conflicting activities occur are mitigated to maintain a reasonable standard of amenity and that the amenity of the river bank is not compromised.

Industrial land in the Te Kauwhata Structure Plan Area is limited and those areas that are zoned for industrial use are fragmented. An area of land in the south west of the Structure Plan Area has been zoned for industrial use. The purpose of the Te Kauwhata South West Concept Plan (Schedule 21A), is that landscaping will provide screening for the industrial area while still retaining the amenity for adjacent residential properties. In accordance with the concept plan in, a 10m planting strip will be required at the time of road formation.

### **Landscaping - Business and Industrial zones and Village Green**

This rule ensures that car parks maintain a reasonable standard of amenity, and mitigate the adverse visual effects of expanses of tarmac, parking spaces, yards and storage areas adjacent to the road. Town centres are not included because buildings are built up to the road frontages there.

The [Tamahere Village Design Guide](#) and [Concept Plan](#) provide a conceptual guide for landscaping in the Tamahere Village Business Zone and Village Green. This guide ensures that a high level of amenity will be achieved and that there will be integration and connectivity across the boundary of the two zones as well as consistency in the design.

### **Noise**

Noise is one of the principal factors that can adversely affect the appreciation of amenity. It can adversely affect people's health, interfere with communication and disturb concentration. These rules ensure that a high level of amenity in respect of noise is required appropriate for the zone.

Noise emitted from the Tamahere Village Business Zone, must comply with the appropriate noise level for Tamahere Country Living Zone at the boundary to any site within the Tamahere Country Living Zone. This is to ensure that noise levels are maintained at an appropriate level for a residential site.

### **Tamahere Commercial Area**

The Tamahere Commercial Area contains three established businesses, which have effects that potentially conflict with surrounding activities. These businesses are subject to a variety of noise standards under their resource consents. Special rules for noise have been included in the plan to give all parties, including people receiving the noise, certainty as to the applicable minimum standards.

**Construction Noise**

The acceptability of construction work noise to the community depends on the type of activities that are affected by the noise, the expected duration and the normal background noise level at the places affected. The rules allow the recommended maximum noise level to vary with the type of land use, and with the activities likely to occur at different times of the day.

### **Extractive industry noise**

The nuisance effect of noise from an extractive industry can have a major effect upon people's enjoyment of their property. This is particularly so for residential properties located nearby. The rules are designed to maintain minimum standards around extractive industry areas and where possible avoid or minimise the effects of the activity on the neighbouring amenity values.

### **Wind turbine**

The noise generated by wind turbines can adversely affect amenity values in adjacent areas. The wind turbine noise rule provides for an acceptable method of measurement and level of noise by wind turbines.

### **Vibration**

Vibration has nuisance effects like noise, and can have major effects upon amenity values. This rule controls ground vibration effects to a level that is reasonable to maintain residential amenity.

### **Glare and lighting**

Artificial lighting can interfere with the enjoyment of a property, the sleep of occupants and traffic safety. Direct spill light and glare are consequences of outdoor lighting used to illuminate property. The effect of the rule is to state lighting levels that are compatible with the existing lighting character of each of the zones.

Existing streetlights, navigation lights and traffic signals are exempted from the rule to preserve traffic and personal safety.

### **Dust, smoke, fumes, odour or ground level**

Discharges of dust, smoke or fumes to the air can affect health and safety, ecosystems, and amenity values. Objectionable odour and other emissions can occur from some activities, which are not necessarily managed by air discharge controls in the Waikato Regional Plan. The rule ensures that these air emissions are kept under control and that neighbours are not subjected to unpleasant living or working conditions. The degree to which an effect is considered to be adverse is influenced by the nature of the "receiving environment" in which it occurs. What is objectionable will be assessed by reference to Ministry for the Environment guides: Good Practice Guide For Assessing And Managing Odour (2003) and Good Practice Guide For Assessing And Managing The Environmental Effects Of Dust Emissions (2001) and Ambient Air Quality Guidelines (2002).

The rule controls effects from dust and raising of the ground level caused by earthworks undertaken close to high voltage electricity transmission lines. The rule promotes public safety and controls adverse effects upon the operation of high voltage electricity lines.

### **High frequency electromagnetic fields**

Some activities emit electromagnetic effects. While members of the public have expressed concern in relation to health effects from exposure to such effects, at this stage there is no certainty as to whether they have any adverse effects on health. To manage this issue, the rule allows for activities



to occur while requiring exposure levels to comply with New Zealand Standard 2772.1:1999 Radio frequency Fields Part 1: Maximum Exposure Levels 3kHz – 300GHz. This standard addresses higher frequency fields typically associated with industries such as telecommunications and has been based on the guidelines provided by the International Commission on Non-Ionising Radiation Protection (ICNIRP). Assessment will follow NZS 6609.2:1990 Principles and Methods of Measurement – 300kHz to 100GHz.

## **Earthworks**

Soil conservation and erosion issues are addressed in the Waikato Regional Plan. This rule supports the regional plan by protecting the soil resource and amenity and the functioning of infrastructure including drains and roads. Many activities are permitted, for example utilities trenches, and normal farming practices such as ploughing and small-scale tracking (see definition of “earthworks”).

The rules ensure that the size of permitted excavations will not have any significant adverse effect on amenity or landscape. Amenity and landscape values are also protected by requiring areas cleared of vegetation to be rehabilitated as soon as possible. The rules about the area of work, volume of disturbed material and any cuts required for creating hillside tracks, building platforms or subdivisions are to minimise significant visual impacts.

Earthworks for building platforms on land that has a gradient less than 1:8 are considered to have a minor effect on the visual or amenity values for the area. Steeper slopes require a greater amount of material to be moved, and produce higher cut and batter faces, with resulting adverse effects on amenity.

In the Te Kauwhata structure plan area particular attention is given to protecting the overall landform. This is being achieved through earthworks associated with subdivision and building being regulated, and limits on retaining walls being introduced. The Environmental Protection Policy Area is a significant area and sensitive to development and for this reason earthworks in the policy area are tightly controlled. Any encroachment into the policy area will be subject to strict scrutiny and strong justification would be required as to why consent should be granted. Subdivisions should be designed to integrate into the landform and not require major earthworks to create roads or building platforms. Retaining walls along road frontages, wherever they are located, should be low, and attention should be given to their appearance, including materials and design, to ensure an attractive appearance.

## **Earthworks - Rural and Coastal zones, Ridgelines, Tamahere Village Business Zone**

Earthworks can have significant adverse effects on landscape areas. It is essential that rehabilitation is planned before work commences. Earthworks on steeper slopes often create obtrusive cut and fill batter faces, and the effects of these will be assessed through the resource consent process. Earthworks near ridgelines can be conspicuous from a long distance away. The ridgeline rule requires that these be assessed for effects on the landscape and views.

Within the Tamahere Village Business Zone a greater quantity and area of earthworks is permitted, with all necessary restrictions. The increase provides for the level of site works required to achieve

the anticipated level of site development within the Tamahere Village Business Zone. The rule recognises that an earthworks management plan, outlining the management of the earthworks activity and all the potential effects, will form part of any application for resource consent and this will be assessed as part of the consent process.

### **Removal of soil**

The removal of soil by excavations eliminates an important natural resource, which has an adverse effect, especially in the rural area, on the sustainable management of the land resource. The permitted quantities are to allow activities involving incidental removal of soil that have minor effects, such as sale of garden plants.

### **Filling**

Controls on filling are to avoid any potential adverse effects on the amenity, visual, biodiversity and landscape values. It is important that records are kept of where fill is placed to ensure that any implications for future development are managed. The rule is consistent with the Waikato Regional Plan (5.2.5.4), which controls clean fill, e.g. up to 2,500m<sup>3</sup> per annum as a permitted activity. The Ministry for the Environment document "A Guide to Management of Cleanfills", January 2002, will be useful reference material in terms of cleanfills. Clean fill placed as part of building works is managed under the Building Act and NZS 4431: 1989. Resource consent will be required for filling using other than clean fill because of the higher risks to the environment.

Changes to the filling rule in the Living Zone of the Te Kauwhata structure plan area reflect the importance of retaining natural landforms as much as possible.

### **Filling - Flood Risk Areas**

These rules implement policies on natural hazards. Flood Risk Areas are shown on the planning map. Flood risk areas have an important function in mitigating the adverse effects of floods by holding water temporarily during and after flood events. This function is lost if ponding areas are filled in.

Huntly South Assessment Area 1 areas where ponding capacity of land in the area has been seriously reduced by past filling. Tighter controls on further filling are necessary to maintain the remaining holding capacity.

### **Impervious surfaces**

This rule provides opportunities for on-site absorption and decontamination of stormwater and reduces the effects of increased runoff on catchments and stormwater services. It also ensures that on most sites an open vegetated appearance, comparable with adjoining sites, is maintained.

Stormwater control is important, particularly in gully systems vulnerable to erosion and contamination. Peak flows should not increase as a result of development.

As development increases in the Tamahere Country Living Zone, the extent of impervious surfaces also increases. If not properly managed concentrated stormwater discharge can exacerbate issues

related to ponding of surface water in an area with no reticulated stormwater disposal, along with areas of high groundwater and soils in some parts of the Tamahere Country Living Zone being of low infiltration.

The management of stormwater runoff from buildings and paved areas must be addressed at the time of site development and any potential ponding areas or overland flow paths in the Tamahere Stormwater Catchment Area must be taken into account at this time.

In the Te Kauwhata Structure Plan area impervious surfaces are reduced to increase on-site retention of stormwater and further control the volume of water discharging into the Whangamarino Wetland and Lake Waikare.

### **Contaminated land - remediation**

Remediation of contaminated land is a permitted activity subject to conditions. This is to ensure that the plan does not impede remediation works. Where the remediation results in a discharge of contaminants, consent may be required from the Waikato Regional Council. Records of known contamination are kept on Council property files and once a clean-up of the site has occurred, information about the remediation will be added to the file.

### **Hazardous substances**

The rule ensures that hazardous substance use and storage is located, designed and managed to avoid and mitigate adverse effects on the environment. The rule is an adjunct to the Hazardous Substances and New Organisms Act 1996 (HSNO), and its regulations, which address most risks to human health and safety, including labelling, packaging, secondary containment (e.g. bunding around tanks), emergency plans and trained handlers. The rule addresses effects not covered by the HSNO legislation, especially risks that are specific to the location of land uses, due to land use zoning or proximity to water bodies or coastal water.

Conditions (including quantities) on hazardous substances are stated in [Appendix H](#) (Hazardous Substances). The following exemptions are permitted without complying with the quantity or other standards in [Appendix H](#) (Hazardous Substances):

Trade waste and waste treatment facilities are permitted because of the difficulty of identifying the quantity and nature of the substances involved, and the likelihood any discharges are controlled under the regional plan.

Road materials are permitted because risks are low. Asphaltting and related activities and storage were previously exempt from the Dangerous Goods Regulations.

Domestic consumer products are relatively safe in domestic quantities and the hazards (and necessary precautions) are generally understood.

Retailing generally involves storage of hazardous substances in small packages. Retailers include supermarkets, hardware shops, and pharmacies.

## Waikato District Plan - Waikato Section

Oil and gas pipelines are controlled by other legislation. Ancillary equipment includes gas regulator stations, sales gates and compressor stations.

Petrol service stations are exempt from the quantity constraints of [Table H1](#) because there are industry codes of practice that cover the relevant risks. The conditions stated in [Appendix H](#) (Hazardous Substances) are still applicable.

Fuel and safety equipment in vehicles and boats present small risks. Safety equipment includes standard manufactured items such as airbag initiators and seatbelt pretensioners, emergency flares or signalling devices.

Small fireworks or safety ammunition present minor public risks.

Huntly Power Station and Te Rapa Dairy Factory are existing facilities located in a Heavy Industrial Zone. While resource consent may not be required, the use and storage of hazardous substances is governed by the Hazardous Substances and New Organisms Act 1996 and its regulations. Activities are required to be set back from boundaries with other zones and from the Waikato River to protect sensitive activities and environments. Existing storage facilities near the river are exempt but any new facilities would require resource consent.

### **Radioactive materials**

Radioactive materials are not controlled by the general hazardous substances rule. This rule permits minor radioactivity, such as medical applications and home appliances such as smoke detectors, but a nuclear power station or other major user would need to be fully assessed.

