

**PROPOSED PLAN CHANGE 26 – RESIDENTIAL ZONE
INTENSIFICATION
TO THE WAIPĀ DISTRICT PLAN**

RECOMMENDATIONS OF THE INDEPENDENT HEARING PANEL

Date: 15 March 2024

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Executive Summary

1. This Recommendation Report and its associated decisions on submissions is made by the Independent Hearing Panel (IHP) established by Waipā District Council (Council) pursuant to clause 96 of Part 6 Schedule 1 of the Resource Management Act 1991 (RMA). It relates to Plan Change 26 – Residential Zone Intensification (PC26); an Intensification Planning Instrument (IPI) under subpart 5A of the RMA.
2. The statutory requirements relating to an IPI were introduced by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (the Amendment Act).
3. Our approach to the interpretation of the Amendment Act’s requirements has been to err on the side of caution rather than to be as expansive as some submitters sought – particularly when it comes to the issue of what is in scope of an IPI plan change. While we accept that a more liberal interpretation is possible and could emerge from the High Court consideration of the *Waikanae*¹ appeal, at this juncture we have concluded that the absence of a merit appeal and the judicial direction of *Clearwater*² and similar authorities suggests that a more conservative reading is appropriate. Accordingly some submissions that certainly had planning merit on their face have been deemed out of scope and will, if further pursued, need to undertake a separate Schedule 1 process path.
4. We have also taken a “real world” approach to these recommendations – as the superior courts have often urged with respect to planning matters.³
5. We also note that 3-storey walk-ups / townhouses, which was commonly agreed to be the most likely and realistic intensification typology, are positively enabled in the Medium Density Residential Zone (MDRZ). That seemed to be lost sight of in many submissions made or heard.
6. The key changes we have made to the notified version of PC26, apart from accepting most of the recommendations made by Council through its final hearing responses and reply, include:
 - a) the removal of the River/Gully QM overlay from sites within Cambridge and Te Awamutu that are separated from the relevant waterbody by a formed road (included in **Appendix 6**);

¹ *Waikanae Land Company Ltd v Kāpiti Coast District Council [2023] NZEnvC 056.*

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

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

- b) amendments to Policies 2A.3.11.1 and 2A.3.11.2 to more clearly define where the River/Gully QM applies;
- c) The removal of the Bank Street Character Cluster from the planning maps and provisions;
- d) The inclusion of “*Site Coverage*” within the definitions to also mean “*building coverage*” and a consequential change to the references to “*building coverage*” in rule 2A.4.2.8;
- e) amendments to the matters of discretion in rules 2A.4.1.3(b), (c), (h), (i), (j) and rule 15.4.1.1 (e) to specifically reference the Urban Design Guidelines that are included in the District Plan;
- f) amendment to the note under heading 2A.4.2 to specifically reference rules 2A.4.2.9 and 2A.4.2.28;
- g) amendment to rule 2A.4.2.6(d) to include reference to Appendix S of the District Plan;
- h) a change to Stormwater QM rule 2A.4.2.8 and its associated matters of discretion to give more direction on how flooding effects and effects on rivers are to be considered, and to signal that avoidance or mitigation needs to be driven by relevant consents or policy guidance;
- i) the inclusion of an additional criterion in rule 2A.4.2.8.1 relating to the extent to which increased site coverage adversely affects the ecological integrity and viability of the adjacent biodiversity corridors and the accessibility and amenity of the adjacent esplanade areas;
- j) amendments to assessment criteria 21.1.2A.9(g) and 21.1.2A.8(h) to enable the assessment of the extent of effects (rather than whether there will be effects);
- k) the inclusion of new assessment criteria for rule 21.1.2A.10 which (among other things) strengthens the consideration of stormwater effects on downstream erosion;
- l) the inclusion of a new (consolidated) assessment criterion (c) for 21.1.2A.11 which encompasses consideration of a range of options for avoiding or minimising discharge of contaminants from buildings and which provides reference to guidance on allowable discharge of contaminants in stormwater;
- m) the replacement of proposed assessment criterion 21.1.2A.11(e) with a new criterion relating to Te Ture Whaimana;
- n) amendments to assessment criteria in rule 21.1.2A.18 to include reference to esplanade amenity values and provide for off-site mitigation as a method for

contributing to biodiversity and esplanade and residential amenity values;
and

- o) where we considered it necessary, we have also made consequential minor wording, numbering and formatting changes. These have been reasonably extensive because the opportunity has been taken to correct existing anomalies. We are satisfied that these have no material content significance.
7. References, and where relevant links, have been provided to key documents referred to in this report to avoid having to append those documents, and to avoid unnecessarily increasing the length of this report. All key documents can also be found on the Council's website.⁴
8. We note that, per cl.99(2)(b) Schedule 1 RMA, we have not exercised that discretion to make recommendations beyond the scope of submissions – in larger part because of the position we took and refer to above in paragraph 3.
9. We are also aware of the recent indication by government of its intention to allow councils a discretion regarding the inclusion of the MDRS requirement, subject to satisfying the requirement for sufficient housing for the long-term. That requires amending legislation that, at the time a decision is required on our recommendations, is not currently before the House. We are unable to take that matter into account but express the caution that, should Council be so minded when that option becomes lawfully available, it is unlikely to simply be a matter of removing those provisions as our overall recommendations assume the application of the MDRS in concert with the Policy 3 and Policy 4 NPS-UD matters.
10. Finally the Panel wishes to thank all those who participated in this process, whether successful or not in terms of the relief sought. The issues were not easy and, indeed, not welcomed by many. The Panel has endeavoured to accommodate both concerns and aspirations where that was possible or practicable under the amending legislation.

⁴ <https://www.waipadc.govt.nz/our-council/waipā-district-plan/wpdc-variations/current-plan-changes/draft-plan-change-26-residential-zone-intensification>

1 Introduction

1.1 Intensification Planning Instrument & Intensification Streamlined Planning Process

1. The Council notified PC26 to the operative Waipā District Plan (ODP or District Plan) on 19 August 2022.
2. PC26 was notified in response to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (Amendment Act). The Amendment Act required all Tier 1 territorial authorities⁵ to notify an Intensification Planning Instrument (IPI) by 20 August 2022 to amend their district plans to incorporate the Medium Density Residential Standards (MDRS) and give effect to Policy 3 of the National Policy Statement on Urban Development 2020 (NPS-UD).⁶
3. PC26 as an IPI, is required to follow the Intensification Streamlined Planning Process (ISPP). This process has a number of key differences to a ‘standard’ RMA plan change process. We provide a summary of these differences in **Appendix 2**. That summary should be read in conjunction with cls.96-108 of Sch.1 of the Resource Management Act 1991 (RMA) to appreciate all relevant procedural matters and legal requirements.⁷

1.2 Appointment of IHP

4. The three Waikato Tier 1 territorial authorities - Hamilton City Council, Waipā District Council and Waikato District Council – decided to establish a common Independent Hearing Panel (the IHP or Panel) to hear their respective IPIs using the ISPP. This was to better enable the consideration of the three separate but contiguous IPIs to be carried out in a consistent manner, recognising the proximity and interrelationships between the urban areas within the three territorial local authority boundaries.
5. This report makes recommendations on the submissions received, and the content of PC26.
6. The IHP is made up of the following accredited RMA hearings commissioners:
 - a) David Hill (Chairperson);
 - b) Nigel Mark-Brown;
 - c) Vicki Morrison-Shaw; and
 - d) Dave Serjeant.

⁵ Waipā District Council is listed as a Tier 1 local authority within Appendix 1, Table 1 of the NPS-UD, and comes within the definition of “Tier 1 territorial authority” contained in s.2 of the RMA.

⁶ As per s.80E of the RMA.

⁷ A summary of the process that the Council followed in the lead up to the PC26 hearings is summarised in section 6.1 of the s.42A Report prepared for the Session 1 – Strategic hearing.

1.3 Powers and Functions of IHP

7. The IHP is acting under delegated authority from the Council⁸ in accordance with cl.96 of Sch.1 of the RMA, and has the duties and powers set out in cl.98 of Sch.1 of the RMA.
8. The Panel is required to provide its recommendations on the IPI in 1 or more written reports to the Council, after it has heard submissions, in accordance with the provisions of cls.99-100 of Sch.1 of the RMA. For that purpose, submissions may be grouped by IPI provision or topic; must (among other things) identify any recommendations that are outside the scope of submissions made; include a s.32AA further evaluation if necessary; and may include alterations to the IPI arising from consideration of submissions or other relevant matters.
9. This report, together with its 6 Appendices, and the 18 Directions we issued, have been prepared to discharge these requirements.

1.4 MDRS and NPS-UD Policy 3

10. The Amendment Act (ss.77G and 77N) requires Tier 1⁹ territorial authorities to use the IPI and ISPP to:
 - a) incorporate MDRS into every relevant urban residential zone within the District Plan; and
 - b) amend every residential and non-residential zone in any urban environment to give effect to Policy 3 of the NPS-UD to enable the specified heights and density of urban form or heights in specified centre zones and within an undefined walkable catchment.
11. It is important to note that these are mandatory requirements. The Council must take these steps, except to the extent a qualifying matter (QM) applies (as noted in the next section).

1.4.1 MDRS

12. As summarised in the s.42A Report:¹⁰

The MDRS contains two parts. Schedule 3A, Part 1 includes mandatory requirements regarding the activity status of residential units and subdivision of land, preclusion of certain notification requirements, and objectives and policies. Schedule 3A, Part 2 contains density standards for:

- *Number of residential units per site;*
- *Building height;*

⁸ Clause 93(3) of Sch.1 of the RMA required the Council to delegate all necessary functions to the IHP for the purpose of the ISPP.

⁹ Noting that Tier 2 or 3 territorial authorities are required to apply Policy 5 in place of Policy 3.

¹⁰ s.42A Report, at [7.2.7].

- *Height in relation to boundary;*
- *Setbacks;*
- *Building coverage;*
- *Outdoor living space (per unit);*
- *Outlook space (per unit);*
- *Windows to street; and*
- *Landscaped area.*

13. The provisions set out in Sch.3A (the MDRS Schedule) must be inserted into the District Plan. In addition, there is discretion to include:

- a) more lenient provisions (i.e., more enabling of development);¹¹
- b) less enabling provisions - but only if a relevant QM applies and then only to the extent necessary to accommodate that matter;¹² and
- c) “*related provisions*” that support or are consequential on the MDRS.¹³

14. PC26 creates a new zone, the Medium Density Residential Zone (MDRZ), to which the MDRS is applied. The MDRZ applies in Cambridge, Kihikihi and Te Awamutu.

1.4.2 NPS-UD Policy 3

15. Policies 3(a)-(c) of NPS-UD impose height and density requirements for city centre zones, metropolitan centre zones, and areas located within a walkable catchment of existing and planned rapid transit stops, or on the edge of city centre or metropolitan centre zones. The Council noted that Waipā has no such comparable zones nor rapid transit service, so those requirements do not apply. That was not disputed, and we accept that conclusion.

16. We also accept that, as noted in the s.42A Report,¹⁴ Policy 3(d) is the relevant policy requirement for Waipā:

In relation to tier 1 urban environments, ... district plans enable:

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

17. The s.42A Report, (at 7.3.12-7.3.13), notes that:

¹¹ RMA s.77H.

¹² Refer ss.77I and s.77O of the RMA.

¹³ RMA, s.80E(1)(b)(iii)).

¹⁴ s.42A Report, at Paras [7.3.8]-[7.3.14].

- a) the District Plan contains two centres that best align with the definition of *Town Centre Zone*,¹⁵ being the Commercial Zone town centres of Cambridge and Te Awamutu, as these are “*areas used predominantly for a range of commercial, community, recreational and residential activities*”; and
 - b) all other smaller pockets of commercially zoned land best align with the definition of *Neighbourhood Centre Zone*, as these are “*areas predominantly for small-scale commercial and community activities that service the needs of the immediate residential neighbourhood*”.
18. That zone alignment (which conditions the important phrase “*commensurate with*”) was not disputed, and the Panel agrees that it is appropriate.
 19. While some submitters opined that within the 30-year horizon of the NPS-UD, Cambridge would likely develop into a “*metropolitan centre*”,¹⁶ that is not its current or imminent zoning. If/when Cambridge reaches that status in future then (assuming the NPS-UD remains in its present form) further changes may be required. It is not however an issue we address further in this plan change despite the submissions of Kāinga Ora that we discuss later.
 20. The Council is able to make the requirement to give effect to Policy 3 of the NPS-UD less enabling of development in relevant urban residential and non-residential zones via the QMs,¹⁷ provided specified evaluative requirements are met.¹⁸
 21. PC26 proposes the retention of a number of existing QMs and the creation of new QMs for specific reasons. Some submissions also request the creation of additional new QMs which were not notified as part of PC26. Our discussion and recommendations on QMs are contained in section 6 below.

1.5 Sections 80E and 80G Limitations

22. The scope of matters to be included in an IPI are specified in s.80E.¹⁹
23. There are some limitations on what a territorial authority can do with an IPI. In particular (as per s.80G), only one IPI can be notified, it cannot be withdrawn, it must progress using the ISPP, and it may not be used for any purpose other than those set out in s.80E.
24. The Council’s position was that the scope of the matters it had included in the IPI and the use of the ISPP are in accordance with the limitations and requirements of

¹⁵ As set out in the National Planning Standards 2019, cl.8 – Zone Framework Standard.

¹⁶ The “*Metropolitan Centre zone*” is defined under the National Planning Standards 2019 as: “*Areas used predominantly for a broad range of commercial, community, recreational and residential activities. The zone is a focal point for sub-regional urban catchments.*”

¹⁷ RMA, ss.77G, 77I, 77O and 77R.

¹⁸ RMA, s.77L.

¹⁹ See Appendix 2 for the full text of this section.

ss.80E and 80G of the RMA. That was not disputed by submissions.²⁰ Some submitters did however argue that further matters fell within the bounds of scope established by those provisions and should be included in PC26. We address those matters in later sections of this report.

25. While we note that unlike the ‘standard’ plan change process, the IHP is not limited in making its recommendations by the scope of submissions,²¹ as all legal submissions agreed, any recommendation must still fall within the permissible scope of an IPI. What is within the scope of the IPI was therefore an important fundamental to establish, and we received a range of submissions on that point. As we note later in this report, we are satisfied that all of our recommendations fall within the permissible scope of an IPI, and we have not considered it necessary to make recommendations going beyond the scope of submissions.

1.6 Urban Environment and Relevant Residential and Non-Residential Zones

26. PC26 includes amendments to the District Plan that are within the “*urban environment*” specific to the “*relevant residential zones*” and relevant “*urban non-residential zones*”.

27. Section 77F of the RMA defines *urban environment* as meaning:

any area of land (regardless of size, and irrespective of territorial authority or statistical boundaries) that—

- (a) *is, or is intended by the specified territorial authority to be, predominantly urban in character; and*
- (b) *is, or is intended by the specified territorial authority to be, part of a housing and labour market of at least 10,000 people.*

28. The s.32 evaluation report (s.32 ER) identified Cambridge, Te Awamutu, and Kihikihi as the only towns within Waipā that met the definition. That characterisation was not challenged, and the Panel accepts it as appropriate.

29. “*Relevant residential zone*” is defined (in s.2 of the RMA) as meaning all residential zones with the exception of:

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

²⁰ With the exception of some lay submissions.

²¹ RMA, Sch.1 cl.99(2)(b).

30. The operative District Plan has only a single “*relevant*” residential zone. The initial translation of the MDRS (prior to applying QMs) for Cambridge, Te Awamutu and Kihikihi was therefore straight-forward and not in dispute.
31. “*Urban non-residential zone*” is any zone in an urban environment that is not a residential zone (s.77F). The only relevant non-residential zone within the urban environments of Cambridge, Te Awamutu, and Kihikihi is the generic Commercial Zone which includes both town centres and neighbourhood shops. As previously noted, those zone translations were not disputed.
32. For completeness we note that the District Plan also has an urban non-residential industrial zone but that does not come within the ambit of either NPS-UD Policy 3(d) or the MDRS because it is clearly not an appropriate zone for residential activity.

1.7 Financial Contributions

33. Section 77E enables the Council to make rules requiring a financial contribution (FC) for any class of activity other than a prohibited activity, and ss.77T and s.80E(1)(b)(i) enable the Council to include FC provisions or change existing provisions as part of its IPI.
34. PC26 proposes updates to the FC provisions in Section 18 of the District Plan. In particular, and as noted paragraph 5.2.1 of the s.42A Report:

PC26 has introduced two new matters that financial contributions can be collected for, which include a contribution to give effect to Te Ture Whaimana and a contribution to provide for residential amenity. The proposed contributions are proposed to be taken to account for ‘unplanned’ growth brought about as a result of the requirement for Council to implement the MDRS.

35. In accordance with cl.1.(b) of Direction #10,²² which we issued following the Joint Opening Hearing, all submissions relevant to FCs were to be heard jointly with those related submissions on the Hamilton City District Plan IPI - Plan Change 12 (PC12) in September 2023. However, due to Hamilton City requesting and being granted a deferral of their IPI decision to December 2024 (as noted in our Direction #16),²³ the PC26 proposed FC provisions and relevant submissions were heard separately in September 2023.
36. Submissions, evidence and our recommendations relevant to FCs are addressed in section 8 of this report.

1.8 Papakāinga

37. While s.80E(1)(b)(ii) of the RMA enables an IPI to amend or introduce provisions to enable papakāinga housing in the district, PC26 did not contain any such provisions.

²² Direction #10, 3 March 2023.

²³ Direction #16, 5 July 2023.

This is because the Council advised that it intends promoting a discrete papakāinga plan change in late 2023.²⁴

1.9 Protected Customary Rights

38. In formulating our recommendations, we must be satisfied that ss.85A and 85B(2) of the RMA (which relate to protected customary rights) will be complied with.²⁵
39. No protected customary rights were identified to us, and we heard no submissions to the contrary. Therefore, while the provision requires that the IHP be *satisfied*, we are not able to take this matter any further.

1.10 Council Decision, Timing, Appeals and Judicial Review

40. Following the receipt of our recommendations, the Council is required to decide whether to accept each recommendation. The Council may provide an alternative recommendation for any recommendation that the Council does not agree with.²⁶ However, any such recommendation must still comply with the mandatory requirements in the Amendment Act and relevant statutory framework.
41. Where the Council rejects a recommendation, it is required to refer this to the Minister for the Environment (the Minister) together with:
 - a) the Council's reasons for rejecting the IHP's recommendation; and
 - b) any alternative recommendation the Council has provided.²⁷
42. When making its decisions on the IHP's recommendations, the Council must not consider any submission or other evidence unless it was made available to the IHP before the IHP made its recommendations. However, the Council may seek clarification from the IHP on a recommendation to assist in making any such decision.²⁸

1.10.1 If the Council accepts all recommendations

43. If all IHP recommendations are accepted by the Council, PC26 is deemed to be approved and becomes operative upon Council publicly notifying its decisions.²⁹

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

44. If the Council does not agree with one or more of the IHP's recommendations it must follow the procedures set out in cls.104 to 106 of Sch.1. In summary, all affected parts of the plan change that are accepted are deemed approved and

²⁴ <https://www.waipadc.govt.nz/our-council/waipaa-district-plan/wpdc-variations/current-plan-changes/proposed-plan-change-23-papakaainga>.

²⁵ RMA, Sch.1, cl.99(3).

²⁶ RMA, Sch.1, cl.101(1)(a) and (b).

²⁷ Cl.101(2)(a) and (b), Sch.1 RMA.

²⁸ Cl.101(4)(b) and (c), Sch.1 RMA.

²⁹ Cl.103, Sch.1 RMA.

become operative upon public notification, and only those recommendations that are rejected (along with the reasons and any proposed alternative recommendation(s)) are referred to the Minister for decision.

45. Upon receipt of that information, the Minister must decide whether to accept or reject any or all of the (contested) IHP recommendations. For any IHP recommendation that the Minister rejects, the Minister must then decide whether to adopt any alternative recommendation referred to the Minister by the Council.³⁰ The Minister may make minor amendments to any recommendation. The Minister's decision with reasons is then provided to the Council, which must then publicly notify it and the district plan as altered is deemed approved and becomes operative.

1.10.3 Timeframe for making a decision on PC26

46. While there are no specified timeframes within which the Minister must make a decision, there is an overall date by which the IPI process must be completed. The Council is required to publicly notify its decisions on PC26 by 31 March 2024.³¹

1.10.4 Appeals and judicial review

47. Unlike a 'standard' plan change process, there is no right of appeal to the Environment Court against any decision of the Council or the Minister on PC26, however the right of judicial review is retained.³²

2 Procedural Matters

2.1 Submissions, Further Submissions and Late Submissions

48. 79 submissions were lodged during the initial submission period (19 August to 30 September 2022). The summary of submissions (by submitter and by topic) was notified on 28 November 2022, and the further submission period closed on 12 December 2023. Eight further submissions were received by the Council during that period.
49. Overall, 32 late submissions were received. This comprised 3 late original submissions (October 2022), and 27 submissions and 2 further submissions in relation to character cluster changes (March 2023).
50. The Panel elected to exercise its discretion (under cl.98(3) of Sch.1) to accept all of these late submissions as:

³⁰ Cl.105(1)(a) and (b), Sch.1 RMA.

³¹ Resource Management (Direction for the Intensification Streamlined Planning Process to Hamilton City Council, Waikato District Council, Waipā District Council and Rotorua District Council) Notice 2022, refer: <https://gazette.govt.nz/notice/id/2022-sl2034>.

³² Cls.107- 108, Sch.1 RMA.

- a) The three late original submission (#76 – Sam Shears, #77 – John Andrew, #98 Edmund Horner) were received within one day of the closing date of submissions. As recorded in Direction #6, the Panel considered that such a short delay would not unfairly prejudice any person, given the relief requested was able to be (and was) included in the notified summary of submissions.³³
- b) Following the close of the (original and further) submission periods in 2022, the Council had undertaken site-specific investigations which had resulted in 111 new properties being identified for inclusion within the proposed character clusters in Cambridge and Te Awamutu. Council undertook a process of consultation with those owners, invited submissions from those owners and then notified a summary of those submissions for further submission. As recorded in Direction #13, we were satisfied that no party would be prejudiced, that the hearing process would not be disrupted and that it accorded with the principles of natural justice for those affected.³⁴

51. The submissions covered a range of subtopics, which the s.42A Report grouped into the following five broad topics:

- NPS-UD Policy 3(d);
- MDRS;
- QMs;
- Specific Changes; and
- Rezoning.

2.2 Hearings and Directions

52. The Panel held hearings on PC26 in three sessions over 8 days:

- a) the combined Waikato councils opening strategic issues and procedural matters hearing from 15-17 February 2023 (Joint Hearing);
- b) the substantive PC26 hearing minus the FCs topic from 26 April to 2 May 2023 (Substantive Hearing); and
- c) the FCs hearing (FCs Hearing) on 20 September 2023.

53. We received a significant number of legal submissions, expert evidence and submitter statements during the hearing process. A list of all of the submitters, the

³³ Direction #6, 23 December 2022.

³⁴ Direction #13, 29 March 2023.

persons appearing for submitters, and the persons appearing for the Council at each of the three hearing sessions is set out in **Appendix 3**.

54. In order to respond to matters arising both before and after each hearing session the Panel issued a total of 18 formal Directions and one Minute.³⁵ The Panel wishes to record its appreciation to Council, submitters and their respective expert witnesses and counsel for the constructive and timely manner in which they responded to the Directions.

2.3 Opening Themes and Issues Report

55. In advance of the Joint Hearing the three Tier 1 Waikato council provided a joint opening themes and issues report (Joint Opening Report) of relevance to the three separate IPIs.³⁶
56. This report identified and discussed the following common themes:
- fundamental opposition to or support for intensification;
 - the application of the NPS-UD Policy 3;
 - the identification of QMs and modification of NPS-UD Policy 3 in response;
 - transport / carparking; and
 - out of scope matters.
57. The report also identified themes specific to each council, which for Waipā included:
- application of NPS-UD Policy 3(d);
 - QMs specific to Waipā; and
 - FCs.
58. The Joint Opening Report greatly assisted us in setting the themes and topics to be addressed during the Joint Hearing, and also provided submitters with the opportunity to be heard on these strategic and procedural themes prior to the substantive and FC hearings occurring in April and September 2023, respectively.

2.4 Joint Hearing

59. The Joint Hearing was held over three days on 15-17 February 2023.
60. The purpose of the Joint Hearing was for the councils to provide the Panel with an overview of the approaches they had taken to the implementation of the

³⁵ Our Directions and Minute are available from the Council PC26 webpage.

³⁶ PC12 for Hamilton City Council; Variation 3 for Waikato District Council; and PC26 for Waipā District Council.

Amendment Act, and of the themes and issues arising from submissions. It was also an opportunity for submitters and the councils to raise any strategic or procedural issues. For Waipā these matters included:³⁷

- a) the Council's position on PC26;
- b) the Waipā context and planning for growth;
- c) the scope of PC26;
- d) Policy 3 of the NPS-UD;
- e) the incorporation of the MDRS;
- f) the approach to QMs;
- g) FCs; and
- h) issues raised in submissions.

61. In passing we note that it was particularly helpful that the three councils had co-operated closely and co-ordinated their legal submissions regarding the interpretation and application of the legislation – and then applied that to their specific circumstances. This provided a clear focus for submitters around which to present their arguments and, certainly in the Panel's opinion, made for a more efficient (and shorter) hearing process overall.

2.5 Substantive Report and Hearing

62. The Substantive Hearing was held over four days from 26 April 2023 to 2 May 2023. In advance of the hearing, and in accordance with our Direction #4, the s.42A Report was finalised and circulated. The Council's expert evidence-in-chief followed two weeks later. Submitters then had two weeks to prepare and lodge any expert and non-expert evidence in response. Following that, the Council filed a further four addenda providing:

- points of clarification and correction of errors or omissions in the s.42A Report;
- responses to matters raised in the submitter evidence and legal submissions;
- additional technical evidence to support the Council's recommendations; and
- advice on the implications of the Environment Court decision in *Waikanae* for PC26.

³⁷ As summarised in the opening legal submissions for the Council, 10 February 2023.

2.6 Directions and Minutes Issued

63. The Panel issued a total of 18 Directions and one Minute, which should be read in conjunction with this report.³⁸ These Directions and Minute addressed a range of issues including:
- a) the format, scope, and timetabling of hearings, s.42A Reports, legal submissions, and statements of evidence;
 - b) procedures for the consideration of late submissions and decisions to accept late submissions;³⁹
 - c) procedures for the consideration of whether submissions are within the scope of PC26;⁴⁰
 - d) decisions to strike out submissions on the basis that they are not within the scope of PC26;⁴¹
 - e) an invitation to provide legal submissions on the relevance and implications of a recent High Court decision;⁴² and
 - f) an invitation to provide written comments on the implications of the National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB), and the Panel's determination of those implications for PC26.⁴³

3 Legal Framework

3.1 Relevant Law

64. The Amendment Act sets out the key elements of the legal framework that we must apply in reaching a decision on PC26.
65. The Amendment Act does not however standalone. The standard RMA requirements for District Plan changes (ss.75-76) continue to apply - unless and except to the extent they are altered by the Amendment Act.
66. Those updated requirements were helpfully set out in full in Appendix A to the Joint Opening Legal Submissions of Counsel for the Councils (8 February 2023).⁴⁴ We

³⁸ For a list of all Directions and the Minute refer: [Proposed Plan Change 26 – Residential Zone Intensification - Waipā District Council](#).

³⁹ Direction #10 3 March 2023; and Direction #13 29 March 2023.

⁴⁰ Direction #6, 23 December 2022; Direction #7, 18 January 2023; Direction #8, 1 February 2023; Direction #9, 2 February 2023; and Direction #10, 3 March 2023.

⁴¹ Direction #12, 10 March 2023; and Direction #14, 11 April 2023.

⁴² Direction #15, 30 May 2023.

⁴³ Direction #17, 11 July 2023; and Direction #18, 24 July 2023.

⁴⁴ These requirements drew on and updated well known case law summaries such as that contained in *Colonial Vineyard Ltd v Marlborough District Council* [2014] NZEnvC 55.

have reviewed and adopted that summary (as **Appendix 4**) for the purposes of this decision.

3.2 Relevant Policy Documents

67. The s.42A Report identified the relevant RMA statutory policy and plan documents as comprising:⁴⁵
- NPS-UD;
 - Te Ture Whaimana o Te Awa o Waikato - Vision and Strategy 2010 (Te Ture Whaimana);⁴⁶
 - NPS for Freshwater Management 2020;
 - NPS-IB;
 - NPS on Electricity Transmission 2008;
 - Waikato Regional Policy Statement 2018 (Waikato RPS); and
 - ODP.
68. Other relevant documents were identified as including:
- Future Proof Strategy 2022;
 - Joint Management Agreements (Waikato Raupatu River Trust, Raukawa Settlement Trust, and Maniapoto Māori Trust Board) and their respective Environmental Management Plans;
 - Housing and Business Development Capacity Assessment 2021 (HBA);⁴⁷
 - Hamilton-Waikato Metropolitan Spatial Plan 2020; and
 - Ahu Ake, Waipā Community Spatial Plan (initial draft) 2023.
69. No party appeared to disagree that these documents were relevant considerations – however views differed on the weight to be given to the respective documents. We address that in more detail when considering specific submission issues later in this report.
70. We also note that just prior to the third (and final) hearing session, the government released the proposed NPS for Natural Hazards Decision-making for consultation. We did not seek submissions on this proposed NPS as it is at an early stage, it does

⁴⁵ s.42A Report, at section 7.

⁴⁶ Sch.2, Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (and incorporated into Sch.1, Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010, and Sch.1, Ngā Wai o Maniapoto (Waipā River) Act 2012).

⁴⁷ Required by subpart 5 of the NPS-UD.

not yet have any legal effect, and based on the current wording, it does not apply to IPI plan changes.⁴⁸

71. Further, and while we address aspects of the NPS-UD and Te Ture Whaimana in the next two sub-sections, we do not provide a complete summary of these or the other relevant policy documents here. We leave discussion of these documents to later sections when we are considering the issues arising.

3.3 NPS-UD Interpretation Issues

72. Two interpretation issues were raised at an early stage in relation to the NPS-UD. These were:
- a) whether we are required to give effect to the NPS-UD in its entirety; and
 - b) whether Waipā is a Tier 1 or Tier 3 urban environment.

3.3.1 Giving Effect to NPS-UD

73. There was general agreement between the parties that:⁴⁹
- a) while the Amendment Act specifically referred to Policies 3, 4 and 5 of the NPS-UD, that did not mean those were the only policies or provisions that were relevant;
 - b) the Panel is instead required to give effect to the NPS-UD in its entirety to the extent that the matters are within scope of PC26; and
 - c) the decision of the High Court in *Southern Cross Healthcare* reinforces the correctness of that approach.⁵⁰
74. We issued a Minute on 14 June 2023 confirming that we accepted and agreed with that approach.

3.3.2 Tier 1 Urban Environment

75. The Council, while accepting it was a Tier 1 'local authority' argued that Waipā was a Tier 3 'urban environment' because:⁵¹
- a) the Tier 1 urban environment in Table 1 of Appendix 1 to the NPS-UD referred only to "Hamilton" not Waipā;
 - b) an area, like Waipā, which was not expressly listed as a Tier 1 urban environment in the Appendix by definition was a Tier 3 urban environment (being an environment not listed in the Appendix); and

⁴⁸ Proposed NPS Natural Hazard Decision-making 2023, at [1.5].

⁴⁹ Submissions filed by the three Councils, Ara Poutama, Kāinga Ora, Ministry of Housing and Urban Development, Ryman Healthcare Ltd and Retirement Villages of NZ Incorporated were all generally aligned on this issue.

⁵⁰ *Southern Cross Healthcare Limited v Eden Epsom Residential Protection Society Inc* [2023] NZHC 948.

⁵¹ Rebuttal evidence of Tony Quickfall, 19 April 2023, at [3.9].

- c) both Cambridge and Te Awamutu were classified as Tier 3 urban environments under the Future Proof Strategy 2022.

76. However, we consider the approach taken by the Council relied on an unduly narrow reading of the term “*Hamilton*” in Table 1 – effectively confining this to the Hamilton metropolitan area. If that interpretation were correct, there would have been no need for any local authorities other than Hamilton City Council to be listed as Tier 1 authorities within the Table. However, all local authorities within the Waikato region are listed. We consider it is clear from the context (including the approach taken to other areas such as Wellington) that Hamilton is required to be read in a broad, and not unduly narrow, way. While we accept that conclusion differs to the classifications given under the Future Proof Strategy 2022, we are cognisant that that Strategy is a non-statutory document and is not able to override the clear provisions of the NPS-UD. Accordingly, the Panel has approached its task on the basis that Waipā is a Tier 1 Hamilton urban environment.

3.4 Te Ture Whaimana

77. Te Ture Whaimana is the Vision and Strategy document for the Waikato River. It also applies to the Waipā River.⁵²

78. The Vision of Te Ture Whaimana is:

For a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and well-being of the Waikato River, and all it embraces for generations to come.

79. Te Ture Whaimana is deemed to form part of the Waikato RPS but holds a higher status, as it prevails over any inconsistent provision in an NPS or national planning standard.⁵³ It is the primary direction setting document for activities that affect the Waikato and Waipā Rivers and their catchments.

80. Further, and as Mr Quickfall, the (then) Manager of District Plan and Growth at the Council noted,⁵⁴ Te Ture Whaimana goes beyond the RMA ‘avoid, remedy or mitigate’ regime, and requires restoration and protection. It also seeks to “*protect and enhance significant sites, fisheries, flora and fauna*”.⁵⁵

81. PC26, as a district plan change, is required to give effect to Te Ture Whaimana. The Amendment Act also expressly empowers an IPI to include QMs which are required to give effect to Te Ture Whaimana. As we note in section 6 below, a number of the QMs proposed as part of PC26 are put forward on this basis.

⁵² Ngā Wai o Maniapoto (Waipā) River Act 2012.

⁵³ Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, ss.11-12.

⁵⁴ We were advised that Mr Quickfall resigned from his position at the Council part way through the hearing process (after the Substantive Hearing and before the FCs Hearing) but he still appeared and gave evidence for the Council in the FCs Hearing.

⁵⁵ Primary evidence of Tony Quickfall, 20 December 2022, at [62]-[63].

4 Preliminary Scope Issues

82. During the Joint Hearing, the Council and a number of submitters raised questions of scope. In particular, whether specific requested relief was within scope, and how any scope issues ought to be dealt with. Following that hearing, we issued procedural directions to address whether the following submissions were within scope of PC26:⁵⁶
- a) submissions requesting rezoning by Triple 3 Farm Ltd (#59.1), CKL NZ Ltd (#65.31), Retirement Villages Association (#73.125) and Ryman Healthcare Ltd (#70.125); and
 - b) a joint submission by Waikato Community Lands Trust, Waikato Housing Initiative, Habitat for Humanity, Momentum Waikato and Bridge Housing Trust (#64) requesting inclusionary zoning / affordable housing.
83. In determining those scope matters (and others subsequently arising), we were mindful that while the s.41D strike out powers have been expressly carried over as part of this IPI process,⁵⁷ strike out is a power which should be exercised sparingly and only in a clear case – particularly given the public participation provisions of the RMA.
84. We also paid careful attention to the line of relevant case authorities – being those colloquially referred to as *Clearwater*, *Motor Machinists*, *Bluewater* and *Albany North*⁵⁸ – and applied the conventional 2-limb test. That is, (in summary), a submission needs to be ‘on’ the plan change, and the plan change must not be appreciably amended without real opportunity for those potentially affected to participate.⁵⁹
85. After considering the legal submissions, evidence and information provided by the Council and the submitters, the Panel determined that:
- a) Submission points requesting the rezoning of rural land (Triple 3 Farm Ltd) and Deferred Large Lot Residential Zone (CKL NZ Ltd) were beyond the scope of PC26 and were accordingly struck out.⁶⁰
 - b) The requests made by Retirement Villages Association and Ryman Healthcare Ltd (RVA/Ryman) to rezone all deferred residential zones to a live Medium

⁵⁶ Panel Direction #10, 3 March 2023.

⁵⁷ RMA, Sch.1, cl.98(1)(h).

⁵⁸ *Clearwater Resort Ltd v Christchurch City Council* [2013] NZHC 1290; *Palmerston North City Council v Motor Machinists Ltd* [2013] NZHC 1290; *Bluehaven Management Limited v Western Bay of Plenty District Council* [2016] NZEnvC 191; and *Albany North Landowners v Auckland Council* [2017] NZHC 138.

⁵⁹ As summarised in the Joint Opening Legal Submissions of the Waikato IPI Councils, 8 February 2023, at [5.5].

⁶⁰ Direction #12, 10 March 2023.

Density Residential Zone (MDRZ) were within the remit of an IPI under s.77G(4) of the RMA and therefore technically within scope. However, we considered further evidence would be required regarding the merits of any such proposed rezoning.

- c) The submissions requesting inclusionary zoning and affordable housing provisions fell outside the ambit of the three Waikato IPI plan changes (including PC26) and their respective s.32 evaluations. We determined that they were not reasonably and fairly raised by or in those notified documents, and that not all potentially affected persons would have appreciated the prospect of such matters being raised and would therefore not have had the opportunity to make submissions on inclusionary zoning/affordable housing. We were also told that for Waipā, the Council intended to address this issue in a separate plan change that was already under consideration. Accordingly, we struck out the relevant submissions.

86. We recorded these decisions in Directions #12 and #14.⁶¹ We also note that, while the submitters whose submissions were struck out had a right of objection to the Panel,⁶² no such objections were received.

5 PC26 – Overview

87. The s.42A Report provides an overview of PC26 as notified. This was not contested and we therefore adopt that overview.⁶³
88. PC26 creates a new Section 2A MDRZ to the District Plan which incorporates the MDRS along with new rules which modify the standards to accommodate QMs. PC26 also updates the FC provisions in Section 18 of the District Plan and includes consequential changes to a range of other chapters in order to give effect to the Amendment Act.
89. In summary, PC26 makes changes to the following sections of the District Plan:
- Definitions
 - Section 01 – Strategic Policy Framework
 - Section 02 – Residential Zone
 - Section 15 – Infrastructure, Hazards, Development & Subdivision
 - Section 18 – Financial Contributions

⁶¹ Direction #12, 10 March 2023; and Direction #14, 11 April 2023.

⁶² RMA, Sch.1 cl.98(2), and s.357(2).

⁶³ s.42A Report, section 6.2.

- Section 21 – Assessment Criteria and Information Requirements
- Appendix DG1 – Character Cluster Statements
- Planning maps to show the location of the new MDRZ.

90. The following new sections are proposed to be included in the District Plan:

- Section 2A – MDRZ (based on the existing Residential Zone, with the MDRS added)
- Planning maps 56 and 57 – Qualifying Matters Policy Areas Overlays
- Planning maps 58, 59 and 60 – Character Clusters Policy Areas Overlays.

91. PC26 does not however:

- rezone any land which was not already zoned residential in the District Plan;
- enable a greater level of development than provided for under the MDRS; or
- propose any amendments to the papakāinga provisions in the District Plan.

6 Council Approach to PC26 and Growth

6.1 Concerns about Intensification

92. Mr Quickfall stated that Council’s planning (both statutory and infrastructural) has sufficient long-term supply capacity without needing blanket intensification across all relevant residential zones.⁶⁴ That position underscored the Council’s overriding concern that *carte blanche* intensification would likely create unacceptable urban amenity and design issues for its principal towns, and require unnecessary, unplanned and unbudgeted infrastructure upgrades. It would also place at risk Council’s careful approach to Te Ture Whaimana and the health and wellbeing of Waipā’s waterways.

93. Because of the ‘small town feel’ of Waipā district, with its two main towns and eight rural villages, Mr Quickfall argued that the unmitigated level of density enabled by the MDRS was inappropriate. PC26 therefore sought to walk a fine line between the legislative requirements of the Amendment Act and the forecasts and aspirations expressed through the regional and local growth strategies. Plan Change 13 - Uplifting Deferred Zones had recently live-zoned 14 greenfield growth cells in Cambridge and Te Awamutu enabling a further 8,884 dwellings, which satisfied the forecasted demand out to 2035.⁶⁵ Mr Quickfall also noted that draft Plan Change 21 Urban Environment Updates, which was intended to consider affordable housing and inclusionary zoning options, was put on hold when the Amendment Act was

⁶⁴ Rebuttal evidence of Tony Quickfall, 19 April 2023, at [8].

⁶⁵ Rebuttal evidence of Tony Quickfall, 19 April 2023, at [18].

passed but will likely be re-scoped and resumed once PC26 is operative. He also advised that Plan Change 23, a papakāinga plan change, was similarly on hold and was not sufficiently advanced to include in PC26 as an elective option.⁶⁶

94. Finally, on this matter, Mr Quickfall confirmed that Council was not opposed to intensification in the right place and at an appropriate scale and pace.⁶⁷

6.2 Use of Greater Development Option

95. As already noted, the Amendment Act permits the retention of existing District Plan provisions that enable a greater level of development than MDRS, and for the MDRS to be modified to achieve a greater level of development (by omitting one or more MDRS or by including more lenient rules).⁶⁸ However, neither the ODP nor PC26 include such provisions.⁶⁹
96. We address submissions requesting the enablement of a greater level of development than provided by the MDRS later in this decision.

6.3 Modelled Growth Projections / Height and Density

97. Susan Fairgray, urban economist with Market Economics Limited, gave the principal growth / demand evidence for the Council. Ms Fairgray had completed the baseline HBA required by the NPS-UD in 2021, updated for the purpose of PC26. That work involved modelling and assessing the plan enabled and commercially feasible urban residential dwelling capacity and demand for the district's main towns based on the ODP; the unmodified as well as qualified MDRS; and the notified PC26. She noted that a key consideration in her analysis was the probable urban form that each scenario enabled and would likely produce.
98. The details of the July 2023 updated Market Economics Ltd model was included with the s.42A Report as *Appendix C- Residential Capacity Modelling*. That report summarised the key components of the feasibility layer in terms of:
- estimating the size and configuration of dwellings on each parcel (using floor area ratio curves);
 - estimating the cost to construct each dwelling (including land, existing dwelling, site preparation, construction and ancillary costs); and
 - estimating the potential sales price of each dwelling (using a spatial structure based on the HBA 2021, and estimations from comparable urban economies).

⁶⁶ RMA, s.80E(1)(b)(ii).

⁶⁷ Rebuttal evidence of Tony Quickfall, 19 April 2023, at [38].

⁶⁸ Refer RMA ss.77G(7) and 77H respectively.

⁶⁹ s.42A Report, at [6.2.5].

99. The additional long-term (30 year) residential urban dwelling demand (including the relevant competitiveness margin)⁷⁰ over and above that enabled by the ODP was calculated as c.9,400.⁷¹ This requires a 62% increase in the main urban towns' dwelling base. That base demand number was not challenged in expert evidence.
100. Ms Fairgray considered that while actual take up would be consistent across the scenarios (because available capacity always outstrips demand in all but the ODP), the way in which that demand is met (i.e., its housing development pattern and manifest urban form) would be markedly different.
101. In summary, Ms Fairgray determined that:⁷²
- a) The ODP enabled sufficient overall capacity but fell short of commercially feasible capacity in the longer term.
 - b) Both the MDRS (QM unmodified and QM modified) and PC26 substantially increased capacity and typology options and exceed demand projections across the 30-year time horizon.
 - c) PC26 (with QMs) enabled 2.83 times the capacity enabled by the ODP (i.e., an additional 37,000 dwellings of which some 19,700 would potentially be commercially feasible in the long-term).⁷³
 - d) With all the proposed QMs included, unmodified capacity was reduced by 38% (22,700 dwellings) but still exceeded projected demand by a sizeable factor:
 - (i) the largest reduction effect was from the Infrastructure Overlay QM, which reduced plan enabled capacity by 37% and commercially feasible capacity by between 33% and 42%;
 - (ii) the proposed Character Cluster QM reduced plan enabled capacity by 1.1% and commercially feasible capacity by between 0.8% and 1.3%; and
 - (iii) the Stormwater Overlay and River / Gully Overlay QMs have no effect on modelled plan enabled capacity, with the Stormwater Overlay QM's effect on commercially feasible capacity reducing over the longer term (18% currently; 16.3% short-term; and 1.2% long term).⁷⁴
 - e) While both the unmodified MDRS and PC26 would increase intensification within existing urban areas, the universal application of MDRS across the

⁷⁰ For the long-term cl.3.22 of the NPS-UD specifies this to be 15%.

⁷¹ Primary evidence of Susan Fairgray, 24 March 2023, at [5.2].

⁷² Illustrated for example in: Primary evidence of Susan Fairgray, 24 March 2023, Figure 2 and Table 2, p.16.

⁷³ Primary evidence of Susan Fairgray, 24 March 2023, at [8.9].

⁷⁴ Primary evidence of Susan Fairgray, 24 March 2023, at [9.2]-[9.4].

entire residential zoning structure and suburban areas would likely dilute the incentive to concentrate development around the commercial centres. In other words, more dispersed patterns of development are likely to occur which, coupled with a more limited medium density development market in the shorter term, would represent a less efficient urban form reducing the economic benefits of central intensification.⁷⁵

102. Ms Fairgray noted that the Infrastructure Overlay QM under PC26, with its lower permitted yield threshold of 2 dwellings per site, may limit the potential for residential intensification around the higher value areas of Cambridge's commercial centre. However, this would be offset by enabling attached dwellings which have dominated past patterns of demand within Waipā and in some of the more recent outer suburban developments in Hamilton.
103. Whilst Ms Fairgray agreed with submitters, such as Kāinga Ora and Cogswell Surveys Ltd, that intensification around commercial centres was important, she stressed the importance of ensuring that the planning provisions are appropriate in terms of both scale and extent. She observed that intensifying the typical walkable catchments of 800m and 400m in Cambridge and Te Awamutu would capture a substantial share of the total capacity; a much higher proportion of the total resident population of those towns compared to larger cities such as Hamilton or Auckland. The net effect of adopting those metrics would be a likely dilution of intensification by a wider scatter of actual development.
104. Philip Osborne, economist for Kāinga Ora, argued that that there was a low propensity for high density residential within the Cambridge and Te Awamutu centres with the heights enabled by PC26. That changed markedly for Cambridge with the 24.5m permitted height plus 22m High Density Residential Zone (HDRZ) sought by Kāinga Ora. He calculated an additional realisable capacity of 88 high density and 761 commercial developments.
105. Mr Osborne noted that, based on the HBA projected 30-year business floorspace growth, an additional 50,000m² for Cambridge and 40,000m² for Te Awamutu (combined retail and commercial) would likely be required. That growth would, itself, put significant redevelopment pressure on the existing centres – potentially at the expense of residential development with PC26's 14m height maximum.
106. He also noted that as development height increases the relative cost of land falls and the return increases – increasing the realisable rate. In effect, the relative land value to built form floorspace ratio needs to be sufficiently large to overcome the inertia of easier or less risky development options – for example, simply redeveloping within the existing floorspace. On that basis he argued that high density development was unlikely under a 14m height cap – and even less so if the

⁷⁵ Primary evidence of Susan Fairgray, 24 March 2023, at [10.4]-[10.6].

current market reality of falling property values and rising construction costs continues.

107. The importance of that relative cost-to-value margin seemed to be a key difference in his estimate of realisable rate.
108. Mr Osborne concluded that:⁷⁶

For Cambridge the increase in height is fundamental for the realisation of high density residential development within Waipa at all, with lower heights significantly restricting any such development.

109. Furthermore, even though he doubted that any high-density residential developments would occur in Te Awamutu in the foreseeable future he considered that:⁷⁷

... the increase in height provision within this centre is unlikely to result in any additional economic costs with its introduction at least providing future direction to the market.

110. Kāinga Ora also sought a 22m permitted height HDRZ around the Cambridge centre with a 400 – 600 walkable catchment.⁷⁸ Mr Osborne estimated that this would enable 88 realisable high-density dwellings. He acknowledged that while this would not provide a material number of developments it would represent an important market signal for increased choice.
111. With respect to Kāinga Ora’s proposed HDRZ, Ms Fairgray noted that based on current development patterns, around 250 high density dwellings could be feasible over the time horizon. On that basis she did not support the extent of the HDRZ proposed but agreed that a more spatially targeted zone could be appropriate. However, in the end she agreed with Mr Quickfall’s alternative proposal (put forward in his rebuttal evidence) for:
- a) a proposed increased height allowance within the:
 - (i) Cambridge and Te Awamutu Commercial Zones to 18m (equivalent to 5 storeys); and
 - (ii) Leamington Commercial Zone to 16m; and
 - b) a relaxation of the Infrastructure Overlay QM (discussed later in this decision) within Cambridge’s walkable catchment enabling the MDRS requirement of 3 dwellings per site.
112. In reply, Ms Embling, counsel for the Council, summarised the key difference between the two positions of Council and Kāinga Ora as that of making provision *commensurate* with the level of commercial activity and community services

⁷⁶ Primary evidence of Philip Osborne, 6 April 2023, at [33].

⁷⁷ Primary evidence of Philip Osborne, 6 April 2023, at [33].

⁷⁸ Primary evidence of Philip Osborne, 6 April 2023, at [35].

expected over the required 30-year plan horizon (Council) as opposed to preparing the ground for a much longer future (Kāinga Ora).

113. We discuss what commensurate means in the context of the NPS-UD objective of a “*well-functioning urban environment*” elsewhere in this decision.

7 Qualifying Matters

7.1 Meaning

114. QMs are matters that can be applied to make the MDRS and the relevant building height or density requirements under Policy 3 of the NPS-UD less enabling of development in a particular area. However, any such ‘lessening’ must only be to the extent necessary to provide for that QM. The Environment Court decision in *Waikanae Land Company Ltd v Kāpiti Coast District Council (Waikanae)* clarified that this meant that:⁷⁹

- a) QMs could reduce the MDRS within relevant zones back to pre-MDRS levels; but
- b) reductions going below or removing rights that presently exist under an ODP were prohibited.

115. No party disagreed with this interpretation, although some parties considered the Court got the law wrong in *Waikanae* and noted it was subject to appeal.

116. The different grounds for QMs are listed in s.77I. For Waipā, the relevant QMs relate to one or more of the following:

- a) s.6 matters of importance;
- b) matters required to give effect to an NPS;
- c) matters required to give effect to Te Ture Whaimana;
- d) matters required for the safe or efficient operation of nationally significant infrastructure;
- e) open space; and
- f) any other matter that makes high density (as provided for by the MDRS/Policy 3) inappropriate in an area – but only if s.77L is satisfied.

117. There are two types of QMs:

⁷⁹ *Waikanae Land Company Ltd v Kāpiti Coast District Council* [2023] NZEnvC 056.

- a) existing QMs being those contained within the ODP at the time the IPI was notified;⁸⁰ and
- b) new QMs being those introduced through an IPI process.

118. PC26 included a range of existing, proposed new and other QMs. There were also requests made in submissions for new QMs. In summary these QMs comprised:⁸¹

Existing QMs

- a) nationally significant infrastructure;
- b) setback from Te Awa Cycleway;
- c) setback from the edge of water bodies;
- d) protection of historic heritage;
- e) natural hazards;
- f) development within outstanding natural features and landscapes;
- g) development within significant natural areas (SNAs);

Proposed new QMs

- h) infrastructure overlay;
- i) stormwater overlay;
- j) river/gully overlay;
- k) setbacks from SNAs and reserves;

Other

- l) character clusters and character streets;
- m) protected trees;

Submitter requests for new QMs

- n) reverse sensitivity around Te Awamutu dairy factory; and
- o) the rail corridor.

⁸⁰ RMA, s.77K(3).

⁸¹ Council opening legal submissions, 21 April 2023, at [1.4].

7.2 Assessment Approach

7.2.1 Existing QMs

119. The evaluation process for assessing existing QMs is set out in s.77K and (in summary) requires a territorial authority to:

- identify by location (for example, by mapping) where an existing QM applies;
- specify the alternative density standards proposed for those areas identified by location;
- identify in the evaluation report prepared under section 32 (s.32 ER) why the territorial authority considers that one or more existing QMs apply to those particular areas;
- describe in general terms for a typical site in those identified areas the level of development that would be prevented by accommodating the QM, in comparison with the level of development that would have been permitted by the MDRS and Policy 3; and
- notify the existing QMs in the IPI.

7.2.2 New QMs

120. The evaluation process for assessing new QMs is set out in s.77J and (in summary) requires a territorial authority to:

- demonstrate why the territorial authority considers that the area is subject to a QM and that the QM is incompatible with the level of development permitted by the MDRS or as provided for by Policy 3 NPS-UD for that area;
- assess the impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity; and
- assess the costs and broader impacts of imposing those limits.

121. Section 77L sets out the additional information that must be included in the s.32 ER when s.77I(j) (any other matter that makes high density inappropriate) is used for a new QM. These requirements comprise:

- identification of the specific characteristic that makes the MDRS level of development inappropriate in the area;
- justification as to why that level of development is inappropriate in light of the national significance of urban development and the NPS-UD objectives;
- a site-specific analysis which identifies the relevant site, evaluates the specific characteristic to determine the geographical area where intensification needs to be compatible with the specific matter, and evaluates an appropriate range of options to achieve the greatest heights and densities permitted by MDRS or Policy 3 NPS-UD while managing the specific characteristics.

7.3 Council Assessments

122. The initial assessments of the QMs were set out in the Council’s s.32 ER.⁸² Updated assessments were provided by the Council and some submitters as changes were proposed / requested during the PC26 hearing process.
123. Our consideration of the proposed QMs is grouped and addressed in the following order:
- a) natural features / open space;
 - b) historic heritage / character clusters / character streets;
 - c) stormwater constraint overlay;
 - d) infrastructure constraint overlay;
 - e) nationally significant infrastructure; and
 - f) regionally significant industry.

7.4 Natural Features / Open Space

124. PC26 identifies both existing and new QMs for the protection of natural features, proposed setbacks from or interface with these features, and areas of public open space. The matters are, with the exception of reserves and protected trees, related to the values and features of the district’s waterways within urban areas. We have summarised these QMs noting the relevant statutory provisions, their purpose, and applicable rules and in Table 1 below.

QMs	Purpose	Rules
Public access to and along rivers and lakes (s.77I(a), s.6(a) and s.6(d))	To control development <u>in proximity</u> to Te Awa Cycleway with a 5m setback To control development <u>in proximity</u> to the edge of water bodies identified with a 23m setback	ODP rules in Sections 2 and 26 unchanged; PC26 adds new rule 2A.4.2.6 to address Te Awa Cycleway and two or more dwellings in MDRZ
Outstanding natural features and landscapes (ONFL) and High Amenity Landscapes (HAL) (s.77I(a), s.77I(c), s.6(b) and 7(c))	Controls development <u>within</u> such landscape areas as shown on the Planning Maps	ODP rules in relation to ONFL and HAL in Sections 15 and 25 unchanged and carried over into PC26
Significant indigenous vegetation and	Controls development <u>within</u> SNAs and other significant areas, including vegetation clearance	ODP rules in Sections 24 and 25 unchanged and carried over into PC26

⁸² s.32 ER, Appendix 2 (Assessment of Existing Qualifying Matters), Appendix 3 (Assessment of New Qualifying Matters) and Appendix 7 (Open Space Green Infrastructure Network).

QMs	Purpose	Rules
significant habitats of indigenous fauna (s.77I(a) and s.6(c))		
River/Gully QM Overlay (s.77I(c), s.6(a))	Controls development <u>within 120m</u> of the edge of the water body as shown on new Maps 56 and 57	New rules in PC26 on site coverage and landscape requirements apply only to development within MDRZ
SNAs (s.77I(a) and s.6(c))	In addition to the existing qualifying matter noted above, introduces a building setback of 20m for sites <u>adjoining or which contain a SNA</u>	New rules in PC26 for this setback, applying only to two or more dwellings in the MDRZ
Reserves (s.77I(a) and s.6(c) for some reserves)	Controls development <u>adjacent to</u> reserves with a 4m setback	New rules in PC26 for this setback, applying only to two or more dwellings in the MDRZ
Protected trees (s.77I(a) and s.6(c))	Protection of the root zone and protection from removal of protected trees as listed in existing Appendix N4	ODP rules in Section 23 unchanged and carried over into PC26

Table 1: s.6 Matters of National Importance QMs

125. With the exception of some reserves and the protected trees, all of the natural area QMs referred to in Table 1 are matters required to give effect to Te Ture Whaimana and accordingly are also matters of national importance pursuant to s.6(e). We provide further explanation of this matter below.

126. Ms McElrea, senior consultant at Xyst Ltd (and former Senior Reserves Planner at the Council), provided evidence in support of each of these QMs. Ms McElrea confirmed that each of the matters responded to items listed in s.77I, and that most are s.6 RMA matters of national importance and/or matters required to give effect to Te Ture Whaimana. There were relatively few submissions on these matters, possibly because many of them were already in the ODP.

7.4.1 Public access to and along rivers and lakes

127. These QMs are existing QMs which propose a 5m setback of development from Te Awa Cycleway, and a 23m setback from the edge of waterbodies, to protect public access to and along rivers and lakes.

7.4.1.1 Te Awa Cycleway

128. The s.42A Report explained the location of the rivers, lakes and cycleway as follows:⁸³

The location of rivers and lakes are identified on the planning maps as the rivers that traverse through the middle of the towns of Cambridge and Te Awamutu which include the Waikato River, Karāpiro Stream, Mangapiko Stream, Mangaohoi Stream and Lake Te Koo Utu. The Te Awa Cycleway traverses the Waikato River entering Cambridge from the west, crosses the Waikato

⁸³ S.42A Report, at [9.14.35].

River at the Victoria Street bridge goes through Leamington then continues to Karāpiro where it resumes following the Waikato River (s77K(1)(a)).

129. Kāinga Ora opposed the setback from Te Awa Cycleway. Both Mr Michael Campbell, Director of Campbell Brown Planning, and Mr Cameron Wallace, Partner and Urban Designer at Barker and Associates, pointed out in their evidence for Kāinga Ora that the location of the cycleway was not possible to ascertain from the Planning Maps. Mr Campbell also considered that where the cycleway traversed the urban areas of Cambridge and Leamington, it was no longer in proximity to the Waikato River, and it was therefore not valid to claim the 5m setback as being necessary for the purposes of providing public access to and along the river nor for giving effect to Te Ture Whaimana.

130. In response to the Kāinga Ora evidence on the setback from the Te Awa Cycleway, Ms McElrea amended the setback rule 2A.4.2.6(d) to state:

On sites adjoining sections of the Te Awa Cycleway identified on the structure plan maps that are not located within a road corridor, a setback of 5 metres is required along the boundary of the site adjoining the cycleway:

131. Attachment 1 to Ms McElrea's rebuttal statement depicted existing sections of the cycleway that are located within a road corridor through Cambridge and Leamington, to which the rule would not apply. In its closing position the Council confirmed its support for the QM as amended by Ms McElrea.

7.4.1.2 23m Waterbodies Setback

132. There were no submissions on the existing 23m setback from the edge of water bodies.

7.4.1.3 Discussion/Findings

133. We accept that Te Awa Cycleway is an existing QM of national importance as it provides for public access to and along the river. We also accept that both the cycleway setback and the general 23m setback from the edge of water bodies are appropriate and necessary to give effect to Te Ture Whaimana, for the reasons stated above and in the Council's s.42A Report.⁸⁴

134. In terms of Te Awa Cycleway, we support Ms McElrea's proposed amendment to clarify where the QM will apply. However, to make the structure plan reference more formal, we suggest the following further amendment to her rule (amendment underlined):

On sites adjoining sections of the Te Awa Cycleway, identified on the Structure Plan Maps in Appendix S of the District Plan, that are not located within a road corridor, a setback of 5 metres is required along the boundary of the site adjoining the cycleway.

⁸⁴ S.42A Report, at [9.14.39].

7.4.2 ONFL

135. The ODP recognises HALs and ONFLs on the Planning Maps with associated rules in Chapter 25 relating to building within such areas. In terms of the interface with urban areas, HALs apply along the riverbank of the Waikato River through Cambridge, and we note that with few exceptions it is not applied to private land.
136. Council considered the HALs as an existing QM, pursuant to s.771(a), giving effect to a matter of national importance, and addressed this matter in the s.32 ER pursuant to s.77K. We note we take a different view on the categorisation of HALs, which we explain in our Summary/Discussion/Overall Findings section (7.4.8) below.
137. There were no submissions on this QM.
138. In its closing, the Council confirmed it continued to support the existing QM that controls building within ONFLs and HALs, as defined on the Planning Maps, along the riverbank through Cambridge.

7.4.2.1 *Discussion/Findings*

139. We find that the existing overlays that apply to development within the ONFLs/HALs, do not warrant further analysis as they apply mainly to public land and did not attract any submissions. We accordingly simply accept the Council analysis and conclusions on these matters for the reasons stated above, and in the s.42A Report.⁸⁵

7.4.3 Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna

140. The ODP recognises SNAs on the Planning Maps and in Appendices N5 (SNAs) and N8 (Bush Stands) with associated rules in Chapter 24 on vegetation clearance and building within such areas. An SNA runs along both banks of the Waikato River and the Karāpiro Stream within Cambridge plus the gully in the southwest of Cambridge. There are no SNAs in Te Awamutu. This is an existing QM, pursuant to s.771(a), a matter of national importance (s.6(c)) and was addressed in the s.32 ER pursuant to s.77K.
141. There were no submissions on this QM. The s.42A Report confirmed its appropriateness as a QM and the restrictions on vegetation clearance and development within such areas as set out in Chapter 24. These provisions are unamended by PC26.

7.4.3.1 *Discussion/Findings*

142. We find that the existing overlays that apply to development within areas of significant indigenous vegetation and significant habitats of indigenous fauna, do not warrant further analysis as they apply mainly to public land and did not attract

⁸⁵ s.42A Report, at [9.14].

any submissions. We accordingly simply accept the Council analysis and conclusions on these matters for the reasons stated above and in s.42A Report.⁸⁶

7.4.4 River/Gully QM Overlay

143. The ODP identifies the Waikato River (Cambridge, Karāpiro Stream, Mangapiko Stream and the Mangaohoi Stream (Te Awamutu South-East) as biodiversity corridors on Planning Map 49. It is parts of these water bodies, plus the gully in the southwest of Cambridge that interface with the proposed MDRZ. The overlay introduces more restrictive site coverage (40% instead of 50%) and an increased landscaped area (30% instead of 20%) in the MDRZ, if located within the overlay. The overlay is a 120m offset from the water boundary of the relevant water body as shown on new Planning Maps 56 and 57. This is a new QM, pursuant to s.77I(a), a matter of national importance (ss.6(a)) and was addressed in the S.32 ER pursuant to s.77J.
144. This new QM attracted three submissions, from the Council, Kāinga Ora and Cogswell Surveyors. The Council's submission sought additional provisions associated with the increased landscaping requirement within the River/Gully Overlay. The submission from Kāinga Ora, which opposed both the reduced site coverage and the increased landscape requirement within the overlay area, was not supported by evidence. The Cogswell Survey submission raised an issue that the use of the terms "*impermeable areas*" and "*building coverage*", as referred to in rule 2A.4.2.8.1, was confusing.
145. Ms McElrea for the Council responded to aspects of these submissions in her rebuttal evidence. On the matter of defining the 120m River/Gully setback on the Planning Maps, Ms McElrea recommended that text be included in the relevant performance standard(s) stating that the setback is to be "*measured in a landward direction at 90 degrees of the mean annual fullest flow level*". Ms McElrea also recommended that the overlay be dimensioned accordingly on the Planning Maps.
146. In its closing Council confirmed it continued to support the River/Gully Overlay QM with the amendments recommended by Ms McElrea.

7.4.4.1 Discussion/Findings

147. The River/Gully Overlay applies to sections of the Mangapiko and Mangaohoi Streams in Te Awamutu, with the Mangapiko Stream sections being situated within existing development areas and the Mangaohoi Stream passing through existing development areas and then undeveloped rural land in the southeast. Other than the existing 23m setback public access rule in Chapter 26, none of the other provisions being considered in this section apply in Te Awamutu. In Cambridge, the

⁸⁶ As set out in the s.42A Report, at [9.14.74] and section 9.16; and s.32 ER, at Appendix 2.

overlays are more extensive and overlap within the Waikato River valley and the gully in the southwest, along which the River/Gully Overlay is concentrated.

148. In terms of the overall impact of the QMs on the provision of development capacity, Ms Fairgray's evidence was that the effect of the streams and gullies related QMs on commercially feasible capacity was at the most 1.5%, equating to no more than 100 dwellings. This is not a significant number in terms of lost development capacity.
149. However, some micro-analysis is nevertheless warranted. There are too many variations of how these rules may coincide with other rules to fully assess the individual outcomes that might arise. For example, we note that there are instances where the River/Gully Overlay abuts the SNA, and others where it overlaps with an SNA. There are also instances where the River/Gully Overlay is entirely separated from the appurtenant watercourse by a road or other land. In the latter instance we perceive difficulties in demonstrating how a 600 -700m² lot can feasibly provide for the 30% of native planting. Moreover, it is not clear how that planting and reduced building coverage achieves the proposed objectives and policies in Section 2A.3.11 where the lot is not contiguous with the river/gully environment. Our examination of the Planning Maps confirmed that the instances of this type of separation were common.
150. The objective of the River/Gully Overlay, Objective 2A.3.11 states:

To reduce the likelihood of buildings and activities adversely affecting the ecological integrity and viability of biodiversity corridors and the accessibility and amenity of esplanade areas along the Waikato River, Karāpiro Stream, Mangapiko Stream and the Mangaohoi Stream.