### **Wastewater treatment and plant or animal effluent disposal**

Waste and effluent disposal systems can generate nuisances that may affect the environment and adjoining neighbours if adequate separation distances between sensitive activities are not stipulated. The effects of the treatment and disposal of wastewater are odour, effects on ground water (a regional council issue), and noise, in the case of larger plants. The most sensitive activities are homes, schools, marae and community facilities.

### **Notable Trees**

Notable Trees have been selected and registered for their heritage or amenity values, and the reasons for their listing will be taken into account in the consent application process. Trees that are an integral part of a heritage item may be protected by the Historic Heritage rules.

Some activities, such as trimming are permitted, allowing the tree to be maintained and kept in good condition, while others, e.g. removal, require resource consent.

Activity taking place in the area of the roots or trunk could damage or kill the tree. Where the area beneath the tree is already sealed the impact is likely to be less significant.

### **Sale of liquor**

Premises involved in the sale of liquor that are close to residential areas and which are open to the public late at night, have the potential to create adverse effects that conflict with the amenity of the neighbouring areas. Therefore restrictions have been placed on the location and the hours of operation of such activities. This recognises the adverse environmental effects, which often accompany licensed premises and the patrons using them.

### Signs

Advertising signs have the potential to adversely affect visual amenity. However, different levels of signage are permitted depending on the zone. They are strictly controlled in the Living and Country Living zones, with limited provision for signs associated with activities occurring on the site e.g. home occupations. Signs are generally compatible with the amenity of the Business and Industrial zones, but standards are imposed to avoid excessive signage or signs that would adversely affect non-commercial land uses or traffic safety.

Signs are controlled to protect the visual amenity and rural character of the Rural and Coastal Zones. One sign per site is permitted, advertising goods and services available on the site, to avoid a proliferation of signage, in particular general advertising signs. Size standards ensure that large billboards are given a full assessment of effects through the consent process.

In all zones, controls ensure that flashing neon and other illuminated signs and billboards are given a full assessment of effects through the consent process.

Signage within the Tamahere Village Business Zone and the Village Green is provided for in Schedules [23B](#) and [28A](#) respectively as well as in the [Tamahere Village Design Guide](#). The Tamahere Village Design Guide provides design guidance to ensure signage is consistent with the character of the Tamahere Village Development.

Signs on roads need to ensure traffic safety, preserve public rights of way, and maintain amenity values. As well as resource consent, the permission of the Council, the New Zealand Transport Agency, or other relevant land owner or controlling authority will often be required before a sign can be placed on a road. Traffic safety is promoted by the controls, which minimise distraction to drivers. Standards on lettering size and number of characters and symbols ensure drivers can read a sign at a glance, and avoid distraction. Sight distances allow time for drivers to make decisions and manoeuvre through traffic safely.

Heritage identification and interpretation signs, and health and safety signs are provided for as permitted activities. Traffic signs erected by public authorities do not require consent, because these will be within the scope of road designations or other activities of these institutions, with public value and minimal impacts on the environment.

### Outdoor storage

Sites in the Industrial, Business and Pa Zones may have stockpiles of goods and materials, an accepted part of the activities on these sites. However, stockpiles may become untidy and unsightly. Screening from Living zones and public view, ensures amenity values are maintained.

## Waikato District Plan - Waikato Section

Within the Tamahere Village Business Zone stockpiles should be screened from public places and adjoining sites in another zone to ensure that the adverse effects associated with storage are minimised and a high level of amenity is maintained.

In the Te Kauwhata Structure Plan area outdoor storage in the Business Zone has been reduced as existing and proposed Business Zones are highly visible from surrounding activities and oversized stockpiles would not be acceptable to the expected amenity.

### **Production Forestry**

Landscape values are potentially adversely affected by production forestry, both through the unnatural appearance of firebreaks, tracks and monoculture, especially of exotic species. Setbacks mitigate fire risk and protect indigenous vegetation from competition from exotic species and protect instream values. In the Coastal Zone, production forestry is restricted to no more than 50% of the site so that natural character and landscape values are retained. Forestry is not restricted in the Rural Zone unless the property is in the Landscape Policy Area, where it may affect the amenity and natural character of those areas. Indigenous species are permitted as these fit in with most landscapes. Control of adverse visual effects is achieved by regulating the placement, size, planting pattern (including a mixture of indigenous and exotic tree species) and the level of mitigation undertaken to ameliorate these visual effects. The Landscape Policy Areas and the Whaanga Coast Policy Area are shown on the planning map.

### **Shading**

Trees, such as those in production forests, shelter belts or hedges that occur along boundaries have the potential to shade neighbouring properties and roads. This rule ensures that shading effects do not occur over an entire adjoining property during the middle of the day in the winter (the time when the sun is at its lowest point in the sky). The rule does not apply along property internal boundaries.

Shading from vegetation can result in ice forming on roads, which in turn increases the risk of accidents occurring. Hence it is important that vegetation shading of roads is avoided.

### **Raglan Wharf - activity setback**

The Raglan Wharf is recognised in the plan as being a working wharf, as well as a commercial and recreation area. It is important to ensure that any new developments on the wharf, such as outdoor dining, do not compromise safety, and leave sufficient space for temporary loading and unloading of boats.

### **Indigenous Vegetation Clearance**

Ensuring protection of remaining habitat is the most important step to maintaining and enhancing biodiversity. Indigenous vegetation cover is also an important component of many outstanding landscapes. The rules within the Pa, Rural, Coastal, Country Living zones, and within the Landscape Policy Area of the Industrial Zone provide for a small area of clearance as a permitted activity. Clearing a larger area requires a consent to be obtained so that various matters can be considered. These include natural character, significant vegetation and habitat, amenity in terms of visual effects, and erosion and sedimentation. The rules provide for clearing former pasture lands that have recently reverted to indigenous vegetation. Where manuka, kanuka and treeferns dominate the canopy, the presence of other indigenous species in the canopy will not change the activity status of any clearance provided that those trees were present when the land was in previously in pasture.

### **Gully protection**

Gullies make an important contribution to ecological corridors, facilitating movement of wildlife between larger areas of conservation value. It is important to retain any indigenous vegetation that already exists in gullies for this reason. Gully restoration is desirable to enhance ecological, amenity

and water and soil conservation values.

The Rangitahi Peninsula Structure Plan identifies a number of "Landscape Restoration Policy Areas". A large proportion of these policy areas cover gullies within the Rangitahi Peninsula Structure Plan Area. Under the rules for the Rangitahi Living Zone, progressive planting of these landscape restoration policy areas is required as development proceeds.

### **Energy corridor transportation of minerals**

The rule enables an integral aspect of the coal mining to continue whilst protecting amenity and ecological values of the Whangamarino Wetland by avoiding inadvertent dispersal of minerals and dust and noise.

### **Fences in Te Kauwhata Structure Plan area**

The rule promotes 'active building frontages'. The provisions will give rise to an attractive neighbourhood streetscape with good amenity, and promote more contact between residents and opportunities for social interaction. Lower fences will contribute towards a safer environment and reduce the potential for graffiti. Low fences or walls can contribute to attractive streetscapes and are also useful for defining private ownership.

Where activities immediately adjoin a reserve area it is important that those activities do not create an adverse effect on the amenity of these areas through the erection of high fences or walls that can lower the safety and surveillance of the reserve. At the same time it is desirable to ensure that the security of the adjoining properties is not unduly impaired. The boundary fencing standard strives to achieve a balance between these two objectives by allowing solid fences to a maximum height of 1m or see through fencing up to a maximum height of 1.8m.

### **Other Activities: Land Use – Building**

#### **Number of dwellings**

This rule enables at least one dwelling to be built for every certificate of title, even on small sites in rural areas approved under former planning regimes. More than one dwelling requires resource consent unless the certificate of title exceeds 40ha. In rural areas, it is anticipated that second and subsequent dwellings will be associated with productive rural activities, such as accommodation for farm staff.

#### **Dependent person's dwelling**

Dependent person's dwellings include granny flats and other small dwelling accommodation associated with the principal dwelling on the site (see [Appendix P Meaning of Words](#)) and require resource consent in the Rural and Coastal Zones. The impacts on amenity are lower than for a fully independent dwelling. The rules provide for the dependent person's dwelling to be close to the main dwelling, to ensure areas and facilities on the site are shared and impacts on the environment accordingly reduced.

#### **Minimum site area - dwelling**



## Waikato District Plan - Waikato Section

The rule requires a site area of at least 2500m<sup>2</sup> on a non-reticulated site in order that wastewater from the site can be disposed of in a safe manner. This rule is consistent with the Regional Plan.

### Connection to on-site services

All development in the Te Kauwhata Structure Plan area must have on-site connections to stormwater, wastewater and water that connect to Council networks. No stand-alone systems will be permitted with the exception of wastewater disposal in the Country Living Zone, where there is sufficient area to allow on site disposal. Before connections can be made to Council stormwater systems, low impact design features and devices must be incorporated into subdivisions that will ensure that stormwater discharge will meet the needs of the Catchment Management Plan and ensure the significant water bodies of the Whangamarino Wetland and Lake Waikare are not compromised. [Appendix B](#) (Engineering Standards) has details of Council expectations and it is up to developers to design systems accordingly. Council recognises that sites need to be treated on an individual basis and will work with developers to achieve the desired outcomes.

All development within the Development Precincts in the Rangitahi Peninsula Structure Plan Area must have on-site connections to stormwater, wastewater and water services. Wastewater services will be connected to Council networks. Stormwater services will be reticulated through the urban development and discharge will be subject to low impact design treatment and retention to ensure that potential adverse erosion effects or effects on the surrounding marine environment will be avoided or mitigated.

### Building height

The height of buildings is an important factor in maintaining built amenity. Building height is limited to a scale generally considered acceptable in each zone. In the Living, Country Living and Coastal Zones, the permitted activity rule allows at least two storey buildings. Higher buildings may require further assessment as to their suitability, and a resource consent application is required. The 7.5m height restriction reduces the potential for buildings to dominate the environment, especially on the coast.

In the Business, Rural, Pa and Recreation Zones, 10m is the permitted height in recognition of the types of buildings generally found in those areas. Additional height is permitted at Waikato Innovation Park, because any adverse effects on amenity will be offset by the low building coverage and larger setbacks required there. Refer to Prohibited Activity reasons.

Industrial buildings are generally of a greater height and this is also recognised in the rule for that zone. The rule makes provision for higher than normal structures that may also be necessary, such as chimneys, but these are restricted to a smaller area on any particular site.

The height rules also restrict buildings protruding into various height restriction planes e.g. Battlefields View Shaft, Airport Obstacle Limitation Surfaces and Raglan Navigation Beacons. In the case of battlefields the rule ensures controlling building height above 5m preserves the views of the significant pa and redoubt sites associated Waikato Land War battles at Meremere and Rangiriri. Height of buildings is restricted in other areas for safety reasons.

## Waikato District Plan - Waikato Section

The rules provide for frost fans at a scale that is accepted within the Rural Zone, and make allowance for fan blades extending beyond the height of the support structure.

### **Daylight admission**

The daylight angles are set to provide reasonable daylight to a site, unobstructed by buildings on an adjacent site. Buildings that dominate and overlook their properties affect the amenity of occupants on other sites. In most zones, the rules apply to an adjoining site. In general, buildings set back adequately from the boundary will comply with this rule.

Business and Industrial zones require that the daylight admission rule be applied at the zone boundary, not at the site boundary. This maintains reasonable daylight in adjoining sites in other zones. Similarly, no daylight angle is required across boundaries within the Pa Zone, generally because the land is in multiple ownership and the owners are likely to moderate effects for their own amenity and safety.

In the Tamahere Village Business Zone, compliance with daylight admissions at the boundary to the Village Green and the Recreation Zone is not required. If all three sites are developed in accordance with the Tamahere Village Concept Plan, the cross boundary effects will be minor.

### **Building coverage**

The amount of building coverage permitted can affect the open space nature of a neighbourhood and can change the perception of the intensity of development. The amount of building coverage allowed varies with each zone, depending on the level of amenity expected. Most zones require a lower level of building coverage in order to allow enough space around buildings for landscaping. Other zones, such as Business and Industrial, allow a much higher coverage in order to maximise use of the site, while allowing space for some landscaping, and parking and loading areas. In the Coastal Zone, the rule controls bulk of buildings to maintain natural character, amenity, water quality, and to manage storm water runoff and natural hazard risks.

The amount of building coverage permitted in the Te Kauwhata Structure Plan area is lower than elsewhere in residential areas of the district, in order to take into account topography, low impact stormwater management requirements and the need to retain village character.

### **Building floor area - Recreation Zone**

It is often necessary to have small buildings for storage of sports equipment or for changing rooms in recreation areas.

### **Living and service court**

A living court and service court is required in the Living Zone in order to provide outdoor space, desirable for the health and enjoyment of the occupants of the associated dwelling. These are not required in the other zones, because the size of the site should allow plenty of outdoor space to enjoy.

Council is adopting good urban design principles in that living courts should have a northerly aspect

and be sheltered from the south to provide a private, sheltered and sunny outdoor living area. Living courts should be positioned and oriented between 45 degrees northeast and 90 degrees west and associated with the living area of the dwelling. For this reason the location of living courts in the Te Kauwhata Structure Plan area is to be managed through both the subdivision and building consent processes to maximise the landowners' ability to enjoy the amenity of the area by having useable outside living space. Living courts should be on land contours that encourage usability and the easy placement of outdoor furniture. For south facing rear yards refer to design guide.

### **Non-residential building**

Non-residential buildings such as storage sheds and barns are an acceptable part of all zones, subject to controls on bulk and location. However, very large sheds such as those used in intensive farming activities, and for horticulture can dominate the rural and coastal landscape. The rule allows farm sheds of a reasonable size as a permitted activity, but requires resource consent for those that have the potential to detract from the amenity of the area or look out of place due to their size and domination.

In the Living Zone, non-residential buildings, such as sheds, are allowed subject to controls on bulk and location. The rule protects amenity and the residential character of the locality.

In the Rangitahi Living Zone, specific provision is made for Rangitahi commercial activity. For that activity, non-residential buildings are permitted subject to strict controls on scale. That provision operates in addition to the general provisions for non-residential buildings such as sheds within the Living Zone.

### **Building - Tamahere Recreation Zone and Village Green**

Building in the Tamahere Recreation Zone and the Village Green is a permitted activity providing the location and design of buildings is in accordance with the [Tamahere Village Design Guide](#) and the [Tamahere Village Concept Plan](#). This is to ensure consistency with, and connectivity between the developments within the Tamahere Village Business Zone, the Village Green and the Recreation Zone. Building coverage in the Tamahere Recreation Zone (excluding the Village Green) is restricted to 4% building coverage. This limitation takes into account the existing and proposed buildings and allows up to approximately 2500m<sup>2</sup> of buildings. This ensures the open space character of the zone is preserved.

The Village Green is to be developed as a publically owned piazza area or town square. Building coverage and building height within this area is restricted to ensure the open space character is maintained and to ensure that a large building does not dominate the Village Green or excessively restrict the view from the village square through to the recreation reserve.

### **Building - Tamahere Business Zone Gross Leasable Floor Area**

Restrictions have been imposed on the Gross Leasable Floor Area of individual retail units as it is considered that the development should provide for a diverse range of activities. Two retail units over 250m<sup>2</sup> are considered sufficient for a small scale neighbourhood retail development based on sustainable commercial floor space in relation to population and household growth forecasts for the Tamahere catchment.

### **Building - Tamahere Business Zone Gross Floor Area**

The total Gross Floor Area (GFA) of all buildings within the Tamahere Village Business Zone is restricted to 2000m<sup>2</sup>. This GFA is based on sustainable commercial floor space in relation to population and household growth forecasts for the Tamahere catchment. The GFA has also informed other technical reports relating to wastewater management and discharge and effects on the roading network.

### **Building setbacks**

Building setbacks play an important role in the overall amenity of a neighbourhood. In urban areas the required setback from a road boundary is to maintain an open streetscape, a degree of spaciousness and to allow for landscaping. Side and rear setbacks provide outdoor living space, and buffers between houses for effects such as noise and light spill. Setbacks also provide adjacent properties with some protection from the bulk of buildings in close proximity and allow direct sunlight to dwellings. However, it is accepted that buildings such as garages can be sited nearer the boundary without adverse effect on the neighbour, subject to controls on building length. The setback from vehicle accesses and rights of way protects occupants of buildings from traffic, as well as noise and vibration. The rule also ensures that the access does not become obstructed due to opening windows or other obstructions.

Minimum front yard setbacks in the Rangitahi Living Zone have been set at the same standard (3 metres) as applies in Living Zones throughout most of the district (except Raglan township). In Raglan township a larger minimum setback (6 metres) applies in recognition of the existing built form and character in the township. At Rangitahi, a 3 metre setback is more appropriate in order to provide flexibility for medium density development in accordance with the Rangitahi Peninsula Structure Plan. The exception is that no minimum setback standard will apply to a small number of specified "mixed use" lots that form the two small village centres to be located in the "Village Core" and "The Plateau" neighbourhoods. This is common in mixed use centres to ensure active street frontages.

Setbacks in the Te Kauwhata Structure Plan area have been amended to reflect Council's move towards good urban design principles. Rear boundary setbacks are required to ensure that private and sunny open space is available and to ensure a degree of separation is attained between neighbours. On larger lots side yard setbacks are varied in an attempt to promote better house orientation and design. Garages facing the road need to be recessed behind the front of the house, placing these further from the front boundary to provide a positive relationship between houses and the street.

No setback is required from boundaries within the Pa Zone, generally because the land is in multiple ownership and the owners are likely to moderate effects for their own amenity and safety. Setbacks are not generally required between boundaries within the Business Zone, but are intended to provide properties in adjacent zones with some protection from the adverse effects on amenity of buildings in close proximity. Large setbacks are required at Waikato Innovation Park to provide separation from electricity utilities, to offset the effects of the large buildings in the rural fringe location, and to provide space for landscaping.

## Waikato District Plan - Waikato Section

In the Tamahere Village Business Zone, building setbacks from the boundary of a property in the Country Living Zone are consistent with the setback provisions in the Country Living Zone. This is to ensure large retail buildings do not adversely affect the amenity of adjacent properties.

Setbacks from the Recreation Zone and the Village Green will be required to provide access to and maintenance of the building but these setbacks are minimal. This is to encourage full integration with, and connectivity between the Business Zone and the developments on the adjoining Village Green and recreation reserve.

Setbacks are greater in the Heavy Industrial Zone in order to mitigate the effects of what are likely to be buildings of a bigger bulk and height. At Fonterra Te Rapa Dairy Factory setbacks are to mitigate any spillover effects from operations on this site. These are carried forward from the previous plan, together with additional controls over subdivision of land near Te Rapa Dairy Factory.

In the Rural and Country Living Zones, the setback from a road boundary is to enhance the sense of spaciousness already present and to allow for landscaping. In the Rural Zone, setbacks from the road boundary reduce the perception of buildings dominating the road corridor and maintain an open space character to the route. For sensitive activities, such as dwellings, the setbacks also serve to mitigate effects generated by use of the roading corridor, such as noise, vibration, effects upon air quality and dust where roads are unsealed. Setbacks from the road boundary also allow for greater flexibility if road widening becomes necessary in the future.

The setbacks do not differ between habitable or non habitable buildings, however it is recognised that non habitable buildings generally do not result in reverse sensitivity effects in comparison to dwellings. To address this, [Rule 25.54.2](#) reflects a difference in the activity status for non compliance with setbacks for habitable and non habitable buildings.

Other setbacks vary depending on the size of property the development is taking place on, and the size of the adjoining property. Smaller setbacks are required where adjoining properties are of a similar nature, e.g. primarily residential, and larger setbacks are required if a property is more likely to be affected by [farming](#) activities. Some flexibility for smaller allotments is provided to recognise constraints small allotments may face in siting buildings within the site. Setbacks for buildings other than dwellings help to maintain amenity. The setbacks help to avoid conflicts between rural activities, especially sensitive activities locating in close proximity to farming activities, thereby being more susceptible to adverse effects such as noise, odour, spray drift and dust. In the Country Living Zone, setbacks from gullies are designed to retain the natural character and open space nature of the gullies.

Building setbacks within the Tamahere Country Living Zone allow provision for future road corridors should the area transition to a higher density zoning in the future. The setbacks also maintain amenity and privacy and allow for the provision of landscaping.

It is considered that the encroachment of a dwelling in to the permitted boundary setback in the Tamahere Country Living Zone will have a greater impact on the amenity values and privacy of adjacent properties than a non-habitable accessory building. As a result a stricter activity status is applicable for any proposal to locate a dwelling within the permitted boundary setbacks.

In the Coastal Zone the building setback from roads and boundaries also helps to preserve natural character and amenity. For most allotments, any reduction is a non-complying activity, because of the importance of ensuring that building density remains low. An exception is made for building on smaller allotments that existed before the notification of this plan. Only a very few smaller allotments existed at the time of notification of this plan and it is expected that the adverse effects of some reduced setbacks on these can be absorbed by the environment or adequately mitigated.

Building setbacks from mean high water springs are also required in the Coastal Zone. Any reduction is a non-complying activity due to the significant need to protect the natural character and amenity values of the coastal environment. This includes protecting elements such as significant indigenous vegetation and habitat, the relationship of Maori to the coast, and natural features and landscapes. Natural features such as dunes and cliffs are vulnerable to development, and also pose natural hazard risks. Other natural hazards such as tsunami and sea level rise are largely avoided by the setback. The rule gives effect to the provisions of New Zealand Coastal Policy Statements, including the Hauraki Gulf Marine Park Act 2000.

### **Energy corridor - setbacks**

The construction or alteration of a building or structure within an Energy Corridor is exempt from the general setback rules for the Rural Zone. Energy Corridors are located in sparsely populated areas, and the nature of the activity makes it impractical to apply the general setback standards.

### **Dwelling setbacks - intensive farming, aggregate extraction, extractive industry, wastewater treatment**

The requirement for dwellings to be setback from various activities is so that residents are less likely to be impacted on by the adverse effects of neighbouring activities. The setbacks also provide some protection for the existing activities by reducing the likelihood of reverse sensitivity effects, and possible constraints upon the operation of these existing activities, from occurring.

### **Building setbacks - high voltage electricity transmission lines**

Buildings located too close to high voltage electricity transmission lines can give rise to a number of risks, such as public health and safety risks, and failure of electricity supply. While members of the public have expressed concern in relation to the health effects from exposure to such effects, at this stage there is no certainty as to whether they have any adverse effects on health. The setback requirement seeks to protect public health and safety, ensure that new buildings do not compromise the efficient operation and maintenance of power lines, promote the integrity of electricity supply, and provide for a level of on-site amenity.

### **Building setbacks - expressway, indicative roads and state highways - arterial roads in Te Kauwhata Structure Plan area**

Likely future road linkages are shown on the planning map as indicative roads with the majority of them in the Tamahere area. Waikato Expressway is shown partly as a designation and partly as proposed route. It is important to keep these routes clear, and also to provide building setbacks from the route, to preserve amenity when the road is built in the future. Setbacks from state highways in

the Rural, Coastal and Country Living zones are required to preserve amenity and maintain an open space character to the route. For sensitive activities, such as dwellings, the setbacks also serve to mitigate effects generated by state highway use, such as noise, vibration and effects upon air quality. The setback from national routes and regional arterial roads in the Industrial zone preserves amenity, maintains an open space character and allows for landscaping adjacent to the route.

The alternative heavy traffic route traverses the Industrial Zone in the Te Kauwhata Structure Plan area and will be classed as an arterial road. For this reason a setback is necessary to preserve amenity and allow for landscaping adjacent to the alternative route and create attractive road frontages.

### **Building setbacks - Tamahere Commercial Area**

The requirement for dwellings to be setback from the Tamahere Commercial Area is so that residents are less likely to be impacted by the adverse effects of neighbouring business uses. The setbacks also protect the existing business uses by reducing the likelihood of reverse sensitivity effects.

Within the setbacks, construction or alteration of a dwelling is generally a restricted discretionary activity, with discretion exercised to manage particular cross boundary effects. In the mapped Housing Restriction Area, where adverse effects are expected to be of greatest scale and intensity, construction of a new dwelling is a non-complying activity. Alteration of existing dwellings is managed under the restricted discretionary rule.

Within the Tamahere Country Living Zone, the Tamahere Commercial Area is split into two separate areas. These separate areas are identified on the [planning map](#) as Tamahere Commercial Area A, which relates to land adjacent to Airport Road, and Tamahere Commercial Area B, which relates to land adjacent to Koppens Road.