151. The relevant policies, 2A.3.11.1 and 2A.3.11.2, state:

2A.3.11.1 Adverse effects of adjoining development on biodiversity corridors and esplanade areas will be managed through reducing the maximum building coverage within 120m of waterways.

2A.3.11.2 To increase landscaped area requirements and require native planting within 120m of waterways to maintain and enhance the biodiversity corridors identified on Planning Map 49 through Cambridge and Te Awamutu.

152. While we accept that the River/Gully Overlay will achieve Objective 2A.3.11 and recognise the importance of this objective in giving effect to Te Ture Whaimana, we find that the overlay is neither necessary, nor effective, in circumstances where the riparian margin is interrupted by a formed road. Further, we find that additional and amended assessment criteria in Section 21 are needed to assess the application of the overlay in situations where development is separated from the riparian margin by other development, and reduced building coverage and increased native planting would have little benefit.
153. Another issue is that the two policies mentioned above (in paragraph 151) reference the 120m setback, as does the additional note recommended by Ms McElrea under the heading 2A.4.2 Performance Standards, which reads:

The two relevant performance standards that apply within the River / Gully Overlay identified on Planning Maps 56 and 57 are to be met for all sites that [are] within 120m of the water boundary (measured in a landward direction at 90 degrees of the mean annual fullest flow level).

154. However, the reference in the rules is to the overlay “*as shown on the Planning Maps*”. The alternative ways of referencing the overlay are confusing and require clarification.
155. We also note there is a reference to the “*biodiversity corridors identified on Planning Map 49*” in Policy 2A.3.11.2. We are not sure why this reference is only made in this policy and not in Policy 2A.3.11.1, when the building coverage restriction and the landscaping requirement is applied to the same overlay area. We further observe that the overlay areas shown on Planning Maps 56 and 57 are not the same as the biodiversity corridors identified on Planning Map 49. This is potentially another source of uncertainty in administration of the rules. We consider that there should be a single reference describing where the overlay applies.
156. Finally in relation to these matters, we note that the Cogswell submission sought amendments to the rules on the use of “*impermeable surfaces*”⁸⁷ and “*building coverage*”. However, we are satisfied that building coverage can be used as a performance standard to avoid and mitigate site amenity as well as limit the displacement of flood water. This is because building coverage is a component of impermeable surfaces. However, we consider that the use of “*site coverage*” and “*building coverage*” in PC26 causes confusion. The National Planning Standards 2019 refer to “*site coverage*”, whereas the MDRS standards refer to “*building coverage*”. Our examination of the definition of the terms “*site coverage*” and “*building coverage*” in these respective documents reveals that they have an identical meaning. We consider that PC26 should use “*site coverage*” with the definition of that term referring to the MDRS standard.
157. Consequently, our findings are to make changes to the River/Gully Overlay provisions as set out in the following paragraphs.

7.4.4.2 Summary of Amendments

158. The Planning Maps are to be amended so as to remove the overlay from sites within Cambridge and Te Awamutu that are separated from the relevant waterbody by a formed road. The final maps approved by the Panel are attached to this report in **Appendix 6**.
159. Policies 2A.3.11.1 and 2A.3.11.2 are to be amended to read:

⁸⁷ This was referred to in the Cogswell as “*impermeable areas*” but PC26 uses the term “*impermeable surfaces*”.

2A.3.11.1 Adverse effects of adjoining development on biodiversity corridors and esplanade areas will be managed through reducing the maximum building coverage within the proximity of identified 120m of waterways.

2A.3.11.2 To increase landscaped area requirements and require native planting ~~within 120m of waterways~~ so as to maintain and enhance the biodiversity corridors and esplanade areas within the proximity of identified waterways. ~~on Planning Map 49 through Cambridge and Te Awamutu.~~

160. This amendment ensures that the policies continue to give effect to the objective, while leaving the parameter of the setback to be specified in the rule by reference to the Planning Maps.

161. The assessment criteria for non-compliance with rule 2A.4.2.8.1 has an additional criterion (using words adopted from the main objective) seeking assessment of:

The extent to which the increased site coverage adversely affects the ecological integrity and viability of the adjacent biodiversity corridors and the accessibility and amenity of the adjacent esplanade areas.

162. The assessment criteria in rule 21.1.2A.18 for non-compliance with rule 2A.4.2.28 has an amended criterion seeking assessment of:

The extent to which the development contributes to ~~the biodiversity and~~ to esplanade and residential amenity values, including through off-site mitigation over and above any required financial contributions.

163. The purpose of the additional and amended assessment criteria is to assess the effects of development which is within the notional overlay and does not meet the building coverage or landscaping standard, but which has little or no effect on the biodiversity or esplanade values. In other words, non-compliance with the standard may not be inconsistent with the overall objective of the overlay due to the specific location and land use of the site.

164. The note under the heading 2A.4.2 Performance Standards has been amended to advise that the River/Gully Overlay is based generally on a 120m setback from the boundary of the relevant waterway, as follows:

The two relevant performance standards that Rules 2A.4.2.8.1 and 2A.4.2.24A apply within the River / Gully Overlay identified on Planning Maps 56 and 57, which imposes a setback of up to a maximum of 120m from the water boundary of the relevant waterway (as measured in a landward direction at 90 degrees of the mean annual fullest flow level).

165. The definition and use of the terms “building coverage” and “site coverage” has been clarified by using only one term - “site coverage”. All references to “building coverage” have been reworded to refer to “site coverage”, and an explanatory cross-reference has been added to the existing definition of “site coverage” in the ODP as follows:

SITE COVERAGE also means “building coverage” as that term is used in Schedule 3A of the Act.

7.4.5 SNAs

166. In addition to the above QM, PC26 also proposed a new QM requiring a 20m setback from SNAs on the basis that it was a s.6(c) matter of national importance (s.77I(a)). This QM applies in addition to the setback applying to water bodies noted above and was addressed in the s.32 ER pursuant to s.77J.
167. Cogswell Surveyors submitted that the existing 23m setback for all development from waterbodies in Section 26 is sufficient to protect SNAs where these exist. If the setback were to remain, Cogswell submitted that a 20m setback may prevent development on some residential sites and that the setback should be limited to 10m consistent with that applying in the Rural Zone. However, the s.42A Report supported the 20m setback on the basis that it applied in relation to urban not rural development. The report expressed concern with noise, light and movement levels which are likely to adversely impact native fauna, the potential for removal of existing mature trees and native bush (outside of but within close proximity to the SNA), and that there is a risk that the SNA ecological and biodiversity values will be damaged or irreparably lost by urban development in those areas.
168. In its closing Council maintained its view that this new QM was appropriate.

7.4.5.1 Discussion/Findings

169. As we have already noted, SNAs run along both banks of the Waikato River and the Karāpiro Stream within Cambridge, plus the gully in the southwest of Cambridge. There are no SNAs in urban Te Awamutu. The waterbodies identified in Chapter 26 which have an existing 23m setback from the water's edge include the Waikato River and the Karāpiro Stream, but not the gully in the southwest of Cambridge. Where the SNA applies to these waterbodies, it overlaps the 23m setback, and provides a further buffer to the waterbody. Effectively, there is a buffer on a buffer, however SNAs have vegetation and habitat values that are in addition to the waterbody. And in some cases, SNAs apply in areas unrelated to waterbodies.
170. The setback is a method for giving effect to the new NPS-IB, and in particular the overall objective (2.1 NPS-IB)⁸⁸ and the following policies which are most relevant to our consideration of this matter:

Policy 3: A precautionary approach is adopted when considering adverse effects on indigenous biodiversity.

Policy 7: SNAs are protected by avoiding or managing adverse effects from new subdivision, use and development.

Policy 8: The importance of maintaining indigenous biodiversity outside SNAs is recognised and provided for.

⁸⁸ The objective of the NPS-IB being “to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date”.

Policy 15: Areas outside SNAs that support specified highly mobile fauna are identified and managed to maintain their populations across their natural range, and information and awareness of highly mobile fauna is improved.

171. Policy 15 is relevant to the acknowledged presence of the long-tailed bat in the Waikato River valleys (as specified highly mobile fauna), which have a natural range outside the identified SNAs. Bats are also valued fauna under Te Ture Whaimana.
172. We have previously noted the overlap between many of the controls in relation to urban waterways and the related vegetated riparian areas. However, while the SNA vegetation of Cambridge provides an important buffer to the Waikato River, Karāpiro Stream and the gully in the southwest; the NPS-IB is a formal reminder that these SNAs are an important environment in their own right and require protection in a manner that is precautionary. We have given consideration to the Cogswell Surveyors' submission that the width of the setback should be reduced to 10m to align with the width in the rural areas but agree with Ms McElrea that the 10m setback should not become a guide to the setback in urban areas where intense development is to take place. We observe here that a single dwelling in the MDRZ is a permitted activity with a 1m rear yard, and no protection of vegetation is required within such a site that might functionally add to an adjacent SNA. The 20m SNA setback is only required for two or more dwellings, and there is potential for the SNA buffer to be reduced, where appropriate, through a consenting process.
173. Accordingly, we find that the 20m setback is the appropriate standard. Nevertheless we are mindful of the constraint that this might impose on a considerable number of MDRZ sites. The Cogswell submission is correct in its assertion that a 20m setback would limit permitted development on many sites to one dwelling. That might be the outcome necessary to protect the SNA – which is a legitimate outcome of the application of QMs. However, equally, it might be the situation that the vegetation, width and topography of the SNA provide a robustness that could withstand a reduction of the setback, and the design and location of buildings and related matters (such as retention of vegetation and lighting proposals) mitigate adverse effects on the SNA. Consequently, our attention is turned to the matters of discretion in rule 2A.4.2.6 and assessment criteria in rule 21.1.2A.8 to review how these provisions might provide a pathway for consent to have the setback reduced while still achieving the zone objectives in relation to protection of the SNA.
174. Rule 2A.4.2.6 refers to the following relevant matters of assessment which were added in response to submissions in the initial s.42A Report:

Effects on ecological values, vegetation, biodiversity, soil, stormwater runoff and groundwater levels within a significant natural area, where applicable; and

Effects of artificial lighting on native species within a significant natural area, where applicable; and

Effects on the existing health and function of a significant natural area's vegetation and biodiversity.

175. The First Addendum to the s.42A Report also added the following criterion to rule 21.1.2A.9:

(m) The ability for the development to avoid adverse effects on the significant natural area's values and native fauna that utilise the significant natural area as habitat, food source or as an ecological corridor through building and lighting location and design, landscaping, retention of mature vegetation and other such mitigation measures (excluding off-site mitigation).

176. We are satisfied that consideration of these matters and the assessment of the development against the above criterion will provide a consenting pathway for development that is still able to meet the zone objective of ensuring “*that buildings and activities at the interface of residential zones with significant natural areas do not adversely affect the ecological values of those areas.*” We have included these provisions in our recommended provisions attached as **Appendix 5**.

7.4.6 Reserves

177. PC26 proposes setbacks to reserves as a new QM. This matter has been proposed pursuant to both s.771(a), as a matter of national importance and s.771(f) being open space for public use. We accept that in some cases both reasons would apply, however neighbourhood reserves would not be matters of national importance, and therefore supported by only s.771(f). This matter was addressed in the s.32 ER pursuant to s.771.

178. In support of the Kāinga Ora submission, Messrs Campbell and Wallace considered that the proposed 4m building setback from a reserve boundary was overly restrictive and questioned the justification for it. Mr Wallace had undertaken a specific analysis applying the 4m setback to adjoining sites, noting:

- a) site-design seeking orientation and open space to the north where the reserve requiring the 4m setback was to the south, would adversely impact site layout;
- b) some sites might have two boundaries with a reserve, thus requiring two 4m setbacks;
- c) in situations where there was a topographic change across a boundary, the 4m setback may have no benefit;
- d) if buildings are closer to reserve boundaries, there is a greater degree of passive surveillance between public and private land; and
- e) while the setback might be used as open space, it could equally become a vehicle parking/manoeuvring area.

179. Cogswell Surveyors made similar points in its submission.

180. In response to these submissions, Ms McElrea provided maps of Cambridge, Te Awamutu and Kihikihi showing the interface of reserves with future development. Ms McElrea acknowledged the Kāinga Ora evidence that the potential effect on a reserve would vary from place to place, and that there were circumstances in which development was less likely to impact the adjoining reserve or create reverse

sensitivity issues for reserve development. However, she considered that these instances, and any requests for reduction of a setback area, were able to be assessed through the resource consent process on a case-by-case basis.

181. In its closing Council continued to support the 4m setback from reserves as a new QM.

7.4.6.1 Discussion/Findings

182. We found Ms McElrea's plans showing how the proposed 4m setback would apply to reserves within the urban areas of Cambridge, Te Awamutu and Kihikihi helpful. These plans assisted us to understand the extent of the interface between reserves and development, including the types of interfaces that Mr Wallace referred to.
183. Like Ms McElrea, we acknowledge Mr Wallace's evidence on how a 4m setback may be impractical and inefficient in some scenarios. Further, and while we acknowledge that reverse sensitivity and passive surveillance issues are relevant considerations, we are not persuaded that the difference between 1m and 4m is significant.
184. The matter of most concern to us was the potential for visual dominance arising from an unbroken line of 10-12m high buildings located just 1m from a reserve boundary. In our view, a greater setback allows for the development to address the reserve more sensitively, whereas a 1m setback is very likely to become a utilitarian side or back yard space.
185. Our examination of Ms McElrea's plans revealed that a large proportion of the interface between MDRZ development and reserves has been developed in recent years (for example areas outside the town belt in the north and north-east, and in Leamington). Some of these developments appear to have a 4m setback, while others are in the 2.5m to 3m range. There are some areas where re-development of a more intensive nature may create an extensive and dominant interface with an adjacent reserve. To address this concern, while also providing an appropriate level of flexibility, we consider that the assessment criteria in Section 21 should be amended.
186. The two key criteria proposed by the Council in relation to potential encroachment of the setback are:

21.1.2A.9 (h) Whether the proposed activity will have reverse sensitivity effects on adjacent activities or zones. and

21.1.2A.9 (j) Whether the development will impact on the amenity or function of any adjacent reserve or the Te Awa cycleway.

187. In our view, the use of the word "*whether*" invites a binary yes/no answer. We consider replacing that term with of the words "*the extent to which*" would introduce additional flexibility and allow for a more nuanced assessment of the specific constraints of the site, the development, and the relationship between the

development and the reserve. Consequently, we recommend that these two assessment criteria be reworded as follows:

~~21.1.2A.9 (h) Whether~~ The extent to which the proposed activity will have reverse sensitivity effects on adjacent activities or zones. and

~~21.1.2A.9 (j) Whether~~ The extent to which the development will impact on the amenity or function of any adjacent reserve or the Te Awa cycleway.

7.4.7 Protected trees.

188. PC26 proposes a new “*other*” QM, pursuant to s.77I(j) to protect against the removal or damage to protected trees and their respective root zones.
189. The protected tree provisions were reviewed and confirmed by Plan Change 2 – Protected Trees (PC2) to the District Plan. That plan change included site-specific assessments of all protected trees and considered a range of alternatives for protection. PC2 was adopted by Council in August 2020. The protected trees, all of which are on private property, are listed in Appendix N4 of the District Plan and span 58 properties.
190. We observe that despite protected trees already being recognised within the ODP, as they are provided for as an “*other matter*” pursuant to s.77I(j), they cannot be considered an existing QM.⁸⁹ This matter was therefore addressed in the s.32 ER pursuant to both ss.77I(j) and 77L.
191. The Council explained the methodology it used for identifying protected trees in PC2. There were no submissions contesting this methodology or the scheduling of any specific tree. RVA/Ryman made a general submission that inadequate justification had been provided in relation to protected trees as a QM but provided no supporting evidence. There were no submissions on the specific provisions for protection of the root zone.

7.4.7.1 Discussion/Findings

192. We consider that the recent PC2 process has fulfilled the requirements of s.77 for a site-specific analysis of protected trees, and that therefore protected trees have been validated as an “*other matter*” pursuant to sections 77I(j) and 77L. There were no submissions that seriously questioned protected trees as a QM, and PC26 did not propose any changes to the provisions relating to protected trees.
193. While we acknowledge that the existence of a protected tree on a site may constrain development to some extent, that extent will vary depending on the location and size of the tree/its roots, and the size and scale of the proposed development. We consider that providing a consenting pathway for development which seeks to intrude into a protected root zone or otherwise affect a protected

⁸⁹ RMA, s.77K(3).

tree provides an appropriate method to consider those site-specific characteristics. Accordingly, we have incorporated the Council's proposed protected tree QM provisions into our recommended provisions.

7.4.8 Summary/Discussion/Overall Findings

194. The s.42A Report identified the 'provenance' of each of the above natural area QMs. SNAs, ONFLs, the River/Gully Overlay, and public access to and along the river are all clearly section 6 matters of national importance and therefore are provided for by s.771(a).
195. As already (briefly) noted, we disagree with the Council's categorisation of HALs as a matter of national importance under s.771(a). This is because our examination of the ODP suggests that HALs are not outstanding (i.e., s.6(b)) landscapes but, rather, s.7(c) amenity values. This is supported by the ODP which distinguishes ONFLs, such as Maungatautari and Pirongia, from the HALs.
196. However, we also note that except for some of the reserves and the protected trees⁹⁰ all of the natural area QMs (including HALs) respond to s.771(c), being matters required to give effect to Te Ture Whaimana. In section 3.4 above we have acknowledged Te Ture Whaimana as the primary direction setting document for activities that affect the Waikato River; such directives include the protection and enhancement of significant sites, fisheries, flora and fauna. Accordingly, irrespective of whether the QM addresses access to or passage along the riparian areas of the river, the natural features and landscapes of the river, or the flora and fauna of the river and its margins, it is giving effect to Te Ture Whaimana.
197. Most of the QMs are concentrated along waterways within the urban areas. It is evident that there are some overlaps between the mapping of SNAs, the HALs, the River/Gully Overlay, and land affected by the setback for public access to and along the river. We have given consideration to this overlap and the potential for over-regulation and redundancy. In other words, are all the separate overlays and QMs needed?
198. As mentioned, the ODP contains an existing 23m setback from the edge of rivers and lakes applying to all development. Within this area there is the strong likelihood of an SNA which also has controls on building within it. PC26 then proposes a further 20m building setback from the boundary of an SNA where two or more dwellings are proposed on a site in the MDRZ. PC26 also proposes a River/Gully Overlay to control development in the MDRZ (site coverage and landscaping) within 120m of the edge of the waterbody. Consequently, in some scenarios, such as the

⁹⁰ Which for reserves qualify under s.771(f), in those instances where it is not also a s.6 matter, and for protected trees as an "other matter" pursuant to ss.771(j) and 77L.

northern bank of the Waikato River between Bath and Hall Streets in Cambridge, there are sites where all of these QMs apply.

199. As we have commented above, there are too many variations of how these rules may coincide to fully assess the individual outcomes that might arise. The specific outcome will depend on the proportion of the site within any of the QM overlays and how many QM overlays apply. In cases where more than QM overlay applies, we acknowledge that obtaining consent may be more difficult, given the need to address and respond to the differing requirements of each QM overlay.
200. The River/Gully QM provides broader protection to the biodiversity and natural character values of the district's waterways within the MDRZ. However, there are extensive waterways, particularly in Te Awamutu along the Mangaohoi Stream, which are not SNAs where additional consideration of the effects of such development is warranted. Controls on site coverage and requirements for landscaping using indigenous species are effective ways of maintaining and enhancing the above values, as sought by the relevant objectives.
201. When the purpose of the overlays and the relevant rules are considered, and the incidence of private property and MDRZ affected by the rules is taken into account, the potential for confusion arising from multiple rules applying does not appear significant. Ultimately, each of the QM overlays serve a different (albeit in some cases related) purpose, and in our view, are necessary to give effect to the relevant higher order policy documents, including Te Ture Whaimana.
202. Further, and although not relevant at the time of the hearing, we note that SNAs as a QM are now also supported by s.771(b), with reference to the operative status of the NPS-IB.
203. Accordingly, we find that all of the Council's proposed QMs are QMs pursuant to s.771, for the reasons set out in the Council's s.42A Report.⁹¹ We also generally accept the Council's assessment of the options, and the limits on development necessary to provide for a QM. To the extent we consider further comment and/or changes are necessary, we have set those out in the relevant sections above.

7.5 Historic Heritage / Character Clusters / Character Streets

204. The ODP includes existing provisions that recognise historic heritage in the district. These comprise listed heritage items, character precincts, the Cambridge Residential Character Area, character clusters, and character streets. In relation to these matters we note that:
 - a) Listed heritage items are s.6(f) RMA matters. PC26 proposed no change to this list or to the provisions for their protection in Chapter 22 of the ODP. Heritage items are an exception to the permitted activity status of demolition /

⁹¹ s.42A Report, at [9.14]-[9.17] for each QM.

relocation in the new Section 2A: MDRZ in Activity Table 2A.4.1.1. They are existing QMs pursuant to s.77I(a).

- b) Character Precincts apply within the Commercial Zones of Cambridge, not being relevant residential zones, and are therefore not subject to PC26. The provisions relating to these precincts remain unchanged.
- c) The Cambridge Residential Character Area and Character Clusters are s.7 matters. PC26 proposed the deletion of the Cambridge Residential Character Areas on the basis that they adopted a 'blanket protection' approach rather than the 'site-specific' analysis required as a QM pursuant to s.77L. The notified PC26 amended the existing mapped clusters maintaining eight-character clusters within the relevant residential zones. The rules pertaining to these character clusters restrict the allowable density in various ways. Following submissions on PC26, these clusters were refined by further site-specific analysis to ensure *"they have historically-derived physical and visual qualities that collectively contribute to their town's identity and place-specific distinctiveness that is easily lost by unregulated change."*⁹² Intensification within these areas, such as would be enabled by the adoption of MDRS, was considered by the Council to be inappropriate. Accordingly, the character clusters were proposed as QMs by the Council pursuant to s.77I(j).
- d) Character Streets are identified in the residential zones of both Cambridge and Te Awamutu. As with Character Clusters, Character Streets are identified within the ODP or PC26 only on the Planning Maps (i.e., there is no written definition). Ms Carolyn Hill described them as streets that *"display historically-derived physical and visual characteristics that collectively illustrate part of a town's story and identity, including long vistas, mature tree avenues, and a regular rhythm of housing setback allowing for landscaped gardens in front yards."*⁹³ The single rule providing protection to these characteristics in the ODP is the 6m front yard setback. This rule is maintained by PC26, thus amending the MDRS 1.5m front yard setback. Following submissions on PC26, the Character Streets were refined by historical and site-specific survey fieldwork. In addition, streets that have high existing character because of the built form and/or because of the presence of existing mature street trees have been identified. These streets are subject to an existing policy overlay in the Planning Maps, and include Hall Street, Hamilton Road, and Victoria Street in Cambridge; and College Street in Te Awamutu. Character streets are proposed as a QM pursuant to s.77I(j).

⁹² Primary evidence of Carolyn Hill, 24 March 2023, at [4.9].

⁹³ Primary evidence of Carolyn Hill, 24 March 2023, at [8.5].

205. We address the historic heritage QM in the next section, with Character Clusters and Character Streets addressed together in the section that follows after.

7.5.1 Historic heritage

206. PC26 addressed the required matters in s.77K for an existing QM in the s.32 ER. Nine submissions were received on these provisions, generally in support. In response to submissions, Ms Hill of Lifescapes, who was engaged by Council to address historic heritage and character matters, recommended a minor modification to Section 22 – Heritage and Archaeology, Activity Status Table (22.4.1) to confirm that construction of new or relocated buildings within the site of a listed heritage item is a discretionary activity.

207. Only one submission on Appendix N1 heritage items was received. F J Cowan sought that 710 Alexandra Street be added to the list. Ms Hill’s recommendation was that the list remain unchanged, and this recommendation was adopted in the s.42A Report.⁹⁴ Mr Cowan did not appear at the hearing.

7.5.1.1 Discussion/Findings

208. Section 6 historic heritage items are matters of national importance to be recognised and provided for and protected from inappropriate subdivision, use and development.

209. Chapter 22 Heritage and Archaeology of the ODP provides for the protection of heritage items and seeks the avoidance of their demolition, relocation and removal. The rules package reflects these objectives and policies with demolition, relocation and removal being either a non-complying or discretionary activity. Other than maintenance, and limited additions and alterations to Category C items, all development requires a resource consent.

2A.4.1.4	Discretionary activities
(b)	Any restricted discretionary activity that does not comply with one or more of the rules for a restricted discretionary activity, except for the rules specified in Rule 2A.4.1.4(a).
(h)	The following activities within a listed heritage building contained in Appendix N1 – Heritage Items: medical centres, childcare and pre-school facility, offices, restaurants, cafés and other eating places.
(j)	Construction of new buildings on a site that adjoins a Category A listed heritage item in Appendix N1, where the building(s) is within 20m of the common boundary.

210. We accept these rules are appropriate for the reasons set out in the s.42A Report and Council evidence.⁹⁵ We note that the same rules apply to the existing Residential Zone of the ODP.

⁹⁴ Primary evidence of Carolyn Hill, 24 March 2023, at [4.6].

⁹⁵ s.42A Report, at [9.14.46]-[9.14.49] and Appendix D - Lifescapes’ Heritage/Character Final Report 2023, 9 March 2023 (Lifescapes Report), p.57.

7.5.2 Character Clusters and Character Streets

211. For the purposes of meeting the very short time frame for the notification of PC26, the Council engaged Paua Consultants to undertake a ‘character review’ of the district’s towns. PC26 was notified on the basis of the character areas of the ODP and general support from the Paua review (Appendix 4 to the s.32 ER) which covered both Character Clusters and Character Streets.
212. The s.32 ER included an evaluation against ss.77J, 77K and 77L in Appendix 2 (Assessment of Existing QMs) and Appendix 3 (Assessment of New QMs for the areas where expansions of existing or new clusters were proposed).
213. The Character Streets followed a similar pathway to the Character Clusters, being notified as defined in the ODP and then revised following the Lifescapes Report. However, this revision resulted only in the reduction of the streets qualifying as Character Streets (i.e., no new streets were introduced). Table 2 of Appendix 2 to the s.32 ER addressed the matters in s.77L in relation to the effect that the proposed 6m front yard setback would have on density under MDRS.

7.5.2.1 Submissions

214. The s.42A Report summarised the submissions on Character Clusters and Character Streets collectively. The submissions included those that provided general support for these provisions and the protections they provided, and those that sought the deletion of both provisions. In between these extremes were requests for the deletion of particular properties from identified clusters and the deletion of, or amendments to, specific streets. Other submissions targeted specific provisions such as the setbacks along Character Streets, amendments to 2A.4.1 Activity Status Tables, and the assessment criteria for applications.

7.5.2.2 S.42A Report and Methodology

215. Subsequent to notification of PC26, and in response to submissions alleging that the notified Character Clusters did not meet the statutory requirements for QMs and were not based on a site-specific analysis,⁹⁶ Ms Hill undertook an expert evaluation and analysis of the Character Clusters and Streets. Ms Hill investigated other approaches nation-wide to the assessment and identification of such areas and devised assessment criteria that identified the best examples in the district. Ms Hill then produced a report (Lifescapes Report - Appendix D to the s.42A Report), which supported the existing s.32 ER, but the notified Character Clusters were refined to only include “*correctly-identified character clusters [that] have site-specific characteristics that make intensification to the level enabled by the MDRS inappropriate.*” The Lifescapes Report identified additional properties to be

⁹⁶ For example, see Kāinga Ora submission #79.

included in a Character Cluster and the Council undertook further consultation with the owners of these properties.

216. Notwithstanding that Character Clusters and Character Streets are both contained in the ODP and therefore existing QMs, the Lifescapes Report provides a site-specific analysis of each QM pursuant to s.77L specifying criteria for the inclusion of each.

217. Character Clusters were defined in the Lifescapes Report as follows:⁹⁷

Character clusters are areas that have physical and visual qualities that together represent historical themes of Waipā's development. They contain a coherent concentration of natural and constructed features and characteristics that collectively contribute to an area's identity and its distinctive "sense of place" when experienced from the public realm. These contributory features and characteristics include those in both public and private domains, and typically comprise a combination of the following:

- *Streetscape forms shaped by the period of development, topography, street pattern, lot layout and density, footpath characteristics and green structure including parkland and trees, and*
- *Site-specific forms characterised by dwelling age, architectural style and materials, height and shape, siting and boundary setbacks, site coverage and street frontage treatments including gardens, trees and boundary edges.*

218. The following criteria / guidelines were then used for assessing the existing / PC26-notified / other potential character clusters:⁹⁸

1. *A cluster should have historical values related to the town's establishment and development.*
2. *A cluster should demonstrate visual and physical characteristics that make intensification to the level enabled by the MDRS inappropriate.*
3. *A cluster is more than an individual building or very small group of buildings; the appropriate assessment tool for such cases is a historic heritage assessment. Rather, a cluster should include a larger collection of sites at a block-type scale and is reasonably expected to contain 10+ sites.*
4. *A cluster should encompass both sides of the street unless there is sound historical or visual justification otherwise. This enables the area to be understood holistically and to be maintained as a coherent group and streetscape.*
5. *It is expected that a cluster will contain modern developments as well as historically-derived houses. This is particularly so in Waipā towns where growth has occurred incrementally over time and streets therefore display a range of housing typologies across a spectrum of eras. It is important for these sites to be included such that subsequent development within the identified area is managed taking into account the character values of the cluster as a whole.*

⁹⁷ Lifescapes Report, at [7.1]

⁹⁸ Lifescapes Report, at [7.1]

219. However, the values basis for the cluster is a particular era of housing or historical theme; as such, it is reasonably expected that 60%+ sites within an identified cluster are ‘character defining’, i.e., directly relatable to the identified theme.
220. While the scope of the assessment was noted as being largely based on the notified PC26 Character Clusters, other areas were considered when historically derived character qualities were observed in the vicinity.
221. Sites/houses were examined individually and classified according to housing typology and in terms of their potential to contribute to the historical values and physical and visual attributes of a cluster. Many smaller groupings of sites displayed these qualities however they failed to form a coherent group and meet the threshold of comprising 10+ sites with 60%+ sites being character defining. The resulting recommendation for continuing to be included as a Character Cluster included six clusters in Cambridge (being Hall Street/Hamilton Road, Grey Street, Queen Street, Victoria Street, Grosvenor Street, and Thornton Road/Princes Street) and two in Te Awamutu (being Rewi Street and Bank Street).
222. For Character Streets and noting that a “*conservative approach should be undertaken with regard to applying the character street tool due to its limiting effect on the MDRS*”, the Lifescapes Report set out the following criteria for inclusion:⁹⁹
1. *Streets should have a historical significance to the establishment and development of the town.*
 2. *Streets should display historically-derived physical and visual characteristics that collectively illustrate part of the town’s story and identity, including a majority of the following elements:*
 - a) *Long vistas that relate to the early town plan grid layout,*
 - b) *Large-specimen mature trees that form generally continuous avenues down the length of the street,*
 - c) *Historically-derived features of berms and footpaths,*
 - d) *A housing stock that contains late 19th – mid-20th century houses that are appreciable from the public realm and give historical context to the street,*
 - e) *A regular rhythm of housing setback from the street, with a minimum setback of approximately 6m, allowing for mature gardens in front yards, and*
 - f) *Unusual examples in their urban context, and*
 - g) *The above characteristics are generally continuous the full length of the street.*
 3. *MDRS-level developments within 1.5m of the front boundary (as enabled by the MDRS) would have a detrimental effect on identified collective qualities.”*

⁹⁹ Lifescapes Report, at [6.1]

223. In terms of the criteria in 2 above, streets were scored high/medium/low in terms of their significance.
224. The finding of the Lifescapes Report was to support the ongoing inclusion of Victoria Street, Hamilton Road and Hall Street, but to delete Bryce Street, Thornton Road and Princes Street as Character Streets in Cambridge. In Te Awamutu, College Street was retained but not Turere Lane, and neither Moore Street nor Burns Street were retained in Leamington.

7.5.2.3 Submitter Evidence

225. We received evidence from a number of property owners affected by the Character Clusters or Character Streets. This evidence summarised at a high level why the submitters supported or opposed those characterisations.
226. The only expert evidence that we received from submitters on the matter of Character Cluster/ Character Street assessment came from Mr Wallace on behalf of Kāinga Ora. Mr Wallace's focus was more on the implementation of the rules, including the application of design guidelines and the differentiation between character defining and non-character defining sites. He did not appear to contest Ms Hill's methodology.

7.5.2.4 Council Response

227. In response to submissions and the evidence presented, the (updated) s.42A Report, in reliance on the evidence of Ms Hill, made changes to both the extent of Character Clusters on the planning maps and to the plan provisions. These changes are recorded in Addendum (3) to the s.42A Report and in the PC26 amendments accompanying the Council's closing legal submissions, and are summarised as follows:

- a) In response to the submissions and evidence of Kāinga Ora:
- (i) amendments to objectives which differentiate character defining and non-character defining sites;
 - (ii) amendment to Rule 2A.4.1.1(f) providing for demolition and removal of buildings from non-character defining sites as a permitted activity;
 - (iii) associated matters of discretion and related assessment criteria for construction, alterations, additions, and (non-permitted) demolition and removal - with different criteria for character defining and non-character defining sites in Table 2A.4.1.3(d) and Rule 21.1.2A.4 respectively; and
 - (iv) assessment criteria in Rule 21.1.2A.8 in relation to non-compliance with setbacks.
- b) In response to site-specific submissions on Character Clusters:

- (i) the deletion of 17, 21 and 24 Hall Street from the Hall Street/Hamilton Road Character Cluster on the basis that the southern end point of the cluster on Hall Street was more appropriately defined further north and that 21 and 24 Hall Street were both non-character defining; and
 - (ii) the re-definition of 1030 Bank Street from character defining to non-character defining on the basis that 1030 Bank Street is of a 1950s housing typology rather than the early 20th century historical thematic focus of the Bank Street Character Cluster.
- c) In response to the *Waikanae Land Company* decision, specific rules were introduced to address new Character Clusters including:
- (i) new activity status rules in Table 2A.4.1 clarifying the rules for dwellings and secondary dwellings within the overlay;
 - (ii) associated performance standards for secondary dwellings in new rule 2A.4.2.54;
 - (iii) associated assessment criteria referring to the overlay; and
 - (iv) differentiating the Character Clusters (existing) and the Character Cluster QM overlay on the Planning Maps.

7.5.2.5 Discussion/Findings

228. We have recorded above the process by which the Council arrived at the Character Clusters and Character Streets that we considered at the hearing. It is evident from Ms Hill's methodology and record of findings that by the time the matter was considered at the hearing, a site-specific analysis of each cluster had been undertaken. It is also axiomatic that the level of development enabled on a single site (three dwellings, three storeys high) is incompatible with the retention of the identified character values. A lesser extent of redevelopment could be enabled and that can be considered by way of resource consent.
229. The nature of both Character Clusters and Character Streets is that the identified values extend beyond individual sites. This raises the question of what constitutes a site and did the legislation intend that identified values and the restrictions necessary to maintain such values exist beyond the individually recognised sites exhibiting such values?
230. We note that the RMA does not include a definition of 'site' or 'site-specific'. The Council expressed its position on the rules pertaining to Character Clusters as follows:¹⁰⁰

¹⁰⁰ Council closing legal submissions, 19 May 2023, at [8.2(b)] and [8.2](e)].

The rules do not identify specific dwellings as having historic significance, but instead identify an area, or cluster, of dwellings as having an identified character; this means that within the cluster there will be a variety of dwellings which contribute, to varying degrees, to the identified character of the cluster...

Where development has the potential to have adverse effects on the cluster, a restricted discretionary activity consent is required to ensure, and to encourage, development to be designed in a way that complements the identified character of the cluster.

231. We did not receive any submissions that contested this approach. Accordingly, we find that site-specific analysis is not to be equated with an individual 'site-by-site' analysis. The identification of Character Clusters and Character Streets is necessarily determined at a spatial level that is greater than an individual site.
232. The Council acknowledged that Character Clusters and Character Streets were not items of historic heritage pursuant to s.6(f) and therefore were not able to be included as a QM pursuant to s.77I(a). However, the Council identified that the management of these areas had particular regard to s.7(c) for the maintenance and enhancement of amenity values and s.7(f) for the maintenance and enhancement of the quality of the environment, both of which related to managing development in areas where the character had historically derived significance to the district. The Council emphasised that the purpose of the rules relating to these areas was not to prevent development of the sites, but to enable assessment of whether the proposed development complemented the identified character of the cluster or street. Accordingly, these matters fell for consideration as an "other" matter under s.77I(j).
233. At a qualitative level, we accept Ms Hill's view that a cluster should have historical values related to the town's establishment and development and should demonstrate related visual and physical characteristics. We are also cognisant of Ms Hill's observation that in devising the criteria with reference to some of New Zealand's larger cities, care was needed to recognise that "*Waipā's context as a cluster of small towns has distinct characteristics that differ from these larger city examples*". In particular, and as noted in Section 4.3 Key Findings of Ms Hill's report, an important element of such distinction was that, unlike larger cities, the development of both Cambridge and Te Awamutu was more sporadic in both time and place. This resulted in the study area never containing the continuous rows of late 19th/early 20th century housing which form the basis of special character areas or historic heritage areas in larger cities. The diversity of house styles seen in the two towns today reflects progressive layers of development as the towns grew and consolidated. Ms Hill was of the opinion that "*this history and its visual legacy is itself important to the towns of Waipā.*"
234. Our site visits, which we undertook on all of the proposed Character Clusters and Character Streets, served to reinforce this distinction. The Panel members are familiar with examples of heritage-based special character in larger cities, such as streets in parts of Auckland comprising late 19th century villas. We consequently

found the Waipā examples to be more mixed and diluted with various building styles.

235. However, as acknowledged above, the Council has identified these heritage-based character areas as ss.7(c) and (f) matters. Accordingly, while not a matter of national importance, the Council is exercising its functions and powers to achieve the purpose of the RMA on a matter of importance to the district.
236. In considering the Character Clusters, we are also cognisant of the assessment criteria adopted by Ms Hill, and in particular the following guidance in relation to minimum size and form for a cluster:
- a) a cluster should include a larger collection of sites at a block-type scale and is reasonably expected to contain 10+ sites;
 - b) a cluster should encompass both sides of the street unless there is sound historical or visual justification otherwise; and
 - c) it is reasonably expected that 60%+ sites within an identified cluster are 'character defining'.
237. With the exception of the Thornton Road section of the Princes Street/Thornton Road cluster and Bank Street, which did not meet (b) above, all clusters meet these criteria.
238. The Princes Street/Thornton Road cluster scores a borderline 61% in terms of character defining sites. However, Thornton Road is a special case as:
- a) it does not have residential activity opposite;
 - b) it is situated adjacent to the historic context of Lake Te Koo Utu and its surrounding parklands which incorporate botanical gardens, the Cambridge Bowling Club and band rotunda (both Category B listed heritage items in Appendix N1) and several key memorial sculptures all integral to the heritage of Cambridge;
 - c) it is anchored by several listed heritage dwellings at its eastern end, and features contributing dwellings at its western end on Princes Street, Thornton Road and the cross-street, Bowen Street; and
 - d) the non-contributing dwellings are contained within its interior, and we agree with the statement in DG1 that these dwellings are *"largely sympathetic to the established historical character in form, scale, setback and materiality."*
239. We see no reason to reject the 61% as a 'pass mark' in this case.
240. With respect to Bank Street, we note and support Ms Hill's proposed amendment to change 1030 Bank Street from character defining to non-character defining within that cluster. However, we remained concerned about the 'one-sidedness' of the Bank Street cluster, which remains in conflict with Ms Hill's criteria. We were

not advised of any sound historical or visual justification for such a departure from the criteria beyond the general sporadic development that Ms Hill advised was a feature of the district's towns. We accept, as Ms Hill notes, that the modern residences within and around this cluster are (at present) largely sympathetic to the established historical character in form, setback and materiality. However, we consider the one-sided nature of the cluster significantly dilutes its character, and while the matter is somewhat finely balanced, we are not persuaded that a departure from the criteria is warranted in this case. We therefore have not included the Bank Street cluster in our recommended provisions.

241. We also note that the deletion of 17, 21 and 24 Hall Street from the Hall Street/Hamilton Road Character Cluster (which Ms Hill recommended in her rebuttal evidence), makes that cluster more robust.
242. An assessment of a range of options is required by s.77L(c)(iii). The relationship between the limits on development necessary to provide for the QM and the impacts on development capacity also requires evaluation pursuant to s.77J(3)(b). We undertake these related assessments as follows.
243. The Council did not provide evidence that a range of options had been examined due to the presence of either a Character Cluster or Character Street. We accept that the identification of a building within a Character Cluster is an 'all or nothing' effect and not one subject to incremental amounts. Similarly, the presence of a Character Street is not an incremental matter, although there may be some difference in density resulting from a 6m versus a 1.5m (or 3m) front yard setback, depending on the lot size. However, at a district-wide level it was Ms Fairgray's evidence (not disputed by any party) that the effect of the existing and new heritage QMs on commercially feasible capacity was at the most 1.3%, equating to 100 dwellings in the medium term, and 400 dwellings in the long term. We conclude that this is an insignificant amount on a district-wide basis. We comment further on the effect at a site level below.
244. The provisions of PC26 Chapter 2A emphasise the maintenance of the character as described. The policy on Character Clusters seeks such maintenance by avoiding development forward of existing dwellings on a site and requiring such development to be 'complementary' or 'sympathetic' depending on whether the site contains a character defining or non-character defining building. The proposed rules include permitted activities for:
 - a) secondary dwellings within a Character Cluster QM Overlay;
 - b) accessory buildings;
 - c) demolition and removal of buildings within non-character defining sites;

- d) within Character Clusters and the Overlay, construction of new buildings and alterations or additions to existing buildings, where the work undertaken is single storey and located at the rear of the site; and
- e) within Character Clusters and the Overlay on sites identified as ‘Non-Character Defining’, the construction of new buildings and alterations or additions to existing buildings, where the work undertaken is single storey and set back a minimum of 6m from road boundaries.

245. For Character Streets, PC26 seeks to achieve the s.7(c) goal of maintaining and enhancing the amenity values and quality of the environment through the maintenance of the streetscape and lot frontages along the identified streets. The single rule relied on to achieve this is a 6m front yard setback. We accept Ms Hill’s evidence that this setback is required to maintain the values of the Character Street so identified.

246. PC26 as notified and the amendments following the consideration of submissions and evidence at the hearing resulted in a set of rules that, from a development perspective, mitigated the constraints of being located within a Character Cluster or along a Character Street. We also note that the rules do not restrict development on adjoining or adjacent sites (i.e., outside the defined cluster or street). The Panel agrees that this is appropriate as the ‘extent of place’ is defined by the physical extent of the cluster or street.

247. We find that the rules package strikes an appropriate balance between maintaining and enhancing the recognised character and providing for that character to change over time.

248. The key elements of the rule package that we have adopted in our recommended provisions are set out below:

2A.4.1.1	Permitted activities The following activities shall comply with the performance standards of this zone
(d)	One dwelling and one secondary dwelling within the Character Cluster Qualifying Matter Overlay.
(f)	Accessory buildings to any permitted activity.
(g)	Demolition and removal of buildings, except those listed in Appendix N1 - Heritage Items and those identified as ‘Character Defining’ in a character cluster.
(h)	Relocated buildings, except where located in a character cluster or listed in Appendix N1 – Heritage Items.
(r)	Within character clusters and the Character Cluster Qualifying Matter Overlay, the construction of new buildings and alterations or additions to existing buildings, where the work undertaken is single storey and located at the rear of the site.
(s)	Within character clusters and the Character Cluster Qualifying Matter Overlay on sites identified as ‘Non-Character Defining’, the construction of new buildings and alterations or additions to existing buildings, where the work undertaken is single storey and set back a minimum of 6m from road boundaries.

2A.4.1.3	<p>Restricted discretionary activities</p> <p>The following activities shall comply with the performance standards of this zone</p>
(e)	<p>Character clusters sites - Construction of new buildings, relocated buildings and demolition or removal or alterations or additions to existing buildings, except where permitted by 2A.4.1.1 (g), (r) and (s).</p> <p>Discretion will be restricted to the following matters:</p> <ul style="list-style-type: none"> (a) For identified character-defining sites; <ul style="list-style-type: none"> (i) The extent to which building bulk and design, building materials, and layout complements the style, form, building materials, layout and position of other character defining dwellings within the cluster; and (ii) The extent to which buildings provide a complementary response to the existing character identified in the cluster as set out in Appendix DG1; (b) For identified non-character defining sites: <ul style="list-style-type: none"> (i) The extent to which building design is sympathetic to the established character within the cluster in form, proportion, layout and materiality; and (ii) The extent to which building scale manages the relationship between adjacent character-defining sites and responds to the streetscape context; and (iii) The extent to which buildings are sympathetic to and acknowledge the character values identified in the cluster as set out in Appendix DG1. (c) The extent to which the demolition or removal of the character building on an identified 'character defining' site detracts from the integrity of the streetscape; (d) The visibility of new buildings and/or alterations or additions from public places; and (e) Solar access; and (f) Where provided, the effects on parking and vehicle manoeuvring; and (g) Signs; and (h) Landscaping. <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>
(f)	<p>Within the Character Cluster Qualifying Matter Overlay - Construction of two or more dwellings except where permitted by 2A.4.1.1(d), (r) or (s).</p> <p>Discretion will be restricted to the following matters:</p> <ul style="list-style-type: none"> (a) For identified character-defining sites; <ul style="list-style-type: none"> (i) The extent to which building bulk and design, building materials, and layout complements the style, form, building material, layout and position of other character defining dwellings within the cluster; and (ii) The extent to which buildings provide a complementary response to the existing character identified in the cluster as set out in Appendix DG1; (b) For identified non-character defining sites: <ul style="list-style-type: none"> (i) The extent to which building design is sympathetic to the established character within the cluster in form, proportion, layout and materiality; and (ii) The extent to which building scale manages the relationship between adjacent character-defining sites and responds to the streetscape context; and (iii) The extent to which buildings are sympathetic to and acknowledge the character values identified in the cluster as set out in Appendix DG1.

2A.4.1.3	Restricted discretionary activities
	The following activities shall comply with the performance standards of this zone
	<ul style="list-style-type: none"> (c) Solar access; and (d) Where provided, the effects on parking and vehicle manoeuvring; and (e) Signs; and (f) Landscaping.
	These matters will be considered in accordance with assessment criteria in Section 21.

7.6 Stormwater Constraint Overlay

249. PC26 proposes to apply a Stormwater Constraint Overlay to areas within the MDRZ where development to the density permitted by the MDRS would be affected by overland flows or would potentially exacerbate upstream or downstream stormwater effects. The Council submits that the overlay is necessary to:
- a) manage the risks of natural hazards (a s.6(h) RMA matter), particularly flood risk, on sites that fall within the 1 in 100-year flood layer; and
 - b) give effect to Te Ture Whaimana by reducing adverse stormwater effects.
250. Within the Stormwater Constraint Overlay maximum building coverage is proposed to be restricted to 40% (rule 2A.4.2.8) as opposed to the 50% provided for by the MDRS. Failure to comply with this rule would require a restricted discretionary activity consent. The Overlay is illustrated on Maps 56 and 57 of PC26 as notified. It extends over selected areas throughout Cambridge, Te Awamutu, and Kihikihi associated with flooding risk and overland flow paths. It covers substantial areas of the proposed MDRZ.
251. The s.42A Report noted that the Stormwater Constraint Overlay had been identified as a new QM under s.77I (a), (b) and (c) and had been evaluated under s.77J. As the Stormwater Constraint Overlay is proposed only within the MDRZ, s.77O does not apply.
252. The extent of the Stormwater Constraint Overlay was based on several information sources.¹⁰¹ Mr Chapman, Director – Stormwater Engineer at Te Miro Water Consultants Ltd, provided evidence for the Council.
253. In summary Mr Chapman was of the view that:¹⁰²

The level of development enabled by the MDRS would have an unacceptable level of effects in terms of stormwater, which will make it difficult for Council to comply with its Comprehensive Stormwater Discharge Consents (“CSDC”) and will be inconsistent with the objectives of Te Ture Whaimana o Te Awa o Waikato—the Vision and Strategy for the Waikato River (“Te Ture Whaimana”). In particular, an increase in building coverage or impermeable area can potentially cause adverse effects to water quality and scour of the downstream receiving environment and increase flood risk to people and property.

¹⁰¹ Primary evidence of Michael Chapman, 27 March 2023, at [8.7].

¹⁰² Primary evidence of Michael Chapman, 27 March 2023, at, [4.5].

7.6.1 Concerns about floodwater displacement due to infill development

254. Mr Chapman 's evidence explained that:¹⁰³

- a) Retaining the operative 40% site (building) coverage rule within the Stormwater Constraint Overlay, will ensure that the development enabled by PC26 will not adversely impact flood hazards and stormwater compared to the existing scenario. The current cumulative impacts on flood hazards from infill development are not well understood and retaining the current rules in the Stormwater Constraints Overlay is considered prudent in the absence of modelling to assess the impacts of infill.
- b) Urban intensification presents risk if flood storage capacity is reduced over time on a piecemeal basis resulting in cumulative impacts from uncontrolled infill under a permitted activity status. This is because infill can displace floodwater and raise water levels. Other statutory requirements, such as the Building Act 2004, do not consider impacts like loss of flood storage.
- c) The Stormwater Constraint Overlay is necessary to reduce these effects to a prudent manageable level in order to comply with the Council's Comprehensive Stormwater Discharge Consent (CSDC) and contribute to achieving the objectives of Te Ture Whaimana.

255. At the hearing, the Panel asked the Council if it could provide an example of the difference between 40% and 50% site coverage in terms of the stormwater flood effects. This was provided by way of a supplementary statement of evidence of Mr Chapman dated 2 May 2023. This evidence describes the results of flood modelling for a representative ponding area in Cambridge for scenarios of 40% and 50% site (building) coverage. The results of this modelling showed a 20mm increase in ponding depth when moving from 40% to 50% site coverage.

7.6.2 Requirements of CSDC

256. Mr Chapman discussed the Council's obligation, as consent holder, to comply with the requirements of the CSDC.¹⁰⁴ These include conditions requiring the management of stormwater quality and erosion relevant to the control of stormwater discharges from individual sites as follows:

- *The consent holder shall not undertake any changes to the municipal stormwater system diversion and discharge activities which would increase the scale or intensity of actual or potential adverse effects of those activities on the receiving environment.*
- *The consent holder shall manage the municipal stormwater system such that the stormwater diversion and discharge activities do not result in significant adverse effects on aquatic ecosystems.*

¹⁰³ Primary evidence of Michael Chapman, 27 March 2023, at [4.7]-[4.9].

¹⁰⁴ Primary evidence of Michael Chapman, 27 March 2023, at [8.5].

7.6.3 Impact of Stormwater Constraint Overlay on development capacity

257. The impact that the proposed Stormwater Constraint Overlay would have on the provision of development capacity is discussed in the evidence of Ms Fairgray.¹⁰⁵ Her modelling showed that the QM has no effect on plan enabled capacity but does affect the feasibility of development with moderate effect in the short term, although this diminishes in the longer term. Despite this short-term impact there is still a significant excess of feasible development opportunity relative to demand.

7.6.4 Submissions

258. Six submissions and one further submission were received regarding the Stormwater Constraint Overlay for PC26. They can be summarised as follows:

- a) support for the stormwater constraint overlay;
- b) requests to delete or amend rule 2A.4.2.8 to refer to 'impermeable areas' rather than 'building coverage';
- c) a view that assessment criteria should only refer to impermeable area matters not include other matters of discretion;
- c) requests for deletion of the Stormwater Constraint Overlay on the basis that there has been insufficient assessment and justification;
- d) requests that natural hazards be removed as a QM because natural hazards are addressed by s.106 of the RMA, and as such, geotechnical suitability can be investigated, and any adverse effects suitably mitigated as part of that process;
- e) a request from TA Projects Ltd that the Overlay be set aside for greenfield MDRZ land, as such projects generally seek their own bespoke consents and the matter should instead be resolved at the time of subdivision.

259. Kāinga Ora called expert evidence from Mr Jaggard, Director/Infrastructure Specialist Consultant at MPS Ltd, in support of its position that the Stormwater Constraint Overlay be removed. Mr Jaggard's view was that:¹⁰⁶

- a) there are existing acceptable controls that manage flood displacement effects of new buildings constructed in the flood plain/secondary flow path;
- b) stormwater flows and effects from development of either the 40% or 50% building coverage scenario can be the same/similar and can be appropriately managed by the Regional Infrastructure Technical Standards (RITS) and Stormwater Bylaw; and

¹⁰⁵ Primary evidence of Susan Fairgray, 24 March 2023, at [9.4] and [10.1].

¹⁰⁶ Primary evidence of Philip Jaggard, 6 April 2023, at [11.16].

- c) the “*Secondary flow path*” definition should be changed from a “1 in 50-year return period rain event” to a “1 in a 100-year return period rainfall event.”

260. Mr Jaggard’s view was that the Stormwater Constraint Overlay is not required to give effect to Te Ture Whaimana because any flood displacement effects generated by development are already addressed through the necessary resource consents for a non-complying activity under the existing planning rules and/or flow attenuation requirements in the RITS.¹⁰⁷

7.6.5 Council Evidence and Response to Submissions

261. The Council’s principal submission was that the current collection of provisions has, at times, proven insufficient to manage the risk of natural hazards for the existing level of development (one dwelling per site). Furthermore, that the operative rules were not designed to manage the risk of natural hazards arising from the additional development capacity enabled by the MDRS as permitted activities, and that the proposed Stormwater Constraint Overlay is necessary to manage this risk.¹⁰⁸

262. In particular, the evidence of Mr Coutts, the Council’s Principal Engineer for Growth, regarding the current provisions was that:¹⁰⁹

- a) the provisions in the District Plan which seek to manage flood risk are outdated, and based on return periods which are no longer appropriate;
- b) the Council’s Stormwater Bylaw has a limited role in assisting the Council to achieve the water quality parameters required by its Comprehensive Stormwater Discharge Permits;
- c) the Building Act 2004 provides only bare minimum requirements which are themselves due for reform to respond to climate change effectively; and
- d) Council cannot enforce RITS requirements for permitted activities.

263. Mr Chapman’s concerns about stormwater quality and erosion were:¹¹⁰

- a) increased contaminant loads entering the stormwater network due to larger building areas; and
- b) increased effects of scour and erosion in receiving waterways due to larger building areas.

264. Mr Coutts noted in his supplementary evidence that the intent of the Stormwater Constraint Overlay is an interim measure in order assess displacement flood effects

¹⁰⁷ Primary evidence of Philip Jaggard, 6 April 2023, at [11.17].

¹⁰⁸ Council closing legal submissions, 19 May 2023, at [6.2].

¹⁰⁹ Rebuttal evidence of Tony Coutts, 20 April 2023, at [6.11]-[6.24].

¹¹⁰ Primary evidence of Michael Chapman, 27 March 2023, at [8.4].

until such time as Council has adopted a system either within the district plan or outside to accurately convey the flood hazards.¹¹¹

265. In its closing legal submissions, the Council confirmed that it intended to prepare a separate plan change to address flood hazards, natural hazards, and climate change, and that this separate plan change would also address issues identified in the course of the PC26 hearing, including:¹¹²

- a) whether high risk flood zones or overland flow paths should be mapped within the district plan or outside of the District Plan; and
- b) whether the appropriate return period for flood mapping should be updated.

266. Mr Coutts agreed with Mr Jaggard that the definition of “*secondary flow path*” in the District Plan should be amended to refer to a 1 in a 100-year return period rainfall event (rather than a 1 in 50-year return period rain event).¹¹³ While this change could be considered a related provision consequential on the MDRS, Council considered that it may be caught by the *Waikanae* decision as it is more restrictive than the ODP permits. For this reason, the Council proposes to update the definition as part of the proposed separate plan change (referred to above).¹¹⁴

267. Council’s position was that, in the interim, the Stormwater Constraint Overlay rules modify the MDRS only to the extent necessary to accommodate the QMs.¹¹⁵ In particular:

- the Stormwater Constraint Overlay only applies to sites that fall within the 1 in 100-year flood layer, using the most up to date information available to Council;
- the Stormwater Constraint Overlay requires an application for a restricted discretionary activity where building coverage exceeds 40%; and
- the matters of discretion and the assessment criteria are restricted to the assessment of the effects of the development on stormwater.

268. Council noted¹¹⁶ that the limited effect of the Stormwater Constraint Overlay reflects the request by Cogswell Surveys that:¹¹⁷

... if the site is outside of a high-risk flood area, are not obstructing an overland flow path and are not within the modelled 100-year flood event, then the buildings are not filling in a flood plain and can therefore tolerate a higher building coverage of 50% as per the MDRS provisions.

¹¹¹ Supplementary evidence of Tony Coutts, 2 May 2023, at [11].

¹¹² Council closing legal submissions, 19 May 2023, at [6.2].

¹¹³ Rebuttal evidence of Tony Coutts, 20 April 2023, at [6.20]-[6.21].

¹¹⁴ Council closing legal submissions, 19 May 2023, at [6.5].

¹¹⁵ Council closing legal submissions, 19 May 2023, at [6.6].

¹¹⁶ Council closing legal submissions, 19 May 2023, at [6.7].

¹¹⁷ Summary statement of Rebecca Steenstra, 28 April 2023, at [7].

269. In relation to the submission by TA Properties Ltd for an exemption from the Stormwater Constraint Overlay for greenfield sites, Mr Coutts recognised that stringent requirements apply in respect of stormwater discharge consents required by the Waikato Regional Council (WRC), which can be recorded as consent notices on the titles. In these circumstances, an exemption from the Stormwater Constraints Overlay may be appropriate.¹¹⁸
270. Council's position was that while an exemption in the limited circumstances described by Mr Coutts is supported in principle, it may be difficult to accurately provide for such an exemption, and it would be more efficient and effective to require a restricted discretionary activity application, as currently proposed. This is because:¹¹⁹
- a) The WRC network discharge permit may be obtained many years in advance of the development of individual sites within the growth cell, meaning any rule will not apply to 'greenfields' subdivision but will apply to any site within the MDRZ.
 - b) While the WRC discharge permit may be designed to accommodate 50% building coverage (rather than 40%), this factor may not be recorded on the relevant titles in a way that is meaningful when the site is developed, potentially many years later. In particular, the use of consent notices is a tool only available in respect of a subdivision consent.
 - c) Given the potential for a long delay between the WRC network discharge permit and the development of a site, it may be necessary to include a 'long-stop' on the proposed rule, to ensure that Council is not required to consider discharge permits that were obtained many years, or even decades, previously. In these circumstances the stormwater effects, or the current approach to the management of stormwater, may have changed.
271. For these reasons, the Council considered that no exemption from the Stormwater Constraint Overlay should be provided for greenfield sites. Accordingly, the Council proposed that the Overlay be implemented through amendment to the building coverage and assessment criteria as follows:

New rule no. 2A.4.2.8

On sites located within the Stormwater Qualifying Matter Overlays, the maximum building coverage must not exceed 40% of the net site area.

Activities that fail to comply with this Rule require a resource consent for a restricted discretionary activity with the discretion being restricted over:

¹¹⁸ Supplementary evidence of Tony Coutts, 2 May 2023, at [19].

¹¹⁹ Council closing legal submissions, 19 May 2023, at [6.11].

- The impact on rivers and waterbodies and whether any potential adverse effects from a development can be avoided or mitigated; and
- An assessment of stormwater disposal and whether this can be accommodated on-site. These matters will be considered in accordance with the assessment criteria in Section 21.

21.1.2A.9A Assessment criteria for building coverage in the MDRZ - additional criteria:

- (b) Building location, bulk and design; addresses impacts of infill development and runoff from building footprint and impervious services on flood risk (level and velocity) within the site and outside the site.
- (c) Stormwater disposal to treat water quality.
- (d) The building design addresses the impacts of water quality as a result of building coverage through the application of on lot treatment devices.
- (e) The building design addresses the impacts of downstream erosion as a result of building coverage through the application of on lot detention devices.

272. However, the Council advised that should the Hearing Panel be minded to include an exemption for greenfield areas, that could best be achieved by amending rule 2A.4.2.8 as follows:¹²⁰

2A.4.2.8

On sites located within the Stormwater Qualifying Matter Overlay, the maximum building coverage must not exceed 40% of the net site area except for sites that meet the following criteria:

- (i) Where a subdivision consent has been approved by Council that includes stormwater management designed for 50% building coverage over the entire site or on specified lots on the site; and
- (ii) Any regional discharge consents that are required have been approved and consent notices are in place, where applicable.
- (iii) Sites that meet the criteria outlined in 2A.4.2.8 (i) and (ii) will have maximum building coverage as specified under Rule 2A.4.2.7 which will apply either over the entire site or on specified lots on the site.

7.6.6 Discussion/Findings

273. The Panel accepts the expert engineering evidence from the Council that the ODP rules have not been designed to manage the risk of natural hazards arising from the additional development capacity enabled by the MDRS as permitted activities, and that the proposed Stormwater Constraint Overlay is necessary to manage this risk.

274. We also accept the advice of the Council's stormwater expert¹²¹ that an increase in allowable building coverage could potentially cause adverse effects to water quality and scour of downstream receiving environments, and that the proposed

¹²⁰ Council closing legal submissions, 19 May 2023, at [6.12].

¹²¹ Primary evidence of Michael Chapman, 27 March 2023, at [8.12].

Stormwater Constraint Overlay could reduce such stormwater effects, thus contributing to giving effect to Te Ture Whaimana.

275. We note that adverse effects on water quality and scour from a residential lot is related to total impermeable coverage, i.e., site or building coverage as well as total site impermeability, as pointed out in the evidence of Mr Chapman (noted above). The total allowable site impermeability, a maximum of 60% of the site for most residentially zoned areas (per rule 2A.4.2.9 of the ODP) is not proposed to be changed through the proposed Stormwater Constraint Overlay.
276. With respect to the submission by TA Properties Ltd requesting an exemption from the Stormwater Constraint Overlay for greenfield sites, we note that Council's concern appears to be related to aspects associated with CSDCs rather than bespoke regional consents for a particular subdivision.
277. Given that Mr Coutts' evidence was that an exemption from the Stormwater Constraint Overlay may be appropriate for greenfield sites provided restrictions are imposed on regional consents for stormwater discharges to ensure flood effects are mitigated, we find that such an exemption should be provided through an amendment to rule 2A.4.2.8 as suggested by Council in para 272 above.
278. In terms of the proposed matters of discretion for rule 2A.4.2.8, we consider:
- a) a further matter of discretion relating to floodwater displacement arising from proposed building development should be added, as we understand this matter to be the main reason for the Stormwater Constraint Overlay; and
 - b) a change is required to the matter of discretion relating to impacts on rivers and waterbodies to give more direction on how effects are to be considered and to signal that avoidance or mitigation needs to be driven by the relevant consents or policy guidance.
279. The revised matters of discretion for rule 2A.4.2.8 are thus as follows:
- *The flood effects due to displacement of floodwater arising from the proposed building development; and*
 - *The impact on rivers and waterbodies and whether any potential adverse effects from a building development are required by relevant consents or guidelines ~~can~~ to be avoided or mitigated; and*
 - *An assessment of stormwater disposal and whether this can be accommodated on-site.*
280. With respect to the Council's recommended additional assessment criteria (c) (d) of 21.1.2A.9B (21.1.2A.11 in our provisions), we consider that these should be combined into one criterion, (new (c)) which encompasses consideration of a range of options for avoiding or minimising discharge of contaminants from buildings and which provides reference to guidance on allowable discharge of contaminants in stormwater. This amended criterion is as follows:

(c) *Avoidance or minimising stormwater quality effects of buildings by use of one or more of the following:*

- *source control by use of roof and cladding materials that exclude zinc or copper*
- *on site treatment to improve stormwater quality before surface discharge off site, with assessment of the requirements for and the design of stormwater treatment to be in accordance with applicable CSDC and the Waikato Stormwater Management Guideline 2020*
- *on site disposal by soakage, with assessment of the viability and design of soakage to be in accordance with the Waikato Stormwater Management Guideline 2020.*

281. We note that the total allowable impermeable surfaces for a site under PC26 is not increasing from that in the current ODP (60%). Stream channel erosion effects arising from site development are related to total site impermeable area, not the number of houses, so are not enabled to increase as a result of PC26. We have accordingly deleted Council’s proposed assessment criterion 21.1.2A.9B(c) (21.1.2A.11 in our provisions) which addressed downstream erosion as a result of building coverage (and replaced as noted above).

282. We also consider that an additional assessment criterion (new (d)) addressing Te Ture Whaimana is required as follows:

(d) The extent to which avoidance, mitigation or minimisation of adverse stormwater effects addressed in criteria (b) and (c) above give effect to Te Ture Whaimana the Vision and Strategy for the Waikato River as per Appendix O1.1.3 (a) and (b)

283. We have also amended the references from “*building coverage*” to “*site coverage*” for the reasons explained earlier.

284. We consider that with these changes the Stormwater Constraint Overlay QM appropriately manages the stormwater effects arising from the increased PC26 density.