In both areas construction or alteration of an accessory and non-habitable building is excluded from the 100m setback restriction as it is considered that these buildings will not generate any cross boundary effects or be affected by reverse sensitivity. The standard 12m boundary setback rule still applies.

A habitable extension to an existing dwelling, of which no part is located between the existing dwelling and the boundary of the Tamahere Commercial Area, is also excluded from the 100m restriction providing it is acoustically insulated to mitigate any adverse noise effects.

Provision is made for the construction of a dwelling within 100m of Tamahere Commercial Area B as a permitted activity where the issues related to reverse sensitivity are addressed at the time of subdivision and the dwelling is constructed to comply with [Appendix M](#) (Acoustic Insulation). This provision does not apply to Tamahere Commercial Area A as the adjoining land is either fully developed or Council owned recreation reserve.

The construction of a dwelling within the Tamahere Commercial Area B is permitted provided the dwelling is acoustically insulated to help mitigate the potential adverse effects of noise from neighbouring commercial activities.

### **Display windows - Business Zone**

This ensures that shop fronts in Town Centres are built up to the road boundary and there are no “blank walls” that diminish amenity. A lower percentage is required at Huntly than other towns, because of the perceived differences of amenity and security issues there.

### **Verandahs - Business Zone**

The provision of a continuous line of verandahs along road frontages provides shelter from the elements and contributes to the traditional amenity of Waikato towns as a unifying building element. The requirement for cantilevered construction is to ensure that columns do not support the verandah, thus making them safer for traffic.

### **Building near a lake or river**

Building setbacks on sites adjoining water bodies help to maintain amenity, and to protect the natural character of such areas. The required setback from a lake or river varies from zone to zone, and ensures that a building still retains a setback from the boundary in the event of an esplanade reserve being required along the water body. In the Industrial Zone at Horotiu, a greater setback from the Waikato River is required, recognising that large industrial buildings could have an adverse effect on amenity if they are too close to the river. Certain sections of the Waikato River bank that may be prone to instability due to riverbed lowering are identified as River Bank Stability Areas. Buildings in these areas should be set back from the river to ensure riverbank protection works will never be required to protect the building from the effects of bank instability. Refer to the “Proposed Middle Waikato River Bed Degradation Management Strategy” prepared BECA (May 2006) and associated appendices.

### **Building near the coast (refer also to 29.78)**

This rule implements policies on public access to the coast, retention of the natural character of the coastal environment, and natural hazards. Set backs from mean high water springs ensure room for a 20m esplanade reserve or strip to be created in the event of a future subdivision, plus the standard building setback for the zone between any building and the esplanade boundary. The floor level standard includes provision for 0.3m freeboard above combined spring tides, storm surges and a 0.5m predicted sea level rise due to global climate change. This is consistent with the standard for flood protection near rivers, of a 0.3m freeboard above the 1% design flood level.

In the Coastal Zone, alterations to existing buildings are allowed provided that the alterations do not increase coverage or height. The purpose of the rule is to maintain natural character and amenity. Any alteration of buildings within 100m of the coast must be assessed in a consent application, because of the more sensitive context. Alteration of an existing building is treated separately from construction of new buildings, as it is expected that the environment can absorb the effects of altering the relatively few existing buildings in the zone, so long as coverage or height are the same.

Buildings in the Coastal Zone will be assessed for their effects on the environment, in terms of the matters listed in the rule, to maintain natural character and amenity. The natural character of the coastal environment is a matter of national importance.



### **Building near an Environmental Protection Policy Area**

In the Te Kauwhata Structure Plan area the Environmental Protection Policy Area is an integral component in the protection of the sensitive water bodies and the ecological systems that are important to the area. Buildings placed too close to these sensitive environments would cause adverse effects that could compromise their integrity. For this reason buildings are required to be set back from the edge of the protected area.

### **Building involving earthworks**

In the Te Kauwhata Structure Plan area particular attention is given to protecting the overall landform. Major earthworks associated with creating a building platform can significantly alter the landform. In the Living Zone a rule has been introduced to ensure earthworks requirements are disclosed at building consent time to ensure Council is fully aware of the intended works and ensure earthworks regulations are complied with.

### **Building in Flood Risk Area**

This rule implements policies on natural hazards. Flood Risk Areas are shown on the planning map. The minimum floor levels promote health and safety, and the wellbeing of people using the building.

### **Aerial**

The rules provide as of right for aerials at a scale that is accepted within the zone.

### **Huntly East Mine Subsidence Area**

This land includes underground mines, where there is a serious risk of subsidence. The risk is assessed as lower in the outer area. Resource consent is required for buildings and excavation to ensure that the effects are fully examined in each case. The areas are shown on the planning map, which are derived from the Crown's Huntly East Land Subsidence Policy 1993–94.

### **Comprehensive residential development**

Comprehensive residential developments can have effects greater than a detached dwelling, in particular by increasing the density of development in a certain area. However, it is recognised that higher density living can be appropriate, especially in areas close to town centres. The effects of higher density living can be mitigated by careful design. It is expected that comprehensive residential developments will conform to the design guide in [Appendix E](#) (Comprehensive Residential Development Guidelines) in order to provide a high standard of on and off site amenity. Developments that do not achieve the standards sought in the design guide are likely to be declined.

### **Relocated buildings**

Relocated buildings moved onto a new site have the potential to detract significantly from amenity values of the locality. This is particularly the case if they are left unfinished for extended time periods. The rule allows relocation as a controlled activity, subject to time limits on completion of particular work. A bond to cover the completion of the work is also required.

In the Tamahere Village Business Zone and the Village Green within the Tamahere Recreation Zone, relocated buildings are provided for as a restricted discretionary activity. Relocated buildings within these areas are subject to, and are required to be in accordance with, the [Tamahere Village Design Guide](#) and the [Tamahere Village Concept Plan](#) in Schedule 23B. This is to ensure that development consisting of relocated buildings achieves the intent of the design guide and that full connectivity, integration and design consistency is provided between the adjoining commercial and recreational developments.

### **Papakaainga Policy Area - Rural Zone - Coastal Zone and Papakaainga Housing**

These rules enable papakaainga housing on Maaori land adjacent to Pa Zones to enable the land to be used as an adjunct to the Pa, or on other land deemed to be suitable for papakaainga housing under the Te Ture Whenua Maori Act 1993. Similar reasons apply as to the Pa Zone, especially the value of management by local people, subject to conditions dealing with effects on surrounding areas.

The rules for the Pa Zone take precedence over the Rural and Coastal Zone rules in relation to papakaainga housing developments.

### **Papakaainga Housing**

Rules [25.63A](#) and [26.53A](#) were developed to provide enabling provisions for papakaainga housing in the Rural and Coastal Zone by aligning the standards to the requirements of the Maaori Land Court process. The rules require that if the land is not vested in either a Trust or Maaori Incorporation then council be provided with either a lease, an Order of the Maaori Land Court or a licence to occupy at the time of lodgement of Building Consent. These three instruments summarise the different types of tenure available and comprise the following:

- A Partition Order by the Court pursuant to section 289 of the Te Ture Whenua Maori Act 1993 (“the Act”);
- A Dwelling site and Partition Order by the Court pursuant to sections 296 and 289 of the Act;
- An Occupation Order by the Court pursuant to section 328 of the Act;
- A Lease granted by a Trust or by all beneficial owners; and
- A Licence to Occupy granted by a Trust or signed off by all beneficial owners.

Council’s written consent is required for a Full Partition application to the Maaori Land Court. For an application to the Maaori Land Court for a Hapu Partition or Occupation Order a sketch plan needs to be provided to Council and written comment must then be provided by Council. If the Maaori Land Court grants the Order the applicant must then obtain Building Consent from Council and determine whether a Resource Consent is also required.

Council and the Maaori Land Court have publications available that detail the process for the different type of tenures. For further information please contact the Maaori Land Court.

### **Building on ridgelines**

Building on prominent coastal ridges and in the Ridgeline Policy Area must be set back vertically and horizontally from the ridge top, to maintain natural character and amenity.

### **Building on the Hakarimata Range**

Buildings on the eastern side of the Hakarimata Range between Elgood and Parker Roads should be sited so that the highest part of the building is below the 60m contour (Moturiki Datum). The rule maintains the natural character and amenity of the Hakarimata Range, which is an outstanding landscape.

### **Heritage items**

The removal or relocation of any heritage item identified in this plan will always require resource consent so that the effect on the district's heritage stock can be assessed. Within a precinct there is a collective value of buildings and the loss of even a single building can have major impacts on the entire precinct.

Routine maintenance is necessary to ensure that heritage items do not deteriorate. It is important that such work is sensitive to the values for which the item is listed. The rule allows for necessary maintenance, including redecoration, [restoration](#) and [repair](#), in keeping with the values for which the item was listed.

Alterations and additions to heritage items could detract from the significance of the item and result in a reduction or loss of heritage values if they are unsympathetic. The rule ensures that alterations and additions are sympathetic to the heritage item. Particular care must be taken in undertaking alterations visible from a public place.

The setting of a heritage item on the site is part of the heritage value and significance of the item. It is important that new building or other development near a heritage item is compatible with the heritage item. Separation distance between the new development and the heritage item makes an important contribution to maintenance of heritage values.

### **Precincts - Construction or alteration of a building**

Precincts recognise that often a collection of buildings has a greater value than the buildings individually. Unsympathetic alteration to a building in the precinct can have a major impact. This rule ensures that any significant alterations to buildings are in keeping with the precincts' values. Existing non-listed buildings are included within the heritage precinct so that a gradual enhancement in a precinct is ensured, i.e. when any building is replaced or a site developed, the design and appearance of the new building is compatible with the values and character of the precinct.

### **Design guides - Raglan, Rangiriri, Huntly, Matangi, Tamahere Village**

These rules ensure that streetscape and amenity are maintained and enhanced by new buildings in identified precincts at Raglan, Rangiriri, Huntly and Matangi. See [Appendix D](#) (Design Guides). Explanations are given in [Appendix D](#) (Design Guides).

The [Tamahere Village Design Guide](#) and [Concept Plan](#) forms the basis for future development in the Tamahere Business Zone and the Tamahere Recreation Zone, including the Village Green. This document will provide guidance for building location and design, infrastructure and other site development. This will help to provide consistency in development across the zones and to provide

certainty that future development will enhance the character of the surrounding area. The design guide forms part of the suite of rules that are specifically relevant to the Tamahere Village Business Zone, the Village Green and Tamahere Recreation Zone and is located in [Schedule 23B](#).

### **Rangitahi Urban Design Guidelines**

Urban Design Guidelines are required to be prepared as part of a Comprehensive Development Plan for the Rangitahi Living Zone. The rules for that zone require a Comprehensive Development Plan to be approved prior to any subdivision or development. For permitted activities such as dwellings, the urban design guidelines will be applied outside of Council and district plan processes, through developer covenants. However, for activities requiring resource consent (which will be most non-residential activities as the permitted activity thresholds - particularly for gross floor area and vehicle movements - have been set at a low level to trigger case-by-case assessments), an assessment against the urban design guidelines in the approved Comprehensive Development Plan will need to form part of resource consent applications. The combination of rules and Urban Design Guidelines has been designed to ensure that the desired village character in a harbour setting is achieved within the Rangitahi Living Zone.

### **Acoustic insulation - Airport Noise Outer Control Boundary - Glun Club**

This rule ensures that buildings subject to aircraft noise from Hamilton Airport and Te Kowhai Airfield or to noise from the gun club at Holland Road, Eureka are well insulated, in order to minimise the effects of such noise.

### **Wind measurement system**

Wind measuring systems are typically an apparatus on a tall pole that will exceed the building height restrictions, temporary but necessary for investigating wind speed and essential to the feasibility of a wind generation project. The intention of rules is to implement the policy for renewable energy, controlling location and design to mitigate adverse effects on the natural environment, including visual or other amenity values, especially in the coastal environment.

### **Low Impact Design (LID)**

Low impact design standards are an alternative approach to stormwater management. LID utilises natural drainage features in the landscape rather than piped systems for stormwater management and incorporates natural design features into erosion and sediment control during urban development. Low impact urban design and development (LIUDD) aims to avoid a wide range of adverse effects resulting from conventional urban development, such as biodiversity, social, economic and amenity issues along with protecting aquatic and ecological integrity, while allowing urbanisation at all densities.

In the Te Kauwhata Structure Plan, Council has adopted the LIUDD principles and these have been implemented through

- zoning
- rules controlling density developments and locations
- design guides that ensure development considers such things as solar energy, access to [services](#), containment of water on site

## Waikato District Plan - Waikato Section

- creation of ecological corridors through green space and recreation areas
- protection of sensitive ecological areas
- integrated transport corridors which include links for walking and cycling
- utility networks which incorporate low impact devices

LID principles have also been applied in planning for development within the Rangitahi Peninsula Structure Plan Area and have been implemented through:

- the location and extent of Development Precincts;
- inclusion of a Rangitahi Peninsula Structure Plan in the District Plan and the requirement for a Comprehensive Development Plan to be approved prior to any new development. The CDP will detail patterns of development within the development precincts and a range of environmental improvements;
- establishment of a hierarchy of roads to be engineered to standards consistent with the number of dwellings to be served at each level of the hierarchy;
- establishment of an integrated network of walkways and cycleways integrated into the environment of the Rangitahi Peninsula;
- establishing landscape restoration policy areas that will provide protection against gully erosion, require new planting of native species that will enhance ecology, habitat and landscape;
- stormwater disposal systems are required to be developed incorporating low impact devices and techniques.

### Horotiu Acoustic Amenity Overlay

The introduction of more sensitive residential activity in close proximity to stage 1 and 2 of the Horotiu Industrial Park and the signalled intersection between Great South Road/Horotiu Bridge Road and Gateway Drive, could result in noise sensitivity issues arising between these two different activities from both additional traffic movements and increased industrial activity. Besides the noise effects of new industrial development, the Horotiu residential area will continue to be affected by noise from traffic movements on the Te Rapa Bypass, Great South Road and North Truck Railway. Due to location of the residential areas, noise mitigation measures have been introduced. Rules for the Acoustic Amenity Overlay policy area seeks to protect the acoustic amenity of the residential area for residents from the noise effects of traffic movements on Great South Road and possible night time industrial activity in the industrial zone. Building setbacks from Great South Roads and the Te Rapa Bypass also help to mitigate effects generated by traffic.

### Subdivision

#### General

The subdivision rules are based on the premise that there is a strong interrelationship between subdivision and future land use. Subdivision of land can have marked effects on land use expectations. Adequate provision of access, water, wastewater, open space and other requirements is essential to ensure that development following subdivision does not have adverse impacts on the environment. The restriction on subdivision near Te Rapa Dairy Factory is to manage possible reverse sensitivity effects arising from residential subdivision.

Council is promoting good urban design principles. A design guide that incorporates urban design principles is included in [Appendix Og](#) and [Oga: Te Kauwhata Design Guide](#). All subdivision applications in the Te Kauwhata Structure Plan area will be assessed against the criteria contained

in the guide.

For the Rangitahi Peninsula Structure Plan Area, Urban Design Guidelines are required to be incorporated in a Comprehensive Development Plan prior to any new development in that area. Furthermore, rules require the Comprehensive Development Plan to be closely similar to the Rangitahi Peninsula Structure Plan in [Schedule 21C.3](#). Subdivision as a controlled activity is required to be in accordance with the Rangitahi Peninsula Structure Plan and will be assessed against its provisions.

### **Subdivision - Tamahere Village Business Zone**

A restricted level of subdivision is provided for within the Tamahere Village Business Zone. Separate certificates of title can be created where land is associated with a building or leasable portion of a building and where titles are encumbered in such a way as to provide for the ongoing management and maintenance of communally owned facilities. Fee simple freehold estate subdivision of land cannot be considered due to the need to manage communal facilities.

The ongoing management and maintenance of all communally owned facilities must be provided for through a Communal Management Structure.

### **Communal Management Structure**

A Communal Management Structure is a scheme that provides for common or shared facilities in relation to subdivision within the Tamahere Village Business Zone (see 29.95A above). The development and use of a Communal Management Structure is described in [Schedule 23B.24.2](#).

### **Rural and Coastal Zone**

Subdivision in the Rural and Coastal Zone is controlled by several factors.

- Date of issue of certificate of title – the date used has been carried forward from previous subdivision regimes and restricts landowners with newer titles from subdividing on the basis that recent subdivision has occurred. This constraint is imposed so that the same land is not repeatedly subdivided, with related cumulative effects such as fragmentation, reduced opportunities for productive rural activities and loss of rural amenity. Landowners with titles issued after 6 December 1997 as a result of a subdivision under different legislation or minor boundary adjustments, or where subdivision occurred exclusively to provide for a network utility, may subdivide again. The separation of amalgamated allotments to create new certificates of title is a non-complying activity, as it provides for additional levels of development beyond that envisaged by the rules which would require careful assessment.
- Policy areas and other special areas – land within these areas has either special qualities e.g. landscape, or it is not desirable to allow people to live in particular areas because of the risk of hazards or the potential conflict between activities.
- Number of allotments – One additional allotment is provided for as a restricted discretionary activity, subject to relevant standards being met. Restricting the creation of additional allotments to no more than one ensures that larger areas are available for rural productive purposes, and

protects rural character, landscapes and soils, while still providing for lifestyle choice associated with a level of rural use of the land. To subdivide off more than one allotment requires resource consent for a non-complying activity so that matters such as cumulative effects on rural character and sustainability of the soil resource and in the Coastal Zone, effect on natural character, can be assessed. By restricting the number of additional lots, the rules control adverse effects, including cumulative effects that result from continued fragmentation of rural land, while enabling subdivision to occur where appropriate. The retention of large sites allows a small part of the site to be developed as dwelling curtilage, and maintains rural character and the potential versatility of land. Note that subdivision on high quality soils is more restrictive and in some cases may be a prohibited activity.

- The effects of subdivision on existing lawfully established activities in rural areas need to be considered, as some activities may be affected by reverse sensitivity. These activities include productive rural activities and recreational use of existing amenities and public open space. Complaints from a sensitive land use such as a rural residential lifestyle lot regarding adverse effects from a neighbouring activity may result in constraints being placed upon that existing neighbourhood activity. In a worst case scenario, complaints from new residential land uses locating into an area may result in constraints and/or additional costs being placed upon the existing activity such as rural production, recreational or infrastructure activities.

### **Pa Zone and Maaori land in all zones**

Maaori land tenure and registration is controlled by Te Ture Whenua Maori Act 1993. The “subdivision” and alienation of Maaori land is subject to the provisions of part XIV of the Act. Applications for all types of partition are made to the Maori Land Court. Section 301 of Te Ture Whenua Maori Act requires that every partition of land by the Maori Land Court shall comply with the provisions of the Resource Management Act except for the partition of parcels of land for members of the same hapuu. Applications for partition are required to be accompanied by the following:

- (a) a subdivision consent issued by the territorial authority, and
- (b) a valuation report, and
- (c) a list of all the co-owners of the land, and
- (d) written consent of the owners or trustees to the proposed partition.

The partitioning of Maaori land for alienation will be subject to the general requirements for subdivision and the criteria for subdivision of the land’s respective zone.

In the Pa Zone, all subdivision is discretionary. The detailed conditions stated for subdivision in other zones are omitted from the Pa Zone rule, to ensure full assessment of environmental, social, economic and cultural perspectives, and to secure sustainable outcomes. The standards referred to in the Living Zone subdivision rules provide a guide to many of the relevant matters.

### **Recreation zone subdivision**

All subdivision in the Recreation Zone is non-complying. The detailed conditions stated for subdivision in other zones are omitted, because subdivision is not envisaged and should this occur it will be assessed by reference to the full range of objectives and policies.



### **Te Kauwhata Structure Plan area – Remediation Policy Area**

Land within the Te Kauwhata Structure Plan area has historically typically been used for horticultural activities. Council wishes to make developers aware of the issues associated with contaminated land. All applications within the Remediation Policy Area to remove or replace a fuel storage system, sample or disturb soil, subdivide land or change the use of land on land that is contaminated or potentially contaminated, because of its past, present or likely use of the land for an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL), must be assessed against the regulations contained in the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 in [Appendix Of](#). Council can then be assured that the land is suitable for urban living prior to the issue of certificates of title.

Rules [21A.3](#) and [21B.4](#) apply to subdivision, use and development within the Remediation Policy Area and seek to manage the actual or potential adverse effects of contaminants in soil on matters other than matters relating to human health. The Remediation Policy Area identifies the land within the structure plan area to which these rules apply.

The New Zealand Building Code – Clause F1 Hazardous Agents on Site, specifically requires building sites to be assessed to determine the presence and potential threat of any hazardous agents or contaminants.

### **Te Kauwhata Structure Plan area - Environmental Protection Policy Area**

The Te Kauwhata Structure Plan area includes land that would be sensitive to development, and the Environmental Protection Policy Area reflects this area. The purpose of this Policy Area is to encourage the protection and enhancement of ecosystems, the habitats of plants, birds and other wildlife, ecological corridors and avoid the flood hazard. As a direct result, the natural and amenity values associated with these habitats will also be protected. Planting within the Policy Area should be done in accordance with Table 10 of the report 'Te Kauwhata Structure Plan Assessment of Ecological Values' (Boffa Miskell 2009).

Some areas will become public open space areas. Remaining areas will be left in private ownership but will have rules that ensure that building platforms and earthworks do not occur within the overlay area without consent. Much of the land will be low lying and close to wetlands or water bodies and it would not be appropriate to consider development on these areas.

### **Rangitahi Peninsula Structure Plan Area**

Within the Rangitahi Peninsula Structure Plan Area shown on Planning Map 43 are a number of environmentally sensitive locations particularly along stream margins, wetlands and gullies. Not only are these locations unsuitable for development but they offer a prospect for environmental improvement. A new policy area "Landscape Restoration Policy Area" has been introduced in the district plan and applied to the Rangitahi Peninsula Structure Plan Area. Some of these areas adjoining Development Precincts also link into much wider open spaces. It is anticipated that conservation of existing native vegetation within these policy areas together with new planting will protect the sensitive areas and enhance landscape, ecosystems and habitats.



### Allotment size

In the Living Zone, the minimum and average lot sizes ensure residential amenity. New Residential Areas have been brought forward from the previous District Plan. The average lot size in New Residential Areas provides for amenity in greenfields areas, where it is practicable to achieve a lower density and greater variation in allotment sizes than it is for infill subdivision.

In the Business Zone, the minimum allotment size protects the amenity values of the zone outside town centres. In town centres amenity is better managed by building design.

The minimum allotment size in the Light Industrial Zone enables operations such as car repairs and joinery workshops to establish on smaller sites, which are more appropriate for their needs. The requirement for larger allotments in the Heavy Industrial Zone assumes that activities of a heavy industrial nature will require larger sites and the larger allotment size caters for this.

In the Rural and Coastal Zones, the 20ha minimum parent certificate of title size controls the overall level of subdivision that occurs, and ensures that subdivision occurs only where the original title is of sufficient size to protect rural character and amenity values, soils, landscape values, retains opportunities for rural productive activities to occur and addresses a wide range of potential adverse effects, including cumulative effects and adverse effects arising from urban growth.

The minimum certificate of title size of 8000m<sup>2</sup> for the “child” title provides an opportunity for a lifestyle choice. With a maximum size of 1.6ha this allows flexibility for the location of buildings on site and sufficient space to comply with the Waikato Regional Plan for the disposal of wastewater and also setbacks. By minimising the size of the child title it provides the opportunity for a larger parent title to be utilised for productive purposes. The 4ha maximum title size ensures that the balance title remains of sufficient size to provide for rural productive activities where possible. The sizing between 8000m<sup>2</sup> and 1.6h provides landowners with flexibility in choosing a site size to suit their requirements and in terms of subdivision design.

In the Rural Zone, rules provide for increased average allotment size where there is a cluster of small parcels. This ensures dwellings and their curtilages are at a density that reflects the minimum to retain rural character and amenity. Generally, there are areas of rural land between subdivisions that help to preserve rural character. Where there are multiple contiguous allotments less than 6ha, there are no large lots intermingled, and rural character of the area is lost. The plan provides for a 2ha average lot size in these cases.

In the Country Living Zone, the minimum allotment size is 5000m<sup>2</sup>. This area allows adequate room for large landscaped areas, without the burden of a property that is too large for the purposes of the occupant. The area allowed is essentially large lot residential development. The size is also large enough to accommodate disposal fields for domestic wastewater treatment and disposal.

### Allotment shape

A shape factor is required for allotments to ensure that they are sufficiently versatile to

accommodate a range of permitted activities.