7.7 Infrastructure Constraint Overlay

7.7.1 Reasons for Overlay

285. PC26 proposes to introduce an Infrastructure Constraint Overlay, which is applied where intensification to the extent enabled by the MDRS would have high or critical impacts on wastewater and water infrastructure. This in turn has the potential to result in adverse effects on the Waikato River and thus would not be giving effect to Te Ture Whaimana, the NPS-FM or Council’s existing regional wastewater discharge consent.

286. The proposed Infrastructure Constraint Overlay has been identified as a QM under s.77I(b) and 77I(c) and has been evaluated in accordance with section 77J.¹²²

¹²² s.42A Report, at [9.15.6].

287. Within the Infrastructure Constraint Overlay, development of three dwellings is proposed as a restricted discretionary activity (rules 2A.4.1.1(b) and (c)). Discretion is intended to be limited to an infrastructure capacity assessment (with a particular focus on wastewater, water and stormwater).

7.7.2 Extent and Basis of Overlay

288. The Infrastructure Constraint Overlay is shown on maps 56 and 57 that were notified with PC26. The extent of the Infrastructure Constraint Overlay was based on an Infrastructure Capacity Assessment that was undertaken for water and wastewater.¹²³ The assessment indicated that there was insufficient capacity within the existing infrastructure networks both now and in the future when planned projects are taken into account. The network could not service any increased demand on the networks (over and above that already anticipated) without significant further investment in infrastructure capacity. The s.32 ER also records that housing intensification to the extent enabled by the MDRS will increase the level of (point source) discharges to water which will potentially negatively impact the Council's discharge consents which specify the volume and quality of discharges that are allowed. The Infrastructure Constraint Overlay (as notified) therefore covered the full extent of the MDRZ over Cambridge and Te Awamutu/Kihikihi.

289. The s.32 ER records that water and wastewater are significant issues across the towns of Cambridge, Te Awamutu and Kihikihi. Intensification to the extent enabled by the MDRS will have either a high or critical impact on the infrastructure, taking into account planned upgrades (which have not yet been implemented). The Water and Wastewater assessment concluded that the ability of infrastructure in the identified urban areas to cope with the additional demands of more housing is severely restricted, and application of the MDRS would mean that major upgrades to the existing infrastructure network would have to be brought forward to cope with the additional demands that would be placed on the network through housing intensification at the level prescribed.

7.7.3 Implications of Overlay

290. A density control on development is accordingly proposed, which requires development of three dwellings per site within the Infrastructure Constraint Overlay to obtain consent as a restricted discretionary activity based on the outcomes of the infrastructure capacity assessment as outlined above (rule 2A.4.1.3(c)). The level of development in the Infrastructure Constraint Overlay provides for a maximum permitted density, which protects permitted re-development up to a certain level, being two dwellings per lot. The permitted density can then be accounted for in long term infrastructure planning and an

¹²³ Appendix 6 of the s.32 ER.

infrastructure assessment will be required for any higher-density development applications.

291. The impact of the Infrastructure Constraint Overlay on development capacity results in a sizable reduction in development capacity, but there remains a large amount of excess capacity relative to demand (at a total level).¹²⁴ The main effect of the Infrastructure Constraint Overlay is that it may influence where intensification occurs because it requires a resource consent to authorise greater intensification in the areas to which it applies.

7.7.4 Council Evidence

292. Council's evidence was that the existing Infrastructure Strategy and Long-Term Plan provides for infrastructure upgrades designed to support one dwelling per site in the existing urban areas, as well as the new growth cells which were recently rezoned from Deferred Residential to a live Residential Zone by Plan Change 13. Preliminary estimates suggest that the infrastructure required to support the additional development capacity enabled by the unmodified MDRS would cost in the order of \$600m above existing commitments, which we were told is beyond the reach of the Council.¹²⁵
293. The evidence of Mr Coutts and Mr Hardy (Technical Principal – Water and Wastewater at WSP Ltd), was that enabling development without the required upgrades to infrastructure would result in adverse health and cultural effects, and ecological effects on the rivers and streams.¹²⁶

7.7.5 Submissions and Council Response

294. There were twelve submissions and three further submissions received on the Infrastructure Constraint Overlay. The submissions reflected a variety of views including support, together with requests for modification, provision of additional information and deletion.
295. The Council reporting officer noted that in response to submissions received Council obtained an updated report from Market Economics and had carried out additional infrastructure modelling on the basis of the applied QMs. This modelling concluded that providing for a minimum permitted density of two dwellings per site is appropriate and can then be accounted for in long term infrastructure planning. It follows that an infrastructure assessment for higher-density development should then be completed as part of a restricted discretionary activity consent process. The reporting officer considered that deleting the overlay would result in a situation where development would result in a 'first in first served' outcome with

¹²⁴ Summary statement of Susan Fairgray, 26 April 2023, at [1.1] and Table A.

¹²⁵ Rebuttal evidence of Tony Coutts, 20 April 2023, at [6.5].

¹²⁶ Primary evidence of Tony Coutts, 24 March 2023, at [5.14]-[5.16] and [5.22]; and Primary evidence of Chris Hardy, 24 March 2023, at [6.8].

development occurring in an ad hoc way across the residential zone until system capacity is used up.¹²⁷

296. In response to submissions, Council proposed to relax the extent of the notified Infrastructure Constraint Overlay within the walkable catchment surrounding the Cambridge Town Centre. This is shown in the rebuttal evidence of Mr Quickfall.¹²⁸
297. In support of Kāinga Ora’s submission that the Infrastructure Constraint Overlay was not necessary, Mr Jaggard’s evidence was based mainly on his supposition that as the capacity of the water supply and wastewater systems is sufficient to service the growth forecast up to 2050, any future issues identified beyond 2050 need not adversely affect the Waikato River or its catchment. This is because there is sufficient time to plan, design, consent and construct any upgrades required beyond the existing growth forecast.¹²⁹
298. Mr Jaggard’s evidence was rebutted by Mr Hardy, with the main points as follows:¹³⁰
- The PC26 water network scenario has issues that could warrant additional upgrades, but the Council is prepared to accept the risk of this at the proposed PC26 two dwellings per site level of permitted development.
 - Mr Hardy’s assessment showed that the current planned water and wastewater network are likely to have significant issues if development is undertaken at a higher density.
 - The modelling and assessment were not intended to identify specific issues and remediation. Rather, the intent was to determine an appropriate permitted development level and a mechanism for the assessment of requirements for development beyond the permitted level.
 - The location, timing, and density of actual development is likely to differ from those in the modelled scenarios. However, it is not practical to assess future development in detail where the location of development is uncertain.
 - The inclusion of the Infrastructure Constraint Overlay was not a question of development timing, but one of ultimate demand and network capacity.
 - The proposed Infrastructure Constraint Overlay does not necessarily limit development. It provides a mechanism for the assessment of higher density

¹²⁷ s.42A Report, at [9.15.18].

¹²⁸ Rebuttal evidence of Tony Quickfall, 19 April 2023, Appendix 3.

¹²⁹ Primary evidence of Philip Jaggard, 6 April 2023, at [1.5].

¹³⁰ Primary evidence of Chris Hardy, 24 March 2023, at [8.2]-[8.8]; and Rebuttal evidence of Chris Hardy, 19 April 2023, section 5.

development without imposing requirements on lower-level development that broadly aligns with current planning allowances.

- Mr Hardy did not support the removal of the Infrastructure Constraint Overlay in its entirety from greenfield or brownfield areas. He would however support its removal from specific areas where the level of permitted development and the location would allow additional infrastructure requirements to be defined and planned for in an efficient manner.

299. Ms Fairgray’s economic evidence was that removal of the Infrastructure Constraint Overlay from all locations would be likely to encourage a more dispersed pattern of growth. In addition to reducing the likely intensification around centres, it would also be likely to dilute this growth and spread it across a wider suburban area.¹³¹

300. TA Projects’ submission included a request that the Infrastructure Constraint Overlay be excluded for greenfield sites. Council considered it appropriate to retain it at this point because of the potential downstream capacity effects (e.g., for wastewater). Council proposes to periodically review and uplift those parts of the Infrastructure Constraint Overlay where greenfield development has taken place or been completed, and appropriate provision has been made for infrastructure. This would need to be undertaken as a separate plan change.¹³²

7.7.6 Implementation of the Overlay

301. Implementation of the Infrastructure Constraint Overlay through the ODP is proposed to be achieved by way of an amendment to the Activity Status Table as shown below:

2A.4.1.3	Restricted discretionary activities The following activities shall comply with the performance standards of this zone
(c)	Three dwellings per site within the Infrastructure Constraint Qualifying Matter Overlay. Discretion will be restricted to the following matters: (i) The outcomes of an infrastructure capacity assessment; and (ii) Stormwater disposal; ...

302. There is also a proposed amendment to assessment criteria for three dwellings within the Infrastructure Overlay as shown below:

	<u>Medium Density Residential Zone Assessment</u> Criteria	
21.1.2A.5A	Three dwellings per site within the Infrastructure Constraint Qualifying	(a) The adequacy of the servicing proposed for the development including but not limited to: (i) Effects of the development on the operation and the

¹³¹ Rebuttal evidence of Susan Fairgray, 19 April 2023, at [3.9].

¹³² s.42A Report, at [9.15.20].

<u>Medium Density Residential Zone Assessment</u> Criteria	
	<p>Matter Overlay.</p> <p>capacity of three waters infrastructure.</p> <p>(ii) Hydraulic modelling for the purpose of assessing effects, determining mitigations and associated costs related to the upgrade of existing or planned strategic three waters infrastructure, if required by Council.</p> <p>(iii) Effects of proposed water sensitive techniques to minimise water use and their effect on volume, discharge, and rate of use.</p> <p>(iv) Effects of on-site controls proposed to minimise impacts on three waters infrastructure.</p> <p>(v) Effects of the proposed development's water consumption and water and wastewater discharges including proposed locations of connection or discharge.</p>

303. The Council also proposes additional assessment criteria for building coverage in the MDRZ in rule 21.1.2A.9A. The proposed additional assessment criteria (i), (j), and (k) are the same as the Council-proposed assessment criteria (c), (d) and (e) in rule 21.1.2A.9B as described above for the Stormwater Constraint Overlay.

7.7.7 Discussion/Findings

304. The Panel accepts the expert engineering and planning evidence provided on behalf of the Council that it is necessary to implement the Infrastructure Constraint Overlay to avoid adverse effects associated with future urban development enabled by MDRS and to give effect to Te Ture Whaimana. The Panel accepts the “relaxation” of the notified ICO as proposed by Mr Quickfall in rebuttal¹³³.

305. We find the proposed amendments to the ODP to achieve implementation of the Infrastructure Constraint Overlay are appropriate, for the reasons noted above. We note that the numbering and wording of some of the provisions referred to above differ slightly in our recommended version as a result of changes we have recommended elsewhere.

306. In relation to the assessment criteria in rule 21.1.2A.9A (which we have renumbered 21.1.2A.11), for the same reasons previously described we have combined criteria (i) and (j) into new (i) which now reads:

Avoidance or minimising stormwater quality effects of buildings by use of one or more of the following:

- *source control by use of roof and cladding materials that exclude zinc or copper*
- *on site treatment to improve stormwater quality before surface discharge off site, with assessment of the requirements for and the design of stormwater treatment to be in*

¹³³ Quickfall, rebuttal evidence, 19 April 2023, at {Appendix 3}.

accordance with applicable CSDC and the Waikato Stormwater Management Guideline 2020

- *on site disposal by soakage, with assessment of the viability and design of soakage to be in accordance with the Waikato Stormwater Management Guideline 2020.*

307. We have also deleted Council 's proposed assessment criteria 21.1.2A.9A(k) (numbered 21.1.2A.10 in our provisions) which relates to the impacts of downstream erosion for the same reasons as described above for the Stormwater Constraint Overlay.

7.8 Nationally Significant Infrastructure

7.8.1 Safe and Efficient Operation of Nationally Significant Infrastructure

308. Sections 771(e) and 770(e) provide that a specified territorial authority may make the MDRS or relevant building height and density requirements under Policy 3(d) less enabling of development in a relevant residential or urban non-residential zone only to the extent necessary to accommodate the following QM (amongst others):

a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure:

309. PC26 has retained, as existing QMs, the provisions from the ODP that relate to Nationally Significant Infrastructure – such as the rail corridor, National Grid, and state highway network.

310. These matters were evaluated by the Council as existing QMs under ss.771 and 77K (and its cognate provisions for non-residential urban zones) and are summarised within the s.42A Report. We address each of these in turn below.

7.8.2 Rail Corridor

311. The rail designation has limited interface with relevant residential zones. In Cambridge it extends along the length of Victoria Road and sits within a relatively wide road reserve (approx. 40 metres) but is bounded on both sides by residential land use. In Te Awamutu it largely traverses industrial zoned land with limited interface with the relevant residential zone along Station Road.¹³⁴

312. The Rail Corridor meets the tests as a QM under s.771(e) and (g) as the Rail Corridor is classed as Nationally Significant Infrastructure and is designated.

313. Operative rules associated with the Rail Corridor (2A.4.2.40) relate to noise insulation for noise sensitive activities adjoining the Rail Corridor. As these rules do not reduce the level of development allowed under the MDRS, and do not affect height or density, they do not require assessment under s.77K.¹³⁵

¹³⁴ s.42A Report, at [9.14.25].

¹³⁵ s.42A Report, at [9.14.26].

314. As there are no existing or proposed rules within the District Plan or PC26 that are considered to limit development enabled by the MDRS or Policy 3(d) in relation to the mapped Rail Corridor, additional assessment of the matter under s.77K has not been undertaken.
315. The inclusion of the Rail Corridor is supported as a QM by KiwiRail. KiwiRail has further supported the retention of several provisions in PC26 as notified relating to the Rail Corridor, but which are opposed by Kāinga Ora. KiwiRail has also requested several new policies, rules, matters of discretion and performance standards in the Residential Zone and the MDRZ. These include the introduction of a 5-metre setback for buildings to the Rail Corridor (which is opposed by Cogswell Surveyors and Kāinga Ora). They also include increases to the requirements of assessment within the acoustic corridor, the addition of vibration standards and the inclusion of noise barriers. Kāinga Ora also opposed these additional requested restrictions.
316. In relation to the requests from KiwiRail for changes to the Residential Zone relating to the Rail Corridor and additional provisions in the MDRZ, the s.42A Report states that these matters would result in the imposition of new development restrictions adjacent to the Rail Corridor which would likely be incompatible with the level of development permitted by the MDRS.¹³⁶
317. The Council's closing legal submissions addressed this matter as follows:¹³⁷

The Council submits that the submissions by KiwiRail which seek a new setback from the rail corridor, as well as creating or extending the noise and vibration requirements alongside the rail corridor, do not fall within one of the subsections of section 80E and are therefore prevented, by section 80G(1)(b), from being included in PC26.8 In particular, the requested relief seeks to impose restrictions on landowners in the vicinity of the rail corridor that are more restrictive than currently apply in the District Plan and is therefore ultra vires for the reasons set out in the Waikanae decision.

318. KiwiRail lodged further legal submissions in respect of scope following the hearing, submitting that the extended noise and vibration corridors sought by KiwiRail are not frustrated by the *Waikanae* decision as they do not directly amend the MDRS, but instead manage the intensification which flows from the MDRS.¹³⁸
319. While the Council agreed that the proposed 5m setback is a QM, as it modifies the MDRS, the proposed noise and vibration corridor provisions do not directly modify the MDRS and therefore could only be within scope if they meet the s.80E(1)(b)(iii) test for related provisions. However, the Council noted that the *Waikanae* case had specifically considered whether “*related provisions which support or are consequential on the MDRS*” under s.80E of the Act are also limited in scope and concluded that they were. In particular the Court found a provision was only a related provision if it supported (and did not preclude) MDRS; or was consequential

¹³⁶ s.42A Report, at [9.14.29].

¹³⁷ Council closing legal submissions, 19 May 2023, at [2.15].

¹³⁸ Kiwi Rail further legal submissions, 8 May 2023.

on the MDRS which sets out to impose more permissive standards relating to nine defined matters.¹³⁹

320. Based on *Waikanae*, the Council's view was therefore that:¹⁴⁰

the noise and acoustic corridors sought by KiwiRail are not related provisions which "support or are consequential" on the MDRS as they impose more restrictive standards than would apply under the District Plan and are therefore ultra vires.

321. The Council did however agree that the rail corridor is a relevant QM and should be retained.¹⁴¹ In relation to the proposed 5m setback it noted that there are very few residential properties directly adjoining the North Island Main Trunk line, with the rail corridor being bordered by roads, reserves or the industrial zone. It therefore did not consider such a setback was necessary.¹⁴² Overall, the Council's view remained that the objectives, policies and rules of PC26 as notified remained appropriate and did not propose any amendments.¹⁴³

7.8.2.1 Discussion/Findings

322. The Panel agrees with the Council's recommendations and finds that the Rail Corridor should be retained as a QM without any amendments to the objectives, policies or rules of PC26 as notified, for the reasons given by the Council (and as noted above).

7.8.3 National Grid

323. The National Grid has limited interface with relevant residential zones in Cambridge and Te Awamutu and can generally be found skirting adjacent residential zoning on the edges of both towns.¹⁴⁴

324. Existing rules including restrictions on earthworks and the types of buildings and structures permitted within the National Grid Yard and the height of those buildings and structures are proposed to be carried over unchanged from the ODP.¹⁴⁵

325. A submission lodged by Transpower sought a number of specific changes to PC26 to clarify the way in which the rules will apply within the MDRZ. These specific changes were generally supported by the Council, as set out in paragraphs 9.14.1 to 9.14.12 of the s.42A Report.

326. A letter from Transpower dated 3 April 2023 was tabled at the hearing and sought three additional changes to the provisions (minor matters of clarification or cross

¹³⁹ Council closing legal submissions, 19 May 2023, at [2.16].

¹⁴⁰ Council closing legal submissions, 19 May 2023, at [2.17].

¹⁴¹ s.42A Report, at [9.14.30].

¹⁴² Council opening legal submissions, 21 April 2023, at [13.4]; and Council closing legal submissions, 19 May 2023, at [2.18].

¹⁴³ s.42A Report, at [9.14.31].

¹⁴⁴ s.42A Report, at [9.14.3].

¹⁴⁵ s.42A Report, at [9.14.4].

referencing) which were not accepted in the original s.42A Report. However, following further consideration, these changes were later accepted by Council in the Addendum to the s.42A Report.¹⁴⁶

7.8.3.1 *Discussion/Findings*

327. The Panel accepts that the National Grid is nationally significant infrastructure and is therefore a QM under s.771(e). We find that the provisions proposed by the Council in response to submissions from Transpower are appropriate for the reasons given by the Council in its s.42A Report.

7.8.4 State Highway Network

328. The interface between the relevant residential zones and the State Highway overlay is broadly limited to a singular primary through-road in the case of Te Awamutu and Kihikihi and the bypass in Cambridge.¹⁴⁷

329. The rule proposed to be carried through from the ODP is for a minimum setback from the boundaries of state highways of 7.5m.

330. In its submission Waka Kotahi queried the proposed 7.5m set back instead of the MDRS 1.5m setback and requested further justification for the State Highway being identified as a QM.

331. In response to Waka Kotahi's submission, Council noted that the 7.5m setback had been carried over unchanged from the ODP's Residential Zone section and recommended that the proposed rule be refined to target only noise sensitive activities associated with dwellings and sleepouts. Council's view was that this approach is nationally accepted as a method of managing reverse sensitivity adjacent to regionally and nationally significant infrastructure.¹⁴⁸

7.8.4.1 *Discussion/Findings*

332. The Panel agrees with Council's proposed amendments to provisions in response to submissions from Waka Kotahi. We find that those provisions will appropriately address reverse sensitivity effects arising from residential intensification in close proximity to state highways.

7.9 Regionally Significant Industry

333. The submissions and evidence for Fonterra Ltd requested a site-specific QM to protect the future of its dairy factory in Te Awamutu.¹⁴⁹

334. The dairy factory comprises a primary manufacturing site, a dry store facility and a

¹⁴⁶ First Addendum to s.42A Report, April 2023, at [4.9].

¹⁴⁷ s.42A Report, at [9.14.15].

¹⁴⁸ s.42A Report, at [9.14.21].

¹⁴⁹ Fonterra legal submissions, 21 April 2023, at [1.4].

transport and logistics hub. Over 330 people are employed at the site.¹⁵⁰ The dairy factory is recognised in the Waikato RPS as being of regional significance.¹⁵¹

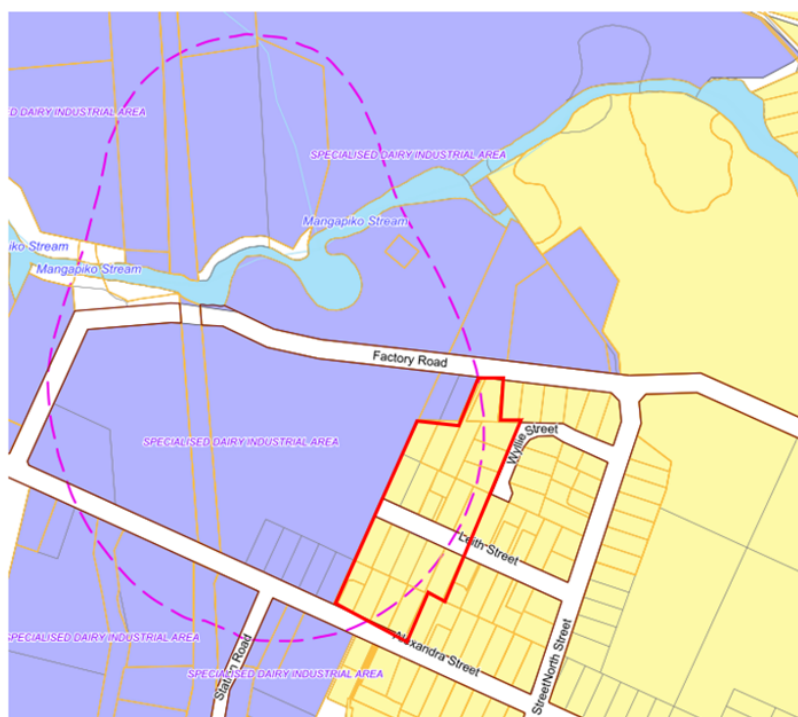
335. The factory is located in Alexandra Street, Te Awamutu. It has operated from this site for over 140 years. When the factory was first established, the site was on the edge of town. However, with the expansion of the urban area over time, the factory is now surrounded by residential activities and residential zoned land to the east, south and west.
336. While supporting urban growth and ongoing economic development in the Waipā district, Fonterra is concerned that PC26 will significantly increase the risk of reverse sensitivity effects for its dairy factory. This is because PC26, which allows up to three houses as of right on a site within relevant residential zones will potentially triple the number of residents in close proximity to the dairy factory, thus tripling the reverse sensitivity risk.¹⁵²
337. Fonterra submitted that given the regional significance of its factory, and the strong policy directives in the Waikato RPS and ODP to protect against reverse sensitivity, PC26 needs to be amended to better address these concerns. Fonterra therefore sought a reverse sensitivity QM, to apply to the 21 residential properties around its site. The 21 properties fall within the existing noise control boundary for the dairy factory as shown in the Figure below (properties bordered red, noise control boundary dashed purple line).¹⁵³

¹⁵⁰ Primary evidence of Suzanne O'Rourke, 6 April 2023, at [3.3].

¹⁵¹ Fonterra legal submissions, 21 April 2023, at [3.4].

¹⁵² Fonterra legal submissions, 21 April 2023, at [1.2] and [5.4].

¹⁵³ Primary evidence of Mark Chrisp, 6 April 2023, Figure 4.



338. This QM would reduce the permitted level of development to two dwellings. Proposals for three or more dwellings would be required to apply for a restricted discretionary activity resource consent, with the matters of discretion focused on the reverse sensitivity effects on the dairy factory.¹⁵⁴ Mr Mark Chrisp, Director and Principal Planner of Mitchell Daysh, who appeared and gave evidence for Fonterra, detailed the changes sought to PC26 and provided an assessment of the proposed QM under ss.77J and 77L of the RMA.¹⁵⁵

7.9.1 Council Position

339. The Council accepted that a QM was necessary and appropriate to protect the dairy factory from reverse sensitivity and that the impacts of limiting the MDRS in the manner proposed (i.e., reducing permitted density to two houses on 21 properties and requiring a restricted discretionary activity consent for three or more houses) would be relatively minor. The Council proposed a number of amendments to the QM during the hearing to ensure the matters of discretion and assessment criteria were focused on reverse sensitivity effects on the dairy factory.¹⁵⁶ The Council also proposed renaming the reverse sensitivity QM to the regionally significant industry QM, to better clarify its purpose and extent. Following these amendments the Council confirmed in its closing that it was satisfied that the rules modified the

¹⁵⁴ Primary evidence of Mark Chrisp, 6 April 2023, Annexure A (e) which lists the matters of discretion as spanning: reverse sensitivity, building location, bulk and design, development density, landscaping, parking and vehicle manoeuvring areas, traffic generation and connectivity, privacy within and between adjoining sites and noise.

¹⁵⁵ Primary evidence of Mark Chrisp, 6 April 2023, section 7 and Annexure A.

¹⁵⁶ First Addendum to s.42A Report, April 2023, at [4.4].

MDRS only to the extent necessary to accommodate the QM.¹⁵⁷

7.9.2 Discussion/Findings

340. We accept that the regionally significant industry QM is necessary and appropriate for the reasons given by the Council and Fonterra (and as summarised above). We are satisfied that:

- a) by limiting the QM to the 21 properties already affected by the existing noise contour;
- b) by enabling two dwellings as of right; and
- c) by providing a restricted discretionary activity pathway for three or more dwellings;

the provisions proposed in the Council's closing strike the right balance and go no further than is necessary to accommodate the QM.¹⁵⁸ Accordingly, we have incorporated those provisions into our recommended provisions in **Appendix 5**.

8 Other Issues

8.1 Commensurate Heights and Height Variation Control

341. As previously noted, the ODP applies a single Commercial Zone to its main town centres of Cambridge and Te Awamutu.

342. The NPS-UD Policy 3(d) sets out the relevant building heights and density of urban form requirements within and adjacent to the commercial zone in the district as follows:

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

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

343. PC26 proposed to retain the existing maximum permitted activity height standard of 14m for buildings within the Commercial Zone. As no changes to the maximum building heights within the Commercial Zones is proposed, PC26 as notified did not include the associated relevant Commercial Zone provisions.

344. With respect to residential heights adjacent to the Commercial Zone, PC26 proposes to give effect to the MDRS incorporated into the new MDRZ chapter. That is, the MDRS 3x3-storey / 11m height applies (except as modified by any relevant QM).

¹⁵⁷ Council closing legal submissions, 19 May 2023, at [9.2].

¹⁵⁸ Council closing legal submissions, 19 May 2023, Appendix A.

8.1.1 Council Evidence

345. Council’s evidence and the s.42A Report concluded that the existing building heights within and adjacent to the relevant Commercial Zone are commensurate with the level of commercial activity and community services, and that the notified provisions more than provide for sufficient feasible and realisable housing development capacity in the short, medium and long term.¹⁵⁹ This conclusion was supported by the HBA / Market Economics Report which found that:
- a) PC26 increases plan-enabled capacity by 183% over and above that enabled by the ODP - that is a net increase of 24,000 dwellings; and
 - b) the Waipā District has sufficient plan-enabled and commercially feasible capacity, with headroom to meet demand in the short, medium and longer-terms.
346. Retaining the existing Commercial Zone height and density requirements within the commercial ‘non-centre’ zones (i.e., excluding Cambridge and Te Awamutu town centres and Leamington suburban centre) is therefore appropriate given that there is capacity available, and this will more than provide for the modelled long-term market demand.¹⁶⁰
347. In terms of how it applied the term “*commensurate*” in the context of Policy 3(d), the s.42A Report provided a tabulated centres assessment identifying the level of commercial activity and community services available within Cambridge and Te Awamutu which led to its assessment of an over-supply of capacity with respect to the projected short, medium, and long-term demand.¹⁶¹ We note this method of assessment is consistent with that used for the Hamilton City IPI (PC12) therefore providing a sub-regionally consistent approach for those Tier 1 territorial authorities.
348. From this tabulated analysis, the Council evidence concluded that while the centres are suitable for some form of intensification, this needs to be balanced both against the current available capacity for a higher intensity form of development within those centres, and against the foreseeable long-term market demand.¹⁶² Council was also considering potential opportunities to better differentiate the commercial centres of Cambridge and Te Awamutu. This matter was revisited in the Addendum to the s.42A Report.¹⁶³ Upon further consideration of the requested height increases from submitters (which we discuss in the next section), it was recommended that an increased height overlay of 18 metres be provided within the town centres of Cambridge, Leamington, and Te Awamutu, with no limit on the

¹⁵⁹ s.42A Report, at [9.4.8].

¹⁶⁰ s.42A Report, at [9.5.6].

¹⁶¹ s.42A Report, at [9.4.6].

¹⁶² s.42A Report, at [9.4.7].

¹⁶³ First Addendum to s.42A Report, April 2023, at section 4.5.

number of storeys.¹⁶⁴ The Addendum stated that the increase in permitted height within those centres would support the centres approach of the NPS-UD and provide for a range of typologies and increased feasibility as referred to in Ms Fairgray's evidence.¹⁶⁵

8.1.2 Submissions and Council Response

349. Kāinga Ora took issue with Council's estimates on capacity.¹⁶⁶ Its '*in principle*' position was that the Amendment Act was not limited to a minimum intensification approach based on existing expectations and socio-economic conditions but, rather, encouraged an opening of opportunities for future growth unobstructed by more incremental height allowances.
350. Kāinga Ora requested height increases within the commercial zones of the Cambridge and Te Awamutu town centres from the existing 14m to 24.5m.
351. With respect to building heights and density of urban form for buildings within the MDRZ adjacent to the town centre of Cambridge, by the time of the hearing Kāinga Ora had refined its relief to seek a permitted height limit of 22m / 6 storeys within a walkable catchment of 400m – 600m of the Cambridge town centre, creating a new transitional HDRZ. Such a zone was no longer sought for Te Awamutu.¹⁶⁷
352. Mr Osborne provided economic evidence in support of Kāinga Ora's position noting that market factors such as falling property values and rising construction costs have a significant effect on the proportion of plan enabled capacity that translates to feasible and reasonably expected to be realised actual development within the market.¹⁶⁸ Mr Campbell's planning evidence, for Kāinga Ora, went on to explain that in his opinion:¹⁶⁹
- a) The application of the requested HDRZ is not precluded by Policy 3(d) and does not necessarily sit only as a Policy 3(c) matter (i.e., it is not the case that 6-storey development can only be enabled where Policy 3(c) applies).
 - b) Whilst he agreed with the reporting planner that the zones to which Policy 3(c) would apply are not present within the Waipā District, he considered that the Kāinga Ora submission was not inconsistent with the 'hierarchy' of built form established under Policy 3 of the NPS-UD.
 - c) Kāinga Ora's requested application of the use of walkable catchments was not undertaken in the Policy 3(c) context but as a robust and accepted method to

¹⁶⁴ First Addendum to s.42A Report, April 2023, at [4.5.3].

¹⁶⁵ Rebuttal evidence of Suzanne Fairgray, 19 April 2023, at [2.1]-[2.11].

¹⁶⁶ Primary evidence of Michael Campbell, 27 March 2023, at [3.5].

¹⁶⁷ Kāinga Ora legal submissions, 21 April 2023, at [2.1].

¹⁶⁸ Primary evidence of Philip Osborne, 6 April 2023, at [27].

¹⁶⁹ Primary evidence of Philip Osborne, 6 April 2023, at [4.4]-[4.10] and [10.3].

gauge the extent to which the HDRZ should apply spatially adjacent to those centres.

- d) Council had not taken a sufficiently long-term view to development within and around these centres. He maintained that that approach was contrary to a range of objectives within the NPS-UD, including Objective 3 which provides a clear direction for district plans to enable more housing, business and community services to be located close to commercial centres.
- e) Kāinga Ora's relief struck a more appropriate balance in managing the effects of intensification while enabling greater opportunities to facilitate growth within and around centres.

353. The legal submissions for Kāinga Ora advanced the view that the only feasible reading of the requirement to provide heights and density of urban form that is "*commensurate*" with the level of commercial activity and community services was to consider the anticipated future levels of commercial activity and community services.¹⁷⁰ We note that this was undisputed common ground; all parties who were legally represented accepted that the 30+ year horizon constituted the proper framework for our consideration.

354. However, Mr Quickfall considered that the centres proposals and the residential intensification requested by Kāinga Ora was not commensurate, reasonable, appropriate or necessary within the Waipā context.¹⁷¹

355. Mr Quickfall outlined the limited level of accessibility by existing or planned active or public transport within the urban environments of Waipā, and the relative demand for housing and business use as set out in the Council's HBA. Mr Quickfall also took note of a number of matters in Kāinga Ora's evidence which appeared to be either unsupported by data, or were based on incorrect assumptions including:¹⁷²

- a) the implication that the centres within Waipā will be Metropolitan Centre Zones in the future, despite there being no certainty that this will occur in the next 30 years as noted in the joint councils Future Proof Strategy; and
- b) the assumption that PC26 is required to provide a high-density residential choice. Mr Quickfall considered that high density is not required or necessary under the national policy setting and nor was it appropriate in the Waipā context.

¹⁷⁰ Kāinga Ora legal submissions, 21 April 2023, at [4.6].

¹⁷¹ Rebuttal evidence of Tony Quickfall, 19 April 2023, at [2.2].

¹⁷² Rebuttal evidence of Tony Quickfall, 19 April 2023, section 3.

356. The Council’s legal submissions contended that the most appropriate ‘commensurate’ heights would be:¹⁷³
- a) within the proposed MDRZ the heights set out in the MDRS;
 - b) within the town centres of Cambridge and Te Awamutu an increase in height from 14m to 18m (as recommended by Mr Quickfall and the s.42A Report); and
 - c) within the Leamington town centre, a 4-storey height limit equivalent of 16m.
357. The Council did not recommend any additional significant amendments in response to the evidence of Kāinga Ora.

8.1.3 Discussion/Findings

358. We are satisfied, for the reasons set out in the s.42A Report and Council evidence (noted and summarised above), that the heights and density of urban form as recommended by the Council in its closing submissions,¹⁷⁴ are the most appropriate and effective provisions to provide commensurate heights and density of urban form within and adjacent to the centre zones in the Waipā context. We agree with the Council that the heights and density of urban form requested by Kāinga Ora go beyond what can be reasonably justified based on the current supply and demand evidence provided by the HBA - which the Council is required to use when making decisions about land and development markets under cl.3.11 of the NPS-UD.
359. We also agree with the Council that the heights and height variation controls in PC26, (as recommended by the Council in its closing), is the most appropriate method to incorporate the MDRS and to give effect to the requirements of the NPS-UD. We have therefore adopted those provisions into our recommended text in **Appendix 5**.

8.2 Transport and Climate Change

360. The s.42A Report¹⁷⁵ advises that PC26 was developed and notified¹⁷⁶ prior to the notification of proposed Change 1 to the Waikato RPS (PC1).¹⁷⁷ When preparing a change to the District Plan the Council is required to have regard to any proposed regional policy statement.¹⁷⁸ The proposed change to the Waikato RPS addresses climate change matters.

¹⁷³ Council opening legal submissions, 21 April 2023, at [4.9(b)]; and Council closing submissions, 19 May 2023, at [3.3].

¹⁷⁴ Council closing legal submissions, 19 May 2023, at [1.2], [3.3]-[3.9] and Appendix A.

¹⁷⁵ s.42A Report, at [9.20.4].

¹⁷⁶ PC26 was publicly notified on 19 August 2022.

¹⁷⁷ PC1 was publicly notified on 18 October 2022.

¹⁷⁸ RMA, s.74(2)(a)(i).

8.2.1 Submissions and Council Response

361. WRC submitted that PC26 should be amended to give effect to the policy direction of the Waikato RPS, and to have regard to PC1 with respect to climate change matters. During the joint strategic issues hearing Ms Andrews gave planning evidence for WRC expressing her opinion that the requested amendments were within scope of PC26, and would:¹⁷⁹

strengthen the integration between land use and infrastructure planning in a way that promotes emissions reduction and community resilience, within the context of housing intensification

362. At the substantive PC26 hearing, Ms Craven gave further planning evidence for WRC recognising¹⁸⁰ the limitations of the scope of PC26 and focussing the amendments sought on chapter 2A – Medium Density Residential Zone. She sought the inclusion of two new objectives and five new policies to address transport, greenhouse gas emissions, vehicle crossings, safety, and tree canopy cover.

363. In response, the s.42A Report and Addendum to the s.42A Report noted that a more robust response to climate change matters raised by PC1 (and the more recently released National Adaptation Plan) may be necessary at a later date once PC1 becomes operative.

364. A number of accommodating amendments were proposed by Council and the s.42A Report authors as interim measures.

8.2.2 Finding

365. We agree with the Council that the amendments recommended in the s.42A Report and the Addendum to the s.42A Report, refined as recommended by Mr Coutts, are within the scope of PC26, and are appropriate in terms of the stage at which PC1 had reached by the time of the hearing.

366. Therefore, other than the recommended amendments put forward by the Council, we do not recommend any additional amendments to PC26 regarding climate change and transportation-related effects in response to WRC's submission.

8.3 Retirement Villages

8.3.1 PC26 Approach for Retirement Villages

367. PC26 does not propose the inclusion of new provisions for retirement villages. The operative Residential Zone provisions that provide for retirement villages are proposed to be carried over into the proposed new MDRZ.¹⁸¹ These provisions enable retirement villages via a restricted discretionary rule (2A.4.1.3(e)) with associated matters of discretion and assessment criteria.

¹⁷⁹ Statement of evidence of Katrina Andrews, 31 January 2023, at [80].

¹⁸⁰ Statement of evidence of Hannah Craven, 6 April 2023, at [52].

¹⁸¹ s.42A Report, at [9.22.4].

368. The matters of discretion comprise the following:

- a) building location, bulk and design;
- b) landscaping;
- c) where provided, the location of parking areas and vehicle manoeuvring;
- d) crime prevention through environmental design (CPTED);
- e) traffic generation and connectivity;
- f) benefits provided to residents from onsite communal facilities;
- g) noise; and
- h) stormwater disposal.

369. These matters of discretion are to be considered in accordance with the following assessment criteria (21.1.2A.2):

- (a) *Building design including:*
 - (i) *The extent to which solar potential and good solar aspect is optimised within the development; and*
 - (ii) *Colours; and*
 - (iii) *The materials to be used and how they are to be repeated within the development; and*
 - (iv) *Detail of roof pitches; and*
 - (v) *Details of doorways and the provision of shelter for visitors; and*
 - (vi) *Windows, revetment, balconies and recesses; and*
 - (vii) *Garaging to create visual continuity and cohesion and reflect a residential character; and*
 - (viii) *Whether designs avoid monolithic walls in favour of designs that incorporate smaller scale building elements to promote feelings of interest and diversity.*
- (b) *Visually permeable fences and glazing of façades that provide for surveillance from the dwelling to the street and other public places such as walkways and reserves.*
- (c) *Integration with neighbouring residential development that is responsive to local character in terms of its façade treatment, including building proportions, detailing, materials and landscape treatment.*
- (d) *Outdoor living spaces for independent living units that are private and have good access to sunlight in midwinter and/or have access to a range of communal landscaped outdoor areas.*
- (e) *The location of outdoor storage areas and rubbish and recycling compounds such that the appearance from the street is not adversely affected and on-site amenity, such as the provision of outdoor living spaces is not compromised.*
- (f) *The design of the road boundary setback:*

- (i) *(Street definition - the extent to which units as opposed to garages orient and face the street creating a strong interface between the public and private domains. Designs need to avoid street frontages that are dominated by garages and outdoor storage areas; and*
- (ii) *Landscaping - the type and nature of the landscaping both within the front yard setback and throughout the development so that it contributes both to the neighbourhood and to on-site amenity; and*
- (iii) *Access way design - the width and proportion of the frontage as well as the landscaping and the materials to be used.*
- (g) *The provision of connections to public walkways/cycleways and the road network.*
- (h) *Open space character including on-site landscaping, retention of mature trees, and provision of shared driveways.*
- (i) *Adequate vehicle parking (excluding consideration of the number of parking spaces for cars) and the provision of safe vehicle entrances for pedestrians and vehicles, car parking and manoeuvring and vehicle access to rubbish and recycling compounds, access for emergency vehicles.*
- (j) *The provision of lighting for amenity and crime prevention without being a nuisance to residents.*
- (k) *The extent of effects on the surrounding road network including the function of intersections.*
- (l) *Aural privacy including the noise levels anticipated from on-site and adjacent land uses and the provision of acoustic treatment.*
- (m) *The adequacy of on-site stormwater disposal methods.*
- (n) *The adequacy of the servicing proposed for the development.*
- (o) *The extent to which the site is suitable for the development.*
- (p) *The benefits provided to residents from communal facilities being provided on site.*

8.3.2 Submissions and Submitter Evidence

370. RVA/Ryman and Metlifecare Ltd filed submissions regarding the lack of provision for retirement villages in PC26.

371. These submissions raised a wide range of issues and requested detailed changes to the PC26 provisions to make the district plan provisions more permissive for retirement villages. The requested amendments are summarised in the s.42A Report as follows:¹⁸²

- *Add new definitions for 'retirement village accommodation and associated care facilities' and 'retirement units' to ensure consistency with the National Planning Standards 2019.*
- *Add Objectives in Section 2 of PC26 to:*

¹⁸² s.42A Report, at [9.22.3].

- *Recognise the need to enable a variety of homes to meet the needs of different households, as recognised by the NPS-UD.*
- *Recognise and enable the housing and care needs of the ageing population.*
- *Add Policies in Section 2 of PC26 that:*
 - *Recognise the diverse and changing residential needs of communities, and that the existing character and amenity of the residential zones will change over time to enable a variety of housing types with a mix of densities.*
 - *Recognises the intensification opportunities provided for by larger sites.*
 - *Provides for and acknowledge the diverse range of housing and care options that are suitable for the particular needs and characteristics of older persons; and the functional and operational needs of retirement villages.*
 - *Enables the density standards to be utilised as a baseline for the assessment of the effects of developments.*
- *Amendments to Policy 2A.3.7.1 that specifically support the development of retirement facilities.*
- *Adding provisions to enable retirement housing developments in all relevant residential and commercial / mixed-use zones by developing retirement village-specific Objectives, Policies, and rule framework.*
- *Adding provisions in the MDRZ that permit the use and operation of retirement villages, recognising that this activity is expected and encouraged in residential zones; and a rule that regulates the construction of retirement villages as a restricted discretionary activity, recognising that this activity is anticipated in residential zones with limited matters requiring assessment.*
- *Amendments to development standards for retirement villages to reflect the MDRS, except where amendments are necessary to reflect the characteristics of retirement villages including the removal of standards that are considered to go beyond the scope of the MDRS for consistency with the Act.*
- *Add provisions for the MDRZ in Section 2A that recognise the need for retirement villages and that existing residential character and amenity will change over time..*
- *Amend Policy 2A.3.6.5 to recognise the functional and operational needs of retirement villages.*
- *Amendments to proposed Rules and Activity Status Tables to reflect retirement village-specific matters.*
- *Amend the Commercial Zone chapter of the District Plan to provide permitted activity status for retirement villages as an activity, with construction of a retirement village regulated as a restricted discretionary activity and fit for purpose matters of discretion to reflect the unique characteristics of retirement villages.*
- *Delete reference to “retirement village accommodation and associated care facilities” (or replacement definition “retirement villages”) in Policy 2.3.5.1.*

372. RVA/Ryman presented a joint case which comprised the following:

- a) Legal submissions to the effect that:¹⁸³
 - (i) PC26 should be amended to appropriately provide for and enable retirement villages in all relevant residential and commercial / mixed use zones;
 - (ii) the proposed amendments requested by the submitters were within the scope of PC26; and
 - (iii) the submitters' requested provisions are more effective, efficient, less restrictive (with appropriate controls necessary to manage adverse effects), and the most appropriate way to achieve the purpose of the RMA.

- b) Corporate evidence from Ms Owens, current member of the RVA executive and immediate past president, addressing the following matters:¹⁸⁴
 - (i) the RVA and the retirement village regulatory context;
 - (ii) population demographics, health and wellbeing characteristics and demand for retirement villages;
 - (iii) the retirement housing and care crisis, the government recognition of the challenges ahead, and the role of retirement villages in responding to the crisis;
 - (iv) the need for a consistent retirement village planning framework in Waipā District; and
 - (v) the failure of PC26 to appropriately enable housing and care for the ageing population and "*aging in place*".

- c) Gerontological evidence was presented by Professor Ngaire Kerse, Professor of General Practice and Primary Healthcare at the University of Auckland, highlighting the following:¹⁸⁵
 - (i) the Waipā District houses a high number of retired people. Those aged 65+ will increase from 9,700 in 2018, to 11,800 in 2023, and to 17,900 by 2043. Of these, it is expected that about a third will require disability support, and at least half will require age friendly housing;
 - (ii) accommodating the older demographic will require the consideration of the specific health and social needs of older people;

¹⁸³ RVA/Ryman legal submissions, 21 April 2023, at [5]-[11] and [110]-[111].

¹⁸⁴ Primary evidence of Margaret Owens, 6 April 2023, at [24]-[35], [36]-[62], [63]-[74], [75]-[77] and [78]-[98] respectively.

¹⁸⁵ Primary evidence Professor Ngaire Kerse, 6 April 2023, at [7].

- (iii) retirement villages provide a feasible and ongoing solution for those who are able to choose them; and
 - (iv) the importance of easing barriers to the expansion of retirement villages and allowing flexibility in where they are located and the opportunities they offer.
- d) Corporate evidence was presented by Mr Brown, General Manager – Development for Ryman, setting out an overview of Ryman’s business, villages and residents. Mr Brown's evidence also covered Ryman’s experience with consenting processes for retirement villages in the Waikato Region. In particular, Mr Brown noted that:¹⁸⁶
- (i) District plans around New Zealand are inconsistent and often poorly provide for retirement villages. This has led to major delays in consenting for new retirement villages where notification of resource consent applications has occurred.
 - (ii) Key challenges particularly relevant to PC26 are the lack of understanding of the unique characteristics of retirement villages, the lack of suitable sites, and lengthy and unnecessarily complex consent processes (and associated costs).
- e) Supplementary corporate evidence was presented by Mr John Collyns as Executive Director of RVA. He set out his experience in the retirement village sector and confirmed that he had read and adopted the evidence of Ms Owens in full (as Ms Owens was unable to attend the hearing).¹⁸⁷
- f) Detailed planning evidence was presented by Ms Nicola Williams, Associate at Mitchell Daysh. Ms Williams’ opinion was that PC26, and the recommendations contained within the s.42A Report did not adequately provide for retirement villages. Ms Williams contended that:¹⁸⁸
- (i) retirement villages are fundamentally a residential activity, as confirmed in the definition of *retirement villages* in the National Planning Standards 2019;
 - (ii) retirement villages are not ‘typical’ residential developments (particularly with regards to design and layout), and it is important that the specific needs of elderly people that reside in these villages are recognised and provided for via a bespoke and nuanced planning regime;

¹⁸⁶ Primary evidence of Matthew Brown, 6 April 2023, at [14]-[15], [51] and [81]-[83].

¹⁸⁷ Primary evidence of John Collyns, 1 May 2023, at [7]; and Memorandum of Counsel on behalf of RVA/Ryman, 1 May 2023, at [2]-[4].

¹⁸⁸ Primary evidence of Nicola Williams, 6 April 2023, at [13.2], [14]-[15], [17] and [22]-[25] respectively.

- (iii) it is appropriate that the objectives and policies of PC26 provide specific direction as to the different housing typologies that may be necessary to support different demographics – which includes retirement villages and an understanding of their functional and operational needs;
- (iv) the land use component of a retirement village (i.e., the activity of retirement living) should be provided for as a permitted activity in the same manner as other residential activities in the District Plan (e.g. home occupations);
- (v) the development aspects (i.e., the physical construction / built environment) should be assessed as a restricted discretionary activity consistent with other multi-unit residential proposals in order to ensure the external effects of the development are well managed and appropriate for the scale of development proposed;
- (vi) carrying over the operative plan provisions for retirement villages into the MDRZ is contrary to the residential enabling intent of the MDRS;
- (vii) the specific policy and rule framework sought by the submitters is needed to give effect to the NPS-UD and the Amendment Act directives; and
- (viii) the opinions expressed in the s.42A Report misunderstand both the nature of retirement villages and the RVA/Ryman’s proposed planning regime, which was where the more significant differences between the Reporting Officer and the submitters arise.

373. Ms Williams proposed a comprehensive suite of retirement village-specific provisions, which she noted in some cases would also have general application to other activities managed under the District Plan.¹⁸⁹

8.3.3 S.42A Response to Submissions

374. The s.42A Report stated that retaining the existing restricted discretionary approach for the management of retirement villages was considered appropriate on account of the potential scale and intensity of retirement villages, which will generally always comprise development beyond the scale anticipated by the MDRS.¹⁹⁰ The s.42A Report identified a number of concerns with respect to the submitter’s requests for the introduction of retirement village-specific provisions, which we summarise as follows:¹⁹¹

¹⁸⁹ Primary evidence of Nicola Williams, 6 April 2023, at [18.1]-[18.8] and [19].

¹⁹⁰ s.42A Report, at [9.22.5].

¹⁹¹ s.42A Report, at [9.22.6]-[9.22.7].

- a) there was no scope to include retirement village provisions in zones other than the MDRS;
- b) retirement villages are residential in nature and definition, and it is not fanciful that they may, at some future point, be repurposed for general residential, with at least one over-55s retirement village facing requests for units to be offered on the general market; and
- c) enabling the development of retirement villages and aged care facilities (which were generally residential in nature) within the Commercial Zone as a permitted or restricted discretionary activity was not supported as this would not be consistent with the need to retain the Commercial Zone for its primary intended uses - retail, office and the commercial service needs of the associated centre, with residential activity restricted to above ground-level.

375. As a result, no amendments to PC26 were recommended.

376. An Addendum to the s.42A Report clarified the minor amendments made to the existing retirement village provisions when they were transferred into the proposed MDRZ.¹⁹²

8.3.4 Council Legal Submissions on Scope

377. In relation to the issue of scope, the Council's opening legal submissions contended that the specific retirement village activity rules sought by RVA/Ryman were out of scope of PC26 as:¹⁹³

- a) they are not related matters (under s.80E) which support or are consequential on the MDRS or Policy 3 of the NPS-UD;
- b) the public notice for PC26 and the s.32 ER did not consider changes to the policy/rule framework for retirement villages, and therefore failed the first limb of *Clearwater*; and
- c) there is a real risk that parties directly affected by any change in the policy/rule framework for retirement villages have not had a proper opportunity to participate in the PC26 process, thereby failing the second limb of *Clearwater*.

378. The Council's closing legal submissions reiterated and reaffirmed these views.¹⁹⁴

8.3.5 Council Rebuttal Evidence on Planning Merits

379. Notwithstanding its position on scope, Mr Quickfall's rebuttal evidence also

¹⁹² First Addendum to s.42A Report, April 2023, at [4.7.4].

¹⁹³ Council opening legal submissions, 21 April 2023, at [15.2].

¹⁹⁴ Council closing legal submissions, 19 May 2023, at [2.8]-[2.12].

provided a substantive response to the RVA/Ryman request.¹⁹⁵ In summary, Mr Quickfall remained unconvinced of the planning merit of the amendments sought to PC26 because:

- a) The residential *activity* undertaken within retirement villages falls within the definition of residential activity. However the *retirement village* (the associated activities and the buildings) have different planning controls. This reflects the different effects arising from a comprehensive development that include on-site community facilities and may include commercial activities for residents.
- b) While non-care residents are clearly undertaking a residential activity, the way that comprehensive retirement villages function as a comprehensive development is very different from 'standard' residential activities. For these reasons, the District Plan lists retirement villages as a restricted discretionary activity, with specific matters of discretion.
- c) Observation of retirement village development over the years has seen an increased social segregation of a particular age group from mainstream society.
- d) In the future, some current retirement villages may potentially be re-purposed for standard residential as demographics swing back to a younger population.
- e) There is no s.32 justification for amending the operative planning controls through PC26, and Mr Quickfall doubted that the existing provisions had prevented or constrained the development of a vibrant, thriving and quickly expanding rest home industry in Waipā.

8.3.6 RVA/Ryman Oral Evidence and Supplementary Submissions

380. In response to questioning by the Panel at the hearing, Mr Hinchey confirmed that the reason the submitters were seeking permitted activity status for the activity of retirement villages was to signal to the community that they are an appropriate land use within any given zone. Mr Hinchey also confirmed it was the opinion of the submitters that the proposed restricted discretionary activity rule for the building and construction activities associated with a retirement village would effectively manage all potential adverse effects associated with retirement villages, and that all other actual and potential adverse effects such as transport and noise would be managed via other existing provisions that would sit alongside the requested permitted activity retirement village provisions. Ms Williams added that it was her opinion that retirement villages are a residential activity and should be managed in a similar way as other residential activities.

¹⁹⁵ Rebuttal evidence of Tony Quickfall, 19 April 2023, at [8.2]-[8.5].

381. Ms Williams was also asked whether the approach of splitting land use from development for retirement villages was consistent with the way the District Plan addressed other activities. Ms Williams confirmed the requested provisions would split land use from development, but she noted that there were other examples of this distinction in the plan, such as for home occupations.
382. When questioned on whether the other activities provided as part of some retirement villages (such as cafés, hairdressers, pharmacy and support services) formed part of the residential activity, Ms Williams confirmed her opinion that the National Planning Standards definition for *retirement village* included all activities associated with a retirement village as a residential activity.
383. Following the hearing, RVA/Ryman also provided supplementary legal submissions asserting that retirement villages as a whole, (i.e., including all ancillary services and facilities) are residential activities. The submissions also drew our attention to the following two High Court decisions which had considered those issues:¹⁹⁶
- a) *Hawkesbury Avenue, Somme Street and Browns Road Residents Association Inc v Merivale Retirement Village Ltd* in which the High Court agreed with the Environment Court 's declaration that the rest home activities applied for in a 1997 resource consent application comprising 48 rest home beds, 18 studio beds, nursing care, and associated facilities was a *residential activity* under the definitions contained in the Christchurch City Council Proposed District Plan at the time.¹⁹⁷
 - b) *Te Rūnanga o Ngāti Awa v Whakatāne District Council* in which the High Court found that the ancillary services and facilities offered as part of a retirement village were inextricably linked to the definition of dwellinghouse and residential activity.¹⁹⁸

8.3.7 Discussion/Findings

8.3.7.1 Scope

384. While we acknowledge there is merit in making better provision for retirement villages given the issues experienced to date, and given the growing need for such facilities, we are not persuaded there is scope for the extensive suite of changes requested by RVA/Ryman (and Metlifecare) in the context of this *particular* plan change. We accept the Council's submissions on scope in this regard.
385. In addition, we consider the changes sought go well beyond what is necessary to give effect to the MDRS and Policy 3, and instead comprise a comprehensive review

¹⁹⁶ RVA/Ryman supplementary legal submissions, 5 May 2023.

¹⁹⁷ *Hawkesbury Avenue, Somme Street and Browns Road Residents Association Inc v Merivale Retirement Village Ltd* AP 139/98, High Court Christchurch, 3 July 1998, at pp.21-22.

¹⁹⁸ *Te Rūnanga o Ngāti Awa v Whakatāne District Council* [2022] NZHC 819

and change to the District Plan’s approach to retirement villages. We consider that such changes would be more appropriately considered through a separate plan change process. This would enable a full assessment to be included as part of the s.32 evaluation report, and all potentially interested parties would be on notice of what is proposed and have the opportunity to submit as well as participate in any subsequent appeal. We encourage the Council to work with the submitters to develop a plan change to address these matters in the near future.

386. Until then, the Panel agrees with Council that the existing District Plan together with the minor amendments proposed through PC26 will continue to recognise and provide for retirement village activities within the Waipā District.

8.3.7.2 Whether All Retirement Village Activities are Residential Activities

387. While, given our findings on scope above, it is not necessary for us to consider the substantive issues, we briefly address one issue that was at the centre of the difference of opinion between the Council and the submitters. That is whether all activities associated with retirement villages are residential activities.

388. We gave close consideration to this matter in terms of the relevant definitions for retirement villages, as contained in the National Planning Standards and the District Plan, as well as the caselaw provided.

389. The National Planning Standards defines a retirement village as follows:

Retirement Village means a managed comprehensive residential complex or facilities used to provide residential accommodation for people who are retired and any spouses or partners of such people. It may also include any of the following for residents within the complex: recreation, leisure, supported residential care, welfare and medical facilities (inclusive of hospital care) and other non-residential activities.

390. While the definition clearly includes some non-residential activities, it falls short of stating that all activities associated with a retirement village are ‘residential activities’. Reference to the National Planning Standards definition of ‘residential activity’ (“*the use of land and building(s) for people’s living accommodation*”) does not appear to support the RVA/Ryman proposition, since the use of buildings for a café or hair salon do not appear to be necessary for that (‘living accommodation’) purpose.

391. The ODP definition for retirement village currently differs from the National Planning Standards, as Waipā has not yet incorporated the National Planning Standards definitions and is not proposing to via PC26 (given Council has until November 2026 to incorporate the definitions).¹⁹⁹ The ODP definition is as follows:

Retirement village accommodation and associated care facilities

¹⁹⁹ National Planning Standards 2019, Standard 17 – Implementation Standard, subcl.6(a).

means a comprehensive RESIDENTIAL DEVELOPMENT that contains two or more DWELLINGS for the purpose of a RESIDENTIAL ACTIVITY for people in their retirement and may include:

- BUILDINGS, services and facilities for the purpose of a RESIDENTIAL ACTIVITY and respite care that provide a continuum of care predominantly for the elderly and retired persons and includes REST HOMES, HOSPITALS, and palliative and dementia care facilities.
- Associated ANCILLARY services and facilities such as recreation, welfare or medical facilities for residents.

For the avoidance of doubt, the following are not RETIREMENT VILLAGE ACCOMMODATION and associated care facilities for the purposes of this Plan:

- Owner-occupied DWELLINGS registered under the Unit Titles Act 2010; or
- Owner-occupied cross lease DWELLINGS that in either case do not provide services or facilities to their occupants beyond those commonly provided for by:
 - DWELLINGS that are not intended to provide accommodation predominantly for elderly people; or
 - DWELLINGS occupied under tenancies to which the Residential Tenancies Act 1986 applies

392. Both the National Planning Standards and the ODP definitions for retirement villages include residential activities in conjunction with other activities. Some of these other activities, such as *hospital*, and *rest home* are also defined separately within the ODP. On the plain and ordinary reading of these definitions, neither state that all activities carried out within a retirement village are residential activities. We therefore agree with Mr Quickfall where he notes in his rebuttal evidence²⁰⁰ that the wide variety of activities typically included within a retirement village can have differing effects, many of which are atypical of residential activities (although often to be found in or adjacent to residential zones), thus the restricted discretionary status and specific matters of discretion for retirement villages.

393. In considering the caselaw provided by the submitters we find that neither of the two cases considered retirement villages under the same definitions as those referred to above, nor under the same district plan provisions. The manner in which the ODP and/or PC26 manage retirement villages is therefore distinguishable. We find the caselaw of limited relevance for our purpose.

8.3.8 Conclusion

394. For the reasons above we do not recommend any changes to PC26 with respect to the suite of retirement village-specific provisions and activity statuses sought by the submitters.

²⁰⁰ Rebuttal evidence of Tony Quickfall, 19 April 2023, at [8.2] and [8.5].

8.4 Community Corrections Activities

395. Ara Poutama Aotearoa – The Department of Corrections (Ara Poutama) supported the retention of the definitions of “*residential activity*” and “*dwelling*” and related provisions as notified in PC26. However, Ara Poutama also sought the following two changes which it contended were necessary to better provide for community correction activities within residential, commercial and industrial zones:²⁰¹

- a) the addition of a definition of “*community corrections activity*” consistent with the National Planning Standards; and
- b) a change to the activity status for community corrections activities in commercial and industrial zones to permitted.

396. Sean Grace, Senior Principal and Planner at Boffa Miskell, appeared and gave planning evidence in support of these requests for Ara Poutama. In summary, Mr Grace’s evidence was that community correction activities:

- a) are important to the successful operation and wider functioning of the urban environment and essential social infrastructure;
- b) are compatible and appropriate in commercial areas as they are consistent with the character and amenity of those areas and are not prone to reverse sensitivity;
- c) would not impact on the wider availability of commercial land given there is only a limited need for such facilities;
- d) have been provided for as permitted activities in commercial zones by other councils; and
- e) if provided for as permitted activities would enable outcomes which align with the NPS-UD, Waikato RPS, ODP, PC26, the Future Proof Strategy and Waikato 2070, including meeting local needs in areas with good connectivity, integrating planned growth and development, increasing levels of self-sufficiency in the commercial zones, and an increased range of employment opportunities.

8.4.1 Council Response

397. The Council did not accept these amendments were appropriate for two primary reasons:

- a) Scope: The Council considered the relief sought was not within the scope of s.80E as they were not matters that support or are consequential on the MDRS, the s.32 ER did not consider changes to the policy/rule framework for

²⁰¹ Primary evidence of Sean Grace, 6 April 2023, at [1.1].

community correction facilities, and there was a real risk that there may be parties affected by a change in the policy/rule framework who have not had an opportunity to participate in the PC26 process. The Council therefore concluded that the relief was prevented by s.80G(1)(b) from being included in PC26.²⁰² The Council also noted that the examples provided by Mr Grace of similar changes being provided in other district plans had not been included by way of an IPI.²⁰³

- b) Already appropriately provided for: The Council submitted that the ODP already made appropriate provision for Corrections facilities as any such activities that involve offices are already permitted in Commercial zones, and where a wider range of activities are proposed, it is appropriate that consent be required to manage effects. The Council also noted that the evidence for Ara Poutama was that only one facility is required in each town, and that as there was already an existing facility in Waipā, a need for a further facility had not yet been determined.²⁰⁴

8.4.2 Discussion/Findings

398. We accept the evidence of Ara Poutama that community correction facilities are essential social infrastructure. However, we are not persuaded that there is scope for such activities to be introduced by way of this particular plan change. We agree with the Council that the relief sought by Ara Poutama falls outside the scope of PC26 for the reasons summarised above. We also agree with the Council that the District Plan already makes appropriate provision for such activities.
399. Should Ara Poutama wish to pursue its requested relief, we consider that is best done through an ordinary plan change process, where the impacts of such changes and the views of any affected parties can be fully considered. Accordingly, we have not included Ara Poutama's requested changes in our recommended provisions.

8.5 Emergency Service Access and Setbacks

400. PC26 did not include any specific provisions related to emergency service access. The Council considered that such access was already provided for via existing ODP provisions.

8.5.1 Submissions and Council response

401. Fire and Emergency New Zealand (FENZ) sought amendments on this issue and the s.42A Report recommended that a number of these be accepted.²⁰⁵

²⁰² Council opening legal submissions, 21 April 2023, at [15.2]; and Council closing legal submissions, 19 May 2023, at [2.13]-[2.14].

²⁰³ Council closing legal submissions, 19 May 2023, at [10.2].

²⁰⁴ Council closing legal submissions, 19 May 2023, at [10.3].

²⁰⁵ s.42A Report, at [9.11.19].

402. FENZ did not attend the hearing but tabled a letter (prepared by Ms Alec Duncan, Senior Planner of Beca Ltd) addressing the matters rejected by the s.42A Report author, seeking:
- a) as a minimum, an advice note to rule 2A.4.2.4 directing plan users to the requirements of the Building Code with respect to building setback requirements; and
 - b) a new matter of discretion added to rule 21.1.2A.8 regarding the extent to which the non-compliance compromises the efficient movement of residents and emergency services and the provision for the health and safety of residents in meeting their day-to-day needs.
403. While the proposed advice note was supported by Kāinga Ora; the additional matter of discretion was opposed by it. RVA/Ryman opposed the matter of discretion on the basis that it was unclear what level of information would be required to demonstrate compliance, and that it would duplicate the requirements of the Building Act.
404. The Addendum to the s.42A Report consequently recommended that the matter of discretion 21.1.2A.8(i) be amended as follows:²⁰⁶

The extent to which the building precludes the ability to access the front, side and rear of the site or dwelling, with particular regard given to emergency service access.

8.5.1.1 Finding

405. We agree with the amendment to the setback rule 21.1.2A.8(i) recommended in the Addendum to the s.42A Report.
406. We do not agree that the advice note is required. As a matter of plan development principle, attempting to alert readers of plans to other legislative requirements carries substantial risk of either overlooking requirements or becoming out-of-date necessitating costly plan amendments. While such notes are typically attached to resource consents, plans are an altogether different matter.

8.6 Urban Design Guide

407. The ODP references eight design guides as appendices:
- DG1 – Character Cluster Statements
 - DG2 – Central Cambridge Character Guidelines
 - DG3 – Central Te Awamutu Character Guidelines
 - DG4 – Central Kihikihi Charter Guidelines

²⁰⁶ Addendum to s.42A Report, April 2023, section 4.3.

- DG5 – Central Pirongia Character Guidelines
- DG6 – Central Ōhaupō Charter Guidelines
- DG7 – Guidance for Assessments
- DG8 – Cambridge Park Residential Zone Character.

408. These provide guidance for assessments of sites containing or located within the following areas:

- Outstanding natural features and landscapes
- High amenity landscapes
- Significant landscape features
- Visually sensitive hill country
- River and lake environs
- Viewshafts
- State Highway 3 scenic corridor.