### **Allotment size Te Kauwhata Structure Plan area**

The Te Kauwhata Structure Plan area comprises of a number of discrete Living Zone areas that allows each to have standards specific to its topography and setting. The existing district-wide standards are not considered appropriate for the newly zoned areas as they would not achieve the objectives of the Te Kauwhata Structure Plan. The new Living Zones are: Te Kauwhata Living, Te Kauwhata Living (New Residential), Te Kauwhata West and Te Kauwhata Ecological. Te Kauwhata Living and Te Kauwhata Living (New Residential) are the same as those currently zoned in the District Plan with minor changes to the rules. The proximity to the town centre to these areas reflects the standards already in place. New standards apply to the Te Kauwhata West area of larger lot sizes that reflect the topography and land stability, the need to incorporate low impact features on site, the village character and the open space amenity look and feel. The Te Kauwhata Ecological lot size standards are designed so that the density of development within the Whangamarino Wetland catchment reflects the sensitivity of the environment. The rules require developers to ensure variation in lot sizes to provide choice for prospective purchasers, and to minimise the number of rear lots to maintain neighbourhood amenity. Rear lots should only be provided where the original allotment shape makes it impractical for all new lots to have standard road frontage. Minimising the amount of land required for roads, and hence maximising the number of new lots that can be created, and minimising road construction costs are not adequate reasons for creating rear lots.

### **Allotment size Coastal Zone**

This rule ensures that subdivisions are assessed for effects on the environment, in terms of the matters listed in the rule, to maintain natural character and amenity. The Coastal Zone is predominantly rural, and reasons for the Rural Zone subdivision rules, including allotment size, generally apply to the Coastal Zone rules. In some cases it is not desirable to allow subdivisions because of the risk of hazards.

Although natural character can co-exist with development, it can be significantly diluted as development density increases. Assessment of all applications will include the components of natural character, including landscape values (in many places the wild, scenic and open character), indigenous vegetation (providing room for large trees and other vegetation on allotments), quality and velocity of stormwater discharge, sand dune and slope stability, bulk and location of buildings and other development (to avoid dominating the coast), and provision of a buffer for effects of activities in and around each allotment.

### **Frontage**

The minimum frontage requirement is to preserve amenity and traffic and pedestrian safety by ensuring that entrances are not too frequent along a road, and an excessive number of long narrow sections are not created. Not every new allotment will front on to a road, and allotments set back behind each other have less adverse effect on amenity in all zones. (Lots that do not have road boundaries will still have vehicle access by means of a right of way over other land.)

In the Coastal Zone, it is important to avoid narrow sections being created running down to the sea as these would disrupt coastal amenity and coastal processes.

### **Road access**

Depending on the zone and the likely traffic using the access, different standards apply to ensure the safety of vehicles entering and exiting the property.

In the Business Zone, vehicle access onto sites in town centres is not required because this is not always necessary along shopping streets and could be a hazard to traffic and pedestrians, as well as reducing on road parking. Retail and office uses do not always require access for heavy vehicles.

### **Rear lots**

Rear lots are not favoured because they do not have direct visual connection to the road and hence do not benefit from the open space amenity associated with the road and do not contribute towards 'eyes on the street'. Accesses to rear lots should not be on both sides of a front allotment because they detract from its amenity. Shared rights-of-way are not favoured because they detract from the overall streetscape.

### **Building platform**

It is expected that the practicality of the platform will have been fully considered by the subdivider, the Council and other interested parties at the time of subdivision, and that the allotment boundaries will have been drawn to reflect this assessment. It should be unnecessary to go outside these parameters at the time of building and thus the need to accommodate a dwelling as a permitted activity is mentioned in the rules.

Several platforms may be identified or a larger platform than the minimum specified may be identified. On a flat site the platform may take up most of the site. On a hilly site, several platforms meeting the minimum dimensions may be identified.

The reference to construction of a dwelling as a permitted activity invokes the building rules. For example the setbacks from boundaries and water bodies will have a large influence on the dimensions and position of the building platform. More specific building rules, for example those requiring separation from aggregate extraction policy areas, [intensive farming](#) and the Tamahere Commercial Area B, also have to be taken into account in locating the building platform within the subdivision, to avoid reverse sensitivity issues and other adverse effects arising when the allotment is developed following subdivision.

Height controls may also affect the location of the building platform. For example, the platform cannot include areas where a practicable dwelling height is not possible under the Raglan Navigation Beacon Height Restriction Plane. Similarly, on the eastern side of the Hakarimata Range between Elgood and Parker Roads location of the building platform has to allow for the highest part of any building to be below the 60m contour.

The requirement in relation to flooding is to ensure that there is a safe platform for a dwelling on every allotment.

In the Coastal Zone, subdivision rules provide for the specification of a building envelope on every

## Waikato District Plan - Waikato Section

allotment within 1,000m of mean high water springs. This rule ensures that the building is constructed as specified.

In the Te Kauwhata Structure Plan area, emphasis is placed on retaining the natural landforms and features as much as possible. Consequently, limits on earthworks and retaining walls have been introduced, along with a requirement for a setback from areas annotated as Environmental Protection Policy Area. Subdivisions should be designed to integrate into the landform and not require major earthworks to create roads or building platforms. Retaining walls along road frontages, wherever they are located, should be low, and attention should be given to their appearance, including materials and design, to ensure an attractive appearance.

Issues with localised ponding have been identified in the Tamahere Country Living Zone. This is mainly due to localised soil types, high ground water conditions and the level of development in an area that has no stormwater reticulation. For this reason any subdivision application must provide evidence that any proposed building platform does not obstruct an overland flow path or is not located in any area where ponding may occur. This is to ensure ponding and stormwater management issues are not exacerbated by future development.

### **Boundary adjustment**

This rule enables small adjustments to common boundaries between existing allotments. There are often positive effects from boundary adjustments, and it is reasonable to allow minor boundary adjustments as a controlled activity because they usually have minimal adverse effects. More significant adjustments are assessed as a boundary relocation or under the relevant general subdivision rules.

### **Boundary relocation**

As a restricted discretionary activity, this rule provides for changes to contiguous boundaries between a maximum of five viable certificates of title forming a continuous landholding in the same ownership where changes are larger than a boundary adjustment. Boundary relocations allow greater flexibility for landowners in configuring titles. The district plan provides for new allotments to be created within the boundaries of the parent certificate of title. The boundary relocation rule enables the creation of a maximum cluster of four certificate of titles between 8000m<sup>2</sup> and 1.6ha provided the fifth certificate of title has a minimum area of 20ha. This larger certificate of title requirement is to ensure that following a boundary relocation a certificate of title is of a sufficient size to allow for productive rural purposes.

### **Reserve allotments**

This rule provides for acquisition of land for public access or reserves in return for some subdivision entitlement. For example, land could be acquired to provide a public walkway, access by iwi to a site of cultural significance, or to enable ecological restoration around lakes. The land must be identified in a Council strategy or policy document, such as the Walking and Cycling Policy or the Reserves and Recreation Policy.

### **Allotment boundaries**

## Waikato District Plan - Waikato Section

The rule ensures that new allotment boundaries avoid various areas and sites, and do not make existing structures non-complying in terms.

The requirement to keep contaminated land within one allotment is so that contaminated areas are not split between several landowners thus making management and possibly remediation of the area easier.

Boundaries must be located in a manner that protects aggregate extraction and [intensive farming activities](#) from reverse sensitivity, and protects the amenity values of new dwellings.

### **Conservation house allotment**

This rule encourages protection of conservation areas in return for some extra subdivision entitlements.

### **Building envelope**

In the Coastal Zone, the building envelope rule ensures that the full effects of a particular building are considered at the time of the subdivision, and to ensure that the location of the allotment is suitable for such a structure. In practice, it is expected that the land use application for the building and the subdivisions application will be lodged simultaneously and assessed together.

### **Subdivision earthworks**

This rule ensures that earthworks involved in subdivisions are considered at the time the subdivision application is assessed. The land use rules on earthworks do not apply to subdivision earthworks, so that there is only one consideration of the effects.

Earthworks activities have the potential to have a significant adverse effect on the stormwater management and water quality in the Tamahere Country Living Zone. Stormwater flows can be disrupted through the modification of existing landforms and the quality of surface water can be degraded through the mobilisation of fine sediments. The efficient movement of stormwater throughout the Tamahere Country Living Zone can be problematic and as such primary overland flow paths and localised ponding areas have been identified and mapped by Council and will be made available to the public. Activities in these areas are required to be carefully managed in order to continue to effectively manage surface water and to ensure that the mobilisation of fine sediments do not adversely affect downstream properties as well as stream and river water quality.

In the Te Kauwhata Structure Plan area particular attention is given to protecting the overall landform. This is being achieved through earthworks associated with subdivision being regulated, and limits on retaining walls being introduced. Subdivisions should be designed to integrate into the landform and not require major earthworks to create roads or building platforms. Retaining walls along road frontages, wherever they are located, should be low, and attention should be given to their appearance, including materials and design, to ensure an attractive appearance.

### **On site services**

Subdivision presents an opportunity to provide for the efficient [servicing](#) of adjoining land. In urban

## Waikato District Plan - Waikato Section

areas, water supply for drinking and fire fighting, stormwater and wastewater services are important to preserve health and safety, amenity values, effects of runoff on adjoining properties, drainage systems and water bodies. In addition to those reasons, services are important for the efficient functioning of industrial activities. General outcomes are specified in [Appendix B](#) (Engineering Standards).

All development in the Te Kauwhata Structure Plan area must have on-site connections to stormwater, wastewater and water that connect to Council networks. No stand-alone systems will be permitted with the exception of wastewater disposal in the Country Living Zone, where there is sufficient area to allow on-site disposal. Before connections can be made to Council stormwater systems, low impact design features and devices must be incorporated into subdivisions that will ensure that stormwater discharge will meet the needs of the Catchment Management Plan and ensure the significant water bodies of the Whangamarino Wetland and Lake Waikare are not compromised. [Appendix B](#) (Engineering Standards) has details of Council expectations and it is up to developers to design systems accordingly. Council recognises that sites need to be treated on an individual basis and will work with developers to achieve the desired outcomes.

An electricity supply and telecommunications connection is required because these are an essential adjunct to most activities. Easements are to be created where necessary. The rule requires access to telecommunications (which may include wireless connection rather than physical connection). Underground placement is desirable for amenity and traffic safety reasons.

In the rural areas, the rule protects health and safety, and amenity values of people living in areas that do not have reticulated systems, by ensuring that adequate provision is made for water supply and wastewater disposal systems.

Where rural water supplies are available, new allotments less than 6 ha should be connected to these supplies. This will strengthen the economic viability and sustainability of these schemes, as well as provide the allotments with a secure supply.

For utility and access allotments, connection to services is not necessarily required. A substantial number of utility allotments are unstaffed and do not require connection to all services. However, where services are necessary, these will be required to meet relevant on-site services standards.

New allotments in the country living zone at Scott Rd, Te Kauwhata are required to connect to Council water supply and waste water networks because of the availability of these services and to manage the risk of contamination of Lake Waikare.

Subdivisions in the country living zone at Te Kauwhata and Ohinewai are required to conform to structure plans prepared by the developer to ensure sustainable management of residential development and network utilities. This requirement may be superseded by Council structure plans.

### **Hazard risks**

Subdivisions in hazard risk areas are discretionary because a full assessment needs to be undertaken in every case to ensure that buildings, and in particular dwellings, are not built in areas that will be at risk of flooding or other hazards.

### **Esplanade reserves and esplanade strips**

The purposes of esplanade reserves and esplanade strips are described in section 229 of the Resource Management Act. Esplanade reserves are vested in the Council, whereas esplanade strips remain in private ownership but are subject to public access rights. The policies state a preference for esplanade reserves. Esplanade strips may be appropriate where there is a low demand for public access, or erosion or accretion is likely to result in migration of the edge of the coast, or water body.

A developer who does not want to provide an esplanade may apply for a restricted discretionary consent, in which case assessment will include the demand for public access (e.g. if the potential reserve or strip is likely to remain isolated from other land where the public has right of access or has very low recreational or public access values) and the conservation values. Alternatives to an esplanade to secure these values may be canvassed.

When allotments of more than 4ha are subdivided within an identified priority area ([Appendix G Esplanade Priority Areas](#)), it is acknowledged that there may be situations where the esplanade will not be acquired, especially considering the costs and benefits of acquisition. Negotiations with landowners may be held in these cases.

A 25 metre wide reserve is required along part of the Waikato River and the Waipa River (see [Appendix G Esplanade Priority Areas](#)). This is because these rivers are outstanding natural features, and the riverbanks upstream of Huntly are expected to come under particular development pressure. The coastline is also given priority, in recognition of the public access, social, cultural, conservation and hazard protection value of the Queen's chain.

### **Off road walkways**

Off road walkways provide linkages between roads and destination points, and along scenic routes to areas of interest or recreation, and within gullies. Walkways and cycleways provide for social and cultural well-being, and amenity, and will be developed to be generally consistent with the Waikato District Walkway Strategy. More than 3m walkway width may be necessary in some places to provide practical access. Where Council requires land for walkways, this land shall be included in the allotment area calculations, so that the number of allotments created is unaffected.

In the Te Kauwhata Structure Plan area walkways should be at least 8m wide, relatively short and straight to ensure safety, high amenity values and to enable easy visibility for the entire length. Easy accessibility within the area and good, safe walkway connections is a way to encourage community interaction and walking and cycling. The structure plan has identified possible links but applications will be assessed for connections individually. When a cul-de-sac is formed it is expected that a walkway to another road will be formed.

### **Heritage items**

The rule ensures that a heritage item is not split up between lots. Subdivision of land around a heritage item can have a significant effect on an item. It is essential to ensure that any proposed development following a subdivision does not affect the values of a heritage item.

## Traffic generation

Changes in the volume of traffic entering and exiting the road network can have adverse effects. It is important that effects on the road hierarchy and the function of particular roads are assessed during the subdivision consent process. Minor changes in volume or circulation of traffic are unlikely to adversely affect the road hierarchy, although cumulative effects over time could. The rules that refer to the road hierarchy promote the separate functions of roads (see [Appendix A Traffic](#)).

## Schedule 21E

### Te Kauwhata Lakeside Precinct Plan Area

The Te Kauwhata Lakeside Precinct Plan Area comprises Living and Rural (with an open space overlay and a cultural and heritage overlay) zoning with a small Business zone block. The combination of these zones and overlays which apply to the Te Kauwhata Lakeside Precinct Plan Area provide for a combination of village development at medium and higher density and significant open space areas. The housing typologies will complement the existing range of buildings provided for within Te Kauwhata. It will reinforce Te Kauwhata as a rural township with a diverse community. Provision is made for a retirement village.

Significant rural zoning with overlays and development of a walkway network will open up the foreshore of Lake Waikare to the Te Kauwhata community and public. A limited number of non-residential activities are provided for subject to District Plan controls over scale to ensure they contribute to rather than detract from the existing Te Kauwhata village.

All development within the zones must be in accordance with the Te Kauwhata Lakeside Precinct Plan in 21E.3. A Comprehensive Subdivision (which may be prepared in stages) is required to be implemented prior to any new development or land-use activity occurring within the zone. The Comprehensive Subdivision is required to be in accordance with the Te Kauwhata Lakeside Precinct Plans contained in Schedule 21E.3 in order to have controlled activity status. A Comprehensive Subdivision Consent that is not in accordance with the Te Kauwhata Lakeside Precinct Plan is a discretionary activity.

Significant areas of private open space are created within the Precinct. These areas are zoned Rural but with a unique overlay applying to the Lakeside Precinct. The overlay provides for a range of open space uses and a network of walkways and cycleways. It also provides wetlands associated with stormwater and possibly wastewater treatment. A particular cultural heritage overlay applies to the iwi reserve recognising the cultural importance of this land associated with the Waikato Maori Land Wars. This overlay provides for open space uses enabling walkway connections, shelter, public art and the opportunity for an appropriate memorial and / or information kiosk recognising the environment, heritage and history of this location.

The Lakeside development has the opportunity to be self-sufficient in wastewater or could proceed once the Council's upgrade to Te Kauwhata wastewater system is complete. There is the opportunity for an integrated wastewater system servicing both the existing Te Kauwhata area and Lakeside. Housing development will only proceed after an appropriate wastewater network for Lakeside has been consented.



## Waikato District Plan - Waikato Section

Additional roading access to enhance connectivity to the “village” and adequate roading capacity is provided to the north-east once more than 400 allotments are developed within the Precinct.

**REMOVE**

Schedule 21A

**Schedule 21A –  
Te Kauwhata Structure Plan Area  
Living Zone Rules**

[Schedule 21A](#) sets out provisions in Living Zone rules for those for residential development in the rest of the district Te Kauwhata in accordance with the objectives and polici

Schedule 23A

**Schedule 23A –  
Te Kauwhata  
Structure Plan area  
Business Zone Rules**

[Schedule 23A](#) sets out provisions in Business Zone rules for the Te Kauwhata Structure Plan area that are alternative to those for Business Zone development in the rest of the district. The schedule promotes the creation of the Te Kauwhata town centre in accordance with the objectives and policies in [Chapter 15A](#).

Schedule 23B

**Tamahere  
Village Business  
Zone**

[Schedule 23B](#) is to provide for commercial development in the Tamahere Village Business Zone. This schedule sets out rules and includes a design guide and concept plan as well as information for a Communal Management Structure and Development Plan guidelines. The schedule provides for the land to be developed in accordance with the relevant rules in both the schedule and, where not specifically excluded, the Business Zone rules in [Chapter 23](#).

Development of the Tamahere Village Business Zone will require resource consent. All applications for resource consent to develop the Tamahere Village Business Zone must include a proposed development plan that is prepared in accordance with the Tamahere Village Business Zone Development Plan Guideline in [Schedule 23B.25.1](#). The development plan will be assessed through the consent process and if approved will provide guidance for all future development within the site. Any application for the development of the site without a proposed development plan will be assessed as a non-complying activity.

Where the application includes a proposed development plan and the proposed development is in accordance with the [Tamahere Village Design Guide](#) and [Concept Plan](#) and complies with the relevant performance standards, the application will be processed on a non-notified basis.

In addition to the rules in [Schedule 23B](#), development within the Tamahere Village Business Zone must also be assessed against the provisions of Rule [A14.A.1](#)– Road Network Safety and Functions. In assessing any development proposal against this rule it is noted that the safety and efficiency of the local road network will also be influenced by traffic growth on the State Highway network, internal road network changes, increased residential development in the local area, development of the recreation area, and the size of the local school roll. Therefore, in any traffic assessment from development within the Tamahere Village Business Zone, the effects of activities such as those mentioned above will be taken into account.

[Schedule 23B](#) also provides for a restricted level of subdivision where new lots are created in association with a building or gross leasable floor area of a building and all communal facilities is managed through the creation of a Communal Management Structure. A Communal Management Structure is defined in [Schedule 23B.24.2](#) and outlines the criteria for a legally binding structure that provides for the ongoing management of communal facilities.

Schedule 24A

**Schedule 24A –  
14 Herschel Street, Ngaruawahia**

[Schedule 24A](#) sets out several alternative standards for identified in [Schedule 24A.1](#) that recognise and preserve creating unacceptable reverse sensitivity effects.

Schedule 24B

**Schedule 24B –  
Horotiu Industrial  
Park**

[Schedule 24B](#) sets out a stand-alone set of provisions to provide for industrial development in the area. The schedule provides for the land to be subdivided and developed in accordance with an approved Indicative Development Plan for each stage or sub-stage. The Indicative Development Plan sets the parameters for the establishment of activities so that sustainable and integrated industrial development is achieved and ensures that the potential adverse effects of development on the roading and infrastructure networks are addressed. Similarly, the potential adverse effects of development on the adjacent Living and Rural zone activities are also appropriately remedied or mitigated.

Schedule 24D

**Schedule 24D –  
Te Kauwhata  
Structure Plan area  
Industrial Zone Rules**

[Schedule 24D](#) sets out provisions in Industrial Zone rules for the Te Kauwhata Structure Plan area that are alternative to those for Industrial Zone development in the rest of the district. The schedule supports growth of Te Kauwhata in accordance with the objectives and policies in [Chapter 15A](#).

Special provision is made for dwellings on selected properties on industrial land in Scott Road to recognise current landowner requirements and the likely timeframe over which industrial land will be required. Any dwelling or dependent person's dwelling needs to comply with the Living Zone standards.

Schedule 25B

**Schedule 25B –  
Waikato Innovation  
Park**

[Schedule 25B](#) sets out alternative provisions to the Rural Zone rules to recognise and identify the Waikato Innovation Park as a specified site with rules similar to those conferred in the previous District Plan. The schedule provides for the site to be developed in accordance with the concept plan. The Park is a means of promoting and implementing the "knowledge economy" concept in the Waikato by facilitating technology development and transfer. International experience has shown that successful innovation parks are developed in accordance with a concept plan that provides open space and attractive surrounds, social and recreational infrastructure and a sense of place.

## Waikato District Plan - Waikato Section

### Schedule 25C

#### **Schedule 25C – Agricultural Research Centres**

[Schedule 25C](#) sets out alternative provisions to the Rural Zone rules to recognise and identify Agricultural Research Centres as specified sites with rules similar to those conferred in the previous District Plan. Livestock Improvement Corporation, AgResearch Ruakura, and ~~Dexcel~~ DairyNZ have 'site' and 'campus' areas identified on the [Planning Map](#). Identifying separate campus areas reflects the scale of effects. The effects in the extended farm area are much the same as traditional farming, while the campus area activities may have more urban impacts. Effects in the campus area arise from research activities, public education days, a high number and concentration of staff, and large buildings. These are of sufficient scale, importance and uniqueness to warrant special consideration in the district plan.

### Schedule 25D

#### **Schedule 25D – Hampton Downs Motor Sport Park**

[Schedule 25D](#) sets out alternative provisions to the Rural Zone subdivision rules for the Hampton Downs Motor Sport Park site to provide for site development in accordance with the concept plan.

### Schedule 25G

#### **Schedule 25G – Maramarua, McCorquindale and Aramiro Forest**

[Schedule 25G](#) sets out alternative provisions to the Rural Zone rules to recognise and identify Maramarua, McCorquindale and Aramiro Forest as specified sites. Tending, harvesting and replanting of production forestry is a permitted activity because it allows for harvesting in the future. The Maramarua, McCorquindale and Aramiro Forests contain production forestry to be harvested in the future. In order to provide for the sustainable management of the forestry resource, [Schedule 25G](#) Maramarua, Mc Corquindale and Aramiro Forests, as identified in the [planning maps](#), allows for forestry mineral extraction. The Schedule allows for the extraction of material won to be contained and utilised within the Maramarua, McCorquindale and Aramiro production forestry sites exclusively for roading associated with production forestry. It is expected that the scale of such activities will be small, and any effects minor.

### Schedule 27AB

#### **Schedule 27AB – Tamahere Eventide Home**

Standards for the Country Living Zone, in particular those for subdivision, and building setbacks are difficult to achieve for the Tamahere Eventide Home. The schedule sets out some alternative standards that recognise the unique situation of Tamahere Eventide Home, whilst not compromising amenity values for neighbours.

## Appendix A (Traffic) Land use rules

### Landscaping Living Zone (Te Kauwhata West)

The Te Kauwhata structure plan achieves a balance between accommodating growth and retaining and enhancing the Te Kauwhata village character through subdivision and development meeting high quality urban design standards. Where possible, public open space will be complemented by planting associated with road reserves to create an extensive green corridor for visual separation of different zones. This includes the creation of local purpose reserves adjacent to roads in certain locations to complement public open space west of Travers Road.

In addition, special consideration is given to landscaping to ensure that the fragmented industrial areas are screened sufficiently to maintain amenity in the adjacent zones. In some areas landscaping must be undertaken in line with a Landscape Concept Plan (refer to [Schedule 21A](#)).

### Roads generally

Changes to the road network will occur primarily through new subdivision and development, and from the realignment of state highways. Given the importance of land transport infrastructure to the community, planning controls, Structure Plans, designations and resource consents are the best ways to ensure appropriate location and alignment of new roads and to ensure consistent high standards in the design and construction of new roads and other transport infrastructure.

Appendices [A](#) and [B](#) of this plan specify the standards to be met and subdividers and developers can employ whatever methods are appropriate to meet those standards. The Council's Code of Practice – Roading Services is a means of compliance with the specified standards.

The plan adopts a road hierarchy and accepts a certain level of adverse effects on amenity values from transportation activities along national and arterial routes on adjacent activities. Initiatives of Council, and other agencies, through methods outside the plan, will encourage traffic to use appropriate routes within the hierarchy.