409. PC26 proposed to include these design guides as matters of discretion within proposed new section 2A – MDRZ, and to make consequential amendments to the assessment criteria and information requirements contained in section 21. PC26 also amends the DG1 character cluster design statement.

8.6.1 *Submissions and evidence*

410. The s.42A Report advised²⁰⁷ there were five submissions on design guidance; three of which supported the use of design guides but requested amendments,²⁰⁸ while two opposed the use of design guides within the District Plan.²⁰⁹

411. The principal concern raised was the risk of inadvertently elevating the status of a guide to that of a regulation – made even more problematic where a guide was incomplete at the time of notification or introduced subsequently. Parties generally seemed agreed that guides as non-statutory layers is the preferred approach.

412. Mr Wallace (urban design witness for Kāinga Ora) also raised concerns with respect to whether the guidance provided by DG1 – Character Cluster Statements could be considered ‘guidelines’. It was Mr Wallace’s view that DG1 sets out a series of factual statements that related to each character cluster, and it was therefore

²⁰⁷ s.42A Report, at [9.28.5].

²⁰⁸ Submissions #28.2 – Elaine Ruis; #29.2 – Denis Wilson White; and #61 – Kevin Honiss.

²⁰⁹ Submitters #70 – Ryman; and #79 – Kāinga Ora.

unclear how one could apply it as part of the assessment for subdivision in the MDRZ.²¹⁰

8.6.2 Council Evidence and response

413. The s.42A Report noted that the inclusion of the design guidance within the ODP followed a formal plan change process, and therefore has legal status.
414. The s.42A Report also noted that Kāinga Ora's request to remove the design guidelines from the ODP represented a fundamental change to the District Plan that went beyond what PC26 proposed.²¹¹
415. With respect to the submissions requesting the inclusion of stronger design guidance for the MDRZ, the s.42A Report noted that this would result in further restriction of development in the zone and was therefore not included in PC26.²¹²
416. With the exception of a minor amendment to a matter of discretion for rule 2A.4.1.3(B) in the Addendum to the s.42A Report,²¹³ no amendments were recommended by the Council in advance of the substantive hearing.
417. In response to the evidence of Kāinga Ora, Mr Quickfall's rebuttal evidence maintained the Council's position that the inclusion of design guides within the ODP was a legitimate and useful assessment matter in helping to deliver a well-functioning urban environment.²¹⁴ No additional amendments to design guides or associated provisions was recommended by the Council.

8.6.3 Finding

418. As no design guide for the MDRZ is yet to hand, we see no pressing need to provide a placeholder for that prospect. If one comes forward and is to be included in the ODP in due course, then we assume a Schedule 1 process would be required – at which time any consequential assessment criterion or rule can be proposed.
419. We agree with Kāinga Ora that any reference to design guidance within the rules should be clear that such are specific to those included in the District Plan, rather than to any other form of non-statutory design guidance approved by the Council. We recommend a specific amendment below.
420. We take no position on the argument as to whether design guides should be statutory or non-statutory. The point is that if they are to be statutory, they should proceed through the normal process for review and consideration before being imposed.

²¹⁰ Primary evidence of Cameron Wallace, 6 April 2023, at [6.9].

²¹¹ s.42A Report, at [9.28.10].

²¹² s.42A Report, at [9.28.10].

²¹³ Addendum to the s.42A Hearing Report, April 2023, section 1.5.

²¹⁴ Rebuttal evidence of Tony Quickfall, 19 April 2023, at [6.14].

8.6.4 Recommendation

421. Accordingly, we recommend that matters of discretion in rules 2A.4.1.3(b), (c), (f), (g), (h), and rule 15.4.1.1 (e) be amended as follows:

Alignment with any relevant Urban Design Guidelines approved by Council and included in the District Plan.

9 Financial Contributions

9.1 Overview

422. A brief history of FCs and its vicissitudes was outlined in Council’s opening submissions on this topic. These submissions noted that some councils had stopped using FCs in favour of development contributions (DCs) under the Local Government Act 2002 (LGA) in advance of the signalled FCs repeal in 2017, and notwithstanding their subsequent reinstatement in 2019.

423. Waipā has financial contributions (designed to manage the effects of unplanned development) in section 18 of its ODP, which apply to reticulated water services, wastewater collection services, stormwater services, road corridor services, and heavy vehicle impact fees. However, as Mr Quickfall noted, this mechanism has rarely been used since 2019.²¹⁵ A description of the policy basis for the existing FC provisions (and its relationship with DCs) was provided by Mr Quickfall and was not in dispute.²¹⁶

424. The FCs included in section 18 of the ODP apply variations on the following formulaic structure (or on the total assessed costs for providing the required capacity in the case of three waters infrastructure):

- Connection to water supply system or wastewater network = $\$A \times [B/[B+C]]$;
- Connection to the stormwater system = $\$I \times [J/[J+K]]$;
- Road corridor services = $\$F \times [G/[G + H]]$; and
- Heavy vehicles on traffic and pedestrian routes = $\$[(G)/[(F)+(G)]] \times (H)$.

425. For present purposes the meaning of the particular factors (A, B, C etc) is not important; it is the consistency of the general structure of the formula that is reflected in the proposed new FC.

426. As amended, ss.77T and 80E(1)(b)(i) of the RMA enable a council to include or change their FC provisions through their notified IPI. As recorded, Waipā decided not to comprehensively review its FC provisions through PC26 but instead focus on those unplanned effects arising from intensification brought about through

²¹⁵ Primary evidence of Tony Quickfall on FCs, 4 August 2023, at [4.5].

²¹⁶ Primary evidence of Tony Quickfall on FCs, 4 August 2023, at section 4.

implementing the MDRS. Council’s opening legal submissions summarised the changes as:²¹⁷

- (a) *Enabling financial contributions to be taken for permitted activities, as enabled by s77E, as the MDRS provides for more opportunities for residential development to occur as a permitted activity;*
- (b) *Requiring a new financial contribution for the purpose of restoring and protecting the Waikato and Waipā rivers and their catchments, to address the objectives of Te Ture Whaimana o Te Awa o Waikato – Vision and Strategy (Te Ture Whaimana); and*
- (c) *Requiring a new financial contribution for the purpose of avoiding, remedying, mitigating or offsetting adverse effects on residential amenity.*

427. The Residential Amenity FC is to apply to all new dwellings in the MDRZ; while the Te Ture Whaimana FC is to apply to all new dwellings in the MDRZ and Commercial Zones.

428. As examples of the sort of adverse urban residential amenity effects the new Residential Amenity FC is designed to address, Mr Quickfall identified:²¹⁸

- (a) *Effects on reduced levels of service of the provision of open spaces (e.g. parks and playgrounds) arising from increased density and subsequent increased demand on open spaces and related infrastructure.*
- (b) *Effects on the visual amenity of streetscapes arising from densification of built form (increase in building bulk and building height).*
- (c) *Increasing public spaces to compensate or offset the adverse effects of reduced private outdoor/open spaces and vegetation, arising from increased on-site development and built form.*

429. With respect to Te Ture Whaimana Mr Quickfall identified adverse effects arising from:²¹⁹

- (a) *Effects on the integrity and effectiveness of stormwater systems;*
- (b) *Discharge effects;*
- (c) *Effects of increased water abstraction; and*
- (d) *Increase in effects arising from the exercise of Council’s regional water and discharge consents for urban infrastructure, and potential non-compliances requiring a review of these regional consents and/or their conditions.*

430. Council’s legal submissions noted that the Environment Court had recognised that giving effect to Te Ture Whaimana required a proportionate contribution toward the betterment of the river system. The purpose of this FC therefore was:²²⁰

²¹⁷ Council opening legal submissions on FCs, 15 September 2023, at [4.2].

²¹⁸ Primary evidence of Tony Quickfall on FCs, 4 August 2023, at [7.6].

²¹⁹ Primary evidence of Tony Quickfall on FCs, 4 August 2023, at [7.10].

²²⁰ Council opening legal submissions on FCs, 15 September 2023, at [4.12]-[4.13].

... to provide for matters such as riparian enhancement; wetland creation, protection, restoration or enhancement; erosion control measures; ecological/biodiversity measures; public access improvements to the river; weed control measures; sediment reduction measures; education; restoration, protection or enhancement of waahi tapu and sites of significance.

431. The following were the key aspects of the urban amenity FC (as notified):

The notified quantum of the financial contribution was:

- *A fixed financial contribution of \$400 for each additional bedroom at the site created by the development;*
- *Greenfield development will be required to pay 80% of the above rate;*

The collection of the residential amenity financial contribution is for the following costs:

- *Where public open spaces can be improved, the cost of land acquisition and development; and*
- *Where streetscape amenity can be enhanced, the cost of that enhancement.*

432. The following were the key aspects of the Te Ture Whaimana FC (as notified):

The notified quantum of the financial contribution was:

- *A fixed financial contribution of \$400 for each additional bedroom at the site created by the development; and*
- *For non-residential development \$2,000 per 100m² of Gross Floor Area.*

433. The collection of the Te Ture Whaimana FC was identified as being for the following costs:²²¹

- (i) Riparian enhancement;*
- (ii) Wetland creation/protection/restoration/enhancement;*
- (iii) Erosion control measures;*
- (iv) Ecological/biodiversity;*
- (v) Public access improvements to the Waikato River, including its tributaries;*
- (vi) Weed control measures;*
- (vii) Sediment reduction measures;*
- (viii) Waikato and Waipā Rivers / Te Ture Whaimana education; and*
- (ix) Restoration / protection / enhancement of waahi tapu and sites of significance.*

434. The FCs are to be calculated at the earliest opportunity at which either subdivision, resource or building consent is required, and paid before either the subdivision certificate, building consent or consented activity commences. In accordance with

²²¹ Rule 18.5.1.8.

s.77E(1) RMA, FCs apply to all classes of activity (including permitted activities) other than prohibited activities.

435. The s.42A Report for this topic noted that 15 submissions and two further submissions addressed FCs. Matters were raised in relation to all three of the proposed FCs, as well as the existing ODP FC provisions. Table 1 of the s.42A Report summarised the submissions as including general/partial support, a request for inclusion of a purpose statement for existing FCs, greenfield developments, Te Ture Whenua, specific amendments to s.18, and other matters.
436. Expert conferencing was held on 14 September 2023 between Mr Lawrence McIlrath (for the Council) and Mr Greg Akehurst (for RVA/Ryman), both of whom are Directors at Market Economics. This conferencing resulted in the issue of a Joint Statement, which helpfully clarified the matters of agreement and disagreement.²²²

9.2 Revised Financial Contributions

437. As a consequence of submissions received, Council amended its formulae for the two proposed FCs as follows:

Rule - Determination of the maximum amount of financial contribution

18.5.2.2 The financial contribution collected for residential amenity shall be the total of A plus B as follows to a maximum amount of \$1,800 per dwelling:

$$A - \text{Financial contribution charge} = (FC * n) * F$$

where:

FC = financial contribution per dwelling (\$1,300).

n = number of new dwellings.

F = discount factor to account for development specific attributes or the value of other contributions (i.e., land for reserves, but excluding development contributions) for the same purpose.

B – Tree charge = \$500 per dwelling

18.5.2.5 The financial contribution collected for Te Ture Whaimana shall be based on the following calculation to a maximum amount of \$1,500 per dwelling:

$$\text{Financial contribution charge} = (FC * n) * F$$

where:

FC = financial contribution per dwelling (\$1,500).

n = number of new dwellings.

²²² Joint Witness Statement – Economics (FCs), 14 September 2023. Limited expert conferencing had also occurred earlier in July prior to evidence being circulated but did not result in a joint statement.

F = discount factor to account for development specific attributes or the value of other contributions (i.e. land for reserves, but excluding development contributions) for the same purpose.

438. The Addendum to the s.42A Report also recommended a worked example advice note (18.5.2.23) for illustrative purposes.
439. A further change was to amend the reference in the FC from “bedrooms” to “dwellings” to avoid inappropriately capturing care units / beds and similar (as identified by RVA/Ryman and others).
440. A change was also made to require a restricted discretionary activity consent to be obtained if FCs were not paid at the required time. This amendment was made in response to a request from Kāinga Ora for an alternative consenting pathway.
441. Relatively minor consequential amendments were proposed to the respective purpose, policy and definitions sections of the ODP.
442. Mr McIlrath told us that the capped maximum contribution fee had been calculated on the basis of a model whose main elements included projected household growth; project budget (capital costs) and financial costs (based on a list of projects provided by Council); the district spatial distribution of benefits and costs; and a 10-year timeframe. The anticipated 10-year average annual budget FC portions calculated were:²²³
- a) Te Ture Whaimana – in the order of \$450,000/annum; and
 - b) Residential amenity – in the order of \$350,000/annum.
443. That resulted in Mr McIlrath’s recommended FCs of:
- a) Te Ture Whaimana - \$1,500; and
 - b) Residential amenity - \$1,300 plus an additional \$500 / dwelling to reflect the cost of planting a street tree in Waipā.

9.3 Issues in Contention

444. The issues remaining in contention were:
- a) potential confusion with DCs and the risk of double-dipping;
 - b) the extent to which the proposed FCs are ‘fair, equitable and proportionate’ in terms of benefit versus need;
 - c) whether Waikato Tainui has a formal role to play in the administration of the Te Ture Whaimana FC; and
 - d) whether greenfield developments should be exempt from the new FCs.

²²³ Primary evidence of Lawrence McIlrath, 4 August 2023, at [4.6]-[4.13].

9.3.1 Double Dipping

445. With respect to the potential overlap and relationship with DCs, Mr McIlrath noted:²²⁴

I understand that an FC will not be charged on a service (project or investment) if the funding load associated with that project is fully recovered via DCs. Regardless, the FCs calculation needs to explicitly reflect and consider the potential overlaps with other funding streams to avoid over-recovery of costs.

446. In that respect the Council’s legal submissions noted that s.200(1) of the LGA prevents the taking of a DC for a matter already addressed by a FC (or other funding source), and that s.106(2)(f) LGA requires that FCs are summarised in Council’s DCs policy.²²⁵

9.3.2 Fair, Equitable and Proportionate

447. The need for FCs to be fair, equitable and proportionate, was framed by Mr Akehurst, as being particularly relevant for the retirement village sector, in terms of the lesser demand that growth units place on the system.
448. In particular, he noted the reduced demand and benefit to be derived from those living in such villages, whose actual use of the assets to be provided by these FCs was significantly less than that of the general public at large – either because most of that amenity was provided internally, or the use of three waters infrastructure was correspondingly reduced through efficiency gains from joint (e.g. laundries) or on-site (stormwater treatment) facilities. Whilst Mr Akehurst acknowledged the discount factor in the formulae, he calculated corresponding demand ratios as follows:²²⁶

FC Category	Independent Units	Assisted Living / Care / Memory Units
Residential Amenity - Parks, Reserves, Open Spaces, Public Amenity, Streetscape improvements and other social infrastructure	0.05	0.01
Traffic and Transport	0.27	0.24
Water/ Wastewater	0.40	0.37
Stormwater	<i>based on onsite offsetting/design</i>	
Te Ture Whaimana	<i>Zero FCs</i>	

449. On that basis he calculated an equitable charge (based on demand ratios) of \$64 / independent unit and \$13 / care unit.

²²⁴ Primary evidence of Lawrence McIlrath, 4 August 2023, at [5.4].

²²⁵ Council opening legal submission on FCs, 15 September 2023, at section 3. That section also noted that the Council’s reviewed DC policy was due to come into force on 1 July 2024.

²²⁶ Primary evidence of Lawrence McIlrath, 4 August 2023, Figure 1, at [29].

450. Mr Akehurst expressed the further concern that as Te Ture Whaimana FC was calculated on existing and hypothetical projects, some of which, he considered, related to remedying past problems / issues impacting the Waikato and Waipā Rivers he was not persuaded that this was either a cogent or lawful means for determining an FC. He concluded that the Te Ture Whaimana FC should be discarded and project-funded instead from rates which, of course, retirement villages are levied.
451. Council and the s.42A Report authors rejected Mr Akehurst's conclusions.
452. Whilst accepting that Mr Akehurst's ratios *could* reflect future demand, Mr McIlrath noted that *actual* demand would be development dependent and therefore flexibility was prudent. Both formulae allowed for such flexibility through the discount factor. He also noted that unlike planned greenfield development growth, where the effect on infrastructure systems and Te Ture Whaimana could more accurately be assessed, PC26 intensification was neither spatially nor temporally confined. The ability to estimate the additional load created by particular instances of growth on community facilities and amenities was unknown. It is precisely for that reason that the 10-year horizon was adopted (that being within the foreseeable budget and infrastructure planning forecasts).

9.3.3 Waikato Tainui

453. Waikato Tainui sought a role in decision making for the application of the Te Ture Whaimana FC under its Joint Management Agreement with Council.
454. We see no need for PC26 to include provisions relating to the manner by which Council determines the projects to which allocations are made in expending the dedicated FCs. If the Joint Management Agreement provides for something similar, then that will follow.

9.3.4 Greenfield Development

455. Mr Craig Shearer, for TA Projects, queried whether greenfield developments should be exempt from these new FCs because the related matters would typically be incorporated into the development itself.
456. We note, as did Council, that the FC formula contains a discount factor. In the event that the matters over which a FC can be levied are addressed in and by a development, it is reasonable to expect that to be appropriately discounted. As such we see no need for specific exemptions to be provided in the Plan.

9.3.5 Discussion/Findings

457. In relation to the issue of potential double-dipping, the Panel is satisfied that the requirement for transparency in the respective statutes is sufficient for our purpose and that the two proposed FCs can be distinguished from comparable DCs (and, if not, then remedies are available).

458. In relation to the second issue in terms of what is fair, equitable and proportionate, whilst the Panel has some sympathy with Mr Akehurst's position regarding uncertainty, it accepts Council's position that in such circumstances, and until that uncertainty is resolved, it is appropriate to set a capped quantum with discretion to negotiate a discount. We also note that should that capped quantum prove insufficient then, of course, recourse to a targeted rate or similar lies with Council.
459. The consequential text amendments proposed by Council are accepted accordingly.
460. The Panel makes no amending recommendations with respect to the other two matters discussed.

10 Operative District Plan Chapters

10.1 Strategic Policy Framework

461. As summarised in Part A of PC26, a number of changes to the Strategic Policy Framework are proposed, as follows:
- a) Changes to reflect Te Ture Whaimana being a unique QM, including:
 - (i) relocating the subsection relating to Te Ture Whaimana to a more prominent position in the section;
 - (ii) adding more information about Te Ture Whaimana, such as the four fundamental issues that it seeks to address; and
 - (iii) introducing a new cross boundary issue in section 1.4.4 to address the achievement of the objectives and strategies of Te Ture Whaimana for the restoration and protection of the Waikato and Waipā Rivers and their catchments.
 - b) An updated paragraph on the NPS-UD has been included in subsection 1.1.19(d).
 - c) A new policy relating to towns has been introduced in 1.3.2.2 to provide for medium density residential development in relevant residential zones located within the urban environs of Cambridge and Te Awamutu.
 - d) A number of consequential amendments.

10.1.1.1 Submissions and Council Response

462. The s.42A Report provides a summary of the eight submissions that are relevant to the strategic policy framework.²²⁷
463. The submissions seek a range of outcomes including:

²²⁷ s.42A Report, at [9.19].

- a) retention of strategic policy frameworks as notified;
- b) amendments to add a policy addressing reverse sensitivity effects;
- c) updates to reference PC1 to the Waikato RPS;
- d) references to better reflect the direction of the NPS-UD with respect to well-functioning urban environments and the consideration of amenity values in urban environments;
- e) changes to address the needs of an ageing population;
- f) changes to the policy on out of sequence and out of zone plan changes to address reverse sensitivity effects on dairy factories; and
- g) the deletion of the proposed policy that addresses out of sequence and out of zone plan changes.

464. The s.42A Report recommends a number of amendments in response to these submissions.²²⁸ Submission points recommended for rejection are primarily those that request amendments to better enable retirement villages, and which include specific reference to the consideration of reverse sensitivity effects within the strategic policy framework.

465. Following the receipt of submitter evidence and legal submissions, no additional or further amendments to the strategic policy framework provisions were recommended by Council. Likewise, the Council's rebuttal evidence made no additional recommended amendments to the provisions.

10.1.1.2 Finding

466. We agree with the recommended amendments set out in the s.42A Report.²²⁹ We do not consider any further amendments to be necessary or appropriate to give effect to the requirements of Policies 3 and 4 of the NPS-UD or to incorporate the MDRS into the relevant residential zones.

467. We do not consider a specific policy on retirement villages to be appropriate in light of our findings in section 7.3 above regarding the suite of new retirement village provisions requested by RVA/Ryman.

468. We addressed the amendments sought by Fonterra with respect to potential reverse sensitivity effects associated with regionally significant industry in section 6.9 above.

²²⁸ s.42A report, at [9.19.3]-[9.19.6].

²²⁹ s.42A report, section 9.19.

10.2 Operative Residential Zone

469. The s.42A Report explains that the operative Residential Zone provisions contained in section 2 of the ODP have been modified by PC26 only to address the other current residential zone in Karāpiro Village that sits outside of the defined urban environments of Cambridge, Kihikihi and Te Awamutu.²³⁰ In preparing PC26 the Council determined that the operative Residential Zone was not a “*relevant residential zone*”²³¹ for the purposes of the IPI, and is therefore not required to incorporate the MDRS. However the amendments were made recognising that the provisions are needed to apply to any future residential zones outside the main urban areas.

10.2.1.1 Submissions and evidence

470. Kāinga Ora requested amendments to an objective and two policies to reflect the direction of Policy 6 of the NPS-UD with respect to amenity effects that will change over time in the residential environment. A number of other amendments were sought consistent with Kāinga Ora’s submission in relation to relocated building activities, papakāinga, and marae developments.
471. Waikato Tainui requested the addition of two new objectives and six policies to recognise and provide for the relationship mana whenua have with the awa, and to implement Te Ture Whaimana.
472. FENZ requested amendments to Policy 2.3.2.4 to include the consideration of the health and safety effects of residents where resource consent applications are being considered for reduced site boundary setbacks.
473. RVA/Ryman requested a suite of amendments consistent with the retirement village-specific amendments sought across the District Plan, as we have addressed in earlier above.

10.2.1.2 Council Evidence and Response

474. As previously noted, Council’s opening legal submissions were that any submissions seeking changes to the current Residential Zone are outside the scope of PC26.²³²
475. The Council’s position on scope remained unaltered following the substantive hearing.

10.2.1.3 Finding

476. We agree with Council and find that the majority of requested changes to the Residential Zone provisions are not within the scope of PC26.

²³⁰ s.42A report, at [9.26.3].

²³¹ As defined by RMA, section 2.

²³² Council opening legal submissions, 10 February 2023, at [7.2].

477. With respect to changes requested by Kāinga Ora relating to Policy 6 of the NPS-UD, we were told that the Residential Zone chapter has not yet been amended to give effect to the requirements of the NPS-UD and that this, along with the remaining provisions of the ODP, will be pursued via a future non-IPI Schedule 1 RMA plan change process.
478. We accept that the narrow scope of this IPI process (as discussed earlier) suggests that as the more appropriate process going forward.
479. Accordingly we do not recommend any additional amendments to the Residential Zone provisions.

11 Statutory Assessment

480. The RMA sets out a range of matters that must be addressed when considering a plan change. These matters have been identified, correctly in our view, in both the s.32 ER and the relevant s.42A Reports and Addenda. A summary of those requirements is attached as **Appendix 4**. We note that the plan change was considered to satisfy those requirements.
481. We also note that s.32 clarifies that analysis of efficiency and effectiveness is to be at a level of detail that corresponds to the scale and significance of the effects that are anticipated from the implementation of the proposal.
482. Having considered the background documents, submissions, evidence, legal advice, and relevant policy and planning provisions, we are satisfied, overall, that PC26 has been developed in accordance with the relevant statutory and policy matters with regard to the Council's s.31 functions and the Amendment Act. The plan change incorporates the MDRS, gives effect to Policy 3(d) of the NPS-UD, and only reduces such development to the extent necessary to provide for QMs.

12 Summary of Recommendations and Conclusion

12.1 Introduction and Scope

483. This section provides a summary of the recommendations we have made to the PC26 provisions. The full text of our recommendations is attached as **Appendix 5**.
484. While as previously noted the Panel has the power to make recommendations going beyond the matters raised in submissions (provided they were within the scope of IPI itself),²³³ we consider we have no need to do so, and accordingly, confirm we have not made any such recommendations.

²³³ RMA, cl.99(2)(b) of Sch.1.

12.2 Conclusion on PC26 Provisions

485. For the reasons given earlier in this report, we have largely accepted the Council's final version of the PC26 proposed provisions. However, in response to the submissions and evidence we have heard we have recommended some changes to those provisions. In summary these changes include:

- a) the removal of the River/Gully QM overlay from sites within Cambridge and Te Awamutu that are separated from the relevant waterbody by a formed road (included in **Appendix 6**);
- b) amendments to Policies 2A.3.11.1 and 2A.3.11.2 to more clearly define where the River/Gully QM applies;
- c) The removal of the Bank Street Character Cluster from the planning maps and provisions;
- d) The inclusion of "*Site Coverage*" within the definitions to also mean "*building coverage*" and a consequential change to the references to "*building coverage*" in rule 2A.4.2.8;
- e) amendments to the matters of discretion in rule 2A.4.1.3(b), (c), (h), (i), (j) and rule 15.4.1.1 (e) to specifically reference the Urban Design Guidelines that are included in the District Plan;
- f) amendment to the note under heading 2A.4.2 to specifically reference rules 2A.4.2.9 and 2A.4.2.28;
- g) amendment to rule 2A.4.2.6(d) to include reference to Appendix S of the District Plan;
- h) a change to Stormwater QM rule 2A.4.2.8 and its associated matters of discretion to give more direction on how flooding effects and effects on rivers are to be considered, and to signal that avoidance or mitigation needs to be driven by relevant consents or policy guidance;
- i) the inclusion of an additional criterion in rule 2A.4.2.8.1 relating to the extent to which increased site coverage adversely affects the ecological integrity and viability of the adjacent biodiversity corridors and the accessibility and amenity of the adjacent esplanade areas;
- j) amendments to assessment criteria 21.1.2A.9(g) and 21.1.2A.8(h) to enable the assessment of the extent of effects (rather than whether there will be effects);
- k) the inclusion of new assessment criteria for rule 21.1.2A.10 which (among other things) strengthens the consideration of stormwater effects on downstream erosion;

- l) the inclusion of a new (consolidated) assessment criterion (c) for 21.1.2A.11 which encompasses consideration of a range of options for avoiding or minimising discharge of contaminants from buildings and which provides reference to guidance on allowable discharge of contaminants in stormwater;
- m) the replacement of proposed assessment criterion 21.1.2A.11 (e) with a new criterion relating to Te Ture Whaimana;
- n) amendments to assessment criteria in rule 21.1.2A.18 to include reference to esplanade amenity values and provide for off-site mitigation as a method for contributing to biodiversity and esplanade and residential amenity values; and
- o) where we considered it necessary, we have also made consequential minor wording, numbering and formatting changes. These have been reasonably extensive because the opportunity has been taken to correct existing anomalies. We are satisfied that these have no material content significance.

486. As noted earlier, there may be minor differences in numbering and wording in our final provisions from the PC26 excerpts included in various places in the body of this decision. This is a result of the process of agglomeration of the various provisions and changes discussed. Our final recommended provisions are set out in **Appendix 5**.

12.3 Recommendation

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

- a) accept our recommendations on Plan Change 26 – Residential Zone Intensification;
- b) accept, accept in part, or reject the submissions on PC26 consistent with our recommendations; and
- c) approve Plan Change 26 to the Waipā District Plan as set out in **Appendix 5**.

488. The reasons for the decision are that PC26 to the Waipā District Plan:

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

f) will better assist the effective implementation of the Waipā District Plan.



David Hill
Chairperson

7 March 2024

and on behalf of Commissioners Nigel Mark-Brown, Vicki Morrison-Shaw, and Dave Serjeant

Appendix 1 – Glossary of Abbreviations

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

Ara Poutama means Ara Poutama Aotearoa – The Department of Corrections.

Cl. means clause.

Council means Waipā District Council.

CPTED means Crime Prevention Through Environmental Design. **CSDC** means the Comprehensive Stormwater Discharge Consent held by Waipā District Council.

CSDC means the Council’s comprehensive stormwater discharge consent.

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

DCs means Development Contributions levied under the LGA.

District Plan means the Waipā District Plan.

FCs means financial contributions.

FCs Hearing means the PC26 hearing on financial contributions that was held on 20 September 2023.

FENZ means Fire and Emergency New Zealand.

Future Proof means The Future Proof Strategy 2022.

HAL means High Amenity Landscapes.

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

HDRZ means High Density Residential Zone.

IHP or Panel means the Independent Hearing Panel.

IPI means the Intensification Planning Instrument.

ISPP means Intensification Streamlined Planning Process.

Joint Hearing means the combined opening strategic and procedural overview hearing for the three Waikato IPI councils held on 15-17 February 2023.

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

LGA means the Local Government Act 2002.

MDRS means the Medium Density Residential Standards.

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MDRZ means the Medium Density Residential Zone.

NPS means National Policy Statement.

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

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

ODP means the Operative Waipā District Plan.

ONFL means Outstanding Natural Features and Landscapes.

PC1 means proposed Change 1 to the Waikato Regional Policy Statement.

PC2 means Waipā District Council Plan Change 2 – Protected Trees.

PC12 means Plan Change 12 to the Hamilton City District Plan.

PC26 means Waipā District Council’s Plan Change 26 – Residential Zone Intensification.

QM means Qualifying Matter.

RITS means the Regional Infrastructure Technical Standards.

RMA means Resource Management Act 1991.

RVA/Ryman means Retirement Villages Association and Ryman Healthcare Ltd.

s.32 ER means the evaluation report prepared by the Council under s.32 of the RMA.

Sch. Means Schedule.

SNAs means Significant Natural Areas.

Substantive Hearing means the PC26 hearing that occurred between 26 April 2023 and 2 May 2023.

Waikato IPI councils means Hamilton City Council, Waikato District Council and Waipā District Council.

Waikanae means *Waikanae Land Company Ltd v Kāpiti Coast District Council [2023] NZEnvC 056*.

Waikato RPS means Waikato Regional Policy Statement 2018.

WRC means Waikato Regional Council.

Appendix 2 – Summary of IPI and ISPP

Scope of an IPI

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

80E Meaning of intensification planning instrument

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

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

80G Limitations on IPIs and ISPP

IPIs

- (1) *A specified territorial authority must not do any of the following:*
- (a) *notify more than 1 IPI:*
 - (b) *use the IPI for any purpose other than the uses specified in section 80E:*
 - (c) *withdraw the IPI.*

ISPP

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

Appendix 3 – List of Submitters and Appearances

Hearing session	Party (Council/Submitter Name)	Appearances
Overview Joint Hearing		
	Waipā District Council	Wendy Embling (Counsel) Damien McGahan (Reporting Officer) Lawrence McIlrath (Economics) Tony Quickfall (Planning)
	Fonterra Limited	Daniel Minhinnick (Counsel) Craig Mathieson (Planning) Suzanne O'Rourke (Corporate)
	Kāinga Ora	Douglas Allan (Counsel) Brendon Liggett (Corporate) Philip Osborne (Economics) Michael Campbell (Planning)
	RVA/Ryman	Luke Hinchey (Counsel) Matthew Brown (Corporate) John Collyns (Corporate) Greg Akehurst (Economics) John Kyle (Planning)
	Transpower	Daniel Hamilton (Corporate) – Tabled
	Waikato Regional Council	Katrina Andrews (Planning)
	Waikato Community Lands Trust	Thomas Gibbons (Counsel)
	Triple 3 Farm Ltd	Thomas Gibbons (Counsel)
	Waikato Heritage Group	Deborah Fisher Margaret Sale Laura Kellaway
	Waikato Tainui	Te Makarini Mapu
Substantive Hearing		
	Waipā District Council	Wendy Embling (Counsel) Damien McGahan / Melissa Needham (Reporting Officers) Tony Quickfall (Planning) Anna McElrea (Green networks) Carolyn Hill (Heritage) Chris Hardy (Water and Wastewater) Michael Chapman (Flooding and stormwater) Susan Fairgray (Economics)

Hearing session	Party (Council/Submitter Name)	Appearances
		Tony Coutts (Three waters and transport) Anna McElrea (Parks and reserves)
	Ara Poutama	Rachel Murdoch (Counsel) Sean Grace (Planning)
	Christina Baggott	
	Cogswell Surveys	Rebecca Steenstra
	Eileen Hawkins	David Bayley
	FENZ	Alec Duncan (Planning) – Tabled
	Fonterra Ltd	Patrick Senior (Counsel) Suzanne O'Rourke (Corporate) Mark Chrisp (Planning)
	Graeme and Lucy Campbell	
	Heritage New Zealand Pouhere Taonga	Carolyn McAlley (Heritage planning) – Tabled
	Jennifer Gainsford	
	Kāinga Ora	Douglas Allan (Counsel) Gurv Singh (Corporate) Phil Osborne (Economics) Phil Jaggard (Infrastructure) Michael Campbell (Planning) Cam Wallace (Urban design)
	Kim Bannon	
	KiwiRail	Taylor Mitchell (Counsel) Michelle Grinlinton-Hancock (Corporate) Cath Heppelthwaite (Planning) Stephen Chiles (Noise and vibration)
	Ailea Street	
	Murray Hislop	
	Oliver Bleskie	
	Rodney Ross	
	RVA/Ryman	Luke Hinchey (Counsel) John Colyns (Corporate) Matthew Brown (Corporate) Nicola Williams (Planning) Prof. Ngaire Kerse (Gerontology)
	Steve Gow	
	TA Projects Ltd	Craig Shearer (Planning)
	Transpower	Daniel Hamilton (Corporate/planning) – Tabled
	Tyler Ross	
	Vaughan Martin	
	Waikato Regional Council	Hannah Craven (Planning)

Hearing session	Party (Council/Submitter Name)	Appearances
FC Hearing		
	Waipā District Council	Wendy Embling (Counsel) Melissa Needham (Reporting Officer) Tony Quickfall (Planning) Lawrence McIlrath (Economics)_
	Kāinga Ora	Brendon Liggett (Corporate) - Tabled
	Waikato Regional Council	Hannah Craven (Planning) – Tabled
	Waikato Tainui	Te Makarini Mapu
	RVA/Ryman	Luke Hinchey (Counsel) Gregory Akehurst (Economics)

Appendix 4 – Legal Requirements for District Plans

A. General requirements - district plan (change)

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

¹ RMA, section 74(1).

² As described in section 31 of the RMA.

³ RMA, sections 72 and 74(1).

⁴ RMA, section 74(1)(ea).

⁵ RMA, section 74(1).

⁶ RMA, sections 74(1)(c) and 80L.

⁷ RMA, section 75(3).

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

⁹ RMA, section 74(2)(a)(i).

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

¹¹ RMA, section 75(4).

¹² RMA, section 74(2)(a)(ii).

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

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

¹³ RMA, section 74(2)(b).

¹⁴ RMA, section 74(2)(c).

¹⁵ RMA, section 74(2)(d) and (e).

¹⁶ RMA, section 74(2A).

¹⁷ RMA, section 74(3).

¹⁸ RMA, section 75(1).

¹⁹ RMA, section 75(2).

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

²¹ RMA, section 75(1)(b) and (c).

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

²³ RMA, section 32(1)(b)(i).

²⁴ RMA, section 32(1)(b)(ii).

²⁵ RMA, section 32(2)(a)(i).

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

D. Rules

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

E. Other statutes:

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

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

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

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

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

²⁶ RMA, section 32(2)(a)(ii).

²⁷ RMA, section 32(2)(b).

²⁸ RMA, section 32(2)(c).

²⁹ RMA, section 32(1)(b)(iii).

³⁰ RMA, section 32(4).

³¹ RMA, section 76(3).

³² RMA, section 76(2).

³³ RMA, section 76(2A).

³⁴ RMA, section 76(5).

³⁵ RMA, section 76(4A).

³⁶ RMA, section 76(4B).

³⁷ RMA, section 77G(1).

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

H. Additional requirements for qualifying matters⁴⁰

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

(a) demonstrate why the territorial authority considers—

(i) that the area is subject to a qualifying matter;⁴² and

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

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

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

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

(i) how the provisions of the district plan allow the same or a greater level of development than the MDRS;⁴⁷

(ii) how modifications to the MDRS as applied to the relevant residential zones are limited to only those modifications necessary to accommodate qualifying matters and, in particular, how they apply to any spatial layers relating to overlays, precincts, specific controls, and development areas, including—

- any operative district plan spatial layers; and
- any new spatial layers proposed for the district plan.⁴⁸

I. Alternative process for existing qualifying matters

³⁸ RMA, section 77G(2).

³⁹ RMA, section 77N(2).

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

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

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

⁴³ RMA, section 77(3)(a)(ii).

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

⁴⁵ RMA, section 77J(3)(b)/77P(3)(b).

⁴⁶ RMA, section 77J(3)(c)/77P(3)(c).

⁴⁷ RMA, section 77J(4)(a).

⁴⁸ RMA, section 77J(4)(b).

20. When considering existing qualifying matters,⁴⁹ the specified territorial authority may:
 - (a) identify by location (for example, by mapping) where an existing qualifying matter applies;⁵⁰
 - (b) specify the alternative density standards proposed for the area or areas identified;⁵¹
 - (c) identify why the territorial authority considers that 1 or more existing qualifying matters apply to the area or areas;⁵²
 - (b) describe in general terms for a typical site in those areas identified the level of development that would be prevented by accommodating the qualifying matter, in comparison with the level of development that would have been permitted by the MDRS and policy 3 in residential zones⁵³ and by policy 3 in non-residential zones.⁵⁴

J. Further requirements for 'other' qualifying matters under section 77I(j)/77O(j)

21. A matter is not a qualifying matter under section 77I(j)/77O(j) unless an evaluation report:
 - (a) identifies for residential zones the specific characteristic that makes the level of development provided by the MDRS (as specified in Schedule 3A or as provided for by policy 3) inappropriate in the area⁵⁵ or for non-residential zones identifies the specific characteristic that makes the level of urban development required within the relevant paragraph of policy 3 inappropriate;⁵⁶ and
 - (b) justifies why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD;⁵⁷ and
 - (c) includes a site-specific analysis that—
 - (i) identifies the site to which the matter relates;⁵⁸ and
 - (ii) evaluates the specific characteristic on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter;⁵⁹ and
 - (iii) evaluates an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS (as

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

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

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

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

⁵³ RMA, section 77K(1)(d).

⁵⁴ RMA, section 77Q(1)(d).

⁵⁵ RMA, section 77L(a).

⁵⁶ RMA, section 77R(a).

⁵⁷ RMA, sections 77L(b)/77R(b).

⁵⁸ RMA, sections 77L(c)(i)/77R(c)(i).

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

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

⁶⁰ RMA, section 77L(c)(iii).

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

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Appendix 5 – PC26 Recommended Provisions

Part A – Proposed Plan Change 26

Independent Hearing Panel Recommendation Tracked Changes to Waipā District Plan

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

Under section 80H of the Resource Management Act 1991, the Council is required to show which provisions incorporate the objectives and policies of clause 6 and the density standards in clauses 10-18 of Schedule 3A of the Resource Management Act 1991. These are identified by a footnote.

Definitions

Key

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

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

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

Text that is not underlined or struck through is original PC26 text as notified.

'Act'

means the Resource Management Act 1991.

Infill Housing

~~means the further residential SUBDIVISION/DEVELOPMENT of land within the urban limits where SUBDIVISION and LAND USE consents are jointly lodged.~~

'Infrastructure Capacity Assessment'

means an assessment of the capacity of an existing water supply (including fire water supply), wastewater, or stormwater network to determine if there is enough capacity for a proposed development, or to define the requirements for network upgrades that would need to be implemented for the development to be approved. The exact requirements for an Infrastructure Capacity Assessment should be discussed and agreed with WDC on a case-by-case basis.

'Intensification Planning Instrument'

As defined in section 80E(1) of the ACT. Also known as the IPI.

'Intensification Streamlined Planning Process'

Also known as the ISPP and refers to the planning process set out in subpart 5, Part 5 and Part 6 of Schedule 1 of the ACT.

'Medium Density Residential Standards' means the standards set out in Schedule 3A 'MDRS to be incorporated by specified territorial authorities' of the ACT.

'Qualifying Matter' As defined in section 771 or section 770 of the ACT.

'Relevant Residential Zone' Is defined in section 2 of the ACT and

- means all residential zones; but
- does not include—
 - a large lot residential zone;
 - an area predominantly urban in character that the 2018 census recorded as having a resident population of less than 5,000, unless a local authority intends the area to become part of an urban environment;
 - an offshore island;
 - to avoid doubt, a settlement zone

'Site Coverage' Also means 'building coverage' as that term is used in Schedule 3A of the ACT.

A 'Suitably Qualified and Experienced Person to prepare an Infrastructure Capacity Assessment' means a Chartered Engineer (or equivalent) experienced in the planning and design of three waters networks who is competent to carry out the assessment of development impacts on three waters networks. It should be noted that Council may require the use of a nominated Consultant to carry out hydraulic modelling on behalf of Council for the purpose of a capacity assessment, but developers may wish to engage their own Engineer to assess on their own behalf.

'Transport Network / Transportation Network' means all public rail, public roads, public pedestrian and cycling facilities, public transport, and associated public infrastructure. It includes train stations; bus stops; bus shelters; and park and ride areas serving train stations.

'Te Ture Whaimana' means Te Ture Whaimana o Te Awa o Waikato - the Vision and Strategy for the Waikato River as set out in Schedule 2 to the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and contained in the Waikato Regional Policy Statement and Appendix O1 to the operative Waipā District Plan, and includes the Waikato River, the Waipā River and the catchments of the Waikato and Waipā Rivers.

Section 1 – Strategic Policy Framework

Key

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

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

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

Text that is not underlined or struck through is original PC26 text as notified.

1.1 Introduction

Key trends and future challenges

1.1.1 The Waipā district is in the Waikato region amidst a lush rural environment with towns and villages dispersed throughout. The main towns of Cambridge and Te Awamutu are located close to Hamilton City which provides additional employment opportunities and services.

1.1.1.2 The Waipā district has a population of around 53,000 as at 2021. Most of these people live in Cambridge and Te Awamutu. It is predicted that Waipā District's population will grow quickly and by 2050 an additional 27,000 people will be calling Waipā District home. It is also predicted the population of the district will be ageing with more than 30% of the population over the age of 65 by the year 2050. Similar rates of growth are anticipated in Waikato District and Hamilton City, with a near doubling of the population in these three areas over the next 50 years. Where and how the District's growing population is accommodated is a key issue for this District Plan.

1.1.1.3 Tāngata whenua are a key partner in establishing the strategic direction of the District. The relationship that tāngata whenua have with the environment is unique and is reflected within the Resource Management Act 1991. Key perspectives that tāngata whenua have for the future were recorded at the time of the Waipā District Growth Strategy (the Growth Strategy) and include:

- (a) Te Tiriti o Waitangi obligations between the Crown and hapū will continue to guide the manner in which tāngata whenua, regional and district councils, and other government agencies exercise their roles and responsibilities.
- (b) The outcomes from the settlement of grievances from breaches of Te Tiriti, coupled with ongoing capability and capacity building initiatives at individual, whānau, marae, hapū and iwi level will further influence the part that tāngata whenua play in the district's growth and development. In some cases, such as for the Waikato River and its catchment, this will include statutory co-management with Waipā's iwi partners. new forms of management.
- (c) Tāngata whenua will continue to strengthen the retention of Te Reo and its use along with a desire to be able to choose to live, work and play within the context of tikanga and traditional practices.

- 1.1.4 5 Over the past few decades ~~the following land use trends have occurred.~~ High class soils have been subdivided for housing and industrial use while agricultural land use has also intensified. Access to mineral resources has become increasingly difficult as development intensity increases. Risk of soil compaction and contamination and enrichment of water bodies both from urban and rural areas has increased. The landscapes of the District and remnant areas of indigenous vegetation are highly valued but are under significant threat with a large proportion of these areas being unprotected and on private land. Developments have occurred which are inconsistent with the existing character, and some heritage buildings have not been maintained which has resulted in ‘demolition by neglect’. These key changes and trends coupled with a community desire to maintain and enhance the special natural and built values of the District is challenging. Direction on how these challenges are to be managed is provided at a national, regional and local level (refer Statutory and Planning Framework diagram).

Te Ture Whaimana o Te Awa o Waikato - Vision and Strategy for the Waikato River

- 1.1.6 ~~Te Ture Whaimana o Te Awa o Waikato – The Vision and Strategy for the Waikato River (Te Ture Whaimana)~~ arises from the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, ~~and the Ngāti Tūwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010 (Upper River Acts) and the Nga Wai o Maniapoto (Waipā River) Act 2012 (the Settlement Acts).~~ These Acts establish Te Ture Whaimana ~~the Vision and Strategy~~ as the primary direction-setting document for the Waikato and Waipā Rivers and activities within its ~~their~~ catchments ~~affecting the Waikato River~~. This includes the lower Waipā River to where it meets its ~~confluence~~ with the Pūniu River. Section 11(1) of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 requires that the vision and strategy in its entirety is deemed to be part of the Waikato Regional Policy Statement, and it is therefore included in the Waikato Regional Policy Statement. Te Ture Whaimana ~~the Vision and Strategy~~ should be interpreted to best serve the overarching purpose of the settlement legislation.
- 1.1.7 The overarching purposes of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, and the Ngāti Tūwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010 are slightly different. ~~however,~~ ~~the~~ ~~key~~ ~~focus~~ ~~of~~ ~~both~~ ~~the~~ ~~Acts~~ ~~is~~ ~~the~~ ~~restoration~~ ~~and~~ ~~protection~~ ~~of~~ ~~restoring~~ ~~and~~ ~~protecting~~ ~~the~~ ~~health~~ ~~and~~ ~~well-being~~ ~~of~~ ~~the~~ ~~Waikato~~ ~~River~~ ~~as~~ ~~well~~ ~~as~~. ~~The~~ ~~Acts~~ ~~have~~ ~~the~~ ~~following~~ ~~purposes~~ ~~have~~ ~~in~~ ~~common~~ ~~the~~ ~~following~~ ~~purposes~~: recognising the significance of the Waikato River to the respective River Iwi; recognising Te Ture Whaimana – ~~the Vision and Strategy~~; establishing and granting functions to the Waikato River Authority; establishing the Waikato River Clean-up Trust; and providing co-management arrangements for the Waikato River. ~~Similarly they both~~ Both Acts identify that the Waikato River and its contributions to New Zealand’s cultural, social, environmental, and economic well-being is a matter of national importance.
- 1.1.8 This District Plan reflects the new era of co-management between Waipā District Council and iwi. The Settlement Acts require that a district plan shall give effect to Te Ture Whaimana.
- 1.1.9 Te Ture Whaimana responds to four fundamental issues:
- (a) The degradation of the Waikato River and the ability of Waikato River iwi to exercise kaitiakitanga or conduct their tikanga and kawa;
 - (b) The relationships and aspirations of communities with the Waikato River;
 - (c) The cumulative effects of physical intervention, land use and subsurface hydrological changes on the natural processes of the Waikato River; and

(d) The time and commitment required to restore and protect the health and well-being of the Waikato River.

1.1.10 Te Ture Whaimana is deemed in its entirety to be part of the Waikato Regional Policy Statement which district and regional plans must give effect to under Section 75 of the Act. It also prevails over any inconsistent provision in a National Policy Statement or National Environmental Standard issued under the Act.

1.1.13 The co-management framework established for the Waikato River represents a new era of environmental management. The regional policy statement, regional plans, district plans, and plans and policy documents prepared under other Acts form part of this framework. ~~As this Plan has been notified prior to the review of the Waikato Regional Plan it is acknowledged that a future plan change may be required to give full effect to the objectives and strategies within the Waikato River Vision and Strategy in the Waipā District.~~ This Plan supports the overall framework through requiring riparian setbacks, earthworks and landscape controls, protecting significant natural areas, encouraging the development of the Te Awa Cycleway, enabling customary activities, maintaining cultural landscapes and subdivision provisions which promote low impact design and encourage ecological preservation. ~~Te Ture Whaimana – the Vision and Strategy o Te Awa o Waikato – The Vision and Strategy for the Waikato River~~ The Waikato River Vision and Strategy will also be given effect to through a range of non-regulatory methods. Other parts of the framework provided for by legislation include integrated river management plans, joint management agreements, and provision for particular customary activities.

Waipā River Agreement (Maniapoto Deed)

1.1.14 The Nga Wai o Maniapoto (Waipā River) Act 2012 has as its purpose the restoration and maintenance of the quality and integrity of the waters that flow into and form part of the Waipā River, which is a principal tributary of the Waikato River. This Act contains mechanisms whereby the scope of Te Ture Whaimana ~~– the Vision and Strategy~~ may be extended to apply to the entire Waipā River.

1.1.15 For Maniapoto, the Waipā River is a taonga; the relationship between Maniapoto and the Waipā River is historic, intellectual, physical, and spiritual; to Maniapoto, their relationship with the Waipā River and their respect for it lies at the heart of their spiritual and physical wellbeing, and their tribal identity and culture.

1.1.16 The Maniapoto ~~D~~eed provides for the development of objectives for the Waipā River which must be consistent with the overarching purpose. The Maniapoto objectives are to be treated as an expression by Maniapoto of the relationship of Maniapoto and their culture and traditions with the Waipā River from its source at the Pekepeke Spring to its junction with the Waikato River at Ngaruawahia. ~~The Waipā River as a whole is a taonga to Maniapoto. The Nga Wai o Maniapoto (Waipā River) Act 2012 has also been enacted.~~

National Directions

1.1.5 17 National directions

National Environmental Standards

1.1.16 18 National Environmental Standards are regulations issued under sections 43 and 44 of the Act and apply nationally. This means that each regional, city or district council must enforce the same standard. In some circumstances, councils can impose stricter standards. The National Environmental Standards that have been developed to date are:

- (a) National Environmental Standards for Air Quality standards (200411); and
- (b) National Environmental Standard for Sources of human-dDrinking-wWater standard (2009); and
- (c) National Environmental Standards for Telecommunications fFacilities (2008); and
- (d) National Environmental Standards for Electricity tTransmission (2010); and
- (e) National Environment Standard for Assessing and mManaging eContaminants in sSoil to pProtect hHuman hHealth (20112); and
- (f) Resource Management (National Environmental Standards for Plantation Forestry)-Regulations (2017); and
- (g) Resource Management (National Environmental Standards for Freshwater)-Regulations (2020)-; and
- (h) National Environmental Standard for Marine Aquaculture (2020); and
- (i) National Environmental Standard for Storing Tyres Outdoors (2021).

National Policy Statement on Urban Development

1.1.6 The housing bottom lines for feasible, reasonably expected to be realised development capacity for housing in the Future Proof area are met, in accordance with the requirements of the National Policy Statement on Urban Development (NPS-UD) 2020.

Area	Housing bottom lines (number of dwellings)		
	Short to Medium term 2020-2030	Long term 2030-2050	Total
Waipā District	4,100	6,800	10,900

National Policy Statements

1.1.15 19 Section 75(3)(a) of the Act requires District Plans to give effect to National Policy Statements. Relevant National Policy Statements that have been developed to date are:

- (a)
- (d) The National Policy Statement on Urban Development 2020

The National Policy Statement on Urban Development 2020 is focused on ensuring that New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future. It seeks to ensure that planning decisions improve housing affordability and that integrated decision making occurs.

1.1.6 The housing bottom lines for feasible, reasonably expected to be realised development

capacity for housing in the Future Proof area are met, in accordance with the requirements of the National Policy Statement on Urban Development.

Table 1: Housing Bottom Lines

Area	Housing bottom lines (number of dwellings)		
	Short to Medium term 2020- 2030	Long term 2030-2050	Total
Waipā District	4,100	6,800	10,900

(e) The National Policy Statement for Indigenous Biodiversity 2023

The National Policy Statement for Indigenous Biodiversity provides direction to councils to protect, maintain and restore indigenous biodiversity requiring at least no further reduction nationally. It is limited to terrestrial ecosystems and some aspects of wetlands and will apply across all land types/tenures in Aotearoa New Zealand, both public and private.

Regional Direction

Waikato Regional Policy Statement

1.1.17 20 District Plans are required to give effect to any Regional Policy Statement. The current Waikato Regional Policy Statement - Te Tauākī Kaupapahere Te-Rohe O Waikato became operative on 20 May 2016. ~~in October 2000. The Waikato Regional Council released the Proposed Waikato Regional Policy Statement in 2010, with hearings of submissions carried out during 2012. At the date of notifying this version the Regional Policy Statement was subject to appeals. In preparing this Plan, Council is also required to have regard to the Proposed Regional Policy Statement under Section 74 of the Resource Management Act.~~

1.1.18 21 The ~~Proposed~~ Waikato Regional Policy Statement provides direction for the management of the resources of the region as a whole. It is a mandatory document that provides an overview of the resource management issues in the Waikato region, and the ways in which integrated management of the region’s natural and physical resources will be achieved. Six key issues are identified and a range of methods are proposed to address these issues. District Plans are a key method for implementing the directions within Regional Policy Statements. ~~The Proposed Waikato Regional Policy Statement became operative on 20 May 2016.~~

1.1.19 22 This Plan gives effect to these policy directions as they apply within the Waipā District ~~by,~~ through (amongst other things):

- (a)
- (f) The health and well-being of the Waikato and Waipā Rivers including the restoration and protection of the relationship of the community with ~~and~~ the Waikato and Waipā Rivers.

Waikato Regional Land Transport Plan Strategy - Mahere Waka ā-Rohe o Waikato 2021-2051

1.1.20 23 The Waikato Regional Land Transport Strategy Plan (2011-2041-2021-2051) is a statutory document prepared under the Land Transport Management Act (2003) to contribute to the aim of achieving an affordable, integrated, safe, responsive and sustainable land transport system. The 2021 Regional Land Transport Plan sets out how it is intended to develop the region’s land transport system over the next 30 years. The Plan contains two key components which are:

- (a) A regional policy framework that sets out the Waikato's land transport priorities and corresponding suite of objectives, policies and implementation measures that will direct the region's transport investment; and
- (b) The programme of transport activities the region has identified and prioritised for inclusion in the National Land Transport Programme and investment over the next three years.

~~It has been developed by the Waikato Regional Transport Committee in parallel with the Proposed Waikato Regional Policy Statement to achieve an integrated approach to land use, transportation planning and investment across the Waikato Region. The Strategy has adopted a balanced strategic approach for developing and protecting the Region's land transport system that focuses on three core areas:~~

- ~~(a) — Prioritising investment in a defined set of strategic transport corridors including corridors of regional significance.~~
- ~~(b) — Targeting road safety improvement under a safe system approach.~~
- ~~(c) — Focusing travel demand management and alternative mode interventions (public transport and walking and cycling) based on specific local needs.~~

1.1.24 The vision for land transport in the Waikato region is for an integrated, safe and resilient transport system that delivers on the well-beings of the diverse Waikato communities. It is underpinned by the following strategic objectives:

- (a) **Strategic corridors and economic development** – an efficient and resilient land transport system that advances regional economic wellbeing and supports liveable urban areas now, and in the future;
- (b) **Road safety** – no-one is killed or seriously injured on Waikato's regional transport system; and
- (c) **Access and mobility** – Waikato's land transport system provides an inclusive range of integrated and safe travel choices for people to meet their various needs.

1.1.25 The strategic objectives are supported by underlying objectives and regional direction from the Waikato RPS that inform decision-making in all areas. These are **climate change and environmental sustainability** – ensuring that transport plays its role in delivering an energy efficient, resilient, and low carbon sustainable future; ~~and~~ **integrated land use and transport planning** – ensuring that collaborative spatial-based approaches to decision-making continue to drive the best outcomes for Waikato's communities; and **low carbon transport system** – investment decisions to transform to a low carbon transport system that support urban form that facilitates the transition.

1.1.26 The Plan focuses on the region's key transport problems and priorities over the next three years and how we will position the region to contribute to national objectives for a land transport system that is effective, efficient, safe and in the public interest.

1.1.24 27 Examples of

Future Proof

1.1.22 28 The Future Proof project is a joint growth management initiative between Ngā Karu Atua o te Waka (Tangata Whenua), Waikato-Tainui, Tainui Waka Alliance, ~~Waipā~~ Waipā District Council, Waikato District Council, Hamilton City Council, Matamata Piako District Council, Waikato Regional Council, Waka Kotahi (New Zealand Transport Agency) and the Waikato District Health Board. For matters concerning the Hamilton-Auckland corridor, the Future Proof partnership is expanded to include the Government, the Mana Whenua Kaitiaki Forum and the

Proposed Plan Change 26: Residential Zone Intensification

Auckland Council. Ngā Karu Atua o te Waka (Tāngata Whenua). The Future Proof Strategy and Implementation Plan 2009 defines a future land use and settlement pattern that crosses administrative boundaries and is based on integrated planning principles. The land use and settlement pattern has been incorporated within the Waikato Regional Policy Statement. This Plan gives effect to this settlement pattern through adopting policy direction, rules, and a zoning pattern for the District that is consistent with the Waikato Regional Policy Statement and Future Proof.

1.1.29 An updated Future Proof Strategy was released in July 2022. The updated Strategy retains the core elements of the 2009 and 2017 Strategies and addresses key national documents such as the National Policy Statement for Urban Development 2020. The updated Strategy identifies future development areas across the sub-region and within the Waipā district and contains the implementation plan for the next 30 years including matters for inclusion in the Waikato Regional Policy Statement plan change being prepared by the Waikato Regional Council Waikato Regional Policy Statement Proposed Change 1 which will include future land use and settlement patterns.

1.1.30 The updated Strategy has defined seven elements for change being:

- (a) Iwi aspirations: enhancing the health and wellbeing of the Waikato River in accordance with Te Ture Whaimana, and iwi place-based aspirations;
- (b) Putting the Waikato River at the heart of planning;
- (c) A radical transport shift to a multi-modal transport network shaped around where and how communities will grow;
- (d) A vibrant metro core and lively metropolitan centres
- (e) A strong and productive economic corridor at the heart of the metro area;
- (f) Thriving communities and neighbourhoods including quality, denser housing options that allow natural and built environments to co-exist and increase housing affordability and choice; and
- (g) Growing and fostering water-wise communities through a radical shift in urban water planning, ensuring urban water management is sensitive to natural hydrological and ecological processes.

Iwi Management Plans

1.1.22 31 Planning documents

....

1.1.23 32 A number of Iwi Management Plans are in the process of being prepared. These documents once prepared and lodged with Council will provide both Council and the community with a greater understanding of the environmental issues that are of concern to tāngata whenua. An iwi management plan is a document that has been developed and approved by an iwi authority to address resource management issues in their rohe (region). The plans can contain information relating to specific cultural values, historical accounts, descriptions of areas of interest and consultation and engagement protocols for resource consents and plan changes.

1.1.33 The iwi management plans for the Waipā District are:

- (a) Hingakākā-Ngāroto Iwi Management Plan;
- (b) Ko Tā Maniapoto Mahere Taiao - Maniapoto Environmental Management Plan;

- (c) Te Rautaki Taiao a Raukawa - Raukawa Environmental Management Plan;
- (d) Te Rautaki Tāmata Ao Turoa o Hauā - Ngāti Hauā Iwi Environmental Management Plan;
and
- (e) Tai Tiumu, Tai Pari, Taiao Ao - Waikato-Tainui Environmental Management Plan.

Local Direction

~~Waipa~~ Waipā 2050 Project

- 1.1.25 34 The District has adopted a growth management direction and vision in the Waipā District Growth Strategy [~~Growth Strategy~~] that implements Future Proof. The Environment Strategy 2009 [~~Environment Strategy 2009~~], Town and Village Concept Plans 2010 [~~Town Concept Plans 2010~~] and this District Plan provide further direction on how the agreed growth management direction can be achieved.

Waipā Growth Strategy

- 1.1.26 35 The Waipā Growth Strategy imagines a more sustainable future that will change the way that the urban and rural environments of the District are managed. This vision is:

“Uniting the People of ~~Waipa~~ Waipā for Progress while Sustaining the Environment”

“Te Whakakotahitanga o te Iwi o Waipā kia anga whakamua, kia hāpai i te taiao”

- 1.1.36 The Growth Strategy is about taking an integrated approach to managing growth through recognising, protecting and enhancing the features of Waipā that make the district a special place; setting a pattern for the future growth of settlements; and integrating growth with infrastructure provision for a more cost effective approach to development. It has a timeframe to 2050. As at August 2022, the preparation of a replacement to the Waipā 2050 growth strategy was underway. The replacement strategy is Ahu Ake and will be the Community Spatial Plan for the Waipā District. It is intended that Ahu Ake will replace the existing Growth Strategy in late 2022/2023.

- 1.1.27 37 ~~Cascading from the vision, the Growth Strategy prescribes a land use and settlement pattern for the District until 2050. The strategy identifies future growth areas, their sequencing and timing, and infrastructure requirements necessary to enable new and more intensive development. The future settlement pattern allocates population growth targets to settlements. Large proportions of the projected population are directed to Cambridge (~40%), Te Awamutu and Kihikihi (~30%) and to the rural villages (~18%). The overall aim is to encourage 80% of future growth to be in urban areas.~~

- 1.1.28 ~~The table below provides the proposed distribution of growth across the District to 2025. Based on the growth projections and the key strategic directions, land has been zoned in this District Plan to reflect the key strategic directions for this time period. The figures below assume a constant rate of growth as proposed in the District Growth Strategy. It is noted that the initial 2013 Census figures indicate that the District Growth is tracking just above the low annual population growth predictions, however Cambridge is currently exceeding the high annual population growth predictions.~~

Proposed distribution of population growth to 2025

Area-approximate	Current population (2006 Census)	Predicted Annual Population Growth (as per District Growth Strategy)		Estimated population growth by 2025		Estimated total population by 2025	
		Low	High	Low	High	Low	High
Cambridge	13,000	252	283	4,787	5,380	17,787	18,380
Te Awamutu and Kihikihi	12,700	188	212	3,578	4,033	16,278	16,733
Pirongia	1,200	16	18	311	345	1,511	1,545
Ōhaupo	420	6	7	121	138	541	558
Ngāhinapouri	200	8	9	155	173	355	373
Te Pahu	100	3	3	58	65	158	165
Rukuhia	100	3	3	58	65	158	165
Karāpiro	200	10	11	192	216	392	416
Te Miro	100	2	2	30	35	130	135
Pukeātua	50	2	2	30	35	80	85
Rural Area (including rural residential outside of the rural villages but including potential growth at Te Mawhai)	14,630	61	123	1,166	2,332	15,796	16,962
Total	42,700	552	675	10,486	12,817	53,186	55,517

Town Concept Plans

1.1.29 38 The Town Concept Plans 2010 provide a spatial plan for the communities of Te Awamutu and Kihikihi, Cambridge, Pirongia, and Ōhaupo. The Town Concept Plans are based on the direction and information contained in the Growth Strategy and community feedback. They define key elements of existing character and building on this character, provide a framework and direction for future private and public sector development. Each plan contains information on land use and zoning; views and vistas; history and heritage; buildings and streetscape character as well as a profile of the town's or village's character and issues and opportunities specific to that area. From this information a vision for the town or village is formed.

1.1.39 As of September 2022, there are currently town plans for Cambridge, Kihikihi, Ngāhinapouri, Ōhaupo, Pirongia Village, Karāpiro Village, and Te Awamutu.

Environment Strategy

1.1.42 The Environment Strategy is being reviewed in 2022.

Strategic Outcomes

1.1.33 44 A strategic approach has been identified as being necessary to manage predicted trends and future challenges and implement national, regional and local directions in a sustainable manner. A planned and strategic approach to future subdivision and development in the District will also assist in giving effect to the Te Ture Whaimana Strategy. These directions have been incorporated into this Plan in the following ways: ...

1.2 Resource Management Issues

Planned and integrated development

1.2.8 The settlement pattern in the Future Proof 2009 Strategy and the Waipā District Growth Strategy 2050 (and any subsequent replacement) will only be achieved if there is a coordinated

approach and a commitment to its outcomes.

Implementation of ~~Waikato River Vision and Strategy~~ Te Ture Whaimana

- 1.2.15 The current degraded state of the Waikato River has been recognised as an issue of the highest importance. 80% percent of the District's land area falls within the Waikato and Waipā River catchments. How this Plan supports the restoration and protection of the Waikato River is a key issue.

1.3 Objectives and Policies

Please also refer to the objectives and policies of Parts D, Part E and Part F, as relevant.

Objective - Implementation of ~~the Te Ture Whaimana Waikato River Vision and Strategy~~

- 1.3.5 1 The health and well-being of the Waikato River is restored and protected and Te Ture Whaimana ~~o Te Awa o Waikato~~ ~~the Vision and Strategy for the Waikato River~~ is realised.

Policy - Health and well-being of the Waikato and Waipā Rivers

- 1.3.1.5 1 To achieve the ~~directions and outcomes~~ Objectives and Strategies of the Te Ture Whaimana Waikato River Vision and Strategy within the catchment area identified on the Planning Maps by District Plan provisions relating to:

(a)

Advice Note: Te Ture Whaimana The Waikato River Vision and Strategy relates to the entire catchment of the Waikato River and is relevant to most of the District.