The plan is considered to be the most appropriate and effective means of controlling the adverse effects of activities on the transport infrastructure and from transport infrastructure on adjacent activities. In the case of roads, whose primary function is to service the district and its links within the Waikato region, the Council is able to assess the likely effects of activities. The New Zealand Transport Agency has powers under the Government Roading Powers Act and the Land Transport Management Act to control the location and design of state highways, and crossings, and to remove trees shading roads and other adverse effects.

### Road hierarchy

The major function of arterial roads is to provide for the safe and efficient movement of traffic, whereas the major function of local roads is to provide property access. The other categories of the hierarchy strike a varying balance between through traffic and property access. It is appropriate to impose stricter access controls on higher classified roads (which carry greater traffic volumes), to minimise the number of potential conflict points, while still providing for access to development.

## **Parking**

The provision of off-street parking for each activity minimises the adverse effects on the safety and efficiency of the adjoining road network, inconvenience, and loss of amenity to surrounding sites from on-street parking and vehicle manoeuvring. On-site parking needs to be available for staff, residents, and visitors, to minimise the need for cars to park on roads.

Parking that is close to activities and exclusively for the use of disabled persons is desirable in order to meet the needs of a significant portion of the community.

Parking and manoeuvring should be provided on relatively level surfaces, to increase the efficiency and safety of these areas.

It is necessary for parking spaces to be located on the same site as the activity for which they are required, so as to provide parking for staff and visitors. Parking and manoeuvring spaces should remain clear and unobstructed to ensure they can achieve their purpose. Similarly, these should not be located in living courts, as parking or manoeuvring in such areas will detract from their amenity values.

In the Business Zone, the main streets are exempted from providing on-site parking in order to protect pedestrians on heavily used footpaths, and to ensure continuous verandah cover along main shopping streets. The rule recognises the difficulties in providing a significant number of car parking spaces on small and restricted sites. Financial contributions are required from developments in these areas to fund the council public parking places in the vicinity.

## **Manoeuvring space**

On-site manoeuvring is required to avoid vehicles reversing onto busy roads, which can result in significant adverse effects on traffic safety.

Local Roads "A" and "B" within the Te Kauwhata Structure Plan will have low traffic volumes and therefore on-site manoeuvring is not required.

## **Queuing space**

Queuing space lengths are required at the entrance to car parking areas, to provide an area off the road for cars to queue while waiting for manoeuvring vehicles, or for a parking space. This protects the safety and efficiency of roads from the effects of vehicles queuing on the street. The safety of pedestrians is also affected as cars queuing across the footpath can force pedestrians out onto the roadway. The length of the queuing space varies according to the number of parking spaces catered for in the parking area. This is because as the number of cars in the parking area increases, the potential number of arrivals and departures rises, increasing the probability of vehicles having to queue.

## **Access and vehicle entrances**

These standards ensure that there is practicable access for each activity, either by private accesses in the case of small subdivisions, or roads in the case of larger subdivisions. Vehicle access must

## Waikato District Plan - Waikato Section

be provided to every lot as this is regarded as an essential aspect of community and individual wellbeing. Apart from the rules, section 106 of the Resource Management Act allows for refusal of subdivision applications if insufficient access is provided. The number of allotments that can access the road through shared private accesses is limited, in order to safeguard the amenity and safety of the residents. Shared accesses that serve large numbers of allotments have been allowed in the past in the district, and have proved unsatisfactory, particularly in regard to ongoing maintenance. Structure Plans may have specific requirements regarding entrances and accesses.

Within the Living Zone in the Te Kauwhata Structure Plan area every allotment must have individual access. This in combination with other rules will maintain streetscape, take into account low impact design and provide high amenity standards.

Any activity or building that proposes to obtain access from a state highway is a restricted discretionary activity. This enables an assessment of safety issues and of the possible effects of the building or activity on the effectiveness of these main traffic routes. Comments from the New Zealand Transport Agency will usually be sought in these cases.

### **Road construction and maintenance**

Construction of roads, accesses, parking and manoeuvring spaces can result in significant increases in stormwater runoff, dust and noise. The standards mitigate these effects. New road construction and road maintenance by individuals requires resource consent to ensure the safety and efficiency of the road network. Structure Plans may have specific requirements regarding impermeable surfaces to reduce the rate that stormwater runoff occurs.

## Appendix A (Traffic) - Subdivision

### **Access provision on subdivision**

These standards ensure that there is practicable access to each allotment, either by private accesses in the case of small subdivisions, or roads in the case of larger subdivisions. Vehicle access must be provided to every lot as this is regarded as an essential aspect of community and individual wellbeing. Apart from the rules, section 106 of the Resource Management Act allows for refusal of subdivision applications if insufficient access is provided. The number of allotments that can access the road through shared private accesses is limited, in order to safeguard the amenity and safety of the residents. Shared accesses that serve large numbers of allotments have been allowed in the past in the district, and have proved unsatisfactory, particularly in regard to ongoing maintenance. Structure Plans for specific localities may have specific requirements regarding shared access. Road widths provide an important contribution to amenity of the Country Living Zone, as well as stormwater management and traffic requirements.

### **Shared Accesses (Table 4)**

Standards ensure shared accesses have a legal width and adequate formation to provide adequate access for the traffic that is generated. This promotes the on-site amenity and safety of all future users. The requirement for roads to be constructed where more than 8 lots are to be served ensures a high standard of construction and the ongoing security of council control and maintenance. Access lots are required to serve between 5 and 8 lots, as these provide a better corridor width and amenity. Access lots remain in private ownership and the owners retain maintenance responsibility. Structure



Plans for specific localities may have specific requirements regarding shared access.

### **Vehicle entrances, access and separation and sight distances**

Vehicle entrances are required to provide access to a site. A minimum standard of construction ensures that the entrance is built to fit the expected use. The minimum distance between vehicle entrances promotes amenity values, traffic safety and pedestrian safety, as it improves the visibility of emerging vehicles and provides a place where pedestrians can wait for traffic. The control of the number of access points differs according to the planned function of the road to which it applies. Vehicle crossings are required to be set back from intersections so as not to interfere with the safe and efficient functioning of roads.

The standards for minimum separation distance between entrances is intended to reduce the number of new vehicle entrances created at the time of subdivision. This is to promote traffic safety and efficiency, and to preserve landscape and amenity values. It is expected that the rule will influence subdivision design towards shared vehicle crossings, and that more rear allotments will be created with access to the road across other land, secured by rights of way or access allotments. Standards for entrance construction ensure the safety of the entrance and minimise adverse effects on the other traffic from vehicles entering and exiting the entrance, and soil or gravel carried onto the road from the property. Structure Plans for specific localities may have specific requirements regarding entrance standards.

Conditions relating to lots with more than one frontage ensure that entrances do not unnecessarily compromise the traffic efficiency of through routes where an alternative entrance to a lesser road is possible.

Any activity or building that proposes to obtain access from a state highway is a restricted discretionary activity. This enables an assessment of safety issues and of the possible effects of the building or activity on the effectiveness of these main traffic routes. Comments from the New Zealand Transport Agency will usually be sought in these cases.

### **Road hierarchy**

The rules that refer to the road hierarchy promote the separate functions of roads (see [Appendix A \(Traffic\)](#)). Structure Plans for specific localities may have specific requirements regarding road hierarchy within the structure plan area.

### **Access to land beyond the subdivision**

This rule requires a corridor to be preserved at the time of subdivision through to adjoining land that is capable of further development or to any existing legal road, to provide connectivity between roads for commuter and public transport traffic. This promotes sustainable management of the land resource by ensuring that the development potential of land is not reduced by prior subdivisions in the vicinity.

Where a property extends from one indicative road to another, the new road associated with the subdivision should connect both indicative roads.

### **Indicative roads**

Indicative roads are shown on the planning maps. The exact route of the road may not always be certain, but the overall outcome that is sought is to secure connections within the road network, and an alignment that achieves the same practical outcomes as the indicative route will be acceptable under the plan. Structure Plans are intended to provide indicative roads specific to each area.

To facilitate the operational integrity and connectivity of the State highway network, applicants will take into account the existence of indicative roading networks as provided in Structure Plans and those already outlined on the planning maps. The preference is for development within a Structure Plan area to use the indicative roads outlined in the Structure Plan or those indicative roads currently identified on the planning maps. In situations where development within a Structure Plan area occurs prior to construction of the indicative roads, the development should be planned to enable access to the indicative roads once built.

In some cases, indicative roads follow property boundaries with half of the road on each side of the boundary. In these cases, when the first side is subdivided, it will not be practicable to form the road immediately, because it is only of half width. Money equivalent to construction costs will be accepted in these cases.

### **Road widening**

In some situations it is desirable for the Council to acquire additional road reserve when the adjoining land is subdivided. This is a convenient and cost-effective time to acquire land. It is accepted that the Council will pay compensation to land owners. There are many places where the carriageway is close to existing boundaries and the desirable clearway standards for traffic safety are not achieved. As well as providing an unobstructed clearway for traffic, this also provides space for pedestrian walkways.

### **Road widening on subdivision**

The road widening rule in [Appendix A](#) provides for widening of roads where land being subdivided is within 7 metres of the centreline of the existing carriageway. In these cases, land would be vested in the council at the time of the subdivision, to ensure that there is sufficient clearway around the carriageway for traffic safety. Council would pay compensation where land was acquired under these circumstances.

### **Road**

New roads, realignments and upgrading work on existing roads may be dealt with by designation. Where new roads have not been dealt with by designation, the rule allows for public input and assessment of effects via the consent process. The number and length of culs-de-sac should be minimised to ensure overall network connectivity.

## **Appendix G (Esplanade Priority Areas)**

### **Width of reserves and strips**

The presumption under section 230 RMA is that esplanade reserves will be 20 metres wide. Variations in width are considered taking into account the purpose of such reserves (section 229)

and local factors such as topographical features, pedestrian access, service vehicle access, costs and benefits of land acquisition, the boundaries of conservation features, and the existence of buildings that would otherwise encroach on to or be very close to the reserve. Where the Council obtains land in excess of the statutory standard width of 20 metres then compensation shall be paid in accordance with Resource Management Act 1991 provisions.

### **Access to reserves and strips**

Public value of an esplanade reserve or esplanade strip is often dependent on the public being able to access such areas. It is therefore important to ensure practical and safe access is readily available from a road or other land to which the public has right of access.

### **Works**

Works may need to be undertaken prior to an esplanade reserve being vested in the Council or a strip being created. Typically, the boundary should be marked by way of permanent marker posts or be fully fenced. Other works, such as vegetation control and planting may be appropriate, particularly if a requirement for a full width esplanade reserve or strip is waived.

## Appendix H (Hazardous Substances)

### **Buffers around water and more sensitive zones for hazardous substances**

In general terms, only hazards with specific relevance to human health need to provide for buffer zones for more sensitive land zones, (the term sensitive being based generally on the quantity and composition of population potentially affected). This is the case for class 6 (substances with toxic properties). Flammable liquids and gases (including LPG) are also subject to a buffer, because of the risks of these as well as public perceptions. The buffer zone provided for ecotoxic and high biological oxygen demand (BOD) substances (as well as selected toxic properties) is based on their specific adverse effect on the sensitive aquatic environment. Such a buffer is not necessary for substances with other hazardous properties.

### **Substances not covered Appendix H**

Radioactive materials are controlled by separate rules in this plan. The exclusion of HSNO subclass 1.4 is based on the general HFSP model, which also does not provide for subclass 1.4 being controlled from a land use perspective. Subclass 1.4 substances are subject to controls under the HSNO Act and Regulations.

### **Hazardous substance quantities**

The table states quantities based on quantity thresholds for the general storage of substances calculated for the HSNO substance classes as per the Hazardous Facilities Screening Procedure (HFSP) published by the Ministry for the Environment (Land Use Planning Guide for Hazardous Facilities, February 2002). The explanations contained in that publication are applicable to the quantities stated in this table. The quantity table has been adopted in preference to the full HFSP in order to simplify the administration of the plan and make the practical outcomes more transparent to plan users. The outcomes will not be markedly different from those that would be produced from applying the HFSP, except for ecotoxic substances, which are addressed in the HFSP only in

relation to aquatic ecotoxicity.

**Conditions on permitted activities**

The conditions in H5 ensure adequate management of hazardous substances that are used or stored as permitted activities. Signage is required where the quantities involved require signs under the HSNO Act e.g. under the Hazardous Substances (Identification) Regulations 2001.