Policy - Maintaining and enhancing public views and public access

- 1.3.5.1.2 To maintain and, where appropriate, enhance public views and public access by development actively facing and providing access to the Waikato and Waipā Rivers.

Objective - Settlement pattern

- 1.3.1.2
~~1.3.1.2~~

Policy - Settlement pattern

- ~~1.3.1.1~~ 2.1 To ensure that all future development and subdivision in the District contributes towards achieving the anticipated settlement pattern in the Future Proof Growth Strategy and Implementation Plan ~~2009~~ 2022 and the District Growth Strategy (or any subsequent replacement).

Policy - Towns

- ~~1.3.1.2~~ 2.2 To provide for a consolidated settlement pattern by ensuring that new urban activities are focused within the urban limits of the towns of the District and in particular:

(a)

- (b) To provide for medium density residential development in relevant residential zones located within the urban environs of Cambridge, Kihikihi and Te Awamutu, except where qualifying matters require modification of the medium density residential standards.

- (c) A range of accommodation facilities and services to support the long term accommodation and care requirements for the existing and future elderly population, some of which may need to occur on the periphery of towns outside of the current urban limits as well as within the Residential Zone and Medium Density Residential Zone.

Objective - Planned and integrated development

1.3.2 ~~3~~

Policy - Implement ~~Proposed~~ Waikato Regional Policy Statement: Te Tauākī Kaupapahere Te-Rohe O Waikato, Future Proof ~~Strategy~~ 2009 and Waipā District Growth Strategy

~~1.3.2.1~~ 3.1 To allow subdivision and development that will give effect to the settlement pattern and directions of the ~~Proposed~~ Waikato Regional Policy Statement and that is consistent with the settlement pattern and directions in the Future Proof Growth Strategy ~~and Implementation Plan 2009~~ and the District Growth Strategy (or any subsequent replacement), and avoid unplanned developments which are inconsistent with these directions.

Policy – Out of sequence and out of zone plan changes

1.3.3.2 To have regard to potential plan changes that are otherwise not enabled or not in sequence with the planned release of land where that plan change would:

- (a) Contribute to a well-functioning urban environment; and
- (b) Provide the necessary infrastructure required for the proposed development; and
- (c) Be well connected to public transport and transport corridors; and
- (d) Provide significant development capacity.

Policy - Implement Environment Strategy 2010

~~1.3.4.6~~ 5.6 To enable activities that are consistent with the outcomes and probable actions in the Environment Strategy ~~2010~~ subject to the appropriate management of site specific adverse effects.

~~Objective – Implementation of the Waikato River Vision and Strategy~~

~~1.3.5~~ The health and well being of the Waikato River is restored and protected and Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River) is achieved.

Policy – Health and well being of the Waikato and Waipā Rivers

~~1.3.5.1~~ To achieve the directions and outcomes of the ~~Waikato River Vision and Strategy~~ within the catchment area identified on the Planning Maps by District Plan provisions relating to:

- (a) ~~Building setbacks and earthworks; and~~
- (b) ~~Activities on the surface of water; and~~
- (c) ~~Peat lake catchments; and~~
- (d) ~~Esplanade reserves; and~~
- (e) ~~Landscapes; and~~
- (f) ~~Environmental Benefit Lot provisions for significant natural areas and in some circumstances riparian areas; and~~
- (g) ~~Significant natural areas and indigenous biodiversity generally; and~~
- (h) ~~Intensive farming activities; and~~
- (i) ~~Public access; and~~

- ~~(j) Customary activities; and~~
- ~~(k) Marae and papakāinga; and~~
- ~~(l) Cultural sites and cultural landscapes.~~

~~Advice Note: The Waikato River Vision and Strategy relates to the entire catchment of the Waikato River and is relevant to most of the District.~~

~~**Policy – Maintaining and enhancing public views and public access**~~

- ~~1.3.5.2 To maintain and enhance public views and public access by development actively facing and providing access to the Waikato River.~~

1.4 Cross Boundary Issues

1.4.4 The general cross boundary issues that could affect neighbouring authorities are:

- (a) Giving effect to the objectives and strategies of Te Ture Whaimana for the restoration and protection of the Waikato and Waipā Rivers and their catchments; and
- (b) Consistency of policy direction, rules and resource management processes; and
- ~~(bc)~~ National infrastructure – network utilities including State Highways, gas and electricity; and
- ~~(ed)~~ Local infrastructure – network utilities that cross territorial boundaries; and
- ~~(de)~~ Resource consent applications where effects extend beyond territorial boundaries or where an application for consent straddles a common territorial boundary.

1.4.5 The specific cross boundary issues that could affect neighbouring authorities are management of:

- (a) Programmes to implement the objectives and strategies of Te Ture Whaimana; and
- ~~(ab)~~ Urban growth in Hamilton City; and
- ~~(bc)~~ Rural residential development surrounding Hamilton City; and
- ~~(ed)~~ Land transport issues; and
- ~~(de)~~ Hamilton International Airport; and
- ~~(ef)~~ ~~Management of a~~Activities at Mystery Creek; and
- ~~(fg)~~ Discharge of contaminants to land, water and air; and
- ~~(gh)~~ Riparian margins, water quality and aquatic habitat in water bodies; and
- ~~(hi)~~ Availability of aggregate and sand resources in greater Waikato; and
- ~~(ij)~~ ~~Management of t~~The Mount Pirongia landscape; and
- ~~(jk)~~ Indigenous biodiversity.

Section 2 – Residential Zone

Key

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

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

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

Text that is not underlined or struck through is original PC26 text as notified.

2.1 Introduction

2.1.1 The Residential Zone of the District is in the villages and settlements of the Waipā District such as Karāpiro. The zoning provisions also apply to any future residential zones that may be created. ~~most people in Waipā live. It is principally located in the two main towns of Cambridge and Te Awamutu with a small existing area located at Karāpiro. Over the lifetime of this Plan most of the new residential growth will be directed to Cambridge and Te Awamutu and by 2050 it is anticipated that these two towns will have nearly doubled in size.~~ Development within the residential zone is anticipated to be consistent with the Strategic Policy Framework including Te Ture Whaimana – the Waikato River Vision and Strategy. The projected increase in population is due to:

- (a) ~~Changing demographics (an ageing population and greater demand for single occupancy households); and~~
- (b) ~~The high levels of amenity and services available in Cambridge and Te Awamutu; and~~
- (c) ~~The central location of the District which makes it an attractive place to live.~~

~~In order to meet future demand, this Plan provides for new growth areas (refer to Section 1 – Strategic Policy Framework) and also greater redevelopment within the existing Residential Zone in identified locations.~~

2.1.2 Providing for changing housing demands while maintaining existing character and amenity expectations will be challenging. There are Town Concept Plans 2010 prepared for Ngāhinapōuri, Ōhaupo and Pirongia. ~~Cambridge, Te Awamutu and Kihikihi~~ The Town Concepts Plans provide guidance on how these competing demands can be managed. Policy direction and rules have been included in this Plan which support the key elements and outcomes in the Town Concept Plans ~~2010~~. These Plans highlight that a change in the current density and form of residential development will need to occur if future housing demands are to be met in a sustainable manner. The aim of this Plan is to manage this change carefully so that the distinguishing characteristics of each place are maintained. For example there are groups of dwellings within the zone that have special character, this Plan seeks to maintain this character through provisions relating to character clusters in this section, and in Section 22 - Heritage and Archaeology as they relate to the Karāpiro Hydro-Electric Village. In addition, there are also some streets that have high existing character because of the built form and/or because of the presence of existing mature street trees and the road boundary setback rules seek to maintain this character.

2.1.3 There is a need to make future provision for more sustainable forms of living. Sustainable forms of living are required in order to manage resources such as land that have a limited supply ~~(such~~

as land) as well as to reduce the overall 'footprint' on the environment. In the Residential Zone this outcome is achieved by enabling the establishment of secondary dwellings, and providing for infill development, retirement village accommodation where appropriate, and compact housing development options (such as may include semidetached dwellings, duplexes, terrace housing or low rise apartments). These development options are required to be comprehensively designed, co-ordinated with infrastructure provision, take into account key elements of character, and address effects on neighbouring properties. In some locations, the need to protect existing character will potentially outweigh the benefits obtained from providing for a range of housing options. Sustainable living is also supported through rules that require dwellings to be positioned for passive solar gain and by ensuring enough open space is provided on site for a range of activities such as the establishment of vegetable gardens. In addition to a range of living options, working from home is provided for through the home occupation provisions. Other sections of the Plan are also relevant and will need to be referred to for particular developments, including Section 15 - Infrastructure, Hazards, Development and Subdivision and Section 16 - Transportation.

2.1.5 A number of National Grid transmission lines traverse the Residential Zone of Waipā District. The subdivision, use and development of land is controlled within a defined National Grid Corridor to ensure potential adverse effects are appropriately addressed. The greatest level of restriction on landowners is within the National Grid Yard (particularly the support structures) which is the area that is closest to the transmission line and where there is the greatest potential for adverse effects to occur. The restrictions recognise that the greatest potential effects are generated by sensitive activities and intensive development. ~~Notwithstanding such restrictions,~~ Any lawfully established activities within the National Grid Corridor can are able to continue as long as they meet the criteria for existing use rights in the Resource Management Act 1991 or are a permitted activity.

~~2.1.7 There are specific provisions that apply to the St Kilda Residential Area, the Cambridge Park Residential area, and the C1 and C2/C3 Structure Plan areas. These areas have particular design outcomes that were developed through a structure planning processes and are integral to the overall development of the area. In addition to these areas, there are new growth areas such as the Te Awamutu South residential area.~~

2.2 Resource Management Issues

Health and well-being of the Waikato and Waipā Rivers

2.2.1 Development within the Residential Zone has the potential to adversely affect the health and well-being of the Waikato and Waipā Rivers. Careful consideration should be given to the following; (but not limited to) potential impacts of increased ~~impervious~~ impermeable surfaces, vegetation clearance, earthworks and residential intensification within the Waikato and Waipā Rivers catchments.

2.2.7 There is the potential for reverse sensitivity effects when noise sensitive activities locate close to some existing activities such as ~~the Te Awamutu Dairy Manufacturing site,~~ roads with high traffic volumes, and railway lines.

2.2.9 Signs are not consistent with the character of residential neighbourhoods. Signs can also detract from the character and values associated with identified heritage items and character clusters.

~~Non-residential activities~~

~~2.2.20 Within the Residential Zone, in Te Awamutu, there are existing out of zone activities where~~

significant investment has been made. It is important that these activities are recognised.

Objective - Key elements of residential character

- 2.3.1 To maintain and enhance the existing elements of the Residential Zone that give each town, village or settlement its own character.

Policy – Cambridge

- 2.3.1.1 To maintain and enhance Cambridge's character by:

- (a) Maintaining the grid layout that provides long vistas down roads; and
- (b) Providing for wide grassed road verges that enable sufficient space for mature trees; and
- (c) Maximising opportunities to provide public access to the town belt; and
- (d) Maintaining and enhancing public views to the Waikato River and Karāpiro Stream Valley with development actively facing and providing access to the River and the Stream; and
- (e) Providing for development that is of a low density, one to two storeys, and set back from road frontages to enable sufficient open space for the planting of trees and private gardens; and
- (f) Maintaining the mix of villa, cottage and bungalow type housing within the identified character clusters.

Policy – Te Awamutu

- 2.3.1.2 To maintain and enhance Te Awamutu's character by:

- (a) Maintaining a road pattern that follows the natural contour of the landform and which provides for the occasional view to the rural hinterland; and
- (b) Providing for wide grassed road verges that enable sufficient space for mature trees; and
- (c) Providing for development that is of a low density, one to two storeys, and set back from road frontages to enable sufficient open space for the planting of trees and private gardens; and
- (d) Providing linkages to the Mangapiko Stream with development actively facing and providing access to the stream; and
- (e) Recognising the mix of villas, bungalows and art deco housing in parts of Te Awamutu.

Policy – Kihikihi

- 2.3.1.3 To maintain and enhance Kihikihi's character by:

- (a) Retaining a grid layout with wide grassed verges; and
- (b) Maintaining a road pattern that provides for the occasional view to the rural hinterland.

Objective - Neighbourhood amenity and safety

- 2.3.2

Policy - Building setback: road boundary

- 2.3.2.1 All buildings shall be designed and setback from roads in a manner which:

- (a) Maintains the predominant building setback within the neighbourhood ~~except in relation to compact housing areas and Neighbourhood and Local Centres;~~
- (b) ...

2.3.2.4 A reduced setback from a side boundary may be acceptable where it:

(a) ...

Provided that there is no loss of privacy, sunlight or daylight on adjoining properties, and where sufficient area is maintained on site for outdoor living, and the building does not excessively unduly dominate outdoor living areas on adjoining sites.

~~For compact housing and retirement village developments Policies 2.3.2.3 and 2.3.2.4 are to be assessed at the boundary of the site only.~~

Advice Note: In some cases affected parties consents will not be sufficient to address the matters raised in these policies.

Policy - Height of buildings

2.3.2.5 The height of new buildings shall not be out of character with the Residential Zone. ~~For developments within the compact housing area identified on the Planning Maps this policy applies at the boundary of the site.~~

Policies - Site coverage and permeable surfaces

2.3.2.7 Maintain a proportion of each site in permeable surfaces such as lawn and gardens, in order to ensure there is sufficient capacity to enable the on-site disposal of stormwater. ~~In the Cambridge North Structure Plan Area, increased standards apply because of the difficulty of disposing of stormwater in this location. In the C1 and C2/C3 Structure Plan areas on-site disposal of stormwater may not be required where regional and/or district consents for the overall structure plan stormwater system provide for alternative means of stormwater management and disposal. Furthermore, on-site soakage within the C3 cell is not anticipated due to the risk of exacerbating slope stability issues. Alternative methods of stormwater management will need to be demonstrated for the C3 cell.~~

~~*Policy - Residential development in the vicinity of the Te Awamutu Dairy Manufacturing site*~~

2.3.2.11 ~~To maintain anticipated levels of residential amenity and to reduce the potential for reverse sensitivity effects on the Te Awamutu Dairy Manufacturing site by requiring new dwellings or bedroom additions to be acoustically treated.~~

Objective - Providing housing options

2.3.4 To enable a wide range of housing options in Cambridge, Te Awamutu, Kihikihi, and Karāpiro and in other residential zones in a way that is consistent with the key elements of the character of each place ~~each of the zoned areas and areas that may be zoned residential in the future.~~

~~*Policy - Compact housing*~~

2.3.4.5 ~~To enable compact housing in the following locations:~~

- ~~(a) Areas identified for compact housing on the Planning Maps or on an approved structure plan; or~~
- ~~(b) Where the intensive use is off set by adjoining an area zoned for reserve purposes on the Planning Maps that is greater than 1000m², including the Cambridge town belt; or~~
- ~~(c) Within a 400m radius of a Commercial Zone.~~
- ~~(d) Compact Housing will be supported where it is consistent with compact housing provided on neighbouring land.~~

Provided that:

Proposed Plan Change 26: Residential Zone Intensification

- ~~(i) In all cases compact housing shall be comprehensively designed and shall incorporate the sustainable design and layout principles (refer to Section 21 – Assessment Criteria and Information Requirements); and~~
- ~~(ii) At the boundaries of the site, compact housing shall be consistent with the predominant height and bulk of development in the neighbourhood; and~~
- ~~(iii) Sites which adjoin a cul de sac should be avoided.~~

Objective - Comprehensive design and development

2.3.5

Policy - Comprehensive design of in-fill housing, compact housing, retirement village accommodation and associated care facilities, rest homes, and visitor accommodation

2.3.5.1 To ensure that in-fill housing, compact housing, retirement village accommodation and associated care facilities, rest homes and visitor accommodation are comprehensively designed by:

- (a) Ensuring that developments effectively relate to the street, existing buildings, and adjoining developments in the neighbourhood; and
- ~~(b) Ensuring that in the Cambridge Residential Character Area new dwellings between existing dwellings on the site and the road shall be avoided; and~~
- (eb)

Policies – Cambridge Park and C1 and C2/C3 Structure Plan Area

~~2.3.5.2 To encourage creative and innovative approaches to urban design and development within the Cambridge Park Residential Zone and the C1 and C2/C3 Structure Plan Area.~~

~~2.3.5.3 To confer a strong, coherent urban identity to the neighbourhood within the Cambridge Park Residential Zone.~~

Objective - Non-residential activities

2.3.6

Policy – Non-residential activities in structure plan areas

~~2.3.6.4 To recognise the potential for new local shops within structure plan areas, that service the needs of the surrounding community, such as the Commercial Hub Overlay within the St Kilda Structure Plan Area. Retail activities or services provided within these locations shall provide for the daily needs of people and be located within a walkable catchment.~~

Advice Note: The Town Concept Plans 2010 indicate potential locations for new local shops.

Policy - Visitor accommodation in limited circumstances

2.3.6.6 ...

Advice Note: In the Te Awamutu and Kihikihi Town Concept Plans 2010 an area for visitor accommodation has been identified that adjoins the Mangaohoi Stream; within the C1 and C2/C3 Structure Plan areas, visitor accommodation overlays have been identified to encourage appropriately designed visitor accommodation in suitable areas.

Objective - National Grid transmission networks

2.3.7 ...

Policies - Management of activities within National Grid Corridors

2.3.7.5 To not ~~exclude~~ ~~foreclose~~ ~~compromise~~ operation or maintenance options or, ~~to the extent practicable,~~ the carrying out of routine and planned upgrade works.

2.4 Rules

2.4.1 Activity Status Tables

2.4.1.1	<p>Permitted activities</p> <p>The following activities shall comply with the performance standards of this zone</p>
(a)	...
(b)	...
(c)	One principal dwelling per 500m ² of net site area, (except for dwellings existing as of 31 May 2012, where the minimum net site area containing the existing dwelling is 400m ²), provided that this rule does not apply to the St Kilda Residential Area, Cambridge Park Residential Area, or Picquet Hill Residential Area.
(m)	<p>The following activities located within the Commercial Hub Overlay of the St Kilda Residential Area identified in Appendix S4:</p> <ul style="list-style-type: none"> (i) Retail activities (ii) Cafés (iii) Takeaway food outlets (iv) An information centre for the Maungatautari Ecological Island Trust (v) Meeting and conference facilities (vi) Pre-school and childcare facilities (vii) Playground equipment
(n)	<p>The following activities within Character Area 4 of the Cambridge Park Residential Zone:</p> <ul style="list-style-type: none"> (i) Food and beverages and convenience goods (ii) Cafés <p>Providing that the GFA does not exceed 150m².</p>

2.4.1.2	<p>Controlled activities</p> <p>The following activities shall comply with the performance standards of this zone</p>
(a)	<p>Construction, alteration and addition to buildings, including dwellings in Character Areas 1 and 4 of the Cambridge Park Residential Area.</p> <p>Matters over which Council reserves its control are:</p> <ul style="list-style-type: none"> Building design and layout; and Solar access; and Parking (excluding the number of parking spaces for cars) and movement of vehicles; and Signs; and Landscaping; and Glare; and Privacy; and CPTED. <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>

2.4.1.3	<p>Restricted discretionary activities</p> <p>The following activities shall comply with the performance standards of this zone</p>
(a)	...
(b)	<p>Compact housing seven or more dwellings per site located within the compact housing overlay identified on the Planning Maps, or as provided for in Rule 2.4.1.3(c), or within the following areas of the C1 and C2/C3 Structure Plan areas:</p> <p>Within 200m of an active recreation open space, the Town Belt, a neighbourhood centre or a school; or</p> <p>Within 100m of a local centre or local open space; or</p> <p>Within a 'compact housing' overlay identified within the structure plan maps.</p> <p>For compact housing within the C1 and C2/C3 Structure Plan areas, non-compliance with any of the performance standards in Section 2.4.2 shall retain Restricted Discretionary Activity status (and this rule prevails over any rule to the contrary).</p> <p>Assessment will be restricted to the following matters:</p> <p>Building location, bulk and design; and</p> <p>Landscaping; and</p> <p>Location of parking areas and vehicle manoeuvring; and</p> <p>CPTED; and</p> <p>Traffic generation and connectivity; and</p> <p>Noise; and</p> <p>Stormwater disposal; and</p> <p>Alignment with any relevant Urban Design Guidelines approved by Council.</p> <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>
(c)	<p>On Lot 2 DPS 74868 Laurent Road Cambridge, in the event that the indicative reserve is provided within the compact housing overlay, the corresponding area of compact housing can be provided for on land adjoining the compact housing overlay identified on the Planning Maps.</p>
(d)
(e)	<p>Retirement village accommodation and associated care facilities and rest homes within or outside the compact housing overlay identified on the Planning Maps.</p> <p>Assessment will be restricted to the following matters:</p> <ul style="list-style-type: none"> ▪ Building location, bulk and design; and ▪ Landscaping; and ▪ <u>Where provided, the location</u> of parking areas and vehicle manoeuvring; and ▪ CPTED; and ▪ Traffic generation and connectivity; and ▪ Benefits provided to residents from onsite communal facilities; and ▪ Noise; and ▪ Stormwater disposal. <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>
(f)	<p>In-fill housing comprising three to six principal dwellings per site with a minimum net site area for each dwelling of 350m², provided that the site is not located within the Cambridge Residential Character Area, compact housing development overlay or within a character cluster identified on the Planning Maps. To be eligible for infill housing a subdivision application must be submitted at the same time. (Refer Rule 15.4.1.1(m)).</p> <p>Assessment will be restricted to the following matters:</p> <ul style="list-style-type: none"> ▪ Low impact design, including the disposal of stormwater; and ▪ Access and manoeuvring; and ▪ Solar access; and ▪ Outdoor living; and <p>Location, form, and materials of the proposed buildings and their relationship</p>

	<p>to existing buildings in the neighbourhood; and</p> <ul style="list-style-type: none"> ▪ Visual effects from adjoining properties and the road; and ▪ Landscaping; and ▪ CPTED; and ▪ Reverse sensitivity effects. <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>
(g)	<p>Visitor accommodation in the Visitor Accommodation Overlay in the C1 and C2/C3 Structure Plan Areas.</p> <p>For Visitor accommodation in the Visitor Accommodation Overlay in the C1 and C2/C3 Structure Plan Areas, non-compliance with any of the performance standards in Section 2.4.2 shall retain Restricted Discretionary Activity status (and this rule prevails over any rule to the contrary).</p> <p>Assessment will be restricted to the following matters:</p> <p>Building design; and</p> <p>Whether the design, scale and appearance maintains or enhances the amenity and character of the area; and</p> <p>Landscaping; and</p> <p>Location of parking areas and vehicle manoeuvring; and</p> <p>CPTED; and</p> <p>The potential for reverse sensitivity effects on the strategic transport network;</p> <p>Infrastructure effects; and</p> <p>Alignment with any relevant Urban Design Guidelines approved by Council.</p> <p>These matters will be considered in accordance with the assessment criteria in Section 21 relevant to the above matters.</p>
(h)	<p>Local Centres within the C2/C3 Structure Plan area, located in general accordance with the C1 and C2/C3 Structure Plans and limited to the following activities:</p> <p>(a) Café, dining and ancillary activities.</p> <p>(b) Commercial retail and service activities.</p> <p>(c) Commercial offices or residential activities, limited to above ground floor.</p> <p>(d) Within the C2 growth cell, a sports centre and/or art and cultural centre, no greater than 500m² GFA in total.</p> <p>For local centres within the C1 and C2/C3 Structure Plan areas, non-compliance with any of the performance standards in Section 2.4.2 shall retain Restricted Discretionary Activity status (and this rule prevails over any rule to the contrary).</p> <p>Assessment will be restricted to the following matters:</p> <p>Building location, bulk and design; and</p> <p>Visual and amenity effects on surrounding properties; and</p> <p>Location of parking areas and vehicle manoeuvring; and</p> <p>Impacts on surrounding open space amenity and pedestrian safety; and</p> <p>Location, colour, size and content of signs; and</p> <p>Infrastructure effects; and</p> <p>Alignment with any relevant Urban Design Guidelines approved by Council.</p> <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>
(i)	<p>Neighbourhood Centre within the T11 Growth Cell Structure Plan Area, located in general accordance with the T11 Growth Cell Structure Plan and limited to the following activities:</p> <p>(a) Café, dining and ancillary activities.</p> <p>(b) Commercial retail and service activities.</p> <p>(c) Commercial offices or residential activities, limited to above ground floor.</p> <p>(d) Early childcare education facilities.</p>

Assessment will be restricted to the following matters:
 Building location, bulk and design; and
 Visual and amenity effects on surrounding properties; and
 Location of parking areas and vehicle manoeuvring; and
 Impacts on surrounding open space amenity and pedestrian safety; and
 Location, colour, size and content of signs; and
 Infrastructure effects; and
 Alignment with any relevant Urban Design Guidelines approved by Council.
 These matters will be considered in accordance with the assessment criteria in Section 21.

2.4.1.4	Discretionary activities
(a)	<p>Any permitted, controlled or restricted discretionary activity that fails to comply with:</p> <ul style="list-style-type: none"> (i) Rule 2.4.2.7 - Dwellings adjoining marae (ii) Rule 2.4.2.9 - Cambridge Park Structure Plan - building setback from escarpment (ii) (iii) Rule 2.4.2.10 - Maximum Height (iii) (iv) Rule 2.4.2.12 - Maximum site coverage (v) Rules 2.4.2.14 and 2.4.2.15 - Maximum site coverage and permeable surfaces St Kilda Structure Plan Area (vi) Rule 2.4.2.16 and 2.4.2.17 - Cambridge North and C1 and C2 Structure Plan Area: on-site soakage (vii) Rule 2.4.2.18 - Cambridge North Structure Plan Area: flood risk (iv) (viii) Rule 2.4.2.25 17 25 - Design and layout of development adjoining water bodies and reserves (v) (ix) Rule 2.4.2.26 18 26 - Noise (vi) (x) Rule 2.4.2.29 21 29 to and 2.4.2.31 22 30 - Noise insulation: noise sensitive activities (vii) (xi) Rules 2.4.2.33 24 33 and 2.4.2.34 25 34 - Signs (viii) (xii) Rule 2.4.2.35 26 35 - Earthworks (ix) (xiii) Rules 2.4.2.39 30 39 to 2.4.2.41 32 41 - Housing and keeping of animals (x) (xiv) Rule 2.4.2.43 34 43 - Secondary dwelling (xv) Rule 2.4.2.44 - Compact housing (xi) (xvi) Rule 2.4.2.45 35 45 (d) to (g) - Home occupation (xii) (xvii) Rule 2.4.2.46 36 46 - Show homes (xviii) Rule 2.4.2.47 - St Kilda Structure Plan Area: Commercial Hub Overlay (xiii) (xix) Rules 2.4.2.49 37 49 and 2.4.2.50 38 50 - Temporary construction buildings

(b)	...
(c)	In-fill housing within the Cambridge Residential Character Area comprising two to six principal dwellings per site with a minimum net site area for each dwelling of 400m², provided that the site is not located within the compact housing development overlay or within a character cluster identified on the Planning Maps.
(g)	Compact housing seven or more dwellings per site, except where located within the compact housing overlay identified on the Planning Maps refer Rule 2.4.1.3(b).
(i)	Medical centres (including overnight care) adjacent to Cambridge Road within the C2/C3 Growth Cell.
(m)	The use of shipping containers for any activity, including a dwelling, or a sleep out, or as an accessory building for the day to day storage needs of domestic goods, or for the storage of home occupation equipment, provided that the use of a shipping container for a temporary construction building project is exempt from this rule, refer to Rules 2.4.2.48 and 2.4.2.49 and 2.4.2.50 – Temporary Construction Buildings.

2.4.1.5	Non-complying activities
(a)	...
(b)	Any building or activity that fails to comply with the building set back from the escarpment for Cambridge Park Structure Plan Area.
(g)	Retail activities, excluding additions to local retail shops listed in Rule 2.4.1.4(j) (h) (k).

2.4.2 Performance Standards

Rules - Minimum building setback from road boundaries

2.4.2.1 The minimum building setback from road boundaries shall be 4m, provided that where a garage is attached to a dwelling, and forms part of the front façade of that dwelling, or is detached from a dwelling, the minimum setback for the garage shall be 5m, provided that this rule does not apply to the locations specified in Rule 2.4.2.2

2.4.2.2 The minimum building setback from road boundaries in the following locations are:

(a)	Along State Highways	7.5m
(b)	Along Hall Street, Cambridge	7.5m
(c)	Along roads within Character Areas 1 and 4 in the Cambridge Park Residential Area	3m
(d)	Along all roads marked as character streets on the Planning Maps	6m
(e)	Along roads located within the St Kilda Residential Area	5m
(f)	Compact housing and visitor accommodation within the C1 and C2/C3 Structure Plan areas	3m

Activities that fail to comply with Rules 2.4.2.1 and 2.4.2.2 will require a resource consent for a non-complying activity, with the exception of the Compact Housing Overlay where resource consent for a discretionary activity will be required.

Rule - Minimum building setback from internal site boundaries

2.4.2.5 The minimum building setback from internal site boundaries shall be 2m, except in the following locations where the setback from all internal site boundaries shall be:

- (a) ~~Along Mc Nair Road on rear boundaries that adjoin~~

- lots to the north east of Lots 24-29,
DPS 4416 and Lot 1 DPS 15918 5m
- (a) In the Residential Zone at Karāpiro, the minimum rear boundary for dwellings adjoining the Karāpiro and Arapuni Hydro Power Zone 10m
- (c) In the St Kilda Structure Plan Area
- (i) From a side boundary 3m
- (ii) From a rear boundary 5m
- (d) Along T2 Growth Cell Structure Plan Area boundaries which are directly adjoining the Rural Zone, the minimum building setback shall be 4m. This rule shall not apply to retirement village accommodation and associated care facilities.

Provided that:

- (i) Other than in the locations listed above in 2.4.2.5(a) to (d), one internal setback per site may be reduced from 2m to 1.5m, provided that where an existing building on the site has an internal setback of 1.5m or less, the setback from the remaining internal site boundaries shall be at least 2m.
- (ii) ...

Activities that fail to comply ...

Rule - Cambridge Park Structure Plan: building setback from escarpment

2.4.2.9 Within the Cambridge Park Structure Plan Area shown on the Planning Maps, buildings shall not be located closer than 12m from the Indicative Top of the Bank as shown on the structure plan in Appendix S3.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rule - Maximum height

2.4.2.10 Buildings shall not exceed 9m in height and shall be no more than two storeys, provided that in the following locations the maximum height shall be:

- (a) Cambridge Park Residential Character Area 1 13m
- (a) Cambridge Park Residential Character Areas 2 and 3 10m
- (b) Cambridge Park Residential Character Area 4 5m
- (i) Provided that a chimney or similar architectural element or the peak of a roof structure, may project beyond this plane but by no more than 2m vertical
- (c) St Kilda Structure Plan Area 10m
- (d) Compact Housing Area 10m
- (f) Compact Housing Areas located within C1 and C2/C3 Structure Plan areas and a maximum of 3 storeys 13m
- (g) In the T2 Growth Cell Structure Plan Area buildings on lots adjoining the Frontier Road boundary or Pirongia Road boundary 5m'. For all other lots within the T2 Growth Cell Structure Plan Area, the maximum building height specified in Rule 2.4.2.10 applies.

Activities that fail to comply ...

Rule - Maximum site coverage

- 2.4.2.12 Site coverage must not exceed 40% of the net site area. ~~, except that this rule does not apply to the St Kilda Structure Plan Area (refer to Rules 2.4.2.14 and 2.4.2.15) and compact housing (refer to Rule 2.4.2.44).~~

Activities that fail to comply ...

Rule - Impermeable surfaces

- 2.4.2.13 Impermeable surfaces must not exceed:-
- (a) 45% of the net site area in the Cambridge North Structure Plan Area; or
 - (b) 60% of the net site area in the remainder of the Zone (except St Kilda Structure Plan Area).

Activities that fail to comply ...

~~Rules - Maximum site coverage and permeable surfaces: St Kilda Structure Plan Area~~

- ~~2.4.2.14 Site coverage and impermeable surfaces of residential lots shall not exceed 700m².-~~
- ~~2.4.2.15 The balance of the net area of each lot, once site coverage and impermeable surfaces have been taken into account, shall be grassed, planted in trees and or shrubs or otherwise landscaped in a manner that retains the permeable nature of the surface.~~

~~Activities that fail to comply with Rules 2.4.2.14 and 2.4.2.15 will require a resource consent for a discretionary activity.~~

~~Rules - Cambridge North and C1 and C2 Structure Plan Area: on site soakage~~

- ~~2.4.2.16 On site soakage shall be provided for every building in the Cambridge North Structure Plan Area to take all runoff from a two year annual recurrence interval (ARI) rainfall event.~~
- ~~2.4.2.17 On site soakage shall be provided for every lot in the C1 and C2 Structure Plan Areas to dispose of all runoff from a two year average recurrence interval (ARI) 24 hour duration rainfall event, except where regional and/or district resource consents for the structure plan stormwater system allow alternative stormwater management provisions and these consents are complied with.~~

~~Activities that fail to comply with Rule 2.4.2.16 and 2.4.2.17 will require a resource consent for a discretionary activity.~~

~~Rule - Cambridge North Structure Plan Area: flood risk~~

- ~~2.4.2.18 Principal and secondary dwellings within the Cambridge North Structure Plan Area shall be sited and constructed to avoid or manage flood risk.~~

~~Advice Note: Technical reports associated with the Cambridge North Structure Plan will provide guidance on minimum floor levels.~~

~~Activities that fail to comply with this rule will require a resource consent for a discretionary activity.~~

Rule - Outdoor living area

2.4.2.19 Each dwelling shall have an outdoor living area which:

(a) ...

~~Provided that this rule does not apply to compact housing developments, refer to Rule 2.4.2.44, or Rule 2.4.1.3(e) Retirement village accommodation and associated care facilities and rest homes within or outside the compact housing overlay identified on the Planning Maps.~~

Rules - Neighbourhood amenity and safety

2.4.2.21 Fences between buildings ...

Except:

(a) ~~In the T2 Growth Cell Structure Plan Area all fences within the building setback from Frontier Road or Pirongia Road shall be no more than 1.2m in height, whether or not they are visually permeable. For the avoidance of doubt, this rule does not apply to fences constructed within the building setback from Pirongia Road where construction has been undertaken to ensure design integration in accordance with S23.4 of Appendix S23.~~

~~2.4.2.22 Within the C1 and C2/C3 Structure Plan areas, fences between buildings on the site and any road, public walkway or reserve shall be no higher than 1.2m in height; fence design and materials shall retain a level of transparency (visually permeable) so as not to provide a blank façade adjacent to the street edge, public walkway or reserve. To be deemed transparent any fence must meet the following requirements:~~

~~(a) Uses materials with continuous vertical or horizontal gaps of at least 50mm width to create 50% or more see through visibility; or~~

~~(b) Uses any materials for the lower half of the fence, wall or hedge, and materials with continuous vertical or horizontal gaps of at least 50mm width to create 50% or more see through visibility on the upper half.~~

2.4.2.23 Landscape planting between buildings on the site and any public place shall allow visibility between the dwelling and the public place.

~~2.4.2.24 Within the C1 and C2/C3 Structure Plan areas, the roof form of a residential dwelling shall be a gable or hip roof of not less than 30 degrees in pitch. Mono-pitch lean-to, verandas and other ancillary roof forms are anticipated.~~

Activities that fail to comply with Rules 2.4.2.20 to 2.4.2.24 ~~23~~ will ...

Rule - Noise

2.4.2.26 Activities shall be conducted and buildings located, designed and used to ensure that they do not exceed the following noise limits at the boundary of the site:

(a) Monday to Saturday - 7.00am to 10.00pm 50dBA (Leq)

(b) Sundays & Public Holidays - 8.00am to 6.00pm 40dBA (Leq)

~~(c) Sundays and Public Holidays - 8.00am to 8.00pm 40dBA (Leq)~~
in Character Area 4 in the Cambridge Park Residential Zone

(d) At all other times 40dBA (Leq)

(e) Night time 10.00pm to 7.00am single noise event 70dBA (Lmax)

~~Provided that t~~ This rule ~~shall~~ does not apply to the use or testing of station and vehicle sirens or alarms used by emergency services.

All noise...

Rules - Noise insulation: noise sensitive activities

2.4.2.29

....

2.4.2.30

Where a noise sensitive activity is proposed to be located within:

- (a) 40m of any State Highways ~~1, 1B, 3, 21 and 39~~ (as measured from the edge of the carriageway) where the posted speed limit is less than 70km/hour; or
- (b) 80m of any State Highways ~~1, 1B, 3, 21 and 39~~ (as measured from the edge of the carriageway) where the posted speed limit is equal to or greater than 70km/hour; or
- (c) 100m of the Waikato Expressway section of State Highway 1 or any other designated State Highway (as measured from the edge of the carriageway or the edge of the designation if the carriageway location has not been confirmed in writing by the Requiring Authority);
~~or~~
- (d) ~~The Cambridge North Road Noise Effects Area as identified on the Planning Maps;~~

then the building shall be insulated so that, inside habitable rooms (including bedrooms), it achieves the following noise level - 40dB LAeq (24hr) s:

- (i) ~~Inside habitable rooms (including bedrooms)~~ 40dB LAeq (24hr)

~~Provided that this rule does not apply to the St Kilda Structure Plan Area.~~

Advice Note: A report from an acoustic consultant is required to be submitted at the time of building consent application to demonstrate compliance with Rules 2.4.2.29 and 2.4.2.30.

~~2.4.2.31~~

~~Where a noise sensitive activity is proposed within the 55 dBA Ldn noise contour of the Te Awamutu Dairy Manufacturing Site shown on the Planning Maps it shall be designed to achieve 35dB LAeq inside habitable rooms of new dwellings or new habitable rooms to existing dwellings whether attached or detached.~~

Activities that fail to comply with Rules 2.4.2.29 21 29 and ~~to~~ 2.4.2.31 22 30 will require a resource consent for a discretionary activity.

Rules - Signs

2.4.2.33

The following signs are permitted: ...

~~Provided that t~~ In all cases:

- (i) Signs shall relate to activities authorised under the District Plan and shall be located on the site to which they relate; ...

2.4.2.34

Signs ...

~~Provided that t~~ In all cases:

- (a) Signs ...

~~Provided that t~~ The relevant zone based or district wide rules shall apply where they are more

restrictive. Refer to Section 22 - Heritage and Archaeology and Section 25 - Landscapes and Viewshafts.

Activities that fail to comply with Rules 2.4.2.33~~24~~ 33 and 2.4.2.34~~25~~ 34 will require a resource consent for a discretionary activity.

Rules - Earthworks

- 2.4.2.35 Earthworks shall not exceed a total volume of 25m³ or a total area of 250m² in a single activity or in cumulative activities in any calendar year. ~~provided that~~ This rule shall not apply to earthworks incidental to an approved resource consent or building consent.

Advice Notes:

1. All works must comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP 34:2001.
2. Earthworks complying with permitted activity standards or subject to resource consent requirements under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011, are exempt from additional resource consent requirements.
3. Earthworks within 23m of lakes or water bodies require resource consent. Refer Section 26 - Lakes and Water bodies.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

- 2.4.2.36 Any earthworks within a National Grid Yard must:

(a) Around ...

~~Provided that~~ Vertical holes not exceeding 500mm in diameter beyond 1.5m from the outer edge of pole support structure or stay wire are exempt from Rule 2.4.2.36 (a) above.

(b) Around ...

~~Provided that~~ The following are exempt from Rule 2.4.2.36 (a) and (b) above:

- (i) Earthworks undertaken by a network utility operator; or
- (ii) Earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

~~Rule~~ Compact housing

- ~~2.4.2.44~~ Compact housing within the compact housing area overlay shall have a minimum area of 2,000m² and shall meet the following requirements:

~~a. The maximum length of unbroken building line parallel to all site boundaries including internal site boundaries shall be 20m. Building lines in excess of this standard shall be broken or stepped to a minimum depth of 2.4m and a minimum length of 3m at least once every 20m in length. This rule shall apply to each level of a multi-level building inclusive of the roof; and~~

~~b. Where there is more than one building on a site, it shall be separated from other buildings on the site by at least 3.5m; and~~

~~c. Where any dwelling is to be sited within 10m of another dwelling on the same site or parent title prior to subdivision by way of unit title, cross lease or strata title, there shall be no direct line of sight from the main living areas of the dwelling into the main living areas of another dwelling. If a direct line of sight between main living areas cannot be avoided, visual screening~~

shall be constructed or planted to prevent a direct line of sight; and

d. Dwellings shall have a dual aspect with windows being placed so that outlook is obtained to the front and rear of the dwelling, with window sills no more than 1m from floor level; and

e. The following minimum gross floor areas and outdoor living areas shall apply:

Dwelling	Minimum floor area of dwelling	Minimum outdoor living area for ground level dwellings	Minimum outdoor living area dimensions for ground level dwellings	Minimum outdoor living area for above ground level dwellings	Minimum outdoor living area dimensions for above ground level dwellings
6Studio units and 1 bedroom unit	50m ²	20m ²	4m	10m ²	2m
2 bedroom unit	70m ²	30m ²	4m	12m ²	2m
3 bedroom unit	95m ²	30m ²	4m	14m ²	2m

f. Landscaping and permeable surfaces: At least 30% of the net site area of any site or unit site area shall be grassed, planted in trees and/or shrubs or otherwise landscaped in a manner that retains the permeable nature of the surface.

g. A communal outdoor service area or storage court shall be provided that does not exceed 10m² of site area and it shall be screened so that it is not visible from the front boundary of the site.

h. Outdoor living areas shall:

i. Be located and/or screened so that at least 50% of the outdoor living area has complete visual privacy from the living rooms and outdoor living areas of other dwellings on the same site and shall be screened from adjoining sites; and

ii. Be oriented to the north, east or west of the dwelling, but not the south of east or west measured from the southernmost part of the dwelling; and

i. Any communal outdoor living area provided shall be in addition to, not in substitution of, the required outdoor living area for each dwelling; and

j. An area for letterboxes at the front of the property; and

k. A place for refuse and recycling material that is accessible to a two-axled truck shall be provided; and

l. Dwellings that are parallel to, or adjoin the road boundary of the site shall have a front door that faces the road.

Advice Notes: Prior to a decision being issued by Council an independent review of the urban design report may be requested by Council at the applicant's expense.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rule - Home occupations

2.4.2.45

Exclusive of permanent residents who refer to the site as their home and permanent address, no more than one person shall be engaged in a home occupation except in Character Area 1 of Cambridge Park where not more than two persons can be engaged in a home occupation, in a dwelling including any additional building accessory thereto, provided that:

- (a) The principal operator of the home occupation shall be a permanent resident on the site to which the home occupation relates; and
- (b) The activity shall be carried out either within a dwelling, an accessory building, or in an outdoor area, or a combination of these areas. The maximum total gross floor area including any outdoor area used for the home occupation shall be no more than 50m² provided that in Character Area 1 of Cambridge Park it can be 30% of GFA; and
- (c) ...

Activities that fail to comply with Rules 2.4.2.45.a. to 2.4.2.45.c. will require a resource consent for a non-complying activity.

Activities that fail to comply with Rules 2.4.2.45.d. to 2.4.2.45.g. will require a resource consent for a discretionary activity.

Rule ~~St Kilda Structure Plan Area: commercial hub overlay~~

~~2.4.2.47~~ Activities undertaken within the Commercial Hub Overlay Area identified on the St Kilda Structure Plan shall comply with the following:

- ~~(a)~~ The maximum hours of operation shall be 7.00am to 10.00pm, seven days a week; and
- ~~(b)~~ Sites shall not exceed 150 person occupancy; and
- ~~(c)~~ The minimum building setback from boundaries shall be as follows:

Road boundary _____ 0m

Internal site boundaries where the
lot adjoins a residential lot _____ 5m

- ~~(d)~~ The maximum height of buildings shall be 12m; and
- ~~(e)~~ Buildings shall cover no more than 80% of the net area of the Commercial Hub Overlay. Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rule ~~Local Centres within the C2/C3 Structure Plan area~~

~~2.4.2.48~~ Local Centres within the C2/C3 Structure Plan area (in accordance with Rule 2.4.1.3(h)) shall comply with the following:

- ~~(a)~~ Be located in general accordance with the C1 and C2/C3 Structure Plans; and
- ~~(b)~~ The maximum hours of operation shall be 7.00am to 10.00pm, seven days a week; and
- ~~(c)~~ Overall ground floor building footprint of any commercial, café, dining and ancillary activities shall not be greater than 550m² GFA (excluding any sports centre and/or art and cultural centre within the C2 growth cell); and
- ~~(d)~~ The minimum building setback from boundaries shall be as follows:

~~(i)~~ Road boundary _____ 0m

~~(ii)~~ Internal site boundaries where the
lot adjoins a residential lot _____ 5m

- ~~(e)~~ The maximum height of buildings shall be 9m.

Activities that fail to comply with this rule will require a resource consent for a restricted

~~discretionary activity with discretion limited to the effects of any non-compliance with the performance standards.~~

Rule - Relocated buildings

2.4.2.51 A relocated building over 40m² GFA shall meet the following requirements:

- (a) ...
- (b) If the Building Relocation Inspection Report has been prepared by a person other than a Waipā District Council Building Compliance Officer (or equivalent position), the accuracy and completeness of the Building Relocation Inspection Report must be confirmed by a Waipā District Council Building Compliance Officer (or equivalent position). This shall be done by undertaking an on-site inspection of the relocated building once it has been relocated. ~~;~~ ~~and should~~ If the Waipā District Council Building Compliance Officer determines that the relocated building requires external repair works in addition to that identified in the submitted Building Relocation Inspection Report in order to achieve a tidy and workmanlike external appearance, then:
 - (i) The owner ...

~~Provided that t~~ This rule does ~~shall~~ not apply to new buildings which are designed for or intended to be used on a site which are erected off the site either in whole or in parts and transported to the site.

~~Rule – Neighbourhood Centre within the T11 Growth Cell Structure Plan Area~~

~~2.4.2.55~~ ~~The neighbourhood centre within the T11 Growth Cell Structure Plan Area shall comply with the following:~~

- ~~(a) Be located in general accordance as shown on the T11 Growth Cell Structure Plan.~~
- ~~(b) The maximum hours of operation shall be 7.00am to 10.00pm, seven days a week.~~
- ~~(c) The maximum height of buildings shall be 14m.~~
- ~~(d) Each individual retail and services tenancy should have a floor area of not more than 250m² Gross Floor Area (GFA) (excluding community amenities and facilities, administration offices, and professional offices).~~
- ~~(e) All new commercial buildings shall be constructed on the road boundary of the site.~~
- ~~(f) All street frontages shall have a minimum 3m wide continuous covered veranda to allow for weather protection.~~
- ~~(g) All commercial buildings shall have a minimum 3m setback from all adjoining residential zone, reserves and public open space boundaries.~~
- ~~(h) All buildings fronting a road or reserve, excluding those intended for used by a business established by 2.4.1.3(i)(d) for early childcare education services, shall have an active frontage, incorporating 70% permeable, glazed shop frontage at ground floor. Active frontages shall also include wide double doorways to allow for easy pedestrian access.~~
- ~~(i) Where a site adjoins the Residential Zone, no building or stored materials should penetrate a recession plane at right angles to the Residential Zone boundary inclined inwards at an angle of 45° from 2.7m above ground level.~~
- ~~(j) Any storage or service area (including mechanical, electrical and utility equipment, refuse, and recycling activities) not enclosed within a building or where a shipping container is being used for storage, shall be fully screened by landscaping or solid walls or fences not~~

less than 1.8m in height.

~~(k) Walls and fences over 1.8m in height shall be setback a minimum of 5m from the road boundary unless a landscaping strip of a minimum of 2m wide is provided on the external side of the fence.~~

~~(l) Walls and fences along any road or reserve shall not exceed 1.6m in height, except where at least 40% of the fence is visually permeable, in which case the fence may be constructed to a maximum height of 1.8m.~~

~~Activities that fail to comply with this rule will require a resource consent for a discretionary activity.~~

Section 2A – Medium Density Residential Zone

Key

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

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

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

Text that is not underlined or struck through is original PC26 text as notified.

2A.1 Introduction

2A.1.1 The Medium Density Residential Zone of the District is where most people in Waipā live. It is principally located in Waipā's Urban Areas comprising the two main towns of Cambridge and Te Awamutu, together with Kihikihi as a functional part of the Te Awamutu Urban Area. Over time, the appearance of neighbourhoods within this zone will change, with development of typically up to three storeys in a variety of sizes and forms, including detached dwellings, terrace housing and low-rise apartments. This supports increasing the capacity and choice of housing. The density of this zone is expected to be a minimum of twenty-five to thirty-five dwellings per hectare (net once public spaces and infrastructure have been provided for).

2A.1.2 Over the lifetime of this Plan most of the new residential growth will be directed to Cambridge and Te Awamutu and by 2050 it is anticipated that these two towns will have nearly doubled in size. Development within the Medium Density Residential Zone is anticipated to be consistent with the Strategic Policy Framework and should uphold the objectives of Te Ture Whaimana. The projected increase in population is due to:

- (a) Changing demographics (an ageing population and greater demand for single occupancy households); and
- (b) The high levels of amenity and services available in Cambridge and Te Awamutu; and
- (c) The central location of the District which makes it an attractive place to live.

2A.1.3 In order to comply with national direction to provide for sufficient development opportunity to meet existing and future demand for residential development, this Plan provides for new growth areas (refer to Section 1 - Strategic Policy Framework) as well as greater density of development within the Medium Density Residential Zone.

2A.1.4 The Medium Density Residential Zone applies to land in Cambridge, Te Awamutu and Kihikihi. The Medium Density Residential Standards set out in Schedule 3A of the Act have been incorporated in this zone, with modifications where necessary to accommodate qualifying matters.

2A.1.5 The Waipā District is identified as a tier one urban environment in the National Policy Statement on Urban Development 2020. In line with the objectives and policies of the National Policy Statement, development within the Medium Density Residential Zone is intended to allow the District's main townships to grow as well-functioning urban environments that:

- (a) Enable a variety of homes to meet the needs of different households;
- (b) Provide sufficient development capacity to meet demand in the short, medium and long term;
- (c) Support reductions in greenhouse gas emissions; and
- (d) Are resilient to the likely current and future effects of climate change.

2A.1.6 In addition to a range of living options, working from home is provided for through the home occupation provisions. Other sections of the Plan are also relevant and will need to be referred to for particular developments, including Section 15 - Infrastructure, Hazards, Development and Subdivision and Section 16 - Transportation.

2A.1.7 The maintenance of the social and community function of the Medium Density Residential Zone is important. This function can be undermined by the location of non-residential activities in Residential Zones. This Plan makes clear provision for commercial and industrial activities within their respective zones. The only exception in this zone is for some activities within listed heritage buildings. This exception has been specifically provided as an incentive to enable the adaptive re-use of listed Heritage Items.

2A.1.8 There are specific provisions that apply to structure plan areas, including Cambridge Park, C1 and C2/C3 and T11 structure plan areas. These areas have design outcomes that were developed through a structure planning processes and are integral to the overall development of the area.

2A.1.8B9 The biodiversity corridors along the Waikato River and its tributaries are defining ecological features of Waipā. They are critical to Council, mana whenua, key stakeholder and community aspirations to protect and restore Waipā's biodiversity. They improve the integrity, connectivity and resilience of ecosystems within Cambridge and Te Awamutu. They also contribute to urban form and place making and support the public use and enjoyment of esplanade areas. Section 24 of the District Plan includes objectives, policies and methods for the maintenance and enhancement of indigenous vegetation within these biodiversity corridors. The MDRS have been modified to the extent necessary to accommodate the protection of the biodiversity corridors along the Waikato River (Cambridge town), Karāpiro Stream (Cambridge, Carter's Flat), Mangapiko Stream (Te Awamutu town) and the Mangaohoi Stream (Te Awamutu South-East).

Qualifying Matters - Introduction

2A.1.910 The Medium Density Residential Standards have been modified to accommodate qualifying matters in the Waipā District in the following circumstances:

- (a) Where there are existing constraints on infrastructure capacity meaning that increased density of development could lead to adverse effects on the Waikato and Waipā Rivers and their catchment which is in conflict with the Vision, Objectives and Strategies of Te Ture Whaimana the Infrastructure Constraint Qualifying Matter Overlay will apply;
- (b) Where there is a risk that degradation of freshwater bodies could occur and that the fundamental concept of Te Mana o te Wai as set out in the National Policy Statement for Freshwater Management 2020 would not be able to be achieved the Stormwater Constraint Qualifying Matter Overlay and Infrastructure Constraint Qualifying Matter Overlay will apply;
- (c) Where cultural, historic or special character related values are present and could be lost through uncontrolled development;

- (d) Where outstanding natural features and landscapes are present and may be adversely affected by inappropriate subdivision, use and development;
- (e) Where it is necessary to protect public open spaces and significant natural areas to ensure that there are public and open green spaces available for use by communities to meet their needs;
- (ee f) Where it is necessary to protect significant natural areas and public open spaces that provide significant habitats of indigenous fauna and include areas of significant indigenous vegetation;
- (f-g) Where it is necessary to maintain and enhance public access to and along lakes and rivers;
- (g h) Where it is necessary to control subdivision and development to manage significant risks from natural hazards, in the case of flooding hazards the Stormwater Constraint Qualifying Matter Overlay will apply;
- (h i) Where sites are located proximate to nationally significant infrastructure, such as the National Grid transmission lines, state highways and the North Island Main Truck railway line; and
- (i j) Where there are specific matters which make higher density inappropriate such as protected trees, character clusters, managing the potential for reverse sensitivity and specific requirements applying within Structure Plans.

Qualifying Matters – Te Ture Whaimana and the National Policy Statement for Freshwater 2022

- 2A.1.1011 Te Ture Whaimana envisages a future where a healthy Waikato and Waipā Rivers sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato and Waipā Rivers, and all it embraces, for generations to come. The Waipā townships of Cambridge and Te Awamutu are in catchments that either directly or indirectly discharge to the Waikato or Waipā Rivers. Development within these catchments directly affect the way Waipā District Council gives effect to Te Ture Whaimana.
- 2A.1.1112 In order to ensure development in the District does not undermine Te Ture Whaimana, mapping has been undertaken to identify known capacity constraints in the District’s water supply, wastewater discharge and stormwater discharge networks which are not identified as being upgraded in the foreseeable future. Council’s infrastructure network is the primary means of managing effects on the rivers and giving effect to Te Ture Whaimana. This includes both discharges through the Council's stormwater and wastewater networks and water takes via its water supply.
- 2A.1.1213 Enabling development to the extent provided for by the Medium Density Residential Standards without further investigation and control over design would result in potential overflows or exceedances beyond the capacity of the public network and resulting in downstream effects. Accordingly, land identified as having known capacity constraints are considered to have a the Infrastructure Constraint aQualifying mMatter Overlay applying to it.
- 2A.1.12A 14 Land within known flood hazards have the Stormwater Constraint Qualifying Matter Overlay applying to it to minimise impacts on known flood plains beyond current building-site coverage limits and lessen contaminant loading impacts in these locations.
- 2A.1.1315 Central to Te Ture Whaimana is the concept of Te Mana o Te Wai. Te Mana o te Wai is the

essential concept that underpins the National Policy Statement for Freshwater Management 2020. It refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai.

2A.1.1416 Te Mana o te Wai is about the restoration and preservation of the balance between the water, the wider environment, and the community. It is relevant to all freshwater management and applies outside of the specific aspects of freshwater management referred to in the National Policy Statement.

2A.1.1517 Te Mana o te Wai encompasses six principles relating to the roles of tangata whenua and other New Zealanders in the management of freshwater. These principles are:

- (a) *Mana whakahaere*: the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater.
- (b) *Kaitiakitanga*: the obligation of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations.
- (c) *Manaakitanga*: the process by which tangata whenua show respect, generosity, and care for freshwater and for others.
- (d) *Governance*: the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future.
- (e) *Stewardship*: the obligation of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations.
- (f) *Care and respect*: the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation.

Qualifying Matters – Preservation of the natural character of rivers and their margins, open space for public use, maintenance and enhancement of public access to and along rivers

2A.1.1618 The open space networks within Cambridge, Te Awamutu and Kihikihi are defining features for these towns. They cater for residents' sport, recreation, play and well-being needs as well as providing critical habitats and biodiversity corridors and riparian margins along the Waikato and Waipā Rivers and other significant waterways. They also provide increasingly important ecosystem services such as carbon sequestration and water purification and protect iconic and culturally and historically significant sites.

2A.1.1819 Numerous reserves contain archaeological sites and hold an important place in the historical, spiritual, ancestral and cultural identity of the iwi and hapū that are mana whenua of Waipā. Mana whenua's iwi management plans and documents such as Te Ture Whaimana provide project-specific cultural impact assessments that set out the importance of the open space network to mana whenua and their aspirations for the network. Priorities include protecting the mana and the mauri of open spaces; valuing Te Ao Māori and enabling mana whenua involvement in planning and decisions; acknowledging, protecting and restoring sites of significance; ensuring physical and visual access to ancestral lands; cultural landscapes and taonga, and enabling iwi and hapū to have a living and enduring presence of our public open spaces through for example the practice of customary activities.

2A.1.18A20 Protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. Section 24 of the District Plan includes objectives, policies and methods for the protection

of indigenous vegetation and significant habitats of indigenous fauna, and such protection is a matter of national importance under s 6(c) of the Act. The objective to maintain and enhance the existing level of biodiversity within the District is given effect to by methods that include the identification of significant natural areas (SNA). Reserves Zones are also used, in some cases, for the purpose of protecting and preserving indigenous flora and fauna, the intrinsic worth, and for scientific study and ecological associations. The MDRS have been modified to the extent necessary to accommodate the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

2A.1.18B21 The biodiversity corridors along the Waikato River and its tributaries are defining ecological features of Waipā. They are critical to Council, mana whenua, key stakeholder and community aspirations to protect and restore Waipā’s biodiversity. They improve the integrity, connectivity and resilience of ecosystems within Cambridge and Te Awamutu. They also contribute to urban form and place making and support the public use and enjoyment of esplanade areas. Section 24 of the District Plan includes objectives, policies and methods for the maintenance and enhancement of indigenous vegetation within these biodiversity corridors. The MDRS have been modified to the extent necessary to accommodate the protection of the biodiversity corridors along the Waikato River (Cambridge town), Karāpiro Stream (Cambridge, Carter’s Flat), Mangapiko Stream (Te Awamutu town) and the Mangaohoi Stream (Te Awamutu South-East).

Qualifying Matters – Historic Heritage and Character

2A.1.1922 Historic buildings and sites are highly valued in the Waipā District. They give our towns, villages and rural areas a distinctive sense of place. The protection of historic heritage from inappropriate subdivision, use and development is defined as a matter of national importance under section 6(f) of the Resource Management Act 1991.

2A.1.2023 Another matter of national importance for the Waipā District is the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga. This relationship is provided for in section 6(e) of the Act.

2A.1.2124 Historic heritage in the Waipā District includes (but is not limited to) built items, archaeological and cultural sites, and sites of significance to Māori. There are a range of existing measures in the operative Waipā District Plan that enable the protection of the diverse elements which make up our historic heritage.

2A.1.2225 Residential development within Waipā District has resulted in areas that are distinctive in character and provide an important contribution to the overall make-up of the townships. For example there are groups of dwellings within the Medium Density Residential Zone that have special character and this Plan seeks to maintain this character through provisions relating to character clusters in this section, and in Section 22 - Heritage and Archaeology.

2A.1.2326 In addition, streets that have high existing character because of the built form and/or because of the presence of existing mature street trees have been identified. These streets are subject to an existing policy overlay in the Planning Maps, and include ~~Princes Street, Thornton Road (between Victoria Street and Albert Street/Robinson Street), Hall Street, Bryce Street, Hamilton Road/Cambridge Road (between the town belt and Victoria Street), Burns Street and Moore Street in Cambridge; and College Street and Turere Lane in Te Awamutu in Cambridge – Hall Street, / Hamilton Road, and Victoria Street, Thornton Road / Princess Street, Grey Street, Queen Street and Grosvenor Street Character Cluster’s; and in Te Awamutu – College Street Rewi Street and Bank Street Character Cluster’s.~~ The Medium Density Residential Standard for front boundary setbacks has been varied along these streets in order to maintain this character. Character has been introduced as a new ‘other’ qualifying matter as provided for by the Act.

Qualifying Matters – Nationally Significant Infrastructure

- 2A.1.2427 Provisions in the Waipā Operative District Plan related to building in relation to the National Grid transmission network, the state highway roading network and the North Island Main Trunk railway are qualifying matters by virtue of section 77(l)(b) of the Act being a matter required to give effect to a National Policy Statement and section 77(l)(e) being a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure.
- 2A.1.2528 Specific to electricity transmission, the relevant national policy statement is the National Policy Statement for Electricity Transmission 2008. It sets out the objective and policies to enable which direct the management of the effects of and on the electricity transmission network under the Resource Management Act 1991.
- 2A.1.2629 It is recognised that the efficient transmission of electricity on the national grid plays a vital role in the wellbeing of New Zealand, its people and the environment. Electricity transmission has special characteristics that create challenges for its management under the Act.
- 2A.1.2730 Several National Grid transmission lines traverse the Waipā District. The subdivision, use and development of land is ~~controlled~~ managed within a defined National Grid Corridor to ensure potential adverse effects are appropriately addressed. The greatest level of restriction on landowners is within the National Grid Yard (particularly the support structures) which is the area that is closest to the transmission line and where there is the greatest potential for adverse effects to occur and for the National Grid to be compromised. The restrictions recognise that the greatest potential effects are generated by sensitive activities and intensive development. For this reason, the National Grid has been identified as a qualifying matter to the Medium Density Residential Standards.
- 2A.1.2831 National Grid transmission lines for the transmission of electricity are considered to be a resource of national and regional significance that require protection. The location of activities within National Grid Corridors have the potential to result in adverse effects, including reverse sensitivity effects, on the operation, maintenance, upgrading and future development of the National Grid network and result in sensitive activities locating where they are most vulnerable to the effects, including risks, associated with the line.
- 2A.1.2932 The management of subdivision within the National Grid Corridor is addressed in Section 15 - Infrastructure, Hazards, Development and Subdivision.

2A.2 Resource Management Issues

Health and well-being of the Waikato and Waipā Rivers

- 2A.2.1 Development within the Medium Density Residential Zone has the potential to adversely affect the health and well-being of the Waikato and Waipā Rivers. Careful consideration should be given to the following; (but not limited to) potential impacts of increased ~~impervious~~ impermeable surfaces, vegetation clearance, earthworks and residential intensification within river catchments.
- 2A.2.1A Urban intensification is likely to result in an increase in impermeable surfaces within urban environments. It is important for the district plan to manage potential adverse effects that can result from increased impermeable surfaces such as:

- Increased erosion of waterway channels
- Increased flooding risk
- Decreased drainage levels of service
- Increased temperatures which impact freshwater species
- Increased contaminants and decreased water quality.

Residential amenity

- 2A.2.2 The density, design and layout of new developments and subdivisions can result in poor amenity outcomes for that development and neighbouring properties.
- 2A.2.3 There are clusters of existing dwellings in the District that have a special character. New developments, relocated buildings and subdivisions have the potential to detract from the character of these clusters.
- 2A.2.4 Developments and subdivisions can have adverse visual and functional effects on the amenity of the Medium Density Residential Zone. The amenity values of the Medium Density Residential Zone include:
- A low ambient noise environment; and
 - Neighbourhoods that are well maintained, safe, and are free from activities, developments and associated signs that can result in adverse visual and nuisance effects; and
 - Vibrant and active communities that have a mix of demographics and housing types.
- 2A.2.5 Sites where buildings and impermeable surfaces cover large areas of the site can compromise the ability to adequately dispose of stormwater.
- 2A.2.6 Relocated buildings can adversely affect the existing amenity of the neighbourhood.
- 2A.2.76 There is the potential for reverse sensitivity effects when noise sensitive activities locate close to some existing activities such as the Te Awamutu Dairy Manufacturing site, roads with high traffic volumes, and railway lines.
- 2A.2.87 Trends towards more compact residential development such as that provided for by the Medium Density Residential Standards can lead to conflicts as the noise environment is potentially greater than people anticipate, and privacy levels are not the same as those existing in traditional residential areas.
- 2A.2.98 Signs are not consistent with the character of residential neighbourhoods. Signs can also detract from the character and values associated with identified heritage items and character clusters.
- 2A.2.109 Home occupations provide a sustainable working option provided that the scale and nature of the business being carried out is compatible with the character and amenity of the zone.

Neighbourhood safety

- 2A.2.1110 Inappropriate building design, fence design, and site layout can affects the opportunity for

passive surveillance from dwellings to roads and other public places and as a consequence adversely affect community safety.

On-site amenity values

2A.2.1211 Buildings that are poorly positioned on a site can affects the level of sunlight and daylight that people receive and the amount of on-site space that is available for outdoor living. Poorly positioned buildings can also result in adverse effects on neighbouring properties.

Changing housing demands

2A.2.1312 There is a requirement to meet a wide range of housing needs including for families, single or two person households; and options for extended families.

2A.2.1413 In order to meet the needs of an ageing population there is a need to provide a range of housing options and types with an appropriate range of facilities.

2A.2.1514 In the future there may be increased demand for marae and papakāinga developments within Medium Density Residential Zones.

2A.2.15A It should be recognised that the character and amenity of existing areas will change over time to enable a variety of housing types with a mix of densities.

Non-residential activities

2A.2.16 The intensity of non-residential activities can cause adverse effects and detract from anticipated levels of residential amenity.

2A.2.17 Some non-residential activities can contribute positively to the neighbourhood and community function of the Medium Density Residential Zone, while others can undermine it. There is also the potential for non-residential activities in the Medium Density Residential Zone to undermine the function and purpose of the Industrial and Commercial Zones.

2A.2.18 The design and layout of non-residential buildings is often inconsistent with the amenity and character of the Medium Density Residential Zone, and can result in adverse effects beyond that anticipated in the zone.

2A.2.19 Within the Medium Density Residential Zone, in Te Awamutu, there are existing out of zone activities where significant investment has been made. It is important that these activities are recognised.

2A.3 Objectives and Policies

Please also refer to the objectives and policies of Parts C, Part E and Part F, as relevant.

Objectives – Medium Density Residential Standards

- 2A.3.1 A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future¹
- 2A.3.2 A relevant residential zone provides for a variety of housing types and sizes that respond to:
- (a) Housing needs and demand; and
 - (b) The neighbourhood’s planned urban built character, including 3-storey buildings.²

Policies

- 2A.3.2.1 To enable a variety of housing typologies with a mix of densities within the zone, including 3- storey attached and detached dwellings, and low-rise apartments.³
- 2A.3.2.2 To enable a minimum target density of twenty-five to thirty-five dwellings per hectare (net after taking into account public spaces and infrastructure).
- 2A.3.2.3 To apply the Medium Density Residential Standards across all relevant residential zones in the district plan except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).⁴
- 2A.3.2.4 To enable the modification of modify the Medium Density Residential Standards under Policy 2A.3.2.3, or the level of density anticipated under Policies 2A.3.2.1, 2A.3.2.2 and 2A.3.2.3, only to the extent necessary to accommodate a qualifying matter applying to that site.
- 2A.3.2.5 To encourage development to achieve attractive, functional and safe streets and high quality and functional public open spaces, including by providing for passive surveillance network outcomes to be achieved by setbacks from the boundary of reserve zones and Te Awa Cycleway.⁵
- 2A.3.2.6 To enable housing to be designed to meet the day-to-day needs of residents.⁶
- 2A.3.2.7 To provide for developments not meeting permitted activity status, while encouraging high-quality developments.⁷

Objective - Key elements of Medium Density residential character

- 2A.3.3 To maintain and enhance the existing elements of the Medium Density Residential Zone that give each town its own character while recognising that the character and amenity of these towns may change over time.

¹ This objective is required by clause 6 of Schedule 3A of the Resource Management Act 1991.

² This objective is required by clause 6 of Schedule 3A of the Resource Management Act 1991.

³ This policy is required by clause 6 of Schedule 3A of the Resource Management Act 1991.

⁴ This policy is required by clause 6 of Schedule 3A of the Resource Management Act 1991.

⁵ This policy is required by clause 6 of Schedule 3A of the Resource Management Act 1991.

⁶ This policy is required by clause 6 of Schedule 3A of the Resource Management Act 1991.

⁷ This policy is required by clause 6 of Schedule 3A of the Resource Management Act 1991.

Policy - Cambridge

2A.3.3.1 To maintain and where appropriate enhance Cambridge's character by:

- (a) Maintaining the grid layout that provides long vistas down roads; and
- (b) Encouraging the provision of sufficient space for mature trees; and
- (c) Maximising opportunities to provide public access to the town belt; and
- (d) Maintaining and enhancing public views to the Waikato River and Karāpiro Stream Valley with development actively facing and providing access to the River and the Stream; and
- (e) Maintaining the mix of villas, ~~cottage and bungalows type~~ and other early – mid-20th century housing types within the identified character clusters, while providing for intensification opportunities on non-character defining sites in a manner sympathetic and complementary to identified character values; and
- (f) Promoting and enabling good architectural design elements including avoiding large spans of blank walls and the retention of a high level of visual amenity which includes public-facing building frontages; and
- (g) Maintaining existing setbacks along identified character streets to maintain the visual dominance of tree avenues.

Policy - Kihikihi

2A.3.3.2 To maintain and where appropriate enhance Kihikihi's character by:

- (a) Retaining a grid layout with wide grassed verges; and
- (b) Maintaining a road pattern that provides for the occasional view to the rural hinterland.

Policy - Te Awamutu

2A.3.3.3 To maintain and where appropriate enhance Te Awamutu's character by:

- (a) Maintaining a road pattern that follows the natural contour of the landform and which provides for the occasional view to the rural hinterland; and
- (b) Encouraging the provision of sufficient space for mature trees; and
- (c) Providing linkages to the Mangapiko Stream with development actively facing and providing access to the stream; and
- (d) ~~Recognising~~ Maintaining the mix of villas, bungalows and ~~art deco~~ other early – mid-20th century housing in parts of Te Awamutu types within identified character clusters, while providing for intensification opportunities on non-character defining sites in a manner sympathetic and complementary to identified character values; and
- (e) Promoting and enabling good architectural design elements including avoiding large spans of blank walls and the retention of a high level of visual amenity which includes public-facing building frontages; and
- (f) Maintaining existing setbacks along identified character streets to maintain the visual dominance of tree avenues.

Policy - Character clusters

2A.3.3.4 To maintain and enhance the identified character of each character cluster by:

- (a) Avoiding new buildings and relocated buildings between the dwelling and the front boundary of a site; and
- (b) For new buildings or relocated buildings maintaining a similar style, scale, height, bulk, form, building materials, and colour layout and position that complements the other dwellings within the cluster; and
- (c) For relocated buildings ensuring that any maintenance and/or reinstatement work is undertaken; and
- (d) Ensuring that signs do not detract from the character of the building or the cluster.

Advice Note: Guidance on the character of each cluster including the style, form, and scale of buildings is included in Appendix DG1 of the District Plan.

Policy - Subdivision and development adjoining Category A heritage items

2A.3.3.5 To ensure that subdivision and development and associated earthworks adjoining Category A heritage items do not result in adverse effects on the listed heritage building including its setting and vistas to the building.

Objective - Neighbourhood amenity and safety

2A.3.4 To maintain recognise amenity values and enhance safety in the Medium Density Residential Zone including:

- i. On site for residents;
- ii. On adjoining sites; and
- iii. For the transport corridor and public open spaces.

Policy - Building setback: road boundary

2A.3.4.1 All buildings shall be designed and setback from roads in a manner which complies with the Medium Density Residential Standards, unless a qualifying matter applies.

Policy - Building setback: character street

2A.3.4.2 To maintain the existing character of character streets by having a consistent minimum building setback.

Policies - Building setback: side boundaries

2A.3.4.3 To maintain a degree of separation between buildings when viewed from the road (except where perimeter block development is proposed), provide opportunities for planting where possible, provide a degree of privacy, maintain sunlight and daylight, provide ongoing access to the rear of the site and enable building maintenance from within the site by maintaining a consistent setback between buildings on different sites.

Advice Note: In some cases affected parties' consents will not be sufficient to address the matters raised in these policies.

Policy - Height of buildings

2A.3.4.4 The height of new buildings shall not be consistent with the Medium Density Residential Standards unless a qualifying matter applies.

Policies - Site coverage and permeable surfaces

2A.3.4.5 To ensure that all sites have sufficient open space to provide for landscaping, outdoor activities, storage, on-site stormwater disposal, where parking is provided, and vehicle maneuvering by maintaining a maximum site coverage requirement for buildings in the Medium Density Residential Zone.

2A.3.4.6 Maintain a proportion of each site in permeable surfaces such as lawn and gardens, in order to ensure there is sufficient capacity to enable the on-site disposal of stormwater. In the Cambridge North Structure Plan Area, increased standards apply because of the difficulty of disposing of stormwater in this location. In the C1 and C2/C3 Structure Plan areas on-site disposal of stormwater may not be required where regional and/or district consents for the overall structure plan stormwater system provide for alternative means of stormwater management and disposal. Furthermore, on-site soakage within the C3 cell is not anticipated due to the risk of exacerbating slope stability issues. Alternative methods of stormwater management will need to be demonstrated for the C3 cell.

Policy - Relocated buildings

2A.3.4.7 Relocated buildings shall not detract from the amenity of the neighbourhood they are located within, by ensuring that exterior maintenance and painting is undertaken.

Policy - Maintaining low ambient noise environment

2A.3.4.87 To ensure that noise emissions and vibration from all activities, including construction, are consistent with the low ambient noise environment anticipated in the Medium Density Residential Zone.

Policy - Noise sensitive activities located adjacent to railways and strategic roads

2A.3.4.98 To reduce the potential for reverse sensitivity effects, by requiring noise sensitive activities to be acoustically treated, where they are proposing to locate in close proximity to railways and strategic roads.

Policy - Residential development in the vicinity of the Te Awamutu Dairy Manufacturing site

2A.3.4.109 To maintain anticipated levels of residential amenity and to reduce the potential for reverse sensitivity effects on the Te Awamutu Dairy Manufacturing site by requiring new dwellings or bedroom additions to be acoustically treated.

Policies - Signs

2A.3.4.110 To maintain the residential character and amenity of the Medium Density Residential Zone, by avoiding signs except for temporary signs and small scale signs associated with a home occupation undertaken on the site where the sign is located.

2A.3.4.1211 Signs not related to the site, including billboards, are not consistent with the character of the Medium Density Residential Zone and shall be avoided.

2A.3.4.1312 To minimise short-term effects on residential character and amenity by managing the location,

size, number and type of temporary signs.

2A.3.4.1413 Signs that are illuminated moving or flashing, or are likely to create a visual hazard or interfere with the safe and efficient use of roads shall be avoided.

Advice Note: Refer to Section 22 - Heritage and Archaeology for signs proposed to be located on or within a site of a listed heritage building.

Policy - Earthworks

2A.3.4.1514 To ensure that earthworks are carried out in a manner that avoids adverse effects between properties and on water bodies.

Policy - Home occupations

2A.3.4.1615 Home occupations are enabled where the scale and nature of the activity is such that:

- (a) The residential activity is the predominant activity on the site; and
- (b) The design and appearance of the building is residential in character; and
- (c) The levels of traffic generated are no more than that which is anticipated from residential activities; and
- (d) Adverse effects related to noise, vibration, dust and light spill are mitigated to the extent that they do not result in adverse effects on residential character and amenity.

Policies - Safety and design

2A.3.4.1716 To enhance the safety of residential neighbourhoods through site layouts and building designs that incorporate Crime Prevention through Environmental Design (CPTED) principles.

2A.3.4.1817 To ensure that passive surveillance is provided to roads, reserves and walkways.

2A.3.4.1918 To prohibit the establishment of fortified sites in the Medium Density Residential Zone.

Advice Note: Refer also to Objectives and Policies in Section 16 - Transportation.

Policy - Dwellings adjoining marae

2A.3.4.2019 To ensure that dwellings adjoining existing marae maintain the visual, aural and cultural privacy of the marae ātea.

Policy - Residential Based Visitor Accommodation

2A.3.4.2120 Residential Based Visitor Accommodation is enabled where the scale of the activity is such that it:

- (a) Maintains local residential character, while recognising that this may change over time, including the scale and design of buildings and their location on the site; and
- (b) Provides for on-site parking and vehicle manoeuvring areas for any on-site car parking; and
- (c) Mitigates adverse effects related to traffic generation, access and noise to the extent that they do not result in adverse effects on residential character and amenity or on the surrounding transport network.

Policy – Tree canopy

- 2A.3.4.221 Promote the establishment and maintenance of a continuous tree canopy along roads to improve amenity for road users and adjoining land use, minimise the urban heat island effects of urban intensification, enhance biodiversity and ecological function, provide summer shade to make roads more comfortable for walking, cycling and micro-mobility during hotter weather, and store carbon.

Policies – Vehicle crossings

- 2A.3.4.222 Limit the number of vehicle crossings to prioritise pedestrian and cyclist safety and amenity on public roads or publicly accessible spaces used to give access to development.
- 2A.3.4.243 Ensure vehicle crossings are minimised on road frontages where narrow dwellings are proposed and where shared paths and separated cycle ways are located.

Objective - On-site amenity values

- 2A.3.5 To maintain and enhance amenity values within and around dwellings and sites in the Medium Density Residential Zone through the location, layout and design of dwellings and buildings.

Policies - Building setback from rear and side boundaries

- 2A.3.5.1 Buildings should be setback from rear and side boundaries in order to provide for the privacy of adjoining properties and to not overly dominate outdoor living areas on adjoining sites.
- 2A.3.5.2 To ensure that buildings on sites adjoining reserves and public walkways or cycleways do not detract from the amenity, safety or function of those spaces.
- 2A.3.5.3 To enable the construction of buildings up to and on rear and side site boundaries in circumstances where there is minimal loss of privacy, sunlight or daylight or noise effects on adjoining properties or such effects are mitigated, and where sufficient area is maintained on site for outdoor living, and the building does not unduly dominate outdoor living areas on adjoining sites.

Policy - Daylight

- 2A.3.5.4 To maintain adequate daylight and enable opportunities for passive solar gain by providing for the progressive reduction in the height of buildings the closer they are located to a boundary (except a road boundary).

Policy - Outdoor living area

- 2A.3.5.5 Each dwelling on a site shall have a usable and easily accessible outdoor living area for individual or communal use.

Policy - Maximum Building length

- 2A.3.5.6 ~~Where compact housing is proposed,~~ The effect that long building lines may have upon the residential character and amenity of neighbouring sites and the wider area should be considered. Buildings that are well modulated with architectural detail shall be preferred.

Objective - Providing housing options

- 2A.3.6 To enable a wide range of housing options in Cambridge, Te Awamutu and Kihikihi.

Policy - Sustainable and efficient use of land

2A.3.6.1 To provide a range of housing types and options that meet changing housing needs. Developments that are comprehensively designed where spaces can be shared will be preferred.

Policy - Marae and Papakāinga

2A.3.6.2 To enable sustainable marae and papakāinga developments acknowledging that the design and layout of a marae or papakāinga development may be different than that generally found in the Medium Density Residential Zone.

Policy - Retirement village accommodation and associated care facilities and rest homes

2A.3.6.53 To enable the development of retirement village accommodation and associated care facilities and rest homes, to meet the needs of an ageing population providing that the development is comprehensively designed and developed.

Objective - Comprehensive design and development

2A.3.7 To encourage developments that are comprehensively designed, incorporate urban design and CPTED principles, are co-ordinated with infrastructure provision, and integrated with the transportation network including multi-modal transport options.

Policy - Comprehensive design of ~~compact housing~~ four or more dwellings, retirement village accommodation and associated care facilities, rest homes, and visitor accommodation

2A.3.7.1 To ensure that ~~compact housing~~ developments of four or more dwellings, retirement village accommodation and associated care facilities, rest homes and visitor accommodation are comprehensively designed by:

- (a) Ensuring that developments effectively relate to the street, existing buildings, and adjoining developments in the neighbourhood and the planned built form of the area; and
- (b) Avoiding long continuous unbroken lengths of wall building; and
- (c) ~~Maximising~~ Considering the potential for passive solar gain; and
- (d) Providing for sufficient private or communal space for the reasonable recreation, service and storage needs of residents; and
- (e) Retaining existing trees and landscaping within the development where this is practical; and
- (f) Where appropriate providing for multi-modal transport options and provide for links with existing road, pedestrian and cycleways; and
- (g) Incorporating CPTED principles; and
- (h) Addressing reverse sensitivity effects; and
- (i) Mitigating adverse effects related to traffic generation, access, noise, vibration, and light spill; and
- (j) Being appropriately serviced and co-ordinated with infrastructure provision and integrated with the transport network.

Policies - Development within structure plan areas

2A.3.7.2 To encourage sound urban design responses and development that aligns with the planned outcome within structure plan areas.

Objective - Non-residential activities

2A.3.8 To restrict the establishment of non-residential activities in the Medium Density Residential Zone, except for visitor accommodation, activities within listed heritage items, areas specifically identified on structure plans for this purpose, and those activities that provide for the health and well-being of the community, and have a functional and compelling need to locate within a Medium Density Residential Zone.

Policy - Maintain residential function

2A.3.8.1 To maintain the Medium Density Residential Zone for residential activities by ensuring that:

- (a) Industrial activities and commercial activities are avoided within the Medium Density Residential Zone except as provided for in a structure plan or policy overlay; and
- (b) Non-residential activities are not dominant within a residential block.

Policies - Non-residential activities

2A.3.8.2 To enable activities that provide for the health and well-being of the community and that service or support an identified local need. Examples include education facilities, childcare and pre-school facilities, places of worship, facilities that provide respite care, community centres, marae and hospitals. New activities shall not be established on rear sites, and sites located on cul-de-sacs, or that have access to strategic roads unless provided for in a structure plan.

2A.3.8.3 Buildings and activities associated with non-residential activities should be of a scale and design that:

- (a) Maintains residential character including the scale and design of buildings and their location on the site; and
- (b) Provides for on-site parking and vehicle manoeuvring areas for any on-site car parking; and
- (c) Mitigates adverse effects related to traffic generation, access, noise, vibration, and light spill, to the extent that they do not result in adverse effects on residential character and amenity and the surrounding transport network.

Policy - Non-residential activities in structure plan areas

2A.3.8.4 To recognise the local shops as identified within structure plan areas, that service the needs of the surrounding community. Retail activities or services provided within these locations shall provide for the daily needs of people and be located within a walkable catchment.

Policy - Non-residential activities: listed heritage items

2A.3.8.5 To make provision for medical centres, offices, restaurants, cafes and other eating places, and childcare and pre-school facilities to occur within buildings listed in Appendix N1 - Heritage Items, where the heritage values of the building and its setting are not compromised, and the effects of the activity including its hours of operation do not unduly compromise residential amenity.

Advice Note: Refer also to Section 22 - Heritage and Archaeology.

Policy - Visitor accommodation in limited circumstances

- 2A.3.8.6 Visitor accommodation may be appropriate where a development is comprehensively designed and the scale and design of the development enhances town character; and where site specific issues such as on-site servicing and transport related effects are addressed.

Policy - Local shops

- 2A.3.8.7 To enable additions to existing legally established local shops as at the date of notification of this Plan, recognising the existing investment in such properties under previous planning provisions, and the social and community function they serve in providing for the day to day needs of residents.

Policy - Scheduled industrial sites

- 2A.3.8.8 To enable the continuation of existing industries located within the Scheduled Industrial Sites identified on the Planning Maps.

Policy - Show homes

- 2A.3.8.9 To enable show homes within greenfield subdivisions, provided that any adverse effects are appropriately mitigated.

Objective - National Grid transmission networks

- 2A.3.9 To recognise and provide for the ongoing operation, maintenance, upgrade and development of the National Grid electricity transmission network.

Policies - Management of activities within National Grid Corridors

- 2A.3.9.1 To recognise the importance of the National Grid network in enabling communities to provide for their economic and social well-being and to provide for the ongoing operation, maintenance and development of the Grid through the management of activities within identified setbacks and corridors.
- 2A.3.9.2 To ensure safe and efficient use and development of the National Grid and to protect the National Grid from the adverse effects of activities adjacent to it.
- 2A.3.9.3 To avoid inappropriate land use and development within the National Grid Yard to ensure that the operation, maintenance, upgrading and development of the electricity transmission network is not compromised and to minimise the potential for nuisance effects.
- 2A.3.9.4 To avoid the establishment of new sensitive activities within the National Grid Yard in order to minimise adverse effects on and from the National Grid, including adverse effects on health and safety, amenity and nuisance effects, and reverse sensitivity effects.
- 2A.3.9.5 To not exclude compromise operation or maintenance options or, to the extent practicable, the carrying out of routine and planned upgrade works.

Objective - Significant Natural Areas

2A.3.10 To ensure that buildings and activities at the interface of residential zones with significant natural areas do not adversely affect the ecological values of those areas.

Policy – Setbacks from SNAs

2A.3.10.1 Adverse effects of adjoining development on significant natural areas will be managed through requiring the setback of buildings from the boundary.

Objective – River / Gully Proximity Overlay

2A.3.11 To reduce the likelihood of buildings and activities adversely affecting the ecological integrity and viability of biodiversity corridors and the accessibility and amenity of esplanade areas along the Waikato River, Karāpiro Stream, Mangapiko Stream and the Mangaohoi Stream.

Policies –Biodiversity corridors and esplanade areas

2A.3.11.1 Adverse effects of adjoining development on biodiversity corridors and esplanade areas will be managed through reducing the maximum building site coverage within the proximity of identified 120m of waterways.

2A.3.11.2 To increase landscaped area requirements and require native planting within 120m of waterways to maintain and enhance the biodiversity corridors and esplanade areas within the proximity of identified waterways. on Planning Map 49 through Cambridge and Te Awamutu.

Objective – Climate change

2A.3.12 Residential development supports sustainable features, technologies and methods to minimise the effects of climate change and reduce greenhouse gas emissions.

Policy – Sustainable features, technologies and methods

2A.3.12.1 Enable development that implements methods and technologies to minimise the effects on climate change, including:

- (a) Locating land uses and densities in such a way as to support walking, cycling, micromobility and public transport.
- (b) Providing for electric mobility and its associated charging infrastructure.

Objective – Infrastructure Constraint Qualifying Matter Overlay

2A.3.13 To ensure that an increased density of development does not lead to adverse effects on the Waikato and Waipā Rivers and their catchment which is in conflict with the Vision, Objectives and Strategies of Te Ture Whaimana.

Policy

2A.3.13.1 Adverse effects on the three waters infrastructure network will be managed by limiting the density of development in areas with known three waters infrastructure capacity constraints.

Objective – Stormwater Constraint Qualifying Matter Overlay

2A.3.14 To manage the adverse effects of additional displacement of flood waters and contaminant loading in the known flood extent.

Policy

2A.3.14.1 Adverse effects on the known flood extent will be managed by limiting maximum building site coverage to current limits.

2A.4 Rules

The rules that apply to activities are contained in:

- (a) The activity status tables and the performance standards in this zone; and**
- (b) The activity status tables and the performance standards in Parts E District Wide Provisions and Part F District Wide Natural and Cultural Heritage of the Plan; and**
- (c) For scheduled industrial activities identified in the Industrial Policy Overlay on Planning Map 42 and in Appendix 08, the activity status table and performance standards of Section 7 - Industrial Zone shall apply as if the activities were zoned industrial. The rules of the Medium Density Residential Zone shall apply for any other activity.**

Development within a structure plan area identified on Planning Maps is required to be in general accordance with an approved structure plan. Refer to Rule 15.4.2.69 Infrastructure, Hazards, Development and Subdivision.

Also refer to the Financial Contributions Section. Activities that result in adverse effects on infrastructure (including permitted activities) may be required to pay financial contributions of money, land, or a combination, prior to commencing the activity.

Advice Notes:

1. Works in close proximity to any electricity line can be dangerous. Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 is mandatory for all buildings, earthworks and mobile plant within close proximity to all electric lines. Compliance with the Plan does not ensure compliance with the Code.
2. Vegetation to be planted within or near electric lines should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003. To discuss works, including tree planting, near any electrical line, contact the line operator.

2A.4.1 Activity Status Tables

2A.4.1.1	<p><u>Permitted activities</u></p> <p>The following activities shall comply with the performance standards of this zone</p>
(a)	<u>Residential activities.</u>
(b) ⁸	<p>Up to three dwellings per site outside of the:</p> <p>(i) <u>Infrastructure Constraint Qualifying Matter Overlay;</u></p> <p>(ii) <u>Regionally Significant Industry Qualifying Matter Overlay;</u></p> <p>(iii) <u>Character clusters and Character Cluster Qualifying Matter Overlay.</u></p>
(c)	<p>Up to two dwellings per site within the:</p> <p>(i) <u>Infrastructure Constraint Qualifying Matter Overlay;</u></p> <p>(ii) <u>Regionally Significant Industry Qualifying Matter Overlay.</u></p>
(e A d)	<u>One dwelling and one secondary dwelling within the Character Cluster Qualifying Matter Overlay.</u>
(e e)	<u>Home occupations.</u>
(e f)	<u>Accessory buildings to any permitted activity.</u>
(f g)	<u>Demolition and removal of buildings, except in character clusters and those listed in Appendix N1 - Heritage Items and those identified as 'Character Defining' in a character cluster.</u>
(g h)	<u>Relocated buildings, except where located in a character cluster or listed in Appendix N1 – Heritage Items.</u>
(h i)	<u>Earthworks.</u>
(i j)	<u>Signs.</u>
(j k)	<u>Temporary construction buildings.</u>
(k l)	<u>Passive recreational use.</u>
(l m)	<p>The following activities located within the Commercial Hub Overlay of the St Kilda Residential Area identified in Appendix S4:</p> <p>(i) <u>Retail activities;</u></p> <p>(ii) <u>Cafés;</u></p> <p>(iii) <u>Takeaway food outlets;</u></p> <p>(iv) <u>An information centre for the Maungatautari Ecological Island Trust;</u></p> <p>(v) <u>Meeting and conference facilities;</u></p> <p>(vi) <u>Pre-school and childcare facilities;</u></p> <p>(vii) <u>Playground equipment.</u></p>
(m n)	<p>The following activities within Character Area 4 of the Cambridge Park Residential Zone:</p> <p>(i) <u>Food and beverages and convenience goods;</u></p> <p>(ii) <u>Cafés;</u></p> <p>Providing that the GFA does not exceed 150m².</p>
(n o)	<u>Conservation blocks.</u>
(o p)	<u>Earthworks within the National Grid Yard that comply with Rule 2A.4.2.48-51.</u>
(p q)	<u>Residential Based Visitor Accommodation.</u>
(q r)	<u>Within character clusters and the Character Cluster Qualifying Matter Overlay, the construction of new buildings and alterations or additions to existing buildings, where the work undertaken is single storey and located at the rear of the site.</u>
(r s)	<u>Within character clusters and the Character Cluster Qualifying Matter Overlay on sites identified as 'Non-Character Defining', the construction of new buildings and alterations or additions to existing buildings, where the work undertaken is single storey and set back a minimum of 6m from road boundaries.</u>

⁸ This rule is required by clause 10 of Schedule 3A of the Resource Management Act 1991.

<u>2A.4.1.2</u>	<u>Controlled activities</u> The following activities shall comply with the performance standards of this zone
(a)	<p><u>One show home per site within a greenfield subdivision.</u></p> <p><u>Matters over which Council reserves its control are:</u></p> <ul style="list-style-type: none"> <u>(i) Traffic generation; and</u> <u>(ii) Parking (excluding the number of parking spaces for cars); and</u> <u>(iii) Hours of operation; and</u> <u>(iv) Duration of the activity on the site.</u> <p><u>These matters will be considered in accordance with the assessment criteria in Section 21.</u></p>

<u>2A.4.1.3</u>	<u>Restricted discretionary activities</u> The following activities shall comply with the performance standards of this zone
(a)	<u>Any permitted activity or controlled activity that does not comply with any performance standards in Section 2A.4.2, except for those specified in Rule 2A.4.1.4(a), or as specified in Section 2A.4.2.</u>
(b)	<p>Four or more dwellings per site outside of the Infrastructure Constraint Qualifying Matter Overlay.</p> <p>Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with discretion being <u>will be restricted over to the following matters:</u></p> <ul style="list-style-type: none"> <u>(i) Building location, bulk and design; and</u> <u>(ii) Development density; and</u> <u>(iii) Landscaping; and</u> <u>(iv) Where provided, the location of parking areas and vehicle manoeuvring; and</u> <u>(v) Crime Prevention Through Environmental Design; and</u> <u>(vi) Traffic generation and connectivity; and</u> <u>(vii) Privacy within and between adjoining sites; and</u> <u>(viii) Noise; and</u> <u>(ix) The outcomes of an infrastructure capacity assessment; and</u> <u>(x) Stormwater disposal; and</u> <u>(xi) Alignment with any relevant Urban Design Guidelines adopted by Council and included in the District Plan. The extent to which buildings respond to relevant design guidelines in Appendix DG and Appendix S.</u>

(c)	<p>Three or more dwellings per site within the Infrastructure Constraint Qualifying Matter Overlay.</p> <p>Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with discretion being will be restricted over to the following matters:</p> <ul style="list-style-type: none"> ▪ Building location, bulk and design; and ▪ Development density; and ▪ Landscaping; and ▪ Location of parking areas and vehicle manoeuvring; and ▪ Crime Prevention Through Environmental Design; and ▪ Traffic generation and connectivity; and ▪ Privacy within and between adjoining sites; and ▪ Noise; and <p>(i) The outcomes of an infrastructure capacity assessment; and</p> <p>(ii) Stormwater disposal; and</p> <p>(iii) Alignment with any relevant Urban Design Guidelines adopted by Council and included in the District Plan.</p> <ul style="list-style-type: none"> ▪ Alignment with any relevant Urban Design Guidelines adopted by Council.
(eA d)	<p>Three dwellings per site within the Regionally Significant Industry Qualifying Matter Overlay.</p> <p>Discretion will be restricted to the following matters:</p> <p>(i) Reverse sensitivity effects on the operation of the Te Awamutu Dairy Manufacturing site.</p>
(e e)	<p>Character clusters sites - Construction of new buildings, relocated buildings and demolition or removal or alterations or additions to existing buildings, except where permitted by 2A.4.1.1 (f g), (e r) and (f s).</p> <p>Discretion will be restricted to the following matters:</p> <p>(a) For identified character-defining sites:</p> <ul style="list-style-type: none"> (i) The extent to which Bbuilding bulk and design, building materials, and layout to complements the style, form, building materials, layout and position of other character defining dwellings within the cluster; and (ii) The extent to which buildings provide a complementary response to the existing character identified in the cluster as set out in Appendix DG1; <p>(b) For identified non-character defining sites:</p> <ul style="list-style-type: none"> (i) The extent to which building design is sympathetic to the established character within the cluster in form, proportion, layout and materiality; and (ii) The extent to which building scale manages the relationship between adjacent character-defining sites and responds to the streetscape context; and (iii) The extent to which buildings are sympathetic to and acknowledge the character values identified in the cluster as set out in Appendix DG1. <p>Effects on the existing character identified in the cluster as set out in Appendix DG1;</p> <p>(c) The extent to which the demolition or removal of the character building on an identified 'character defining' site detracts from the integrity of the streetscape; and</p> <p>(d) The visibility of the new buildings and/or alterations or additions from public places; and</p>

	<p>(e) <u>Solar access; and</u></p> <p>(f) <u>Where provided, the Effects on parking and vehicle manoeuvring; and</u></p> <p>(g) <u>Signs; and</u></p> <p>(h) <u>Landscaping.</u></p> <p><u>Additionally for relocated buildings:</u></p> <ul style="list-style-type: none"> ▪ <u>Condition of the exterior of the building; and</u> ▪ <u>Repairs and works identified for action in Council approved or certified Building Relocation Inspection Report; and</u> ▪ <u>Reinstatement works; and</u> ▪ <u>Timing for completing any required works.</u> <p><u>These matters will be considered in accordance with the assessment criteria in Section 21.</u></p>
(dA f)	<p><u>Within the Character Cluster Qualifying Matter Overlay - Construction of two or more dwellings except where permitted by 2A.4.1.1(eA d), (q-r) or (f s).</u></p> <p><u>Discretion will be restricted to the following matters:</u></p> <p>(a) <u>For identified character-defining sites;</u></p> <ul style="list-style-type: none"> (i) <u>The extent to which building bulk and design, building materials, and layout complements the style, form, building material, layout and position of other character defining dwellings within the cluster; and</u> (ii) <u>The extent to which buildings provide a complementary response to the existing character identified in the cluster as set out in Appendix DG1;</u> <p>(b) <u>For identified non-character defining sites:</u></p> <ul style="list-style-type: none"> (i) <u>The extent to which building design is sympathetic to the established character within the cluster in form, proportion, layout and materiality; and</u> (ii) <u>The extent to which building scale manages the relationship between adjacent character-defining sites and responds to the streetscape context; and</u> (iii) <u>The extent to which buildings are sympathetic to and acknowledge the character values identified in the cluster as set out in Appendix DG1.</u> <p>(c) <u>Solar access; and</u></p> <p>(d) <u>Where provided, the effects on parking and vehicle manoeuvring; and</u></p> <p>(e) <u>Signs; and</u></p> <p>(f) <u>Landscaping.</u></p> <p><u>These matters will be considered in accordance with the assessment criteria in Section 21.</u></p>

<p><u>(e.g)</u></p>	<p><u>Retirement village accommodation and associated care facilities and rest homes within or outside the compact housing overlay identified on the Planning Maps.</u></p> <p><u>Discretion will be restricted to the following matters:</u></p> <ul style="list-style-type: none"> ▪ <u>Building location, bulk and design; and</u> ▪ <u>Landscaping; and</u> ▪ <u>Location of parking areas and vehicle manoeuvring; and</u> ▪ <u>CPTED; and</u> ▪ <u>Traffic generation and connectivity; and</u> ▪ <u>Benefits provided to residents from onsite communal facilities; and</u> ▪ <u>Noise; and</u> ▪ <u>Stormwater disposal.</u> <p><u>These matters will be considered in accordance with the assessment criteria in Section 21.</u></p>
<p><u>(f-h)</u></p>	<p><u>Visitor accommodation in the Visitor Accommodation Overlay in the C1 and C2/C3 Structure Plan Areas.</u></p> <p><u>For Visitor accommodation in the Visitor Accommodation Overlay in the C1 and C2/C3 Structure Plan Areas, non-compliance with any of the performance standards in Section 2A.4.2 shall retain Restricted Discretionary Activity status (and this rule prevails over any rule to the contrary).</u></p> <p><u>Discretion will be restricted to the following matters:</u></p> <ul style="list-style-type: none"> ▪ <u>Building design; and</u> ▪ <u>Whether the design, scale and appearance maintains or enhances the amenity and character of the area; and</u> ▪ <u>Landscaping; and</u> ▪ <u>Where provided, the location of parking areas and vehicle manoeuvring; and</u> ▪ <u>CPTED; and</u> ▪ <u>The potential for reverse sensitivity effects on the strategic transport network;</u> ▪ <u>Infrastructure effects; and</u> ▪ <u>Alignment with any relevant Urban Design Guidelines approved by Council and included in the District Plan.</u> <p><u>These matters will be considered in accordance with the assessment criteria in Section 21 relevant to the above matters.</u></p>
<p><u>(g.i)</u></p>	<p><u>Local Centres within the C2/C3 Structure Plan area, located in general accordance with the C1 and C2/C3 Structure Plans and limited to the following activities:</u></p> <p><u>(i) Café, dining and ancillary activities.</u></p> <p><u>(ii) Commercial retail and service activities.</u></p> <p><u>(iii) Commercial offices or residential activities, limited to above ground floor.</u></p> <p><u>(iv) Within the C2 growth cell, a sports centre and/or art and cultural centre, no greater than 500m² GFA in total.</u></p> <p><u>For local centres within the C1 and C2/C3 Structure Plan areas, non-compliance with any of the performance standards in Section 2A.4.2 shall retain Restricted Discretionary Activity status (and this rule prevails over any rule to the contrary).</u></p> <p><u>Discretion will be restricted to the following matters:</u></p> <ul style="list-style-type: none"> ▪ <u>Building location, bulk and design; and</u> ▪ <u>Visual and amenity effects on surrounding properties; and</u> ▪ <u>Where provided, the location of parking areas and vehicle manoeuvring; and</u> ▪ <u>Impacts on surrounding open space amenity and pedestrian safety; and</u> ▪ <u>Location, colour, size and content of signs; and</u> ▪ <u>Infrastructure effects; and</u> ▪ <u>Alignment with any relevant Urban Design Guidelines approved by Council and included in the District Plan.</u> <p><u>These matters will be considered in accordance with the assessment criteria in Section 21</u></p>

<u>(h j)</u>	<p><u>Neighbourhood Centre within the T11 Growth Cell Structure Plan Area, located in general accordance with the T11 Growth Cell Structure Plan and limited to the following activities:</u></p> <p><u>(i) Café, dining and ancillary activities.</u></p> <p><u>(ii) Commercial retail and service activities.</u></p> <p><u>(iii) Commercial offices or residential activities, limited to above ground floor.</u></p> <p><u>(iv) Early childcare education facilities.</u></p> <p><u>Discretion will be restricted to the following matters:</u></p> <ul style="list-style-type: none"> ▪ <u>Building location, bulk and design; and</u> ▪ <u>Visual and amenity effects on surrounding properties; and</u> ▪ <u>Where provided, the location of parking areas and vehicle manoeuvring; and</u> ▪ <u>Impacts on surrounding open space amenity and pedestrian safety; and</u> ▪ <u>Location, colour, size and content of signs; and</u> ▪ <u>Infrastructure effects; and</u> ▪ <u>Alignment with any relevant Urban Design Guidelines approved by Council and included in the District Plan.</u> <p><u>These matters will be considered in accordance with the assessment criteria in Section 21.</u></p>
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<u>2A.4.1.4</u>	<u>Discretionary activities</u>
<u>(a)</u>	<p><u>Any permitted, controlled or restricted discretionary activity that fails to comply with:</u></p> <p><u>(i) Rule 2A.4.2.26 30 - Dwellings adjoining marae</u></p> <p><u>(ii) Rule 2A.4.2.27 31 - Cambridge Park Structure Plan – building setback from escarpment</u></p> <p><u>(iii) Rule 2A.4.2.28 32 and 2A.4.2.29 33 - Cambridge North and C1 and C2 Structure Plan Area: on-site soakage</u></p> <p><u>(iv) Rule 2A.4.2.30 34 - Cambridge North Structure Plan Area: flood risk</u></p> <p><u>(v) Rule 2A.4.2.31 40 - Design and layout of development adjoining water bodies and reserves</u></p> <p><u>(vi) Rule 2A.4.2.32 41– Noise</u></p> <p><u>(vii) Rules 2A.4.2.40 44 to 2A.4.2.42 46- Noise insulation: noise sensitive activities</u></p> <p><u>(viii) Rules 2A.4.2.44 48 and 2A.4.2.45 49 – Signs</u></p> <p><u>(ix) Rules 2A.4.2.46 50 and 2A.4.2.47 - Earthworks</u></p> <p><u>(x) Rules 2A.4.2.50 54 to 2A.4.2.51 56 - Housing and keeping of animals</u></p> <p><u>(xi) Rule 2A.4.2.55 59- Home occupation</u></p> <p><u>(xii) Rule 2A.4.2.56 60 - Show homes</u></p> <p><u>(xiii) Rules 2A.4.2.60 64 and 2A.4.2.61 65- Temporary construction buildings</u></p>
<u>(b)</u>	<u>Any restricted discretionary activity that does not comply with one or more of the rules for a restricted discretionary activity, except for the rules specified in Rule 2A.4.1.4(a).</u>
<u>(c)</u>	<u>Churches, community centres, papakāinga and marae.</u>
<u>(d)</u>	<u>Education facilities, pre-schools and childcare facilities.</u>
<u>(e)</u>	<u>Visitor accommodation.</u>
<u>(f)</u>	<u>Hospitals.</u>
<u>(g)</u>	<u>Medical centres (including overnight care) adjacent to Cambridge Road within the C2/C3 Growth Cell.</u>
<u>(h)</u>	<u>The following activities within a listed heritage building contained in Appendix N1 – Heritage Items: medical centres, childcare and pre-school facility, offices, restaurants, cafés and other eating places.</u>
<u>(i)</u>	<u>Additions to local retail shops which were existing as at the date of notification of this Plan.</u>
<u>(j)</u>	<u>Construction of new buildings on a site that adjoins a Category A listed heritage item in Appendix N1, where the building(s) is within 20m of the common boundary.</u>
<u>(k)</u>	<u>The keeping of up to two beehives.</u>

(l)	<u>The use of shipping containers for any activity, including a dwelling, or a sleep out, or as an accessory building for the day to day storage needs of domestic goods, or for the storage of home occupation equipment, provided that the use of a shipping container for a temporary construction building project is exempt from this rule, refer to Rules 2A.4.2.60 64 and 2A.4.2.61 65 – Temporary Construction Buildings.</u>
(m)	<u>Emergency service facilities.</u>

2A.4.1.5	Non-complying activities
(a)	<u>Medical centres, offices, restaurants, cafés and other eating places, except where located within a listed heritage building in Appendix N1 - Heritage Items.</u>
(b)	<u>Any building or activity that fails to comply with the building set back from the escarpment for Cambridge Park Structure Plan Area.</u>
(c)	<u>Any building or activity that fails to comply with Rule 2A.4.2.55 59(a) to (c) – Home occupations.</u>
(d)	<u>Offices, except for offices located within listed heritage buildings in Appendix N1 Heritage Items.</u>
(e)	<u>Retail activities, excluding additions to local retail shops listed in Rule 2A.4.1.4(i).</u>
(f)	<u>Boarding and/or breeding kennels and catteries and the keeping of roosters.</u>
(g)	<u>All other activities not listed in activity status table Rules 2A.4.1.1 to 2A.4.1.4.</u>
(h)	<u>Within the National Grid Yard:</u> <ul style="list-style-type: none"> (i) <u>Any building or addition to a building for a National Grid Sensitive Activity.</u> (ii) <u>Any change of use to a National Grid Sensitive Activity or the establishment of a new National Grid Sensitive Activity.</u> (iii) <u>Any building, structure or earthworks which fail to comply with Rules 2A.4.2.47 51, and 2A.4.2.48 52 and 2A.4.2.49 53.</u>

2A.4.1.6	Prohibited Activities The following activities are prohibited and no resource consent will be approved
(a)	<u>Fortified Sites.</u>

Public and Limited Notification⁹

2A.4.1A The following rules apply to the matter of notification of resource consent applications required under this section of the district plan:

- (a) An application for resource consent under Rule 2A.4.1.1(b), ~~or (c)~~ or ~~(eA-d)~~ that does not comply with one or more of the performance standards in Rule 2A.4.2 will be considered without public notification unless the Council determines that special circumstances exist under the Resource Management Act 1991.
- (b) An application for resource consent under Rule 2A.4.1.3(b), ~~or (c)~~ or ~~(eA-d)~~ that complies with the performance standards in Rule 2A.4.2 will be considered without public or limited notification or without the need to obtain written approval from affected parties, unless the Council determines that special circumstances exist under the Resource Management Act 1991.

⁹ This rule is required by clause 5 of Schedule 3A of the Resource Management Act 1991.

2A.4.2 Performance Standards

The following rules apply to activities listed as permitted, controlled or restricted discretionary.

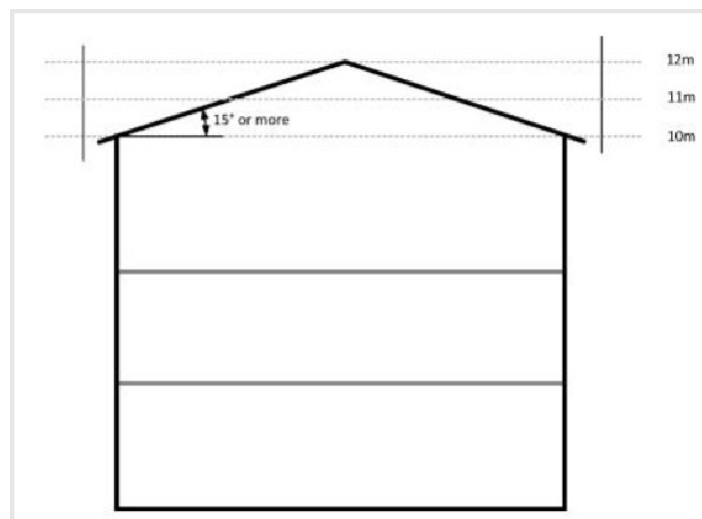
Where rules are not complied with resource consent will be required in accordance with the rules in the activity status table or as identified in the performance standards, and will be assessed against the relevant objectives and policies. In the case of controlled and restricted discretionary activities, the assessment will be restricted to the matters over which control or discretion has been reserved, in accordance with the relevant assessment criteria in Section 21. For discretionary activities Council shall have regard to the assessment criteria in Section 21. The criteria in Section 21 are only a guide to the matters that Council will consider and shall not restrict Council's discretionary powers.

The relevant performance standards that apply to the scheduled activities within the Industrial Policy Overlay identified on Planning Map 42 and in Appendix 08, are those contained in Part D, Section 7 - Industrial Zone and Parts E and F as if the site was zoned Industrial.

The relevant performance standards that Rules 2A.4.2.9 and 2A.4.2.28 apply within the River / Gully Overlay identified on Planning Maps 56 and 57 are to be met for all sites that within 120m of the water boundary (measured in a landward direction at 90 degrees of the mean annual fullest flow level).

Rule – Height

2A.4.2.1 Buildings must not exceed 11 metres in height, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, where the entire roof slopes 15° or more, as shown on the following diagram:¹⁰



Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Building location, bulk and design; and
- Visual privacy; and
- Shading effects on adjoining properties.

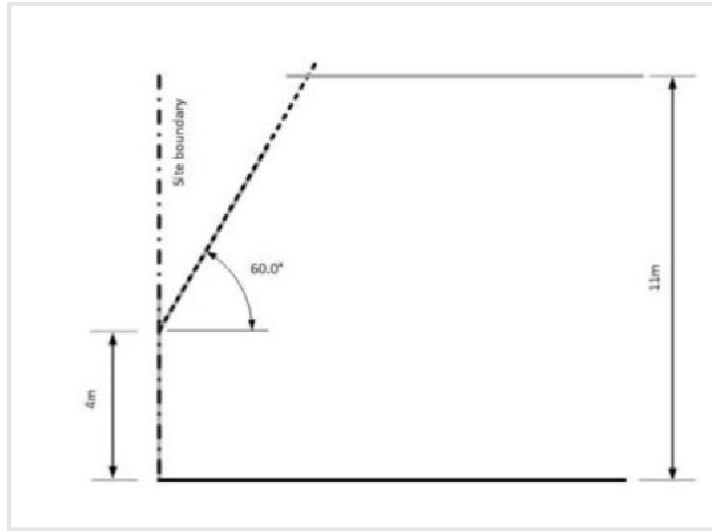
These matters will be considered in accordance with the assessment criteria in Section 21.

Rules – Height in relation to boundary

2A.2.4.2 Buildings must not project beyond a 60° recession plane measured from a point 4 metres vertically above ground level along all boundaries, as shown on the following diagram. Where the

¹⁰ This rule is required by clause 11 of Schedule 3A of the Resource Management Act 1991.

boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the height in relation to boundary applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way.¹¹



2A.4.2.3 This standard does not apply to:

- (a) a boundary with a road;
- (b) existing or proposed internal boundaries within a site; or
- (c) site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.¹²

Activities that fail to comply with Rules 2A.4.2.2 and 2A.4.2.3 will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Building location, bulk and design; and
- Access to daylight and sunlight on the site and on adjoining properties; and
- Effects on existing trees; and
- Landscaping.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rules – Setbacks

2A.4.2.4 Buildings must be set back from the relevant boundary by the minimum depth listed in the yards table below:¹³

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

¹¹ This rule is required by clause 12 of Schedule 3A of the Resource Management Act 1991.

¹² This rule is required by clause 12 of Schedule 3A of the Resource Management Act 1991.

¹³ This rule is required by clause 13 of Schedule 3A of the Resource Management Act 1991.

2A.4.2.5 This standard Rule 2A.4.2.4 does not apply to site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.¹⁴

2A.4.2.6 The minimum building setback depth listed above stated in Rule 2A.4.2.4 is modified in the following locations:

- (a) Along boundaries adjoining a state highway, a setback of 7.5 metres is required for dwellings and sleep outs;
- (b) On sites adjoining a road where the Character Street policy overlay area applies, a front yard setback of 6 metres is required;
- (c) On sites adjoining a reserve, a setback of 4 metres is required along the boundary adjoining the reserve for two or more dwellings;
- (d) On sites adjoining sections of the Te Awa Cycleway identified on the structure plan maps in Appendix S of the District Plan, that are not located within a road corridor, a setback of 5 metres is required along the boundary of the site adjoining the cycleway;
- (e) On sites adjoining arterial roads, a setback of 4 metres is required along the boundary adjoining the arterial road; and
- (f) On sites adjoining a Significant Natural Area (SNA), setback of 20 metres is required along the boundary of the SNA for two or more dwellings.

Activities that fail to comply with Rules 2A.4.2.4 to 2A.4.2.6 will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Building location, bulk and design; and
- Visual and aural privacy; and
- Reverse sensitivity effects; and
- Outlook for adjoining neighbours; and
- Effects on existing trees and street trees required through rule 15.4.2.27; and
- Landscaping; and
- Vehicle access to the rear of the site; and
- Effects on the safe and efficient operation of the state highway network, where applicable; and
- Consistency of front yard building setback and effects on established character along the identified Character Street, where applicable; and
- Effects on the function and associated amenity values of the adjacent reserve, where applicable; and
- Effects on the function and amenity values of the Te Awa Cycleway, where applicable.
- Effects on ecological values, vegetation, biodiversity, soil, stormwater runoff and groundwater levels within a significant natural area, where applicable; and
- Effects of artificial lighting on native species within a significant natural area, where applicable; and
- Effects on the existing health and function of a significant natural area's vegetation and biodiversity.

These matters will be considered in accordance with the assessment criteria in Section 21.

¹⁴ This rule is required by clause 13 of Schedule 3A of the Resource Management Act 1991.

Rules – ~~Building Site coverage~~

2A.4.2.7 The maximum ~~building site~~ coverage must not exceed 50% of the net site area.¹⁵

Activities that fail to comply with this Rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Building location, bulk and design; and
- On-site amenity; and
- Outlook for adjoining neighbours; and
- Effects on existing trees; and
- Landscaping; and
- The impact of the development on indigenous flora and fauna and the ability to avoid, remedy or mitigate any adverse effects on these; and
- The flood effects due to displacement of floodwater arising from the proposed building development; and
- The impact on rivers and waterbodies and whether any potential adverse effects from a building development are required by relevant consent or guidelines ~~can~~ to be avoided or mitigated; and
- An assessment of stormwater disposal and whether this can be accommodated on-site. These matters will be considered in accordance with the assessment criteria in Section 21.

2A.4.2.8 On sites located within the Stormwater Qualifying Matter ~~and the River / Gully Proximity Qualifying Matter~~ Overlays, the maximum ~~building site~~ coverage must not exceed 40% of the net site area except for sites that meet the following criteria:

- a. Where a subdivision consent has been approved by Council that includes stormwater management designed for 50% site coverage over the entire site or on specified lots on the site; and
- b. Any regional discharge consents that are required have been approved and consent notices are in place, where applicable.
- c. Sites that meet the criteria outlined in 2A.4.2.8 (a) and (b) will have maximum site coverage as specified under Rule 2A.4.2.7 which will apply either over the entire site or on specified lots on the site.

Activities that fail to comply with this Rule ~~2A.4.2.7 to 2A.4.2.8~~ will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- ~~Building location, bulk and design; and~~
- ~~On-site amenity; and~~
- ~~Outlook for adjoining neighbours; and~~
- ~~Effects on existing trees; and~~
- ~~Landscaping; and~~
- The flood effects due to displacement of floodwater arising from the proposed building development; and
- The impact on rivers and waterbodies and whether any potential adverse effects from a development are required by relevant consents or guidelines to ~~can~~ be avoided or mitigated; and
- ~~The impact of the development on indigenous flora and fauna and the ability to avoid,~~

¹⁵ This rule is required by clause 14 of Schedule 3A of the Resource Management Act 1991.

- remedy or mitigate any adverse effects on these; and
- An assessment of stormwater disposal and whether this can be accommodated on-site. These matters will be considered in accordance with the assessment criteria in Section 21.

2A.4.2.8-19 On sites located within the River / Gully Proximity Qualifying Matter Overlay as shown on the Planning Maps, the maximum building site coverage must not exceed 40% of the net site area.

Activities that fail to comply with this Rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Building location, bulk and design; and
- On-site amenity; and
- Outlook for adjoining neighbours; and
- Effects on existing trees; and
- Landscaping; and
- The impact on rivers and waterbodies and whether any potential adverse effects from a development can be avoided or mitigated; and
- The impact of the development on indigenous flora and fauna and the ability to avoid, remedy or mitigate any adverse effects on these.
- An assessment of stormwater disposal and whether this can be accommodated on-site.
- The extent to which the increased site coverage adversely affects the ecological integrity and viability of the adjacent biodiversity corridors and the accessibility and amenity of the adjacent esplanade areas.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rule - Impermeable surfaces

2A.4.2.910 Impermeable surfaces must not exceed:

- 45% of the net site area in the Cambridge North Structure Plan Area; or
- 60% of the net site area in the remainder of the Zone (except St Kilda Structure Plan Area).

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- On-site stormwater disposal or the ability to connect to an approved stormwater system.
- The effect of stormwater run-off to adjoining properties.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rules – Maximum site coverage and permeable surfaces: St Kilda Structure Plan Area

2A.4.2.1011 Site coverage and impermeable surfaces of residential lots shall not exceed 700m².

2A.4.2.1112 The balance of the net area of each lot, once site coverage and impermeable surfaces have been taken into account, shall be grassed, planted in trees and or shrubs or otherwise landscaped in a manner that retains the permeable nature of the surface.

Activities that fail to comply with Rules 2A.4.2.10-11 and 2A.4.2.11-12 will require a resource consent for a discretionary activity.

Rules – Outdoor living space (per unit)

2A.4.2.10 13 A residential dwelling at ground floor level must have an outdoor living space that is at least 20 square metres and that comprises ground floor, balcony, patio, or roof terrace space that:

- (a) Where located at ground level, has no dimension less than 3 metres; and
- (b) Where provided in the form of a balcony, patio, or roof terrace, is at least 8 square metres and a minimum dimension of 1.8 metres; and
- (c) Is accessible from the dwelling; and
- (d) May be:
 - (i) grouped cumulatively by area in 1 communally accessible location; or
 - (ii) located directly adjacent to the dwelling; and
- (e) Is free from buildings, parking spaces, and servicing and manoeuvring areas.¹⁶

2A.4.2.11 14 A residential dwelling located above ground floor level must have an outdoor living space in the form of a balcony, patio, or roof terrace that:

- (a) Is at least 8 square metres and a minimum dimension of 1.8 metres; and
- (b) Is accessible from the dwelling; and
- (c) May be:
 - (i) grouped cumulatively by area in 1 communally accessible location, in which case it may be located at ground level; or
 - (ii) located directly adjacent to the dwelling.¹⁷

Activities that fail to comply with Rules 2A.4.2.10-13 and 2A.4.2.11-14 will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Building location, bulk and design; and
- The internal layout of the dwelling and its relationship to the outdoor living area; and
- The size, dimension and orientation of the outdoor living area.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rules – Outlook space (per dwelling)

2A.4.2.12 15 An outlook space must be provided for each dwelling as specified in this rule.¹⁸

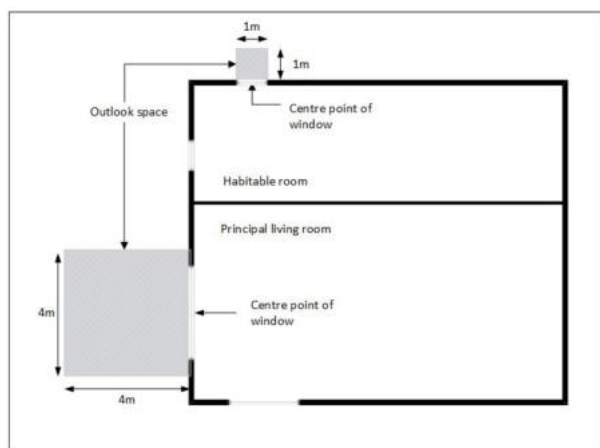
2A.4.2.13 16 An outlook space must be provided from habitable room windows as shown in the diagram below.¹⁹

¹⁶ This rule is required by clause 15 of Schedule 3A of the Resource Management Act 1991.

¹⁷ This rule is required by clause 15 of Schedule 3A of the Resource Management Act 1991.

¹⁸ This rule is required by clause 16 of Schedule 3A of the Resource Management Act 1991.

¹⁹ This rule is required by clause 16 of Schedule 3A of the Resource Management Act 1991.



2A.4.2.14 17 The minimum dimensions for a required outlook space are as follows:

- (a) A principal living room must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width; and
- (b) All other habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width.²⁰

2A.4.2.15 18 The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.²¹

2A.4.2.16 19 Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.²²

2A.4.2.17 20 Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building.²³

2A.4.2.18 21 Outlook spaces may be under or over a balcony.²⁴

2A.4.2.19 22 Outlook spaces required from different rooms within the same building may overlap.²⁵

2A.4.2.20 23 Outlook spaces must:

- (a) Be clear and unobstructed by buildings; and
- (b) Not extend over an outlook space or outdoor living space required by another dwelling.²⁶

Activities that fail to comply with Rules 2A.4.2.12 15 to 2A.4.2.20-23 will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Building location, bulk and design; and
- Privacy within and between adjoining sites; and
- Reverse sensitivity effects; and

²⁰ This rule is required by clause 16 of Schedule 3A of the Resource Management Act 1991

²¹ This rule is required by clause 16 of Schedule 3A of the Resource Management Act 1991

²² This rule is required by clause 16 of Schedule 3A of the Resource Management Act 1991

²³ This rule is required by clause 16 of Schedule 3A of the Resource Management Act 1991

²⁴ This rule is required by clause 16 of Schedule 3A of the Resource Management Act 1991

²⁵ This rule is required by clause 16 of Schedule 3A of the Resource Management Act 1991

²⁶ This rule is required by clause 16 of Schedule 3A of the Resource Management Act 1991

- Outlook for adjoining neighbours.
These matters will be considered in accordance with the assessment criteria in Section 21.

Rules – Windows to street

2A.4.2.21 24 Any residential dwelling facing the street must have a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors.²⁷

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Building location, bulk and design; and
- Passive surveillance of the street; and
- Safety.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rules – Roof Pitch

2A.4.2.22 25 A residential dwelling of 2 or more stories shall have a minimum roof pitch of:

- (a) 30 degrees in any character cluster area. ~~or compact housing area overlay~~
- (b) 15 degrees in all other parts of the zone.

Activities that fail to comply with this rule ~~Rules 2A.4.2.22-25~~ will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Degree of visual cohesiveness and compatibility with adjacent and nearby buildings.
- Building bulk, prominence and dominance including any mitigating features.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rules – Landscaped area

2A.4.2.23 26 A residential dwelling at ground floor level must have a landscaped area of a minimum of 20% of a developed site with grass or plants, and can include the canopy of trees regardless of the ground treatment below them.²⁸

2A.4.2.24 27 The landscaped area may be located on any part of the development site, and does not need to be associated with each residential dwelling.²⁹

2A.4.2.24A 28 Within the River / Gully Proximity Qualifying Matter Overlay as shown on the Planning Maps, a residential dwelling at ground floor level must have a landscaped area of a minimum of 30% of a developed site with native plants, and can include the canopy of trees regardless of the ground treatment below them.

²⁷ This rule is required by clause 17 of Schedule 3A of the Resource Management Act 1991.

²⁸ This rule is required by clause 18 of Schedule 3A of the Resource Management Act 1991.

²⁹ This rule is required by clause 18 of Schedule 3A of the Resource Management Act 1991.

Activities that fail to comply with Rules 2A.4.2.223 26, and 2A.4.2.24 27 and 2A.4.2.24A 28 will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Building location, bulk and design; and
- Protection of existing mature vegetation; and
- Landscaping; and
- Off-site mitigation.
- On-site amenity.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rule - Minimum building setback from internal site boundaries – site specific

2A.4.2.2529 The minimum building setback from internal site boundaries along McNair Road on rear boundaries that adjoin lots to the north east of Lots 24-29; DPS 4416 and Lot 1 DPS 15918 shall be 5m.

Rule - Dwellings adjoining marae

2A.4.2.26-30 No dwelling shall be placed or constructed so that it has doors, windows, verandahs or outdoor living areas with a direct line of sight to the nominal mahau (veranda) or marae ātea (area in front of the Whare Nui) area on existing marae.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rule - Cambridge Park Structure Plan: building setback from escarpment

2A.4.2.27 31 Within the Cambridge Park Structure Plan Area shown on the Planning Maps, buildings shall not be located closer than 12m from the Indicative Top of the Bank as shown on the structure plan in Appendix S3.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rules - Cambridge North and C1 and C2 Structure Plan Areas: on-site soakage

2A.4.2.28 32 On-site soakage shall be provided for every building in the Cambridge North Structure Plan Area to take all runoff from a two year annual recurrence interval (ARI) rainfall event.

2A.4.2.29 33 On-site soakage shall be provided for every lot in the C1 and C2 Structure Plan Areas to dispose of all runoff from a two year average annual recurrence interval (ARI) 24 hour duration rainfall event, except where regional and/or district resource consents for the structure plan stormwater system allow alternative stormwater management provisions and these consents are complied with.

Activities that fail to comply with Rules 2A.4.2.28 32 and 2A.4.2.29 33 will require a resource consent for a discretionary activity.

Rule - Cambridge North Structure Plan Area: flood risk

2A.4.2.30 34 Dwellings within the Cambridge North Structure Plan Area shall be sited and constructed to

avoid or manage flood risk.

Advice Note: Technical reports associated with the Cambridge North Structure Plan will provide guidance on minimum floor levels.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rules - Neighbourhood amenity and safety

2A.4.2.31 35 The minimum area of glazing on the front façade(s) of a building that adjoins a reserve shall be 15%.

Provided that:

- (a) Where a site adjoins a reserve, the front façade(s) of a building shall be all the sides of a building that faces the public place; and
- (b) Where the front façade(s) of a building is not parallel to a reserve, the minimum area of glazing shall only apply to the longest wall facing the public place; and
- (c) Where the front façade(s) of a building is not parallel to a reserve and the façades facing the reserve are of equal length, then the façade at the least acute angle to the public place shall be deemed to be the front façade and the 15% glazing requirement shall only apply to that façade; and
- (d) The percentage area of glazing shall be measured as the framed wall opening size to accommodate the entire window.
- (e) This rule shall not apply to relocated buildings or a garage that is an accessory building.

2A.4.2.32 36 Fences between buildings on the site and any road, public walkway or reserve shall be no higher than 1.2m in height if not visually permeable, or no more than 1.8m in height if visually permeable.

Except:

- (a) In the T2 Growth Cell Structure Plan Area all fences within the building setback from Frontier Road or Pirongia Road shall be no more than 1.2m in height, whether or not they are visually permeable. For the avoidance of doubt, this rule does not apply to fences constructed within the building setback from Pirongia Road where construction has been undertaken to ensure design integration in accordance with S23.4 of Appendix S23.

2A.4.2.33 37 Within the C1 and C2/C3 Structure Plan areas, fences between buildings on the site and any road, public walkway or reserve shall be no higher than 1.2m in height; fence design and materials shall retain a level of transparency (visually permeable) so as not to provide a blank façade adjacent to the street edge, public walkway or reserve. To be deemed transparent any fence must meet the following requirements:

- (a) Uses materials with continuous vertical or horizontal gaps of at least 50mm width to create 50% or more see through visibility; or
- (b) Uses any materials for the lower half of the fence, wall or hedge, and materials with continuous vertical or horizontal gaps of at least 50mm width to create 50% or more see through visibility on the upper half.

2A.4.2.34 38 Landscape planting between buildings on the site and any public place shall allow visibility

between the dwelling and the public place.

2A.4.2.35 39 Within the C1 and C2/C3 Structure Plan areas, the roof form of a residential dwelling shall be a gable or hip roof of not less than 30 degrees in pitch. Mono-pitch lean-tos, verandas and other ancillary roof forms are anticipated.

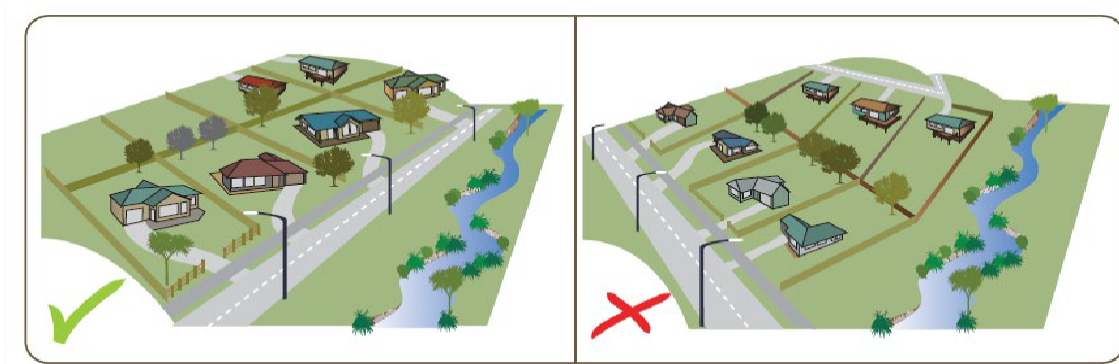
Activities that fail to comply with Rules 2A.4.2.31 35 to 2A.4.2.35 39 will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Passive surveillance of the street; and
- Safety; and
- Design and height of the fence; and
- The type of landscape planting; and
- Consistency with surrounding built form character.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rule - Design and layout of development adjoining water bodies and reserves

2A.4.2.36 40 Within the Medium Density Residential Zone, the design and layout of development shall ensure that water bodies and reserves are fronted by either the front or side façade of a dwelling.



Development should front natural features such as water bodies and reserves.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rule - Noise

2A.4.2.37 41 Activities shall be conducted and buildings located, designed and used to ensure that they do not exceed the following noise limits at the boundary of the site:

- | | | |
|-----|--|---------------------|
| (a) | <u>Monday to Saturday - 7.00am to 10.00pm</u> | <u>50dBA (Leq)</u> |
| (b) | <u>Sundays & Public Holidays - 8.00am to 6.00pm</u> | <u>40dBA (Leq)</u> |
| (c) | <u>Sundays and Public Holidays - 8.00am to 8.00pm</u>
<u>in Character Area 4 in the Cambridge Park Residential Zone</u> | <u>40dBA (Leq)</u> |
| (d) | <u>At all other times</u> | <u>40dBA (Leq)</u> |
| (e) | <u>Night time 10.00pm to 7.00am single noise event</u> | <u>70dBA (Lmax)</u> |

Provided that this rule shall not apply to the use or testing of station and vehicle sirens or alarms used by emergency services.

All noise levels shall be measured and assessed in accordance with the requirements of NZS 6801:2008 – Acoustics – Environmental Sound and assessed in accordance with NZS 6802:2008 – Acoustics – Environmental Noise.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rule - Vibration

2A.4.2.38 42 Vibration emanating from a site shall meet the limits recommended in and be measured and assessed in accordance with New Zealand Standard NZS 4403:1996 Code of Practice for Storage, Handling, and Use of Explosives.

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity, with the discretion being restricted over:

- Safety; and
- Time and duration of effect; and
- Effects on buildings and structures, either on site or on surrounding properties.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rule - Construction noise

2A.4.2.39 43 Construction noise emanating from a site shall meet the limits recommended in and be measured and assessed in accordance with New Zealand Standard NZS 6803:1999 Acoustics – Construction Noise.

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Time and duration of effect; and
- Effects on surrounding properties.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rules - Noise insulation: noise sensitive activities

2A.4.2.40 44 Where a noise sensitive activity or is proposed to be located within 40m of a railway track, the building shall be insulated so that it achieves the following noise levels:

- | | |
|---|-------------------------|
| (a) <u>Inside bedrooms</u> | <u>35dBA LAeq (1hr)</u> |
| (b) <u>Inside other habitable rooms</u> | <u>40dBA LAeq (1hr)</u> |

2A.4.2.41 45 Where a noise sensitive activity is proposed to be located within:

- (a) 40m of any State Highways (as measured from the edge of the carriageway) where the posted speed limit is less than 70km/hour; or
- (b) 80m of any State Highways (as measured from the edge of the carriageway) where the posted speed limit is equal to or greater than 70km/hour; or
- (c) 100m of the Waikato Expressway section of State Highway 1 or any other designated State Highway (as measured from the edge of the carriageway or the edge of the designation if the carriageway location has not been confirmed in writing by the Requiring Authority); or
- (d) The Cambridge North Road Noise Effects Area as identified on the Planning Maps;

then the building shall be insulated so that it achieves the following noise levels:

- (i) Inside habitable rooms (including bedrooms) 40dB LAeq (24hr)

Provided that this rule does not apply to the St Kilda Structure Plan Area.

Advice Note: A report from an acoustic consultant is required to be submitted at the time of building consent application to demonstrate compliance with Rules 2A.4.2.40-44 and 2A.4.2.41-45.

2A.4.2.42-46 Where a noise sensitive activity is proposed within the 55 dBA Ldn noise contour of the Te Awamutu Dairy Manufacturing Site shown on the Planning Maps it shall be designed to achieve 35dB LAeq inside habitable rooms of new dwellings or new habitable rooms to existing dwellings whether attached or detached.

Activities that fail to comply with Rules 2A.4.2.40-44 to 2A.4.2.42-46 will require a resource consent for a discretionary activity.

Rule - Noise: temporary military training activities

2A.4.2.43-47 Noise measured from temporary military training activities from a line 20m from and parallel to the façade of any dwelling or the legal boundary where this is closest to the dwelling shall not exceed the following limits:

<u>Time (any day)</u>	<u>Noise Limits</u>		
	<u>L10</u>	<u>L95</u>	<u>Lmax</u>
<u>0630 - 0730</u>	<u>60</u>	<u>45a</u>	<u>70</u>
<u>0730 - 1800</u>	<u>75</u>	<u>60</u>	<u>90</u>
<u>1800 - 2000</u>	<u>70</u>	<u>55</u>	<u>85</u>
<u>2000 - 0630 (except as provided for below)</u>	<u>35</u>	-	<u>65</u>
<u>For no more than 5 days in any 4 week period: 2000 - 0630</u>	<u>40</u>	-	<u>65</u>

Provided that noise resulting from the use of explosives shall not exceed 122dBA during daylight hours 6.30am to 8.00pm. No noise resulting from the use of explosives shall be generated outside of these times.

All noise levels shall be measured and assessed in accordance with the requirements of NZS 6801:2008 – Acoustics – Environmental Sound and assessed in accordance with NZS 6802:2008 – Acoustics – Environmental Noise.

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Noise
- These matters will be considered in accordance with the assessment criteria in Section 21.

Rules - Signs

2A.4.2.44-48 The following signs are permitted:

- (a) A sign giving information such as the name or street number of premises, the business carried on, names of people occupying premises, and hours of operation; but containing

no reference to particular products. No such sign shall exceed 0.25m² visible in any direction.

- (b) Signs advertising that the land or buildings are for sale or lease. The maximum size of each sign shall be no more than 2m², and no more than four signs are permitted on a site at any one time.
- (c) A sign erected on a construction site giving details of the project. The maximum total area of the sign shall be no more than 2m², and no more than one sign is permitted on a site at any one time.
- (d) Any sign erected by Council, Waka Kotahi New Zealand Transport Agency, or the Automobile Association for the direction and control of traffic.
- (e) Health and Safety at Work Act 2015 related signs.

Provided that in all cases:

- (i) Signs shall relate to activities authorised under the District Plan and shall be located on the site to which they relate; and
- (ii) Signs shall not be internally illuminated, flashing, incorporate fluorescent or moving materials such as flags or be painted in colours that are used on traffic signals; and
- (iii) All signs shall be placed so that, where attached to a building, no part protrudes above the eaves or parapet, or where attached to a fence or wall, no part protrudes above the top of the fence or wall; and
- (iv) A freestanding sign shall be placed so that no part is more than 2m above ground level; and
- (v) Signs shall be placed so that they do not block sight distances at entranceways and shall be no closer than 20m to a road intersection; and
- (vi) Signs shall be removed where the goods, services or events to which the sign relates are no longer available, or no longer relevant to that site or building.

2A.4.2.45 49 Signs giving information on forthcoming events, elections, cultural, religious, educational or sporting events and displayed not more than 90 days before and three days after the event or such lesser time as may be prescribed by legislation; as long as signs shall not exceed a combined total area of 3m² visible in all directions and shall be setback at least 15m from any strategic road.

Provided that in all cases:

- (a) Signs shall not be internally illuminated, flashing, incorporate fluorescent materials such as flags or be painted in colours that are used on traffic signals; and
- (b) All signs shall be placed so that, where attached to a building, no part protrudes above the eaves or parapet, or where attached to a fence or wall, no part protrudes above the top of the fence or wall; and
- (c) A freestanding sign shall be placed so that no part is more than 2m above ground level; and
- (d) Signs shall be placed so that they do not block sight distances at entranceways and shall be no closer than 20m to a road intersection; and
- (e) Signs shall be removed within three days of the conclusion of the event.

Provided that the relevant zone based or district wide rules apply where they are more restrictive. Refer to Section 22 - Heritage and Archaeology and Section 25 - Landscapes and Viewshafts.

Activities that fail to comply with Rules 2A.4.2.44 48 and 2A.4.2.45 49 will require a resource consent for a discretionary activity.

Rules - Earthworks

2A.4.2.46 50 Earthworks shall not exceed a total volume of 25m³ or a total area of 250m² in a single activity or in cumulative activities in any calendar year, provided that this rule shall not apply to earthworks incidental to an approved resource consent or building consent.

Advice Notes:

1. All works must comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP 34:2001.
2. Earthworks complying with permitted activity standards or subject to resource consent requirements under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011, are exempt from additional resource consent requirements.
3. Earthworks within 23m of lakes or water bodies require resource consent. Refer Section 26 - Lakes and Water bodies.
4. Earthworks should adhere to TR 2009/02 Erosion and sediment control: guidelines for soil disturbing activities, Waikato Regional Council.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

2A.4.2.47 51 Any earthworks within a National Grid Yard must:

(a) Around National Grid pole support structures:

- (i) Be no deeper than 300mm within 2.2m of a National Grid pole support structure or stay wire; and
- (ii) Be no deeper than 750mm between 2.2m to 5m from a National Grid pole support structure or stay wire.

Provided that vertical holes not exceeding 500mm in diameter beyond 1.5m from the outer edge of pole support structure or stay wire are exempt from Rule 2.4.2.47 51 (a) above.

(b) Around National Grid tower support structures:

- (i) Be no deeper than 300mm within 6m of the outer visible edge of a National Grid tower; and
- (ii) Be no deeper than 3m between 6m to 12m from the outer visible edge of a National Grid tower.

(c) Anywhere within the National Grid Yard:

- (i) Not create an unstable batter that will affect a transmission support structure; and
- (ii) Not result in a reduction in the ground to conductor clearance distances below what is required by Table 4 of NZECP34.

Provided that the following are exempt from Rule 2A.4.2.47 51(a) and (b) above:

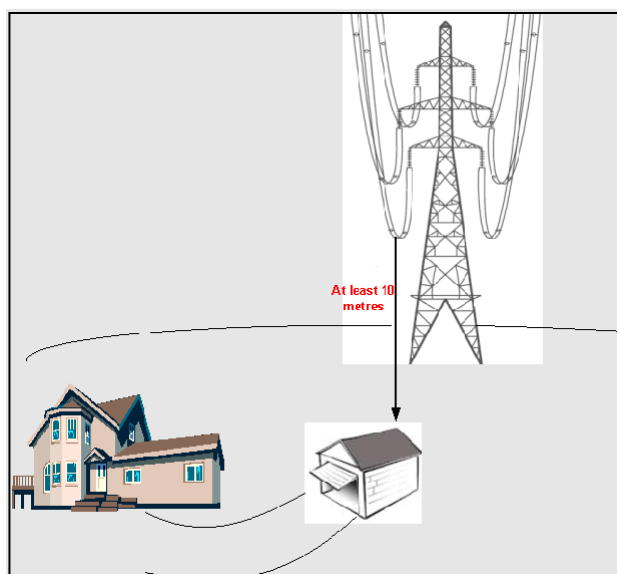
- (i) Earthworks undertaken by a network utility operator; or
- (ii) Earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

Rules - Buildings and structures within the National Grid Yard

2A.4.2.48 52 Buildings and structures within the National Grid Yard are permitted if they meet the following:

- (a) On existing sites within the urban limits as at 30 May 2014:
 - (i) Are an accessory building for a National Grid Sensitive Activity; and/or
 - (ii) Are internal alterations to a building used for a National Grid Sensitive Activity that do not extend the building footprint, or increase the height of the building; and/or
 - (iii) Are a building not associated with a National Grid Sensitive Activity.
- (b) On all sites within any part of the National Grid Yard, any buildings and structures must:
 - (i) Be permitted by Rule 2A.4.2.48 52(a) above; and/or
 - (ii) Be a fence; and/or
 - (iii) Be network utilities within a transport corridor or any part of electricity infrastructure that connects to the National Grid; and/or
 - (iv) Be any public sign required by law or provided by any statutory body in accordance with its powers under any Act.
- (c) All buildings and structures permitted by Rule 2A.4.2.48 52(a) and 2A.4.2.48 52(b) must comply with at least one of the following:
 - (i) Have a minimum vertical clearance of 10m below the lowest point of the conductor associated with National Grid lines (refer diagram below); or
 - (ii) Demonstrate that safe electrical clearance distances are maintained under all National Grid line operating conditions.



Activities that fail to comply with this rule will require a resource consent for a non-complying

activity.

2A.4.2.49 53 Buildings and structures around the National Grid Support Structures shall be setback a minimum of 12m from a National Grid Support Structure, provided that the following buildings and structures are exempt from this rule:

- (a) Network utility within a transport corridor or any part of electricity infrastructure that connects to the national grid; or
- (b) A fence more than 5m from the nearest National Grid Support Structure.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

Rules - Housing and keeping of animals

2A.4.2.50 54 The number of domestic fowl shall not exceed five, and shall not include any roosters.

2A.4.2.51 55 Horses and farm animals, except pigs, may graze vacant sites.

2A.4.2.52 56 The housing and or keeping of all animals shall be conducted so that it does not create a nuisance to occupants of adjoining or nearby sites.

Activities that fail to comply with Rules 2.4.2.50 54 to 2.4.2.52 56 will require a resource consent for a discretionary activity.

Rule - Heavy motor vehicles

2A.4.2.53 57 No person shall park a heavy motor vehicle on any residential property in the Medium Density Residential Zone between the hours of:

- (a) Monday to Friday - 10.00pm to 7.00am; and
- (b) Saturday and Sunday - 6.00pm to 7.00am.

Except that this rule shall not apply to:

- (i) The parking of a heavy motor vehicle on any residential property in the Medium Density Residential Zone for such period as is reasonably required for the purpose of loading or unloading that vehicle and such loading or unloading takes place; or
- (ii) Private recreational vehicles and emergency vehicles.

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- Noise; and
- Visual effects; and
- Vehicle access; and
- Traffic effects.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rule - Compact housing

2A.4.2.54 Compact housing made up of seven or more dwellings within the compact housing area overlay shall have a minimum area of 2,000m² and shall meet the following requirements:

- ~~(a) The maximum length of unbroken building line parallel to all site boundaries including internal site boundaries shall be 20m. Building lines in excess of this standard shall be broken or stepped to a minimum depth of 2.4m and a minimum length of 3m at least once every 20m in length. This rule shall apply to each level of a multi-level building inclusive of the roof; and~~
- ~~(b) Where there is more than one building on a site, it shall be separated from other buildings on the site by at least 3.5m; and~~
- ~~(c) Where any dwelling is to be sited within 10m of another dwelling on the same site or parent title prior to subdivision by way of unit title, cross lease or strata title, there shall be no direct line of sight from the main living areas of the dwelling into the main living areas of another dwelling. If a direct line of sight between main living areas cannot be avoided, visual screening shall be constructed or planted to prevent a direct line of sight; and~~
- ~~(d) Dwellings shall have a dual aspect with windows being placed so that outlook is obtained to the front and rear of the dwelling, with window sills no more than 1m from floor level; and~~
- ~~(e) The following minimum gross floor areas and outdoor living areas shall apply:~~

Dwelling	Minimum floor area of dwelling	Minimum outdoor living area for ground level dwellings	Minimum outdoor living area dimensions for ground level dwellings	Minimum outdoor living area for above ground level dwellings	Minimum outdoor living area dimensions for above ground level dwellings
Studio units and 1 bedroom unit	50m ²	20m ²	3m	8m ²	1.8m
2 bedroom unit	70m ²	20m ²	3m	8m ²	1.8m
3 bedroom unit	95m ²	20m ²	3m	8m ²	1.8m

- ~~(f) Landscaping and permeable surfaces: At least 20 percent of the net site area of any site or unit site area shall be grassed, planted in trees and/or shrubs or otherwise landscaped in a manner that retains the permeable nature of the surface.~~
- ~~(g) A communal outdoor service area or storage court shall be provided that does not exceed 10m² of site area and it shall be screened so that it is not visible from the front boundary of the site.~~
- ~~(h) Outdoor living areas shall:

 - ~~(i) Be located and/or screened so that at least 50 percent of the outdoor living area has complete visual privacy from the living rooms and outdoor living areas of other dwellings on the same site and shall be screened from adjoining sites; and~~
 - ~~(ii) Be oriented to the north, east or west of the dwelling, but not the south of east or west measured from the southernmost part of the dwelling; and~~~~
- ~~(i) An area for letterboxes at the front of the property; and~~
- ~~(j) A place for refuse and recycling material that is accessible to a two-axled truck shall be provided; and~~

(k) Dwellings that are parallel to, or adjoin the road boundary of the site shall have a front door that faces the road.

Advice Notes: Prior to a decision being issued by Council an independent review of the urban design report may be requested by Council at the applicant's expense.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rule - Secondary dwelling in the Character Cluster Qualifying Matter Overlay

2A.4.2.54 58 The minimum net site area required for the erection of a secondary dwelling shall be 850m² and the secondary dwelling shall:

- (a) Be encompassed within the bulk of the principal dwelling so that the building has the visual appearance of a single dwelling; and
- (b) Not be separated from the principal dwelling by a garage; and
- (c) Be no more than 70m² GFA, excluding garaging.

Provided that:

- (i) Where the principal dwelling is two storeys and the secondary dwelling is to be encompassed within the bulk of a principal dwelling the minimum net site area for the erection of a secondary dwelling shall be 600m².

Advice Note: Both dwellings shall separately comply with the rules in this zone and Parts E and F for dwellings and buildings in Medium Density Residential Zone including rules in Section 15 Infrastructure, Hazards, Development and Subdivision and Section 16 Transportation. For the avoidance of doubt the setback requirements apply at the external boundaries of the site and not between the principal dwelling and secondary dwelling on the site.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rule - Home occupations

2A.4.2.55 59 Exclusive of permanent residents who refer to the site as their home and permanent address, no more than one person shall be engaged in a home occupation except in Character Area 1 of Cambridge Park where not more than two persons can be engaged in a home occupation, in a dwelling including any building accessory thereto, provided that:

- (a) The principal operator of the home occupation shall be a permanent resident on the site to which the home occupation relates; and
- (b) The activity shall be carried out either within a dwelling, an accessory building, or in an outdoor area, or a combination of these areas. The maximum total gross floor area including any outdoor area used for the home occupation shall be no more than 50m² provided that in Character Area 1 of Cambridge Park it can be 30% of gross floor area (GFA); and
- (c) Retail sales shall be limited to those goods, materials and services produced on site or used in the direct operation and management of the home occupation on the site; and shall take place within the buildings on the same site, and the area occupied for the retail sales shall ~~constituent~~ constitute part of the gross floor area of the activity; and
- (d) Any outdoor area associated with the home occupation shall be visually screened from any adjoining dwelling or public place and shall not encroach on any building setback; and

- (e) A home occupation shall generate no more than 20 vehicle movements per day; and
- (f) There shall be no unloading or loading of vehicles or the receiving of customers or deliveries before 7.30am or after 7.00pm on any day; and
- (g) There shall be no operation of machinery before 7.30am or after 7.00pm on any day

Activities that fail to comply with Rules 2A.4.2.55 59 (a) to (c) will require a resource consent for a non-complying activity.

Activities that fail to comply with Rules 2A.4.2.55 59 (d) to (g) will require a resource consent for a discretionary activity.

Rule - Show homes

2A.4.2.56 60 For each show home:

- (a) No more than three people may be employed to work in an office ancillary to a show home; and
- (b) The maximum gross floor area for an office ancillary to a show home shall be 50m²; and
- (c) Activities carried out in an office ancillary to a show home shall relate solely to the promotion of the product of the show home operator; and
- (d) An office ancillary to a show home shall, when provided, show on-site parking, manoeuvring, loading and access in accordance with the requirements for offices set out in Section 16 - Transportation.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rule - St Kilda Structure Plan Area: commercial hub overlay

2A.4.2.57 61 Activities undertaken within the Commercial Hub Overlay Area identified on the St Kilda Structure Plan shall comply with the following:

- (a) The maximum hours of operation shall be 7.00am to 10.00pm, seven days a week; and
- (b) Sites shall not exceed 150 person occupancy; and
- (c) The minimum building setback from boundaries shall be as follows:
 - (i) Road boundary _____ 0m
 - (ii) Internal site boundaries where the lot adjoins a residential lot _____ 5m
- (d) The maximum height of buildings shall be 12m; and
- (e) Buildings shall cover no more than 80% of the net area of the Commercial Hub Overlay.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rule - Local Centres within the C2/C3 Structure Plan area

2A.4.2.58 62 Local Centres within the C2/C3 Structure Plan area (in accordance with Rule 2A.4.1.3(g)) shall comply with the following:

- (a) Be located in general accordance with the C1 and C2/C3 Structure Plans; and

- (b) The maximum hours of operation shall be 7.00am to 10.00pm, seven days a week; and
- (c) Overall ground floor building footprint of any commercial, café, dining and ancillary activities shall not be greater than 550m² GFA (excluding any sports centre and/or art and cultural centre within the C2 growth cell); and
- (d) The minimum building setback from boundaries shall be as follows:
 - (i) Road boundary 0m
 - (ii) Internal site boundaries where the lot adjoins a residential lot 5m

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with discretion limited to the effects of any non-compliance with the performance standards.

Rule – Neighbourhood Centre within the T11 Growth Cell Structure Plan Area

2A.4.2.59 63 The neighbourhood centre within the T11 Growth Cell Structure Plan Area shall comply with the following:

- (a) Be located in general accordance as shown on the T11 Growth Cell Structure Plan.
- (b) The maximum hours of operation shall be 7.00am to 10.00pm, seven days a week.
- (c) The maximum height of buildings shall be 14m.
- (d) Each individual retail and services tenancy should have a floor area of not more than 250m² Gross Floor Area (GFA) (excluding community amenities and facilities, administration offices, and professional offices).
- (e) All new commercial buildings shall be constructed on the road boundary of the site.
- (f) All street frontages shall have a minimum 3m wide continuous covered veranda to allow for weather protection.
- (g) All commercial buildings shall have a minimum 3m setback from all adjoining residential zone, reserves and public open space boundaries.
- (h) All buildings fronting a road or reserve, excluding those intended for use by a business established by Rule 2A.4.1.3(h j)(iv) for early childcare education services, shall have an active frontage, incorporating 70% permeable, glazed shop frontage at ground floor. Active frontages shall also include wide double doorways to allow for easy pedestrian access.
- (i) Where a site adjoins the Medium Density Residential Zone, no building or stored materials should penetrate a recession plane at right angles to the Medium Density Residential Zone boundary inclined inwards at an angle of 45° from 2.7m above ground level.
- (j) Any storage or service area (including mechanical, electrical and utility equipment, refuse, and recycling activities) not enclosed within a building or where a shipping container is being used for storage, shall be fully screened by landscaping or solid walls or fences not less than 1.8m in height.
- (k) Walls and fences over 1.8m in height shall be setback a minimum of 5m from the road boundary unless a landscaping strip of a minimum of 2m wide is provided on the external side of the fence.
- (l) Walls and fences along any road or reserve shall not exceed 1.6m in height, except where at least 40% of the fence is visually permeable, in which case the fence may be constructed

to a maximum height of 1.8m.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rules - Temporary construction buildings

~~2A.4.2.60~~ 64 Temporary construction buildings shall only be used in conjunction with, and for the duration of, a construction project located on the same site as the construction project, or on a site adjoining the construction project.

~~2A.4.2.61~~ 65 Temporary construction buildings are only permitted for one calendar year and shall comply with the minimum setback requirements for the Medium Density Residential Zone set out in Rules ~~2A.4.2.64~~ 2A.4.2.64 to 2A.4.2.86.

Activities that fail to comply with Rules ~~2A.4.2.60~~ 64 to or ~~2A.4.2.61~~ 65 will require a resource consent for a discretionary activity.

Rule – Relocated buildings

~~2A.4.2.62~~ — A relocated building over 40m² GFA shall meet the following requirements:

~~(a) — A Building Relocation Inspection Report shall accompany an application for a building consent. The Building Relocation Inspection Report shall be prepared by one of the following suitably qualified and experienced people:~~

~~(i) — A Waipā District Council Building Compliance Officer (or equivalent); or~~

~~(ii) — A member of the New Zealand Institute of Building Surveyors; or~~

~~(iii) — A licensed building practitioner (carpenter or design category); or~~

~~(iv) — A building inspector from the local authority where the building is being relocated from; and~~

~~(b) — If the Building Relocation Inspection Report has been prepared by a person other than a Waipā District Council Building Compliance Officer (or equivalent position), the accuracy and completeness of the Building Relocation Inspection Report must be confirmed by a Waipā District Council Building Compliance Officer (or equivalent position). This is to be done by undertaking an on-site inspection of the relocated building once it has been relocated. Should the Waipā District Council Building Compliance Officer determine that the relocated building requires external repair works in addition to that identified in the submitted Building Relocation Inspection Report in order to achieve a tidy and workmanlike external appearance, then:~~

~~(i) — The owner of site to which the building is to be relocated will be contacted and must agree in writing to the additional works within 2 weeks of notification of the requirement for additional works. The additional works then become part of the Building Relocation Inspection Report.~~

~~(c) — All required repairs and maintenance identified in the Building Relocation Inspection Report to reinstate the exterior of the relocated building, including painting, if required, shall be completed within 6 months of the relocated building being delivered to the site; and~~

~~(d) — The owner of site to which the building is to be relocated must supply a signed declaration to Council that the reinstatement work required by the Building Relocation Inspection~~

Report will be completed within 6 months of the relocated building being delivered to the site.

This rule shall not apply to new buildings which are designed for or intended to be used on a site which are erected off the site either in whole or in parts and transported to the site.

Advice Notes:

1. Relocated buildings less than 40m² are not required to comply with this rule but are required to comply with the relevant rules in 2A.4.2.
2. Information requirements for a Building Relocation Inspection Report are detailed in Section 21.2.27.
3. The onsite inspection by a Waipā District Council Building Compliance Officer (or equivalent position) shall occur at the time of foundation inspection for the Building Consent process, and will not incur additional costs.

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity, with the discretion being restricted over:

- Condition of the exterior of the building; and
- Repairs and works identified for action in Council approved or certified Building Relocation Inspection Report; and
- Reinstatement works; and
- Timing for completing any required works.

These matters will be considered in accordance with the assessment criteria in Section 21.

Rule - Residential Based Visitor Accommodation

2A.4.2.63 66 The use of a dwelling as Residential Based Visitor Accommodation is permitted if it accommodates no more than:

- (a) Three people in a one bedroom dwelling; or
- (b) Five people in a two bedroom dwelling; or
- (c) Seven people in a three bedroom dwelling; or
- (d) No more than 10 people in a dwelling with four or more bedrooms.

2A.4.2.64 67 Where a Sleep Out is used it will be considered as one bedroom.

2A.4.2.65 68 Where there are permanent residents staying on site they will be included in the maximum number of people able to be accommodated overnight in the dwelling:

- (a) No paying overnight visitors are to be accommodated in temporary living spaces, such as tents, caravans, motor vans or campervans.

Activities which fail to comply with Rules 2A.4.2.63 66 to 2A.4.2.65 68 will require a resource consent for a discretionary activity.

2.5 Assessment Criteria

2.5.1 Controlled activities and Restricted Discretionary activities

For controlled and restricted discretionary activities the assessment will be restricted to the matters over which control or discretion has been reserved, in accordance with the relevant assessment criteria contained in Section 21. Resource consent conditions can only be imposed over the matters which control or discretion has been reserved. The relevant assessment criteria are contained in Section 21.

2.5.2 Discretionary activities

For discretionary activities Council shall have regard to the assessment criteria in Section 21. The criteria in Section 21 are only a guide to the matters that Council will consider and shall not restrict Council's discretionary powers

Section 6 – Commercial Zone

Key

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

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

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

Text that is not underlined or struck through is original PC26 text as notified.

6.4.1.34	Discretionary activities
(a)	Any permitted, controlled or restricted discretionary activity that fails to comply with the following rules: (i) Rule 6.4.2.1 - Pedestrian frontages building setbacks from road boundaries (ii) Rule 6.4.2.2 - Minimum building setback from internal site boundaries (iii) Rules 6.4.2.323 and 6.4.2.2A3A - Maximum height (iv) ...

Rule - Maximum height

6.4.2.2 Buildings must not exceed 14m in height and must be no more than three floors, except that:

- (a) On the land subject to the Te Awamutu Large Scale Retail Development Concept Plan contained in Appendix S6, no building or other structure shall penetrate a height plane of 15m and the building structure associated with units 12 – 14 shown on that Plan must not exceed 8m in height and the Bulk Retail Timber Merchant must not exceed 12m in height.
- (b) The maximum height for hose drying towers associated with fire stations is 15m.
- (c) The maximum height within the Cambridge North Neighbourhood Centre shall be 13m.
- (d) In the Height Overlay, refer to rule 6.4.2.2A.

Advice Note: Activities within a character precinct area are identified as restricted discretionary activities and the height of development may need to be lower than 14m to respond to the existing built character.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

6.4.2.2A In the Height Overlay as shown on the Planning Maps, the maximum height shall be:

- (i) 18 metres in the Height Overlay in Cambridge and Te Awamutu and there shall be no limit on the number of storeys.
- (ii) 16 metres in the Height Overlay in Leamington and there shall be no limit on the number of storeys.

Advice Note: The Height Overlay only applies to a limited extent of the Commercial Zone in town centres, as shown on the Planning Maps.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Section 15 – Infrastructure, Hazards, Development & Subdivision

Key

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

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Text that is not underlined or struck through is original PC26 text as notified.

15.1 Introduction

15.1.2 Planned and integrated development and subdivision will make the best use of the land resource. This Plan anticipates this outcome will be achieved by development occurring in planned locations and in an integrated manner. In key locations, this is to be achieved through the use of structure plans and comprehensive development plans. Each activity will need to occur on a site that is suitable for the intended use, taking account of hazards, flooding, climate change, servicing requirements, location of existing infrastructure and the need for a sustainable design and layout.

15.1.3 The positive benefits arising from integrated well planned development and subdivision in urban locations will include: co-ordination with infrastructure provision, minimal alterations and impacts on the natural environment, improved energy efficiency for future occupants by improving access to solar energy, reduced travel distances through well connected street layouts to community facilities, improved safety in communities through CPTED, and tree lined streets. In rural locations, the positive benefits include development continuing to support rural productivity and retaining the versatile soil resource through an increased lot size requirement of 40ha. In all areas, development and subdivision will be required to ensure that the values of landscape areas, significant natural areas, and cultural landscapes are maintained.

15.1.4 Development and subdivision should also lead to the restoration and protection of the health and well-being of the Waikato River and towards the achievement of the objectives and strategies contained in Te Ture Whaimana.

15.2 Resource Management Issues

Continuing to facilitate subdivision processes

15.2.19

15.2.19A There is a need to provide for unit title subdivision to enable property management of development of greater densities of housing and housing types.

15.2.20

Health and well-being of the Waikato and Waipā Rivers

15.2.21

Te Ture Whaimana

15.2.22-21A The need to work proactively towards the restoration and protection of the Waikato and Waipā Rivers as set out by the objectives and strategies of Te Ture Whaimana.

15.3 Objectives and Policies

Objective - Urban consolidation

15.3.4

Policy - Achieving density, design and character

15.3.4.1 The minimum and maximum lot size and dimension of vacant lots have been established so that they achieve the character and density outcomes of each zone.

Policy - Avoiding subdivision of land containing a secondary dwelling

15.3.4.3 The subdivision of land containing secondary dwellings shall be avoided to ensure that:

- (a) ~~These dwellings remain ancillary to the principal dwelling in recognition that their purpose is to provide an opportunity for the economic and social benefit of the property owner, whilst retaining a built character and scale that is consistent with the surrounding suburban large lot or rural residential environment; and~~
- (b) ~~The fragmentation of residential or rural lots, that would not otherwise comply with the density requirements of the underlying zone, does not result in fragmented and small scale infill development that has the potential to cumulatively adversely affect surrounding residential or rural character and amenity.~~

Objective - Giving effect to Te Ture Whaimana ~~the Waikato River Vision and Strategy~~

15.3.13 To ensure that ~~the Te Ture Whaimana~~ Waikato River Vision and Strategy is given effect to by all development and subdivision.

Policy - Maintaining the health and well-being of land and water bodies

15.3.13.1 To give effect to the directions and outcomes in ~~the Waikato River Vision and Strategy~~ Te Ture Whaimana and the Waipā River Accord, by ensuring that all development and subdivision shall include the following elements:

- (a)

Objective - National Grid transmission networks

15.3.15

Policies - Management of activities within National Grid Corridors

15.3.15.5 To not ~~exclude~~ foreclose ~~compromise~~ operation or maintenance options or, ~~to the extent practicable~~, the carrying out of routine and planned upgrade works.

15.4 Rules

15.4.1 Activity Status Table

15.4.1.1	Activity	Residential Zone	Medium Density Residential Zone	Commercial Zone	Industrial Zone / Airport Business Zone	Reserve Zone	Large Lot Residential Zone	Rural Zone & any other zone not listed in this table	Deferred Zones
	<p>This table includes rules that apply to all zones and zones specific activity status rules, both of which may be applicable to an activity.</p> <p>For all the activities listed in this table the performance standard Rules 15.4.2 will apply. The activity status for activities which fail to comply with the performance standards is identified under each rule. For the avoidance of doubt where activities fail to comply with this table and have no associated rule, resource consent for a non-complying activity is required.</p>								
	All Zones								
(a)	Amendments to Flats Plan, Boundary Adjustments.	C	<u>C</u>	C	C	C	C	C	C
	<p>Matters over which Council reserves its control are:</p> <ul style="list-style-type: none"> ▪ Efficient use of site; and ▪ Effects on archaeological or cultural sites; and ▪ Effects on adjacent sites, adjacent activities, or the wider receiving environment; and ▪ Compliance controls of original consent. <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>								
(b)	Boundary Relocations and Amalgamations.	D	<u>D</u>	D	D	D	D	D	NC
(c)	Boundary relocation of a benefit lot or a surplus dwelling lot.	NC	<u>NC</u>	NC	NC	NC	NC	NC	NC
(d)	Subdivision of a lot subject to a consent notice, bond, or other legal instrument registered on a certificate of title in favour of Waipa <u>Waipā</u> District Council which restricts further subdivision under a previous Waipa <u>Waipā</u> District Plan.	NC	<u>NC</u>	NC	NC	NC	NC	NC	NC
(e)	Subdivision that meets all the performance rules in Part A OR; Part A and Part C for 7 or more lots.	RD	<u>RD</u>	RD	RD Industrial Zone NA Airport Business Zone	RD	RD	RD	NC

	(Part A: Development and subdivision Part C: Development and subdivision of 7 or more lots in any zone.)								
	<p><u>Matters over which Council reserves its control in relation to subdivision in the Medium Density Residential Zone are:</u></p> <ul style="list-style-type: none"> ▪ <u>The subdivision contains an existing dwelling, or land use consent has been applied or approved for a dwelling on the proposed site;</u> ▪ <u>No vacant sites are proposed to be created;</u> ▪ <u>The extent to which the proposal will result in new or increased infringements to the applicable Medium Density Residential Zone rules and performance standards;</u> ▪ <u>Suitability of access and servicing of the proposed sites;</u> ▪ <u>The risk of natural hazards on the site and whether this can be avoided or mitigated.</u> <p><u>Matters of discretion for Assessment of restricted discretionary activities will be restricted to the following matters:</u> (For Houchens Road Large Lot Residential Structure Plan Area refer to the matters in (e p) below instead):</p> <ul style="list-style-type: none"> ▪ Infrastructure servicing; and ▪ Site suitability <u>including the risk of natural hazards on the site and whether this can be avoided or mitigated;</u> and ▪ Access and manoeuvring; and ▪ The potential for reverse sensitivity effects; and ▪ Proximity to the dairy manufacturing sites; and ▪ Low impact design; and ▪ Archaeology; and ▪ Connectivity; and ▪ Integration with the productive use of the land; and ▪ Effects on the National Grid electricity transmission network within the Rural Zone, Residential Zone, <u>Medium Density Residential Zone</u>, Large Lot Residential Zone and Reserves Zone. ▪ In the Character Cluster Areas and Character Precinct Areas, the extent to which the Design Guidelines (Appendix DG1 – DG6) have been applied. ▪ In areas subject to an approved structure plan or development plan, development in general accordance with that structure plan or development plan. ▪ For Comprehensive Residential Subdivision within the C1 and C2/C3 Structure Plan areas, assessment of the overall concept plan for staged subdivision layout, including distribution of residential densities. ▪ Alignment with any relevant Urban Design Guidelines approved by Council <u>and included in the District Plan.</u> ▪ <u>Significant indigenous vegetation and significant habitats of indigenous fauna.</u> ▪ <u>Public access to and use and enjoyment of the public open space network and amenity values and function of adjoining public open space network.</u> <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>								
(f)	Subdivision to create lots for Network Utilities, except for roads, in accordance with Rule 15.4.2.31.	RD	<u>RD</u>	RD	RD	RD	RD	RD	NC
	<p><u>Discretion Assessment</u> will be restricted to the following matters:</p> <ul style="list-style-type: none"> ▪ The extent to which the lot is of a configuration to accommodate the intended activity; and 								

	<ul style="list-style-type: none"> The location of the network utility; and The extent to which the balance lot complies with the relevant standards for the zone. <p>These matters will be considered in accordance with the assessment criteria in Section 21. Note: Only Rule 15.4.2.31 applies to new allotments created in accordance with this rule.</p>								
(g)	Subdivision that utilises Transferable Development Rights.	NA	<u>NA</u>	NA	NA	NA	D	D NC In other zones	NC
(h)	Subdivision to create all types of environmental benefit lots	D	<u>D</u>	D	D	D	D	D	D
(i)	Subdivision to create additions to Significant Recreation Reserves as identified in Appendix O5.	NA	<u>NA</u>	NA	NA	NA	NA	D	NA
(j)	Subdivision within Outstanding Landscapes excluding the Maungatautari Ecological Island Lots as identified in Appendix O2.	NA	<u>NA</u>	NA	NA	NC	NA	NC	NC
(k)	Subdivision in any area of High Value Amenity, Significant or Other Landscapes or within a Significant Natural Area, identified within the Planning Maps.	RD	<u>RD</u>	RD	RD	RD	RD	RD	RD
	<p><u>Discretion Assessment</u> will be restricted to the following matters:</p> <ul style="list-style-type: none"> The extent to which the subdivision complies with the performance standards in Section 15; and Effects of the subdivision layout, and consequential features of the subdivision, on identified significant natural areas and landscapes; and Visual and amenity effects; and Ecology and biodiversity effects; and Effects on the National Grid electricity transmission network within the <u>Medium Density Residential Zone</u>, Rural Zone, Residential Zone, Large Lot Residential Zone and Reserves Zone. <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>								
	Medium Density Residential Zone - Specific activity status rules								
(kA)	Subdivision around either existing (implemented or approved) dwellings or proposed dwellings where the subdivision application is accompanied by a land use application that will be determined concurrently.	NA	<u>C</u>	NA	NA	NA	NA	NA	NA

	<p>Matters over which Council reserves its control in relation to subdivision in the Medium Density Residential Zone are:</p> <ul style="list-style-type: none"> ▪ <u>The subdivision contains an existing dwelling, or land use consent has been applied or approved for a dwelling on the proposed site;</u> ▪ <u>No vacant sites are proposed to be created;</u> ▪ <u>The extent to which the proposal will result in new or increased infringements to the applicable Medium Density Residential Zone rules and performance standards;</u> ▪ <u>Suitability of access and servicing of the proposed sites;</u> ▪ <u>The risk of natural hazards on the site and whether this can be avoided or mitigated.</u> 								
	Residential Zone - Specific activity status rules								
(l m)	Subdivision of existing dwellings, constructed prior to 31 May 2012.	RD	NA	NA	NA	NA	NA	NA	NA
	<p><u>Discretion Assessment</u> will be restricted to the following matters:</p> <ul style="list-style-type: none"> ▪ Infrastructure servicing; and ▪ <u>The risk of natural hazards for the site and whether this can be avoided or mitigated.</u> ▪ Access and manoeuvring; and ▪ Effects on the National Grid electricity transmission network. <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>								
(m)	In the C1 and C2/C3 structure plan areas, subdivision for a compact housing development in conjunction with a compact housing land use resource consent application in accordance with Rule 2.4.2.43	RD	NA	NA	NA	NA	NA	NA	NA
	<p><u>Assessment</u> will be restricted to the following matters:</p> <p>Infrastructure servicing; and Access and manoeuvring; and Development in general accordance with the C1 and C2/C3 Structure Plans; and Alignment with any relevant Urban Design Guidelines approved by Council.</p> <p>These matters will be considered in accordance with the assessment criteria in Section 21. Performance Standards 15.4.2.3 to 15.4.2.14 shall not apply to subdivision in accordance with this rule.</p>								

(n)	Subdivision to create three to six lots for infill housing between 350m ² to 500m ² in conjunction with a land use consent for the development	RD (refer to 2.4.1.3(f))	<u>NA</u>	NA	NA	NA	NA	NA	NA
<p>Activities that fail to comply with this rule are non-complying. Assessment will be restricted to the following matters:</p> <ul style="list-style-type: none"> ▪ Low impact design, including the disposal of stormwater; and ▪ Infrastructure servicing; and ▪ Site suitability <u>including the risk of natural hazards for the site and whether this can be avoided or mitigated</u>; and ▪ Lot size shape and configuration; and ▪ The extent to which the subdivision complies with the performance standards in Section 15; and ▪ Heritage and Archaeology; and ▪ Access and manoeuvring; and ▪ Solar access; and ▪ Outdoor living; and ▪ Location, form, and materials of the proposed buildings and their relationship to existing buildings in the neighbourhood; and ▪ Visual effects from adjoining properties and the road; and ▪ Landscaping; and ▪ CPTED; and ▪ Reverse sensitivity effects. <p>These matters will be considered in accordance with the assessment criteria in Section 21. Refer to the matters listed in Section 2 Residential.</p>									
(o)	In the Cambridge Residential Character Area subdivision to create lots for infill housing between 400m² 500m² in conjunction with a land use consent.	D		NA	NA	NA	NA	NA	NA
Large Lot Residential Zone - Specific activity status rules									
(p)	Subdivision within the Houchens Road Large Lot Residential Structure Plan Area.	NA	<u>NA</u>	NA	NA	NA	RD	NA	NA
<p><u>Discretion Assessment</u> will be restricted to the following matters:</p> <ul style="list-style-type: none"> ▪ Lot size and dimensions; and ▪ Roading layout, traffic and roading effects; and ▪ Hydrological effects and the storm water management system; and ▪ Landscape Development Plan; and 									

	<ul style="list-style-type: none"> ▪ Infrastructure servicing; and ▪ Site suitability and geotechnical constraints; and ▪ Access and manoeuvring; and ▪ Low impact design methods and techniques; and ▪ The potential for reverse sensitivity effects; and ▪ Archaeology; and ▪ Connectivity; and ▪ Development in general accordance with the Houchens Road Large Lot Residential Structure Plan in Appendix S13. <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>									
Rural Zone - Specific activity status rules										
(q)	Subdivision to create a lot to accommodate activities specified in Rule 15.4.2.41 for which a land use consent has been granted and given effect to, and which has been operating for a period of no less than 2 years.	NA	<u>NA</u>	NA	NA	NA	NA	D (Rural Zone only)	NC	
(r)	Subdivision to create a lot within 500m of a poultry farming activity.	NA	<u>NA</u>	NA	NA	NA	NA	D (Rural Zone only)	NC	
(s)	Surplus Dwellings. (refer to 4.4.2.80(e))	NA	<u>NA</u>	NA	NA	NA	NA	D (Rural Zone only)	NC	
(t)	Subdivision of farm workers dwellings constructed after 1 April 2015 as a Surplus Dwelling.	NA	<u>NA</u>	NA	NA	NA	NA	NC (Rural Zone only)	NC	
Airport Business Zone - Specific activity status rules										
(u)	Subdivision where only front lots are created.	NA	<u>NA</u>	NA	C	NA	NA	NA	NA	
	<p>Matters over which Council reserves its control are:</p> <ul style="list-style-type: none"> ▪ Compliance to the standards in the Airport Business Zone Structure Plan. <p>These matters will be considered in accordance with the assessment criteria in section 21.</p>									

(v)	Subdivision where rear lots are created or where subdivision is not in accordance with the structure plan.	NA	<u>NA</u>	NA	D	NA	NA	NA	NA
Deferred Zones - Specific activity status rules									
(w)	Any subdivision that is not a boundary adjustment or boundary relocation.	NA	<u>NA</u>	NA	NA	NA	NA	NA	NC
Comprehensive Development Plan Areas – Specific activity status rules									
(x)	Comprehensive development plan for: (i) Titanium Park – Northern Precinct; or (ii) Industrial Zone (Raynes Road); or (iii) Mystery Creek Agri-Activities Overlay Area. <u>Discretion Assessment</u> will be restricted to the following matters: <ul style="list-style-type: none"> ▪ Traffic effects; and ▪ Water supply, wastewater treatment and disposal and stormwater management; and ▪ Landscaping and visual treatment; and ▪ Consistency with District Plan provisions relating to the operation of Hamilton Airport. ▪ Mystery Creek Agri-Activities Overlay Area only: The development of standards for subdivision and development. These matters will be considered in accordance with the assessment criteria in Section 21.	NA	<u>NA</u>	NA	RD	NA	NA	RD	NA
(y)	Development and subdivision in accordance with an approved comprehensive development plan for: (i) Titanium Park – Northern Precinct; or (ii) Industrial Zone (Raynes Road); or (iii) Mystery Creek Agri-Activities Overlay area. Matter over which Council has reserves its control are: <ul style="list-style-type: none"> ▪ Compliance with the approved comprehensive development plan. These matters will be considered in accordance with the assessment criteria in Section 21.	NA	<u>NA</u>	NA	C	NA	NA	C	NA
(z)	Development and subdivision prior to the approval of a comprehensive development plan for: (i) Titanium Park – Northern Precinct; or (ii) Industrial Zone (Raynes Road); or (iii) Mystery Creek Agri-Activities Overlay area.	NA	<u>NA</u>	NA	NC	NA	NA	NC	NA

In this table: P = permitted activity; C = controlled activity; RD = restricted discretionary activity; D = discretionary activity; NC = non-complying activity; PR = prohibited activity; NA = not applicable

Public and Limited Notification

15.4.1A An application for resource consent under Rule 15.4.1.1(1) will be considered without public or limited notification or the need to obtain written approval from affected parties, unless the Council determines that special circumstances exist, in the following circumstances:

- (a) The subdivision is associated with the construction and use of no more than three dwellings that do not comply with the following performance standards and provided other standards are met:
 - (i) Height – Rule 2A.4.2.21
 - (ii) Height in relation to boundary – Rules 2A.4.2.32 and 2A.4.2.43
 - (iii) Setbacks – Rules 2A.4.2.54 to 2A.4.2.76
 - (iv) building Site coverage – Rules 2A.4.2.87 and 2A.4.2.98
 - (v) Outdoor living space – Rules 2A.4.2.11-13 and 2A.4.2.11-14
 - (vi) Outlook space – Rules 2A.4.2.13-15 to 2A.4.2.21-23
 - (vii) Windows to street – Rule 2A.4.2.22-24
 - (viii) Landscaped area – Rules 2A.4.2.24-26 and 2A.4.2.25-27.
- (b) the subdivision is associated with the construction and use of four or more residential dwellings that do comply with standards (a)(i) to (a)(viii) above provided that all other performance standards in the district plan are met.

15.4.2 **Performance Standards**

Net lot area rules

15.4.2.1 Except as provided in Rule 15.4.2.1A, All all new lots shall comply with the following net lot areas:

15.4.2.1	Zone or Area	Minimum Net Lot Area	Average Net Lot Area	Maximum Net Lot Area or Maximum Number of Lots
(a)	<u>Medium Density Residential Zone</u>	<u>500m²</u>	<u>>600m² for 3 or more lots</u>	<u>1000m²</u>
(a-b)	<u>Residential Zone (sewered) – exclusive of Compact Housing and Infill Housing</u>	500m ² , (except for subdivision around dwellings existing as of 31 May 2012, where the minimum net site area containing the existing dwelling is 400m ²).	≥600m ² for 3 or more lots	1000m ² provided that for sites listed within Appendix N1, or sites within character clusters, or sites within the Cambridge Residential Character Area there shall be no maximum net lot area.
(b)	<u>Residential Zone Compact Housing</u>		<u>Refer to Rule 2.4.2.43</u>	
(h)	<u>Cambridge Park (Character Area 4 – with or without a dwelling and supporting</u>	550m ²	NA	NA

	premises having a gross floor area not exceeding 150m ² from which food and beverages and convenience goods are sold and including a café)			
(i h i)	Picquet Hill Structure Plan Area – vacant site	600m ²	≥700m ²	NA
(ac)	Residential subdivision in the C1 and C2/C3 structure plan areas.	500m ² , (except for subdivision around dwellings existing as of 31 August 2018, where no maximum net site area shall apply to the lot surrounding the existing dwelling; any such dwelling will be exempt from the average net lot area calculation).	< 800m ² (i.e. 12.5 dwellings per hectare minimum, over the extent of the subdivision)	1,000m ²
(ad)	Comprehensive Residential Subdivision in the C1 and C2/C3 structure plan areas, in accordance with Rule 15.4.1.1(e) and Rule 15.4.2.62.	400m ² , (except for subdivision around dwellings existing as of 31 August 2018, where no maximum net site area shall apply to the lot surrounding the existing dwelling; any such dwelling will be exempt from the average net lot area calculation; and except for subdivision in relation to compact housing where the provisions of Rule 2.4.2.43 apply).	Average between 500m ² (20 dwellings per hectare) and 800m ² (12.5 dwellings per hectare) over the extent of the Comprehensive Residential Subdivision area. Compact residential densities are excluded from the above calculations.	1,500m ²

Rule – Medium Density Residential Zone subdivision around existing or proposed dwellings

15.4.2.1A

Subdivision within the Medium Density Residential Zone is not required to comply with the lot area rules in Rule 15.4.2.1 or the lot frontage or lot shape factor rules in Rule 15.4.2.3 provided that:

- (a) Subdivision around an existing dwelling (including a dwelling for which land use consent has been granted but not yet implemented) must not result in any new non-compliance or increase the degree of any existing non-compliance with the performance standards in Section 2A – Medium Density Residential Zone. There must be no vacant lots created as part of the subdivision.

- (b) Subdivision around a proposed dwelling must be accompanied by a land use application that is to be determined concurrently with the subdivision application and which demonstrates that it is practicable to construct a dwelling on every allotment within the proposed subdivision as a permitted activity, and each dwelling complies with the performance standards in Section 2A – Medium Density Residential Zone. There must be no vacant lots created as part of the subdivision.

Rules - Lot frontage, lot shape factor and vehicle crossings

Advice Note: Refer to Section 16 - Transportation for the location and formation of vehicle crossings.

- 15.4.2.3 Except as provided for in Rule 15.4.2.1A, all A1 lots shall comply with the following:

Zone	Lot frontage (excluding rear lots)	Lot shape factor	Vehicle Crossing minimum to maximum
<u>Medium Density Residential, except front lots on entrance corridors</u>	<u>20 10m</u>	<u>13m diameter circle or an 8m by 15m rectangle</u>	<u>3m to 5.5m</u>
<u>Medium Density Residential, front lots on entrance corridors</u>	<u>25 10m</u>	<u>16m diameter circle or an 8m by 15m rectangle</u>	<u>3m to 5.5m</u>
<u>Residential, except front lots on entrance corridors</u>	<u>20m</u>	<u>13m diameter circle</u>	<u>3m to 5.5m</u>
<u>Residential front lots on entrance corridors</u>	<u>25m</u>	<u>16m diameter circle</u>	<u>3m to 5.5m</u>

Rule - Minimum width of vehicle access to rear lots

- 15.4.2.4 Access to rear lots shall comply with the following minimum widths:

Zone	Minimum width of access to rear lots
Residential	Up to 3 lots - 4m <u>or 3.6m if compliance with Rule 16.4.2.16 is achieved.</u> 4-6 lots - 6m 7 lots or more – a public or private road may be required

Rules - Lot design

- 15.4.2.5 Each new vacant lot created shall be able to incorporate the lot shape factor in a position which does not encroach on any building setback or easement requirement.
- 15.4.2.6 Subdivision within the urban limits, and any Large Lot Residential Zone shall not create more than two rear lots, unless provided for by Rule 15.4.2.634.

Rule - Design, location and maintenance of services in infill development for medium density residential development

- 15.4.2.17

Rules - Additional infrastructure servicing for the Residential, Commercial and Industrial Zones within the urban limits

15.4.2.18 All lots in a subdivision and any sites in a development in the Residential, Medium Density Residential, Commercial and Industrial Zones within the urban limits shall be connected to the following Council infrastructure services:

- (a) Wastewater reticulation and treatment; and
- (b) Water supply for domestic, or industrial, or commercial activity; and
- (c) Water supply for fire fighting purpose

Advice Notes:

1. SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice sets out a number of options to provide water for the New Zealand Fire Service's operational requirements, and shall be used as a guide when designing fire fighting water protection.

2. If infrastructure capacity is unable to be confirmed the subdivision or development will either be declined or a financial contribution will be required to address the effects on infrastructure capacity.

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

15.4.2.19

An infrastructure capacity assessment by a suitably qualified and experienced person will be required where it is proposed to establish more than two dwellings on a site located within a qualifying matter overlay or overlays the Infrastructure Constraint Qualifying Matter Overlay to ensure that there is sufficient capacity in the infrastructure network to deal with the additional demand being placed on the existing network from developments.

15.4.2.20 Within the urban limits, all lots in a subdivision and any sites in a development in the Residential, Medium Density Residential, Commercial and Industrial Zones shall:

- (a)

Rules - Stormwater

15.4.2.25 All lots or sites shall be of sufficient size to enable on site detention and disposal of stormwater resulting from any future development permitted in the zone, ~~provided that~~ This rule does not apply to stormwater disposal in the:

- (a)

Advice Notes:

...

4. The Waikato Stormwater Management Guideline 2020 are applicable.

Rules - Tree Planting on Roads: Residential, Medium Density Residential and Large Lot Residential Zones

15.4.2.27 Where any subdivision in the ~~Residential, Medium Density Residential or Large Lot Residential~~ Zone includes the creation of new roads; the design, layout, construction and formation of the new road, except for service lanes, must provide for the planting of street trees.

15.4.2.40 ~~That~~ As a result of the use of these rules, Council shall restrict the further subdivision of the balance lot, restricting the further use of this rule. This being is a condition to be complied with

on a continuing basis and shall be subject to a Section 221 Consent Notice or other legal instrument being registered on the title in perpetuity.

Rule ~~Comprehensive Development Subdivision within the C1 and C2/C3 Structure Plan areas~~

~~15.4.2.62~~ Any Comprehensive Residential Subdivision within the C1 and C2/C3 Structure Plan areas (as described within the relevant Structure Plan) shall comply with the following standards (in addition to the relevant performance standards):

- ~~(a)~~ Be applied to an area of land within the overall structure plan area within common ownership and/or control of the applicants.
- ~~(b)~~ Through an appropriate concept plan for the entire Comprehensive Residential Subdivision development area identified, demonstrate how development will achieve a minimum density of 12.5 dwelling per hectare net as set out in the Structure Plan over the course of a staged development in accordance with Rule 15.4.2.1(ad).
- ~~(c)~~ Provide a minimum 2.5% net residential land area or 2,000m² (whichever is larger) of the overall comprehensive residential development area as 'compact housing'.

~~For avoidance of doubt, all other relevant performance standards within Part A, C and D of this section shall continue to apply.~~

~~Advice Note: the 'net residential land area' is total residential land area excluding roads and, in addition, land not suitable or available for residential development including open spaces, areas constrained by topography, commercial areas, schools and land required for environmental buffers and stormwater infrastructure (including any buffer areas or setbacks from the stormwater infrastructure).~~

~~Activities that fail to comply with this rule will require a resource consent for a non-complying activity.~~

Section 16 – Transportation

Key

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

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

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

Text that is not underlined or struck through is original PC26 text as notified.

Objective - Ensuring sustainable, integrated, safe, efficient and affordable multi-modal land transport systems

- 16.3.1 All new development, subdivision and transport infrastructure shall be designed and developed to contribute to a sustainable, safe, integrated, efficient (including energy efficient network design), accessible and affordable multi-modal land transport system.

Policy - Design elements

- 16.3.1.1 Development, subdivision and transport infrastructure shall be designed and located to:

(a) ...

(d) Contribute to:

...

(iv) Efficient movement of freight; and

(v) Providing good accessibility for people.

Section 18 – Financial Contributions

Key

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

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

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

Text that is not underlined or struck through is original PC26 text as notified.

18.1 Interpretation

18.1.1 For the purposes of this section only, the following definitions apply:

(a) ~~**Bedroom** means an area of a residential unit that is not the kitchen, bathroom(s), laundry and toilet(s); the dining room or living room (but not both) whether open plan with the kitchen or not; entrance halls and passageways; garage; and any other room smaller than 6m².~~

(b) ~~**Betterment** means the restoration and protection of the Waikato and Waipā Rivers and their catchments as required under Te Ture Whaimana.~~

(c) **Developer** means any individual, entity, or group undertaking development.

(d) **Development** means any subdivision, building (as defined in section 8 of the Building Act 2004), land use, or work and includes site works, building construction, alterations, extensions or additions.

(e) **Discount factor** means a factor that can be applied to the calculation of the residential amenity and Te Ture Whaimana financial contributions that can reduce the total amount of financial contribution required to be paid. The decision on the appropriate discount factor to apply to each financial contribution calculation will be determined by the Council on a case-by-case basis.

The discount factor will be based on development specific attributes or the value of other contributions for the same purpose as outlined in the relevant performance criteria.

The discount factor cannot include consideration of development contributions paid as these are already excluded from the calculation of financial contributions. The discount factor has no weight or bearing on Development Contributions payable.

(f) ~~**Greenfield development** means subdivision and/or urban development of previously undeveloped rural land.~~

(g) ~~**Gross Floor Area** has the same meaning in Part B ‘Definitions’ of the operative Waipā District Plan.~~

(h) **Infrastructure** has the same meaning in Part B ‘Definitions’ of the operative Waipā District Plan.

(i) **Land value** has the same meaning as ‘land value’ under the Ratings Valuations Act 1998.

(j) ~~**Non-residential development** means all other activities other than residential activities.~~

(k) **Residential development** means the use of land and buildings for people for living accommodation (whether or not the person is subject to care or supervision).

(l) Te Ture Whaimana has the same meaning in Part B ‘Definitions’ of the operative Waipā District Plan.

In the event of any conflict with the definitions in Part B of the Waipā District Plan (Definitions), the above definitions prevail.

18.2 Introduction

~~18.1.1 2.1~~ The financial contributions provisions in this Plan deal with conditions imposed on resource consents. Under section 77E of the Resource Management Act 1991, financial contributions are able to be used as a mechanism for avoiding, remedying or mitigating adverse effects, or ensuring positive effects on the environment to offset any adverse effect. Section 108 of the Act allows Council to impose a consent condition requiring a financial contribution be made when it grants resource consent.

~~18.1.2 2.2~~ Financial contributions achieving the Plan's objectives and are distinct from, and in addition to, Council's Development Contributions Policy (DCP), which and provides Council with an alternative method to obtain contributions to fund infrastructure manage effects required as a result of growth. ~~Either~~ Where financial contributions will be used on their own, or in addition to supplement development contributions will not be used for the same purpose where the development contributions are insufficient to fully avoid, remedy, mitigate or compensate for the adverse effects of the activity. **Table 18.1** below sets out the application of both development and financial contributions.

Table 18.1: Contributions Overview

	Legislation	Description
Development Contributions (and Policy)	Local Government Act 2002	Generally applicable to planned or anticipated development, subdivision and growth. Fund and offset the cost of new infrastructure and infrastructure upgrades for planned or anticipated development, subdivision and growth.
Financial Contributions	Resource Management Act 1991	Generally applicable to unplanned, unanticipated, more intensive, or more rapid development, subdivision and growth. Avoid, remedy, mitigate or compensate for adverse effects, or ensure positive effects on the environment to offset any adverse effects, where the adverse effect arises from unplanned or un-anticipated development, subdivision and growth (including permitted activities, activities requiring resource consent, on-site effects and off-site effects).

~~18.1.2~~ In the context of new development and subdivision, this Plan uses financial contributions to build into the cost of the development or subdivision any physical, environmental, or social costs that can be identified. It does this by ensuring that the developer avoids, remedies, mitigates, or compensates for any adverse effects.

Purpose of Financial Contributions

~~18.1.32.3~~ The general purpose of ~~In this Plan~~, financial contributions are used for the following reasons:

~~(a)~~ To recover from developers and/or applicants a contribution in the form of money, or land, or a combination of both money and land, which:

~~(i)(a)~~ Avoids, remedies, or mitigates adverse effects of the proposed activity on the

environment, or ensures positive effects on the environment to offset any adverse effects, including but not limited to, effects associated with:

- (i) Three waters/transport network connections, network improvements or capacity upgrades when a development is located outside of Councils reticulated service area(s) and seeks to connect; subject to Council;
 - Approving the connection; and/or
 - Having wastewater capacity; and/or
 - Having the necessary resource consent to discharge;
- (ii) Three waters/transport network connections, improvements or capacity upgrades located off the subject site that are not provided for by any other Council funding mechanism that are required or are likely to be required as a result of a subdivision application, land use consent application or development (including permitted activities).

▪ ~~Three waters/transport capacity upgrades;~~

- (iii) Parks/reserves/open space network enhancement/improvement;
- (iv) Streetscape amenity improvements; and

And

- (v) To give effect to Te Ture Whaimana including positive effects on the environment to offset any adverse effects and its requirement for restoration and protection of the Waikato and Waipā Rivers (and their catchments) and the relationship between the Waikato and Waipā Rivers (and their catchments) and Waikato-Tainui, Waikato and Waipā River Iwi, and the Waikato Region's communities and all other objectives and strategies contained within Te Ture Whaimana.

- (b) Where the capital expenditure items identified in this rule are not otherwise funded via Council's Development Contributions Policy.

~~To provide a fair and reasonable contribution to finance the extension or development of bulk services or other infrastructure costs as a result of a development or subdivision; and
Along with other provisions, to provide a mechanism to avoid, remedy, or mitigate and/or offset adverse effects on the environment; and~~

~~For assessing and quantifying the likely adverse environmental effects of any development or subdivision undertaken in the Waipā District on adjoining districts, cities, towns, and communities outside the District to enable contributions to be collected and made towards the mitigation of those adverse environmental effects.~~

~~18.1.4 2.4~~ In addition to these general purposes, more specific purposes are identified in the Financial Contributions Rules and performance standards part of this section.

~~18.1.4~~ Financial contributions are intended to offset the cost of future capital works and the cost of capital already incurred where a development consumes that capacity; together with other related costs necessitated by new development or subdivision.

~~18.1.5 2.5~~ Financial contributions Fees will vary between areas of the District and also for different types of development or subdivision.

~~18.1.5 2.6~~ A financial contribution in the form of a Heavy Vehicle Impact Fee (HVIF) may be required

where heavy vehicle traffic movements from a development are likely to cause an accelerated reduction in the useful life of the local road network that was not reasonably anticipated when the relevant roads were constructed, and which can be attributed directly or indirectly to the development, mineral extraction activity or subdivision.

Advice Notes:

1. All Financial contribution calculations are exclusive of Goods and Service Tax (GST). GST will apply to all Financial Contributions at the prevailing rate.
- 2 Refer to Section 15 - Infrastructure, Hazards, Development and Subdivision for rules related to vesting land in Council ownership.

18.2.3 Resource Management Issues

~~18.2.1~~ 3.1 New development or subdivision, or infill and intensification, can result in adverse effects on natural and physical resources including ~~and can result in~~ inequities in cost sharing.

~~18.2.2~~ 3.2 The provision of adequate infrastructure and services is an essential part of effective growth planning and implementation. ~~the development or subdivision process.~~

18.3.4 Objectives and Policies

Please also refer to the objectives and policies of Part C, Part D and Part E, as relevant.

Objectives – General purpose of financial contributions

18.4.1 Financial contributions are required ~~in accordance with the Financial Contributions Rules and performance standards~~ in order to:

- (a) Avoid, remedy, or mitigate adverse effects of the proposed activity or development on the environment; and
- (b) Ensure positive effects on the environment to offset any adverse effects; and
- (c) Give effect to Te Ture Whaimana, including the requirement for betterment.

Objective – Planned, financed growth

~~18.3.1~~ 4.2.1A ~~To ensure that the a~~ Adverse environmental effects on the District's network infrastructure are funded from the development or subdivision that has or will affect the infrastructure ~~addressed or that has generated or will in order to cater for the~~ generate additional demand generated by new development or subdivision.

Policies – General

~~18.4.2.1~~ The following general policies apply:

~~18.4.2.2.1.1~~ (a) Require financial contributions for the general purposes set out in Objective 18.4 the General Purpose Statement and the Financial Contributions Rules and performance standards.

~~18.4.2.2.1.2~~ (b) Determine the nature and amount of financial contributions in accordance with the methodology set out in the Financial Contributions Rules and performance standards.

~~18.4.2.3~~ 1.3 ~~(c) Financial contributions in the form of money must~~ shall be paid before the proposed activity or development occurs.

~~18.4.2.4~~ 1.4 ~~(d) Financial contributions in the form of land must~~ shall be vested in Council prior to completion of the activity or development.

~~18.4.2.5~~ 1.5 (e) Financial contributions will shall be applied to the purpose for which they are required.

Policy - Early recognition of costs

~~18.3.1.1~~ 4.2.2.1.6 The adverse environmental effects of development or subdivision that can be addressed by requiring a financial contribution, shall be clearly identified at the planning and consenting stage (building and resource consents) of the development or subdivision.

Policy – Planned growth

~~18.3.1.2~~ To ensure that planned growth is adequately financed by taking financial contributions up to 10 years in advance of Council undertaking infrastructure works for Council provided infrastructure.

Objective – Equitable sharing of costs

~~18.3.2~~ To ensure that there is a fair and reasonable share of the costs of upgrading or providing new infrastructure to meet demands generated by the development or subdivision, and to enable future growth.

Policy - Costs relating to effects

~~18.3.2.3~~ 4.2.6.1.10 Ensuring that the amount of financial contribution required reasonably reflects the cost of avoiding, remedying or mitigating the adverse effects, or the cost of ensuring positive effects on the environment to offset any adverse effects.

Policy – Cumulative effects

~~18.4.2.8~~ 1.11 Requiring financial contributions for new residential development to address an equitable share of offsetting adverse cumulative effects that accelerated intensification and/or additional population growth has on public streetscapes, public open spaces, and river networks and their catchments.

Objective - Heavy vehicle impact fee

~~18.3.3~~ 4.2 To ensure the community is adequately protected from any unpredictable adverse effects of heavy vehicles on the District’s road network due to land use activities.

Policy - To make provision for a heavy vehicle impact fee

~~18.3.3.1~~ 4.2.1 A financial contribution in the form of a heavy vehicle impact fee will be required where a development creates adverse effects on the District’s road network which:

(a)

18.4 5 Rules

~~These rules apply to any activity requiring a resource consent under parts D, E and F of this Plan; and for the avoidance of doubt, the rules also apply to any activity requiring a resource consent due to failing to comply with any performance standard of this Plan.~~

~~These rules specifically relate to financial contributions towards the provision and future operation of network infrastructure owned and/or operated by Waipa District Council, a Council Controlled Organisation, or for roading and transport; any adjoining Territorial Local Authority and/or the New Zealand Transport Agency (NZTA).~~

~~Financial Contributions shall be determined in accordance with the provisions of these rules, and Council may require the payment of financial contributions as a condition of consent.~~

18.4.1 Activity Status Tables

~~There are no activity status tables.~~

18.5.1 General Rules - General

~~18.5.1.1 The general rules are as follows:~~

~~(a) For permitted activities, financial contributions will be required prior to either the grant of building consent or the grant of service connection, whichever comes first.~~

~~18.5.1.2 (b) For all classes of activities other than permitted activities, financial contributions will be required as a condition of land use or subdivision consent.~~

~~18.5.1.3 (c) Financial contributions will be in the form of money calculated in accordance with the relevant Rule or performance standard, except where Council exercises its discretion to accept a financial contribution in the form of land, or a combination of land and money, in which case the financial contribution will be calculated in accordance with the relevant Rules or performance standard.~~

~~18.5.1.4 (d) Financial contributions will be required for the purposes set out and on the basis that:~~

~~(i)(e)-(a) Financial contributions for all residential development will be calculated for the specific purposes and in accordance with the methodology in the applicable rules and performance standards; and~~

~~(ii)(f) Financial contributions for all other developments will be calculated for the specific purposes and in accordance with the methodology in the applicable rules and performance standards.~~

Rules - Purpose of Requirement for financial contributions

~~18.5.1.25 The following rules outline the purpose for the financial contributions being taken.~~

~~(a) In addition to the general rules, and performance standards, financial contributions will be required for development as follows for the following purposes:~~

~~*Three waters/transport infrastructure network*~~

~~18.5.1.36 To avoid, remedy and mitigate the adverse effects of residential development, or ensure positive effects on the environment to offset any adverse effects, through the recovery of infrastructure network costs associated with the following:~~

~~(a) Three waters connections, network improvements, and capacity upgrades when a development is located outside of Councils reticulated service area(s) and seeks to connect; subject to Council:~~

- ~~• Approving the connection; and/or~~
- ~~• Having wastewater capacity; and/or~~
- ~~• Having the necessary resource consent to discharge.~~

~~and~~

~~(b) Transport connections, including for multimodal transport options, network improvements, and capacity upgrades located off the subject site that are not provided for by any other Council funding mechanism that are required or are likely to be required as a result of a subdivision application, land use consent application or development (including permitted activities).~~

~~(c) These costs will include:~~

- (i) Where an existing network / system / supply is available, the cost of connection with the existing system;
- (ii) Where an existing network / system / supply is available, but the capacity of the system is inadequate to meet the additional generated demand, the cost of connection and capacity upgrading of the existing system;
- (iii) Where an existing network / system / supply is available, but the network requires capacity upgrades or network improvements to ensure the connection does not compromise the network, the costs of those capacity upgrades or network improvements; and
- (iv) Where an existing network / system / network is not available, the cost of extending the network / system / supply;
- (v) Any infrastructure works required under Rule 18.5.1.6 and not otherwise funded via Council's Development Contributions Policy are excluded.

Calculations for contributions shall be as set out in the performance standards.

Residential amenity (applies to ~~Residential Zones~~ the Medium Density Residential Zone only)

18.5.1.47 To avoid, remedy, and mitigate the adverse effects, including cumulative effects, of residential development density, or ensure positive effects on the environment to offset any adverse effects, through the recovery of costs associated with maintaining and improving residential amenity.

(a) These costs will include:

- (a) Where urban public open spaces can be improved or extended, the cost of land acquisition and development; and
- (b) Where streetscape amenity can be enhanced, the cost of that enhancement.

But shall exclude any costs otherwise funded via Development Contributions.

Calculations for contributions shall be as set out in the performance standards.

Te Ture Whaimana (applies to ~~all developments across all zones~~ the Medium Density Residential Zone and the Commercial Zone only)

18.5.1.58 To give effect to Te Ture Whaimana, including positive effects on the environment to offset any adverse effects, including cumulative effects, and its requirement for restoration and protection of the Waikato and Waipā Rivers and their catchments, and the relationship between the Waikato River and Waikato-Tainui, Waikato River Iwi, and the Waikato Region's communities and all other objectives and strategies contained within Te Ture Whaimana.

(a) These costs ~~will~~ may include, but are not limited to:

- (a) Riparian enhancement;

- (b) Wetland creation/protection/restoration/enhancement;
- (c) Erosion control measures;
- (d) Ecological/biodiversity;
- (e) Public access improvements to the Waikato River, including its tributaries;
- (f) Weed control measures;
- (g) Sediment reduction measures;
- (h) Waikato and Waipā Rivers / Te Ture Whaimana education; and
- (i) Restoration / protection / enhancement of waahi tapu and sites of significance.

~~(b) Calculations for contributions shall be as set out in the performance standards.~~

Advice Note (applies to 18.5.1):

Financial contributions may be used towards the provision, upgrading or future operation of network infrastructure owned and/or operated by any of the following: Waipā District Council; a Council Controlled Organisation; any other community infrastructure management entity; any adjoining Territorial Local Authority; Waka Kotahi (New Zealand Transport Agency); and towards waterway enhancement undertaken by Waikato Tainui or the Waikato River Authority.

18.4.2 — 18.5.2 Performance Standards

Rule – Residential amenity (to be collected from the Medium Density Residential and Residential Zones only)

The following rules should be applied to any development and subdivision, including new development, infill development and permitted development and subdivision.

~~18.5.2.1 To avoid, remedy or mitigate the adverse effects of medium density residential development through the recovery of costs associated with maintaining and improving residential amenity.~~

~~18.5.2.2 These costs will include:~~

- ~~(a) Where public open spaces can be provided or improved, the cost of land acquisition and development and/or maintenance; and~~
- ~~(b) where streetscape amenity can be enhanced, the cost of that enhancement.~~

Rule - Circumstances when financial contributions may be taken

~~18.5.2.1 Costs will be recovered for all new dwellings in the Medium Density Residential Zone. where it is necessary to avoid, remedy or mitigate the adverse effects, including the cumulative adverse effects, of medium density residential development to maintain and improve residential amenity in public open spaces and streetscapes.~~

Rule – Determination of the maximum amount of financial contribution

~~18.5.2.3 For each additional bedroom at the site created by the development, a fixed financial contribution of \$400.00 shall be required. The financial contribution collected for residential amenity shall be the total of A plus B as follows based on the following calculation to a~~

maximum amount of \$1,300 \$1,800 per dwelling:

A – Financial contribution charge = (FC * n) * F

where:

- FC = financial contribution per dwelling (\$1,300)
- n = number of new dwellings
- F = discount factor to account for development specific attributes or the value of other contributions (i.e., land for reserves, but excluding development contributions for the same purpose.

B – Tree charge = \$500 per dwelling

18.5.2.3A 4 For the purpose of rule 18.5.2.3, a discount factor will be considered by Council in the following circumstances:

- (a) Where the applicant proposes on-site mitigation measures which contribute to the purposes of the financial contribution in Rule 18.5.1.7;
- (b) By way of example, but without limiting subparagraph (a), land provided to Council for reserves purposes (in addition to any statutory requirements) or protected planting.

18.5.2.4 ~~Greenfield development will be required to pay 80% of the rate specified in Rule 18.5.2.3.~~

Timing of calculation and payment

18.5.2.4 ~~A financial contribution under Rules 18.5.2.3 and 18.5.2.4 shall be calculated at the earliest possible time from the options outlined below:~~

- ~~(a) Subdivision, in which case a financial contribution calculated shall be paid prior to Council issuing any certificates under either Section 223 or 224 of the Act; or~~
- ~~(b) Resource consent, in which case a financial contribution calculated shall be paid as a condition of that consent and prior to the activity commencing; or~~
- ~~(c) Building consent, in which case a financial contribution calculated shall be paid prior to the issue of consent.~~

~~Activities that fail to comply with residential amenity financial contribution rules and/or performance standards will require a resource consent for a restricted discretionary activity.~~

~~Discretion will be restricted to the following matters:~~

- ~~The extent to which the proposal is consistent with the objectives and policies in Section 18 (financial contributions).~~
- ~~The extent to which the proposal complies with the performance standards in Section 18 (financial contributions), and the reasons for non-compliance.~~
- ~~The effects that the development will create in relation to the residential amenity financial contribution.~~

- ~~The mitigation measures provided or the value of other contributions provided in relation to the residential amenity financial contributions.~~

Rule – Te Ture Whaimana o Te Awa o Waikato (Vision and Strategy for the Waikato River) (to be collected from the Medium Density Residential and Commercial Zones only)

The following rules apply to any development and subdivision, including new, infill and permitted development and subdivision.

- ~~18.5.2.5 Costs will be recovered for all new dwellings in the Medium Density Residential Zone or the Commercial Zone. where it is necessary to avoid, remedy or mitigate the adverse effects of medium density residential development on the water quality and/or the minimum flows of the Waikato and Waipā Rivers and their catchments.~~

Rule - Determination of the maximum amount of financial contribution

- ~~18.5.2.6 For each additional bedroom at the site created by the development, a fixed financial contribution of \$400.00 shall be required. The financial contribution collected for Te Ture Whaimana shall be based on the following calculation to a maximum amount of \$1,500 per dwelling:~~

~~Financial contribution charge = (FC * n) * F~~

~~where:~~

~~FC = financial contribution per dwelling (\$1,500)~~

~~n = number of new dwellings~~

~~F = discount factor to account for development specific attributes or the value of other contributions (i.e. land for reserves, but excluding development contributions) for the same purpose~~

- ~~18.5.2.7A For the purpose of rule 18.5.2.76, a discount factor will be considered by Council in the following circumstances:~~

~~(a) Where the applicant proposes on-site mitigation measures which contribute to the purposes of the financial contribution in Rule 18.5.1.8;~~

~~(b) By way of example, but without limiting subparagraph (a), land provided to Council for stormwater management or riparian purposes (in addition to any statutory requirements); stormwater control measures; protected riparian planting; wetland creation, protection, restoration or enhancement (in addition to any statutory requirements); on-site sediment reduction measures (in addition to any statutory requirements); or waahi tapu and sites of significance restoration, protection or enhancement.~~

- ~~18.5.2.7 For non-residential development \$2,000.00 per 100m² of Gross Floor Area.~~

Rule – Timing of calculation and payment

- ~~18.5.2.8 A financial contribution under Rules 18.5.2.7 and 18.5.2.8 shall be calculated at the earliest~~

~~possible time from the options outlined below:~~

- ~~(a) Subdivision, in which case a financial contribution calculated shall be paid prior to Council issuing any certificates under either Section 223 or 224 of the Act; or~~
- ~~(b) Resource consent, in which case a financial contribution calculated shall be paid as a condition of that consent and prior to the activity commencing; or~~
- ~~(c) Building consent, in which case a financial contribution calculated shall be paid prior to the issue of consent.~~

~~Activities that fail to comply with the Te Ture Whaimana financial contribution rules and/or performance standards will require a resource consent for a restricted discretionary activity.~~

~~Discretion will be restricted to the following matters:~~

- ~~• The extent to which the proposal is consistent with the objectives and policies in Section 18 (financial contributions);~~
- ~~▪ The extent to which the proposal complies with the performance standards in Section 18 (financial contributions), and the reasons for non-compliance.~~
- ~~▪ The effects that the development will create in relation to the Te Ture Whaimana financial contribution.~~
- ~~• The mitigation measures or the value of other contributions provided in relation to the Te Ture Whaimana financial contribution.~~

Advice notes:

1. Te Ture Whaimana has the legal effect of a National Policy Statement. Where there is an inconsistency with provisions in other national planning standards, the New Zealand Coastal Policy Statement and the National Planning Standards, Te Ture Whaimana will prevail.
2. Under s108 (2)(a), a consent authority may impose a condition on a resource consent it has granted that requires a financial purpose. Where a financial contribution is made in cash it must be used reasonably in line with the purpose for which the contribution was received.
3. Financial contributions taken under the above rules will be used to avoid, remedy or mitigate the effects of medium density residential intensification and the resulting discharges on the Council's infrastructure network and/or water takes through the Council's infrastructure network.

Rule – Non residential development

18.5.2.8 Non residential development in all zones: \$2,000.00 per 100m² of Gross Floor Area.

Reticulated water services

The following rules apply to any development and subdivision, including new, infill and permitted development and subdivision, that seeks to connect to Council's reticulated water services.

Rule - Circumstances when financial contributions may be taken

18.4.2.118.5.2.98 Council will may require the payment of a Financial Contribution where a development or subdivision located outside Council's water supply area seeks to connect, and Council approves such connection, and where development contributions have not been paid or are not payable.

Rule - Determination of the maximum amount of financial contribution

~~18.4.2.2~~ ~~18.5.2.109~~ The maximum amount of Financial Contribution that may be taken for connection to a water supply system in a Council reticulated water supply area shall be the greater of:

EITHER

$$\$A \times [B / [B + C]]$$

where:

- A = the replacement value of the specific water reticulation system after adjustment for capital expenditure in this activity at the time the connection is sought.
- B = the number of residential equivalent connections to be added to that reticulation system where:
- ≤ 20mm nb diameter connection = 1 residential equivalent connection
 - 32mm nb dia connection = 3 residential equivalent connections
 - 50mm nb dia connection = 10 residential equivalent connections
 - 75mm nb dia connection = 14 residential equivalent connections
 - 100mm nb dia connection = 25 residential equivalent connections
 - 150mm nb dia connection = 56 residential equivalent connections
- C = the total number of existing connections to that water reticulation system.

OR

The total assessed cost of providing additional water supply capacity (including the additional cost of abstraction, treatment, storage and reticulation) in the water reticulation system needed to service the development or subdivision.

~~Rule – Timing of calculation and payment~~

~~18.4.2.3~~ ~~18.5.2.11~~ A Financial Contribution under Rules ~~18.4.2.1~~ and ~~18.4.2.2~~ ~~18.5.2.8~~ and ~~18.5.2.9~~ shall be calculated ~~at the earliest possible time from the options outlined below:~~ either at the time of:

- ~~(a) Subdivision, in which case a financial contribution calculated shall be paid prior to Council issuing any certificates under either Section 223 or 224 of the Act; or~~
- ~~(b) Resource consent, in which case a financial contribution calculated shall be paid as a condition of that consent, and prior to the activity commencing; or~~
- ~~(c) Building consent, in which case a financial contribution calculated shall be paid prior to the issue of consent.~~

~~Activities that fail to comply with reticulated water services financial contribution rules and/or performance standards will require a resource consent for a restricted discretionary activity. Discretion will be restricted to the following matters:~~

- ~~• The extent to which the proposal is consistent with the objectives and policies in Section 18 (financial contributions).~~
- ~~• The extent to which the proposal complies with the performance standards in Section 18 (financial contributions), and the reasons for non-compliance.~~
- ~~• The effects that the development will create in relation to the reticulated water services financial contribution.~~
- ~~• The mitigation measures provided or the value of other contributions provided in relation to the reticulated water services financial contribution~~

Advice Notes:

1. The replacement value of a Council reticulation system in a reticulated water supply area is the valuation reported in or supporting the most recent Council Annual Report.
2. The financial contributions for reticulated water services will not be levied on Council funded growth cells identified in this Plan or development or subdivision located within Council's reticulated water supply areas.
3. The financial contributions for reticulated water services exclude the cost of connection to a water reticulation system or the cost of water reticulation within the development or subdivision.
4. Once a development or subdivision is physically connected to a Council water reticulation system, it is deemed to be part of that water reticulation system.

Wastewater collection services

*The following rules apply where ~~a~~ **any development or subdivision including new, infill and permitted development and subdivision, seeks to connect to Council's wastewater collection services.***

Rule - Circumstances when financial contributions may be taken

~~18.4.2.4~~ ~~18.5.2.1210~~ Council ~~will~~ ~~may~~ require the payment of a financial contribution where a development or subdivision located outside any of Council's wastewater service areas seeks to connect, subject to Council having wastewater disposal capacity, and where development contributions have not been paid or are not payable.

Rule - Determination of the maximum amount of financial contribution

~~18.4.2.5~~ ~~18.5.2.1311~~ The maximum amount of financial contribution ~~that may be~~ taken for connection to a service network system in a Council wastewater service area shall be the greater of:

EITHER

$$\$A \times [B / [B + C]]$$

where:

A = the replacement value of the specific wastewater system after adjustment for capital

expenditure in this activity at the time the connection is sought.

B = the number of residential equivalent connections to be added to that reticulation system where:

≤ 100mm nb diameter gravity connection = 1 residential equivalent connection

150mm nb dia gravity connection = 3 residential equivalent connections

~~200~~ 150 mm nb dia gravity connection = 10 residential equivalent connections

C = the total number of existing connections to that wastewater system.

OR

The total assessed cost of providing additional wastewater system capacity (including the additional cost of storage, pumping, transportation, processing and disposal) to the wastewater system needed to service the development or subdivision.

Rule—Timing of calculation and payment

~~18.4.2.6~~~~18.5.2.14~~ A Financial Contribution under Rules ~~18.5.2.12~~ 18.4.2.4 and ~~18.5.2.13~~ 18.4.2.5 shall be calculated at the earliest possible time from the options outlined below: , either at the time of:

- (a) ~~Subdivision, in which case a financial contribution calculated shall be paid prior to Council issuing any Certificates under either Section 223 or 224 of the Act; or~~
- (b) ~~Resource consent, in which case a financial contribution calculated shall be paid as a condition of that consent, and prior to the activity commencing; or~~
- (c) ~~Building consent, in which case a financial contribution calculated shall be paid prior to the issue of consent.~~

~~Activities that fail to comply with wastewater collection services financial contribution rules and/or performance standards will require a resource consent for a restricted discretionary activity. Discretion will be restricted to the following matters:~~

- ~~• The extent to which the proposal is consistent with the objectives and policies in Section 18 (financial contributions);~~
- ~~• The extent to which the proposal complies with the performance standards in Section 18 (financial contributions), and the reasons for non-compliance;~~
- ~~• The effects that the development will create in relation to the wastewater collection services financial contribution;~~
- ~~• The mitigation measures provided or the value of other contributions provided in relation to the wastewater collection services financial contribution;~~

Advice Notes:

1. The replacement value of a Council wastewater system in a wastewater service area is the valuation reported in or supporting the most recent Council Annual Report.

2. The financial contributions for wastewater services will not be levied on a Council funded growth cells identified in this District Plan, or development or subdivision located within a Council wastewater service area.
3. The financial contributions for wastewater services exclude the cost of connection to a wastewater system or the cost of sewerage within the development or subdivision.
4. Once a development or subdivision is physically connected to a Council wastewater system, it is deemed to be part of that wastewater system.

Stormwater services

The following rules apply where ~~a~~ any development or subdivision including new, infill and permitted development and subdivision, seeks to connect to Council's consented stormwater services.

Rule - Circumstances when financial contributions may be taken

~~18.4.2.7~~ ~~18.5.2.15~~ ~~12~~ Council ~~will~~ ~~may~~ require the payment of a Financial Contribution where a development or subdivision located immediately outside any of Council's stormwater systems seeks to connect, subject to Council having the necessary resource consent to discharge and where development contributions have not been paid or are not payable.

Rule - Determination of the maximum amount of financial contribution

~~18.4.2.8~~ ~~18.5.2.16~~ ~~13~~ The maximum amount of Financial Contribution ~~that may be~~ taken for connection to an existing Council stormwater system shall be the greater of:

EITHER

$$\$I \times [J / [J + K]]$$

where:

- I = the replacement value of the relevant stormwater system after adjustment for capital expenditure in this activity at the time the connection is sought; and
- J = the gross area of the development measured in hectares; and
- K = the gross area served by the relevant stormwater system excluding the activity.

OR

The total assessed cost of providing additional stormwater system capacity (including the additional cost of stormwater retention, pumping, transportation, processing, disposal and resource consent variation costs) needed to service the activity.

~~Rule – Timing of calculation and payment~~

~~18.4.2.9~~ ~~18.5.2.17~~ A Financial contribution under Rules ~~18.5.2.15~~ ~~18.4.2.7~~ and ~~18.5.2.16~~ ~~18.4.2.8~~ shall be calculated ~~at the earliest possible time from the options outlined below:~~ , either at the time of:

- ~~(a) – Subdivision, in which case a financial contribution calculated shall be paid prior to Council~~

issuing any Certificates under either Section 223 or 224 of the Act; or

- (b) ~~Resource consent, in which case a financial contribution calculated shall be paid as a condition of that consent, and prior to the activity commencing; or~~
- (c) ~~Building consent, in which case a financial contribution calculated shall be paid prior to the issue of consent.~~

~~Activities that fail to comply with stormwater services financial contribution rules and/or performance standards will require a resource consent for a restricted discretionary activity. Discretion will be restricted to the following matters:~~

- ~~• The extent to which the proposal is consistent with the objectives and policies in Section 18 (financial contributions).~~
- ~~• The extent to which the proposal complies with the performance standards in Section 18 (financial contributions), and the reasons for non-compliance.~~
- ~~• The effects that the development will create in relation to the stormwater services financial contribution.~~
- ~~• The mitigation measures provided or the value of other contributions provided in relation to the stormwater services financial contribution.~~

Advice Notes:

1. The replacement value of a Council stormwater system is the valuation reported in or supporting the most recent Council Annual Report.
2. The financial contributions for stormwater services exclude the cost of physical connection to a stormwater system or the cost of stormwater infrastructure within the development or subdivision.
3. Once a development or subdivision is physically connected to a Council stormwater system, it is deemed to be part of that stormwater system.

Road corridor services

The following rules apply to development or subdivision, including permitted activities, that gives rise to increases in vehicular and/or pedestrian traffic.

Rule - Circumstances when financial contributions may be taken

~~18.4.2.10~~ ~~18.5.2.18~~ ~~18.14~~ Council may require as part of a subdivision or development the payment of a financial contribution. A financial contribution may be payable where infrastructure for vehicles, ~~and pedestrians~~ cycling and walking that is located off the site of the activity that is subject to consent:

- (a) Requires construction, upgrading or improving; and
- (b) The funding of the required works has not, for any reason, been fully or adequately provided for by other funding instruments available to Council; and

- (c) Where a development or subdivision will, or is likely to, adversely ~~effect~~ affect existing or proposed public roads managed by a road controlling authority other than Council, financial contributions may at Council's sole discretion and with appropriate justification, and in consultation with the appropriate road controlling authority, be assessed and used as though the road controlling authority was Council.

Rule - Determination of the maximum amount of financial contribution

~~18.4.2.11~~ ~~18.5.2.19~~ ~~18.5.2.20~~ The maximum amount of financial contribution for road corridor services that may be taken shall be determined on the basis of the following formula:

$$\text{\$F X [G / [G + H]]}$$

where:

- F = the assessed total cost of constructing, upgrading and/or improving traffic and/or pedestrian routes (including land purchases) as a consequence of the development.
- G = the average annual assessed volume of vehicular traffic measured in vehicles per day directly attributable to the development.
- H = the average annual assessed volume of vehicular traffic measured in vehicles per day currently using routes that will require constructing, upgrading and/or improving as a consequence of a development.

~~Rule - Timing of calculation and payment~~

~~18.4.2.12~~ ~~18.5.2.20~~ A financial contribution under Rules ~~18.5.2.18~~ ~~18.4.2.10~~ and ~~18.5.2.19~~ ~~18.4.2.11~~ shall be calculated ~~at the earliest possible time from the options outlined below:~~ , either at the time of:

- ~~(a) Subdivision, in which case a financial contribution calculated shall be paid prior to Council issuing any certificates under either Section 223 or 224 of the Act; or~~
- ~~(b) Resource consent, in which case a financial contribution calculated shall be paid as a condition of that consent and prior to the activity commencing; or~~
- ~~(c) Building consent, in which case a financial contribution calculated shall be paid prior to the issue of consent.~~

~~Activities that fail to comply with road corridor services financial contribution rules and/or performance standards will require a resource consent for a restricted discretionary activity. Discretion will be restricted to the following matters:~~

- ~~• The extent to which the proposal is consistent with the objectives and policies in Section 18 (financial contributions);~~
- ~~• The extent to which the proposal complies with the performance standards in Section 18 (financial contributions), and the reasons for non-compliance.~~

~~• The effects that the development will create in relation to the road corridor services financial contribution.~~

~~• The mitigation measures provided or the value of other contributions provided in relation to the road corridor services financial contribution~~

Advice Notes:

1. The assessment of traffic volumes will be based on traffic models acceptable to Council following consultation with the relevant road controlling authority.
2. The financial contributions for Road Corridor Services will not be levied on development located within any funded growth cells identified in this Plan.
3. The financial contributions for Road Corridor Services exclude the cost of physically connection to traffic or ~~pedestrian~~ walking and cycling routes or the cost of providing traffic and ~~pedestrian~~ walking and cycling services within the development or subdivision.
4. Once a development or subdivision is physically connected to the road controlling authority or Council's traffic or ~~pedestrian~~ walking and cycling routes, it is deemed to be part of those traffic or ~~pedestrian~~ walking and cycling routes.

Heavy vehicle impact fee

The following rules apply to development, including permitted development, that gives rise to increases in vehicular and pedestrian traffic, and constructing, upgrading or early renewal of traffic and pedestrian routes.

Rule - Circumstances when financial contributions may be taken

~~18.4.2.13~~ ~~18.5.2.21~~ ~~16~~ Council may require as part of a development (including permitted), subdivision or land use consent, the payment of a financial contribution where:

- (a) Routes and other infrastructure for vehicles and pedestrians off the site subject to consent requires construction or upgrading; and/or
- (b) Increases in heavy traffic are likely to lead to infrastructure renewal; and/or
- (c) Construction or upgrades are required earlier than expected; and/or
- (d) Where the effects of the development adversely affect public roads managed by other agencies, any financial contribution taken may be used by those agencies to upgrade those roads.

Rule - Determination of the maximum amount of financial contribution

~~18.4.2.14~~ ~~18.5.2.22~~ ~~17~~ The maximum amount of financial contribution for traffic and pedestrian routes that may be taken shall be determined on the basis of the following:

$$\$(G)/[(F) + (G)] \times (H)$$

where:

F = the volume of vehicular traffic (measured in equivalent standard axles for a 40 year design

period) currently using routes that will require construction, upgrading or earlier renewal as a consequence of the development.

G = the volume of heavy vehicular traffic (measured in equivalent standard axles for a 40 year design period) directly attributable to the development.

H = the cost of construction, upgrading or renewal of traffic and pedestrian routes as a consequence of the development.

Advice Notes:

1. The fee will be charged as a lump sum where the activity is expected to continue for less than three years. Where the development activity is expected to continue for longer than three years, the fee may by agreement be allocated on the basis of a unit rate related to the materials transported.
2. In respect of the Significant Mineral Extraction Zone only - Council, at its sole discretion, may accept any monetary value of financial contribution required, as a supply of aggregate for Council use up to the equivalent monetary value at the market rate at the time of calculation.

Rule – Timing of calculation and payment

~~18.4.2.15 18.5.2.23~~ A financial contribution under Rules ~~18.5.2.21 18.4.2.13 and 18.5.2.22 18.4.2.4~~ shall be calculated, either at the time of:

- ~~(a) — Subdivision, in which case a financial contribution calculated shall be paid prior to Council issuing any certificates under Section 224 of the Act; or~~
- ~~(b) — Resource consent, in which case a financial contribution calculated shall be paid as a condition of that consent and in the manner set out by any condition of that consent. ; or~~
- ~~(c) — Building consent, in which case a financial contribution calculated shall be paid prior to the issue of consent.~~

~~Activities that fail to comply with heavy vehicle impact financial contribution rules and/or performance standards will require a resource consent for a restricted discretionary activity. Discretion will be restricted to the following matters:~~

- ~~• The extent to which the proposal is consistent with the objectives and policies in Section 18 (financial contributions).~~
- ~~• The extent to which the proposal complies with the performance standards in Section 18 (financial contributions), and the reasons for non-compliance.~~
- ~~• The effects that the development will create in relation to the heavy vehicle impact financial contribution.~~
- ~~• The mitigation measures provided or the value of other contributions provided in relation to the heavy vehicle impact financial contribution~~

Financial contributions of land

Rule - Contribution of land

18.5.2.2418 The following rules apply when a contribution of land has been offered:

- (a) Where a developer offers land as a financial contribution, Council has the sole discretion to accept land as a substitute for a monetary financial contribution. The value of the land is to be determined by an independent property valuer agreed between the Council and the developer.
- (b) Where Council exercises its discretion to collect a financial contribution in the form of land, the vesting of this land in Council must be a condition of any land use or subdivision consent.
- (c) Vesting of land shall occur prior to Council issuing a Section 224(c) certification under the Resource Management Act 1991 and prior to Council issuing a Code Compliance Certificate or building consent under the Building Act 2004.
- (d) The land value of the area of land provided shall not be less than the amount of a monetary financial contribution calculated under the relevant Rules or performance standards (whichever applies).

Advice Notes:

- 1. Any land valuation will be undertaken by a qualified and experienced registered valuer.
- 2. The valuation methodology will be industry best practice at the time of the valuation.

Rule - Contribution of land and money

18.5.2.2519 In circumstances where Council exercises its discretion to collect a financial contribution in the form of a combination of land and money, the contribution must be assessed in terms of both the applicant applicable Rule and performance standards (whichever applies).

Timing of calculation and payment

Rule - Timing of calculation and payment

18.5.2.2520 All Financial Contributions shall be calculated at the earliest possible time from the options outlined below:

- (a) Subdivision, in which case a financial contribution calculated shall be paid prior to Council issuing any certificates under either Section 223 or 224 of the Act; or
- (b) Resource consent, in which case a financial contribution calculated shall be paid as a condition of that consent, and prior to the activity commencing; or
- (c) Building consent, in which case a financial contribution calculated shall be paid prior to the issue of consent.

Refund of financial contribution in certain circumstances

Rule - Refund of financial contribution and return of land where activity does not proceed

18.5.2.2621 Subject to 18.5.2.2722, where a financial contribution has been paid under rule 18.5.2.2520(c) the Council will refund or return to the applicant, or his or her personal representative, any financial contribution paid or land set aside where:

- (a) The activity does not proceed; and
- (b) The building consent lapses under section 52 of the Building Act 2004; and
- (c) The applicant requests a refund of the financial contribution.

18.5.2.2722 The Council may retain any portion of a financial contribution or land referred to in 18.5.2.2621 to the value equivalent to the costs incurred by the Council in relation to the activity and its discontinuance.

Consenting pathway

18.5.2.23 Activities that fail to comply with the financial contribution rules and/or performance standards will require a resource consent for a restricted discretionary activity. Any application for resource consent for the above activities will be considered without public or limited notification or the need to obtain the written approval from affected parties. Discretion will be restricted to the following matter:

- The mitigation measures provided or the value of other contributions provided in relation to the financial contribution.

Advice note:

Worked Example

A worked example follows. It demonstrates the steps in calculating the Te Ture Whaimana and Residential Amenity financial contributions using a hypothetical example with the following key assumptions:

- 10-unit intensification development.
- Both Te Ture Whaimana and Residential Amenity contributions apply.
- Two (existing) dwellings are credited.
- The developer is providing (volunteering) their own riparian planting.

Item		Te Ture Whaimana	Residential Amenity	
			Residential Amenity	Tree
FC rate	FC_{rate}	1,500	1,300	500
Total dwelling	b		10	10
Credits (for existing dwellings)	c	2	2	2
Relevant dwellings	$n = (b-c)$	8	8	8
Unadjusted FC	$e = FC_{rate} * n$	12,000	10,400	4,000
Discount factor ¹	F	60%	0%	n/a
Financial contribution	$FC_{charge} = e * (1-F)$	4,800	10,400	4,000

<u>charge to recover</u>		<u>(x)</u>	<u>(y)</u>	<u>(z)</u>
	<u>SUM</u> <u>(x + y + z)</u>	<u>19,200</u>		

1 Based on development attributes and developer's activities

Section 21 – Assessment Criteria and Information Requirements

Key

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

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

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

Text that is not underlined or struck through is original PC26 text as notified.

21.1 Assessment Criteria

21.1.1 Assessment criteria for ALL discretionary activities

Refer also to relevant zone or district wide assessment criteria

Assessment criteria for ALL discretionary activities		
21.1.1.1	Te Ture Whaimana - Waikato River <u>the Vision and Strategy for the Waikato River</u>	(a) The extent to which the development or subdivision has particular regard to <u>Te Ture Whaimana</u> the Waikato River Vision and Strategy . Advice Notes: 1.
21.1.1.3	Visual	(a) The extent to which the development <u>affects</u> effects the surrounding environment; particularly any identified character precinct areas, prominence of buildings and design elements in the proposal, and public places and roads. (b)

21.1.2 Residential Zone

Residential Zone Assessment Criteria	
	Controlled Activities

21.1.2.1	Construction, alteration and addition to buildings, including dwellings in Character Areas 1 and 4 of the Cambridge Park Residential Area	<p>The extent to which the proposal will meet the provisions of the Cambridge Park Residential Zone Design Guidelines in respect of design, external appearance, siting and car parking (excluding consideration of the number of parking spaces for cars). The extent to which solar access is optimised in the development.</p> <p>The ability to provide parking (excluding consideration of the number of parking spaces for cars) and manoeuvring space for vehicles to avoid traffic conflict and maintain public safety.</p> <p>The extent to which the location, size, type and content of the sign affects the locality, taking into account visual clutter and effects on the character of the area.</p> <p>The extent to which existing vegetation is retained and landscaping adds to the amenity of the development.</p> <p>Actual or potential effects on any other permitted activity in the zone as a result of glare.</p> <p>The extent to which the development provides for the visual and aural privacy of occupants and neighbours.</p> <p>The extent to which the activity takes into account the personal safety of people and principles of Crime Prevention Through Environment Design (CPTED).</p>
Restricted Discretionary Activities		
21.1.2.4	<p>Compact housing with seven or more dwellings per site located within the Compact Housing Overlay identified on the Planning Maps</p> <p>AND</p> <p>Retirement village accommodation and associated care facilities and rest homes within or outside the compact housing overlay identified on the Planning Maps</p> <p>AND</p> <p>Visitor Accommodation in the Visitor Accommodation Overlay in the C1 and C2/C3 Structure Plan Areas (as relevant)</p>	<p>(a)</p> <p>(o) The risk of natural hazards and extent to which the risk can be avoided or mitigated.</p> <p>(e) The extent to which compact housing development within the C1 and C2 / C3 structure plan areas:</p> <p>(i) Includes 'universal access' design principles within design, maximising accessibility for all users.</p> <p>(ii) Provides an internal movement network layout that is legible and enables good connectivity.</p> <p>(iii) Maximises safety for pedestrians, by:</p> <ul style="list-style-type: none"> — Providing dedicated pedestrian access to dwellings and areas of communal open space, demarcated through materials, colours and/or texture — Minimises the need for vehicular backing manoeuvres where site size and layout allows, by providing safe turning areas <p>(iv) Facilitates an internal movement network that provides for dedicated vehicle access to each dwelling, such as may include:</p> <ul style="list-style-type: none"> — Using rear lanes where vehicle access off a public street is difficult or compromises pedestrian and visual amenity — Providing shared vehicular access layout for larger developments. <p>(v) Uses surface treatments to clearly demarcate vehicular entrances.</p> <p>(vi) Takes into account safety and accessibility if visitor car parking is provided within the development.</p> <p>(vii) Provides clearly visible main pedestrian entries from the street or lane to each dwelling at ground floor level.</p> <p>(viii) Maximises the visual relationship between dwellings and adjacent streets, lanes and public open spaces,</p>

		<p>through provision of windows and balconies at upper levels.</p> <p>(ix) — Minimises the number of dwellings with internal and outdoor living areas oriented to the south.</p> <p>(x) — Dwellings are designed to provide private outdoor areas adjacent to living areas.</p> <p>(xi) — Orients windows to maximise daylight and outlook, without compromising dwelling privacy or the privacy of neighbouring dwellings.</p> <p>(xii) — Provides adequate storage space for each residential unit, including for larger items such as bicycles and outdoor equipment.</p> <p>(xiii) — For apartment style developments, provides communal open spaces with edges that are activated or overlooked by adjacent streets, lanes or dwellings.</p> <p>(xiv) — Integrates proposed communal open spaces with the development's wider pedestrian network.</p> <p>(xv) — Compatibility of the proposed development with the existing and likely future surrounding environment including the residential density (minimum and maximum) of the development.</p>
21.1.2.5	<p>Character clusters - Construction of new buildings, relocated buildings, and <u>demolition of or alterations or additions to existing buildings, except where parallel to the rear boundary of the site</u></p>	<p>(a) The extent to which the scale, height, bulk, design, building materials, and layout of any buildings or additions is similar to the existing character of the cluster.</p> <p>(b) <u>The extent to which the new building, additions or alterations to an existing building or demolition of a building contributes or detracts from the Character Cluster Statements in Appendix DG1.</u></p> <p>(bc) The extent to which solar access is optimised in the development.</p> <p>(ed) The ability to provide parking (excluding consideration of the number of parking spaces for cars) and manoeuvring space for vehicles to avoid traffic conflict and maintain public safety.</p> <p>(de) The extent to which the location, size, type and content of any signs affect the locality, taking into account visual clutter and effects on the character of the area.</p> <p>(ef) The extent to which existing vegetation is retained and landscaping adds to the amenity of the development.</p> <p>(fg) The extent to which the new building, and or addition or alteration is visible from public places.</p> <p>Additional assessment criteria for relocated buildings:</p> <p>(gh) The overall condition of the exterior of the building, and the extent to which proposed works will avoid, remedy or mitigate any effects.</p> <p>(hi) The extent to which the repairs and works identified for action in Council approved or certified Building Relocation Inspection Report will be carried out.</p> <p>(ij) The timing, nature and extent of reinstatement works that are required to the exterior of the building after it has been moved to the new site.</p> <p>(jk) The timeliness of the works taking into account the extent and nature of the proposed works.</p>

21.1.2.18	Local Centres within the C2/C3 Structure Plan area	<p>The extent to which the proposed Local Centres within the C2/C3 Structure Plan area, including access, parking (if provided), outdoor dining and any ancillary activities:</p> <ul style="list-style-type: none"> (a) Are compatible with the surrounding neighbourhood context. (b) Provide parking facilities that do not visually dominate the public realm or create obstructions in the pedestrian environment. (c) Maximise outlook onto adjacent streets and/or public open spaces. (d) Include universal access design principles. (e) Utilises landscaping to integrate the development into the surrounding open space context, and enhance the amenity of the site. (f) Avoids signs that are overly dominant (including back lit and neon signs) and are of a colour, size and location that integrate with the proposed building. (g) Will generate traffic or parking movements that can be adequately managed. (h) Can be adequately serviced.
21.1.2.19	Neighbourhood Centre within the T11 Growth Cell Structure Plan Area	<p>The extent to which the proposed Neighbourhood Centre within the T11 Growth Cell Structure Plan area, including access, parking, outdoor dining and any ancillary activities:</p> <ul style="list-style-type: none"> (a) Are compatible with the surrounding neighbourhood context. (b) Provide parking facilities that do not visually dominate the public realm or create obstructions in the pedestrian environment. (c) Maximise outlook onto adjacent streets and/or public open spaces. (d) Include universal access design principles. (e) Utilises landscaping to integrate the development into the surrounding open space context, and enhance the amenity of the site. (f) Avoids signs that are overly dominant (including back lit and neon signs) and are of a colour, size and location that integrate with the proposed building. (g) Will generate traffic or parking movements that can be adequately managed. (h) Can be adequately serviced.
<p>Discretionary Activities</p> <p><i>Refer also to 21.1.1 Assessment Criteria for ALL discretionary activities</i></p>		
21.1.2.20	Cambridge North Structure Plan Area: on site soakage	<ul style="list-style-type: none"> (a) Whether percolation tests undertaken for the subject site demonstrate that on site soakage methods would be impractical to implement. (b) The extent to which alternative methods of stormwater disposal have been investigated and are proposed to be implemented. (c) The suitability of the site for development given the inability to achieve on site stormwater disposal. (d) The overall effect on the integrity of the stormwater system and the cumulative effect of a limited capacity for on site stormwater disposal.

21.1.2.27	<p>In fill housing within the Cambridge Residential Character Area comprising two to six principal dwellings per site with a minimum net site area for each dwelling of 400m², provided that the site is not located within the compact housing development overlay or within a character cluster identified on the Planning Maps</p>	<p>(a) The degree to which the in fill housing development is of an appearance, character, bulk and location and design (including colour and materials), that complements the character and amenity of the neighbourhood it is proposed to be located in.</p> <p>(b) The extent to which the existing dwelling on the site maintains its existing relationship with the road. In this regard new dwellings should be located at the rear or side of the existing dwelling on the site.</p> <p>(c) The extent to which the in fill housing development achieves the following:</p> <ul style="list-style-type: none"> (i) A building design that addresses the road with sufficient glazing to provide opportunities for passive surveillance. Front units should face the road. Accessory buildings including attached garages should be clearly recessive from the road boundary and setback further from any dwelling(s) on the site; and (ii) A landscaped road boundary setback that is not dominated by vehicle access and manoeuvring space; and (iii) Provision of passive surveillance to the street; and (iv) Sufficient area on each site to meet the outdoor living needs of each dwelling and for parking and vehicle manoeuvring; and (v) Landscaping within the development including the retention of existing trees; and (vi) Mitigates any adverse effects on adjoining sites, in particular, whether the in fill housing development compromises access to sunlight or privacy. <p>(d) In circumstances where existing buildings on the site will be retained the following matters also apply:</p> <ul style="list-style-type: none"> (i) Whether any existing building(s) on the site will be altered to complement the design of the in fill housing development; and (ii) Whether the in fill housing development results in vehicle access and manoeuvring difficulties for existing dwellings; and (iii) Whether on site amenity and privacy is able to be provided for.
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21.1.2A Medium Density Residential Zone

Medium Density Residential Zone Assessment Criteria		
Controlled Activities		
<u>21.1.2A.1</u>	<u>One show home per site within a greenfield subdivision</u>	<p>(a) <u>The extent to which the vehicle generation of the activity effects affects the functioning of the road, and the road hierarchy.</u></p> <p>(b) <u>The ability to provide parking (excluding consideration of the number of parking spaces for cars) and manoeuvring space for vehicles and to avoid traffic conflict and maintain public safety.</u></p> <p>(c) <u>Any potential adverse effects due to the hours of operation and duration of the activity on the site.</u></p>
Restricted Discretionary Activities		
<u>21.1.2A.2</u>	<u>Relocated buildings</u>	<p>(a) The overall condition of the exterior of the building, and the extent to which proposed works will avoid, remedy or mitigate any effects.</p> <p>(b) The extent to which the repairs and works identified for action in Council approved or certified Building Relocation Inspection Report will be carried out.</p> <p>(c) The timing, nature and extent of reinstatement works that are required to the exterior of the building after it has been moved to the new site.</p> <p>(d) The timeliness of the works taking into account the extent and nature of the proposed works.</p>
<u>21.1.2A.32</u>	<u>Retirement village accommodation and associated care facilities and rest homes within or outside the compact housing overlay identified on the Planning Maps</u> <u>AND</u> <u>Visitor Accommodation in the Visitor Accommodation Overlay in the C1 and C2/C3 Structure Plan Areas (as relevant)</u>	<p>(a) <u>Building design including:</u></p> <p>(i) <u>The extent to which solar potential and good solar aspect is optimized optimised within the development; and</u></p> <p>(ii) <u>Colours; and</u></p> <p>(iii) <u>The materials to be used and how they are to be repeated within the development; and</u></p> <p>(iv) <u>Detail of roof pitches; and</u></p> <p>(v) <u>Details of doorways and the provision of shelter for visitors; and</u></p> <p>(vi) <u>Windows, revetment, balconies and recesses; and</u></p> <p>(vii) <u>Garaging to create visual continuity and cohesion and reflect a residential character; and</u></p> <p>(viii) <u>Whether designs avoid monolithic walls in favour of designs that incorporate smaller scale building elements to promote feelings of interest and diversity.</u></p> <p>(b) <u>Visually permeable fences and glazing of façades that provide for surveillance from the dwelling to the street and other public places such as walkways and reserves.</u></p> <p>(c) <u>Integration with neighbouring residential development that is responsive to local character in terms of its façade treatment, including building proportions, detailing, materials and landscape treatment.</u></p> <p>(d) <u>Outdoor living spaces for independent living units that are private and have good access to sunlight in midwinter and/or have access to a range of communal landscaped outdoor areas that are orientated such that they have good solar aspect.</u></p>

		<p>(e) <u>The location of outdoor storage areas and rubbish and recycling compounds such that the appearance from the street is not adversely affected and on-site amenity, such as the provision of outdoor living spaces is not compromised.</u></p> <p>(f) <u>The design of the road boundary setback:</u></p> <p>(i) <u>Street definition - the extent to which units as opposed to garages orient and face the street creating a strong interface between the public and private domains. Designs need to avoid street frontages that are dominated by garages and outdoor storage areas; and</u></p> <p>(ii) <u>Landscaping - the type and nature of the landscaping both within the front yard setback and throughout the development so that it contributes both to the neighbourhood and to on-site amenity; and</u></p> <p>(iii) <u>Access way design - the width and proportion of the frontage as well as the landscaping and the materials to be used.</u></p> <p>(g) <u>The provision of connections to public walkways/cycleways and the road network.</u></p> <p>(h) <u>Open space character including on-site landscaping, retention of mature trees, and provision of shared driveways.</u></p> <p>(i) <u>Adequate vehicle parking (excluding consideration of the number of parking spaces for cars) and the provision of safe vehicle entrances for pedestrians and vehicles, car parking and manoeuvring and vehicle access to rubbish and recycling compounds, access for emergency vehicles.</u></p> <p>(j) <u>The provision of lighting for amenity and crime prevention without being a nuisance to residents.</u></p> <p>(k) <u>The extent of effects on the surrounding road network including the function of intersections.</u></p> <p>(l) <u>Aural privacy including the noise levels anticipated from on-site and adjacent land uses and the provision of acoustic treatment.</u></p> <p>(m) <u>The adequacy of on-site stormwater disposal methods.</u></p> <p>(n) <u>The adequacy of the servicing proposed for the development.</u></p> <p>(o) <u>The extent to which the site is suitable for the development.</u></p> <p>(p) <u>The benefits provided to residents from communal facilities being provided on site.</u></p>
21.1.2A.43	<p><u>Character clusters - Construction of new buildings, relocated buildings, and removal or demolition of or alterations or additions to existing buildings and second or subsequent dwellings in the Character Cluster Qualifying Matter Overlay.</u></p>	<p>(aa) <u>The extent to which new buildings and relocated buildings are avoided between an existing dwelling and the front boundary of an identified character-defining site.</u></p> <p>(a) — The extent to which the scale, height, bulk form, design, building materials, and layout and position of any buildings or additions is similar to the existing character of the cluster.</p> <p>(b) — The extent to which the new building, additions or alterations to an existing building or removal or demolition of a building contributes or detracts from the Character Cluster Statements in Appendix DG1</p> <p>(a b) <u>For identified character-defining sites;</u></p>

		<p>(i) <u>The extent to which building bulk and design, building materials, and layout complements the style, form, building materials, layout and position of other character defining dwellings within the cluster; and</u></p> <p>(ii) <u>The extent to which buildings provide a complementary response to the existing character identified in the cluster as set out in Appendix DG1;</u></p> <p>(b c) <u>For identified non-character defining sites:</u></p> <p>(i) <u>The extent to which building design is sympathetic to the established character within the cluster in form, proportion, layout and materiality;</u></p> <p>(ii) <u>The extent to which building scale manages the relationship between adjacent character-defining sites and responds to the streetscape context;</u></p> <p>(iii) <u>The extent to which buildings are sympathetic to and acknowledge the character values identified in the cluster as set out in Appendix DG1;</u></p> <p>(e d) <u>The extent to which solar access is optimised in the development.</u></p> <p>(e e) <u>The ability to provide parking (excluding consideration of the number of parking spaces for cars) and manoeuvring space for vehicles to avoid traffic conflict and maintain public safety.</u></p> <p>(e f) <u>The extent to which the location, size, type and content of any signs affect the locality, taking into account visual clutter and effects on the character of the area.</u></p> <p>(f g) <u>The extent to which existing vegetation is retained and landscaping adds to the amenity of the development.</u></p> <p>(g-h) <u>The extent to which the new buildings, and or additions or alterations is are visible from public places.</u></p> <p>(h i) <u>The risk of natural hazards and the extent to which the risk can be avoided or mitigated.</u></p> <p><u>Additional assessment criteria for relocated buildings:</u></p> <p>(i) <u>The overall condition of the exterior of the building, and the extent to which proposed works will avoid, remedy or mitigate any effects.</u></p> <p>(j) <u>The extent to which the repairs and works identified for action in Council approved or certified Building Relocation Inspection Report will be carried out.</u></p> <p>(k) <u>The timing, nature and extent of reinstatement works that are required to the exterior of the building after it has been moved to the new site.</u></p> <p>(l) <u>The timeliness of the works taking into account the extent and nature of the proposed works.</u></p>
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<p><u>21.1.2A.5A4</u></p>	<p><u>Three dwellings per site within the Infrastructure Constraint Qualifying Matter Overlay.</u></p>	<p>(a) <u>The adequacy of the servicing proposed for the development including but not limited to:</u></p> <ul style="list-style-type: none"> (i) <u>Effects of the development on the operation and the capacity of three waters infrastructure.</u> (ii) <u>Hydraulic modelling for the purpose of assessing effects, determining mitigations and associated costs related to the upgrade of existing or planned strategic three waters infrastructure, if required by Council.</u> (iii) <u>Effects of proposed water sensitive techniques to minimise water use and their effect on volume, discharge, and rate of use.</u> (iv) <u>Effects of on-site controls proposed to minimise impacts on three waters infrastructure.</u> (v) <u>Effects of the proposed development’s water consumption and water and wastewater discharges including proposed locations of connection or discharge.</u>
<p><u>21.1.2A.5B</u></p>	<p><u>Three dwellings per site within the Regionally Significant Industry Qualifying Matter Overlay.</u></p>	<p>(a) <u>The extent to which the residential development includes measures to avoid or minimise the potential for reverse sensitivity effects on the Te Awamutu Dairy Manufacturing site.</u></p>

<p><u>21.1.2A.5C6</u></p>	<p><u>More than three dwellings per site.</u></p>	<ul style="list-style-type: none"> (a) <u>Amenity values, including design features that promote privacy and neighbourhood coherence – such as yards, height, fencing and screening, separation and orientation of dwellings to obstruct sight lines between living areas.</u> (b) <u>The extent to which, where applicable, adequate vehicle parking and the provision of safe vehicle entrances for both pedestrians and vehicles, car parking and manoeuvring and vehicle access to rubbish and recycling compounds, and access for emergency vehicles has been provided.</u> (c) <u>The extent of adverse effects on the surrounding road network, including on the function of intersections.</u> (d) <u>The adequacy of the servicing proposed for the development including but not limited to:</u> <ul style="list-style-type: none"> (i) <u>Effects of the development on the operation and the capacity of three waters infrastructure.</u> (ii) <u>Hydraulic modelling for the purpose of assessing effects, determining mitigations and associated costs related to the upgrade of existing or planned strategic three waters infrastructure, if required by Council.</u> (iii) <u>Effects of proposed water sensitive techniques to minimise water use and their effect on volume, discharge, and rate of use.</u> (iv) <u>Effects of on-site controls proposed to minimise impacts on three waters infrastructure.</u> (v) <u>Effects of the proposed development’s water consumption and water and wastewater discharges including proposed locations of connection or discharge.</u> (e) <u>The adequacy of the site to accommodate the proposed density of development.</u> (f) <u>The provision of lighting for amenity and crime prevention, without being a nuisance to residents.</u> (g) <u>The provision of connections to public walkways/cycleways and the road network.</u> (h) <u>Open space character including on-site landscaping, retention of mature trees, provision of shared driveways.</u> (i) <u>Outdoor living spaces for independent living units that are private and have good access to sunlight in midwinter.</u>
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		<ul style="list-style-type: none"> • <u>Minimises the need for vehicular backing manoeuvres where site size and layout allows, by providing safe turning areas.</u> <p>(iv) <u>Facilitates an internal movement network that provides for dedicated vehicle access to each dwelling, such as may include:</u></p> <ul style="list-style-type: none"> • <u>Using rear lanes where vehicle access off a public street is difficult or compromises pedestrian and visual amenity.</u> • <u>Providing shared vehicular access layout for larger developments.</u> <p>(v) <u>Uses surface treatments to clearly demarcate vehicular entrances.</u></p> <p>(vi) <u>Takes into account safety and accessibility if visitor car parking is provided within the development.</u></p> <p>(vii) <u>Provides clearly visible main pedestrian entries from the street or lane to each dwelling at ground floor level.</u></p> <p>(viii) <u>Maximises the visual relationship between dwellings and adjacent streets, lanes and public open spaces, through provision of windows and balconies at upper levels.</u></p> <p>(ix) <u>Minimises the number of dwellings with internal and outdoor living areas oriented to the south.</u></p> <p>(x) <u>Dwellings are designed to provide private outdoor areas adjacent to living areas.</u></p> <p>(xi) <u>Orientates windows to maximise daylight and outlook, without compromising dwelling privacy or the privacy of neighbouring dwellings.</u></p> <p>(xii) <u>Provides adequate storage space for each residential unit, including for larger items such as bicycles and outdoor equipment.</u></p> <p>(xiii) <u>For apartment style developments, provides communal open spaces with edges that are activated or overlooked by adjacent streets, lanes or dwellings.</u></p> <p>(xiv) <u>Integrates proposed communal open spaces with the development's wider pedestrian network.</u></p> <p>(xv) <u>Compatibility of the proposed development with the existing and likely future surrounding environment including the residential density (minimum and maximum) of the development.</u></p> <p>(q) <u>The extent to which development is compatible and does not detract from the values of adjacent historic heritage or character cluster sites.</u></p> <p>(r) <u>The extent to which the residential development includes measures to avoid or minimise the potential for reverse sensitivity effects on lawfully existing non-residential activities.</u></p>
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21.1.2A.67	Building height	<p>(a) <u>The degree to which there may be shading on adjoining or adjacent sites.</u></p> <p>(b) <u>Whether the ground level of the adjoining site is elevated from the application site and an exception will not adversely affect the amenity or use of that adjoining site.</u></p> <p>(c) <u>Whether consistency has been achieved with respect of the appearance and design of the development with the character and values of the area, including existing buildings on the site adjoining sites.</u></p> <p>(d) <u>The degree to which shading, loss of daylight, amenity value and privacy affect the adjoining properties, including any historic heritage or parts of a character clusters on adjoining properties.</u></p> <p>(e) <u>The degree to which the adverse effects of increased height are able to be mitigated, such as through increased separation distances between the building and adjoining sites, innovative building design, site topography, or the provision of screening.</u></p>
21.1.2A.78	Height in relation to boundary	<p>(a) <u>The degree to which there is a loss of privacy, sunlight, amenity or outlook on adjacent or adjoining sites, including any historic heritage or character clusters on adjoining sites.</u></p> <p>(b) <u>Whether the position of the building will adversely affect existing trees on the site.</u></p> <p>(c) <u>The extent to which existing vegetation is retained and any proposed landscaping adds to the amenity of the development.</u></p>
21.1.2A.89	Setbacks	<p>(a) <u>The extent to which the road boundary setback is appropriate in the location, particularly where located adjoining on a Character Street or within a Character Cluster.</u></p> <p>(b) <u>The extent to which the road boundary setback affects the safe and efficient operation of the road network.</u></p> <p>(c) <u>The extent to which the development provides for the visual and aural privacy of occupants and neighbours.</u></p> <p>(d) <u>The degree to which there is a loss of privacy, daylight, sunlight or outlook in adjacent sites.</u></p> <p>(e) <u>Whether the building affects existing trees on the site.</u></p> <p>(f) <u>The extent to which existing vegetation is retained and landscaping adds to the amenity of the development.</u></p> <p>(g) Whether <u>The extent to which the development will affect the perception of spaciousness on and between sites when viewed from the street.</u></p> <p>(h) Whether <u>The extent to which the proposed activity will have reverse sensitivity effects on adjacent activities or zones.</u></p> <p>(i) <u>The extent to which the building precludes the ability to access the front, side and the rear of the site or dwelling, with particular regard given to emergency service access.</u></p> <p>(j) Whether <u>The extent to which the development will impact on the amenity or function of any adjacent reserve or the Te Awa cycleway.</u></p> <p>(k) <u>The extent to which development is compatible and does not detract from, but is sympathetic and responsive to, the values of adjacent historic heritage or character clusters sites.</u></p> <p>(l) <u>Whether the development will adversely affect street trees adjoining the site.</u></p>

		<p>(m) <u>The ability for the development to avoid adverse effects on the significant natural area's values and native fauna that utilise the significant natural area as habitat, food source or as an ecological corridor through building and lighting location and design, landscaping, retention of mature vegetation and other such mitigation measures (excluding off-site mitigation).</u></p>
21.1.2A.9A10	<p><u>Building Site coverage in the MDRZ-Medium Density Residential Zone</u></p>	<p>(a) <u>The extent to which the site will remain characterised by generous areas of open space and garden plantings, rather than buildings.</u></p> <p>(b) <u>The ability to provide adequate opportunity for garden and mature tree plantings around buildings.</u></p> <p>(c) <u>The extent to which any proposed buildings will be compatible with the scale of other buildings in the surrounding area and will not result in visual domination that is out of character with the planned built form outcomes of the surrounding environment.</u></p> <p>(d) <u>Where provided, on site vehicle parking and manoeuvring.</u></p> <p>(e) <u>The extent to which increased site coverage would adversely affect adjoining properties, including historic heritage and character cluster sites, in terms of dominance of buildings, loss of privacy, access to sunlight and daylight.</u></p> <p>(f) <u>The extent to which any increase in the level of site coverage will effect affect or has the potential to result in stormwater run-off to adjoining properties.</u></p> <p>(g) <u>The ability to provide adequate outdoor space on the site for all outdoor activities associated with residential and other activities permitted on the site.</u></p> <p>(h) <u>Building location, bulk and design; that addresses impacts of infill development and runoff from building footprint and impervious services on flood risk (level and velocity) within the site and outside the site.</u></p> <p>(i) <u>Avoidance or minimising stormwater quality effects of buildings by use of one or more of the following:</u></p> <ul style="list-style-type: none"> ▪ <u>Source control by use of roof and cladding materials that exclude zinc or copper; or</u> ▪ <u>On site treatment to improve stormwater quality before surface discharge off site, with assessment of the requirements for and the design of stormwater treatment to be in accordance with applicable Comprehensive Stormwater Discharge Consent and the Waikato Stormwater Management Guideline 2020; or</u> ▪ <u>On site disposal by soakage, with assessment of the viability and design of soakage to be in accordance with the Waikato Stormwater Management Guideline 2020.</u> <p>(j) <u>Stormwater disposal to treat water quality.</u></p> <p>(k) <u>The building design addresses the impacts of water quality as a result of building coverage through the application of on lot treatment devices.</u></p> <p>(l) <u>The building design addresses the impacts of downstream erosion as a result of building coverage through the application of on lot detention devices.</u></p>

Medium Density Residential Zone Assessment Criteria	
21.1.2A.9B11	<p><u>Building Site Coverage in the Stormwater Qualifying Matter Overlay</u></p>
21.1.2A.9C12	<p><u>Building Site Coverage in the River/Gully Proximity Qualifying Matter Overlay</u></p>

- (a) The extent to which any increase in the level of site coverage will effect affect or has the potential to result in stormwater run-off to adjoining properties.
- (b) Building location, bulk and design; addresses impacts of infill development and runoff from building footprint and impervious services on flood risk (level and velocity) within the site and outside the site.
- (c) Avoidance or minimising stormwater quality effects of buildings by use of one or more of the following:
 - Source control by use of roof and cladding materials that exclude zinc or copper; or
 - On site treatment to improve stormwater quality before surface discharge off site, with assessment of the requirements for and the design of stormwater treatment to be in accordance with applicable Comprehensive Stormwater Discharge Consent and the Waikato Stormwater Management Guideline 2020; or
 - On site disposal by soakage, with assessment of the viability and design of soakage to be in accordance with the Waikato Stormwater Management Guideline 2020.
- ~~(d) Stormwater disposal to treat water quality.~~
- ~~(e) The building design addresses the impacts of water quality as a result of building site coverage through the application of on lot treatment devices.~~
- ~~(f d) The extent to which avoidance, mitigation or minimisation of adverse stormwater effects addressed in criteria (b) and (c) above give effect to Te Ture Whaimana the Vision and Strategy for the Waikato River as per Appendix O1.1.3 (a) and (b).~~
- ~~(e) The building design addresses the impacts of downstream erosion as a result of building coverage through the application of on lot detention devices.~~

- (a) The extent to which the site will remain characterised by generous areas of open space and garden plantings, rather than buildings.
- (b) The ability to provide adequate opportunity for garden and mature tree plantings around buildings.
- (c) The extent to which any proposed buildings will be compatible with the scale of other buildings in the surrounding area and will not result in visual domination that is out of character with the planned built form outcomes of the surrounding environment.
- (d) Where provided, on site vehicle parking and manoeuvring.
- (e) The extent to which increased site coverage would adversely affect adjoining properties, including historic heritage and character cluster sites, in terms of dominance of buildings, loss of privacy, access to sunlight and daylight.
- (f) The extent to which any increase in the level of site coverage will effect affect or has the potential to result in stormwater run-off to adjoining properties.

		<p>(g) <u>The ability to provide adequate outdoor space on the site for all outdoor activities associated with residential and other activities permitted on the site.</u></p> <p>(h) <u>Building location, bulk and design; addresses impacts of infill development and runoff from building footprint and impervious services on flood risk (level and velocity) within the site and outside the site.</u></p> <p>(i) <u>Stormwater disposal to treat water quality.</u></p> <p>(j) <u>The building design addresses the impacts of water quality as a result of building site coverage through the application of on lot treatment devices.</u></p> <p>(k) <u>The building design addresses the impacts of downstream erosion as a result of building site coverage through the application of on lot detention devices.</u></p>
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Medium Density Residential Zone Assessment Criteria		
<u>21.1.2A.1013</u>	<u>Impermeable surfaces</u>	<p>(a) <u>The degree to which on-site stormwater disposal can be achieved in a range of stormwater events.</u></p> <p>(b) <u>The extent to which any increase in the level of impermeable surfaces will affect or has the potential to result in stormwater run-off to adjoining properties.</u></p> <p>(c) <u>Alternative methods of retaining stormwater on site.</u></p>
<u>21.1.2A.1114</u>	<u>Outdoor living area</u>	<p>(a) <u>The extent to which the development incorporates outdoor living spaces that are private and have good access to sunlight in midwinter and/or provides access to communal landscaped outdoor areas that are orientated such that they have good solar aspect.</u></p> <p>(b) <u>The internal layout of the dwelling and its relationship to the outdoor living area.</u></p> <p>(c) <u>The size and dimension of the outdoor living area.</u></p>
<u>21.1.2A.1215</u>	<u>Outlook space</u>	<p>(a) <u>The design incorporates windows orientated to maximise daylight and outlook, without compromising dwelling privacy or the privacy of neighbouring dwellings.</u></p> <p>(b) <u>The extent to which the design maximises outlook onto adjacent streets and/or public open spaces.</u></p>
<u>21.1.2A.1316</u>	<u>Windows to street</u>	<p>(a) <u>The visual effect of the development on the streetscape.</u></p> <p>(b) <u>The extent to which the development takes into account the personal safety of people and principles of Crime Prevention Through Environment Design (CPTED).</u></p> <p>(c) <u>Whether the garage is practically located on the site of an existing dwelling.</u></p>
<u>21.1.2A.1417</u>	<u>Roof Pitch</u>	<p>(a) <u>The extent to which the proposed roof pitch contributes to neighbourhood amenity.</u></p>

21.1.2A.1518	Landscaped area	<p>(a) <u>The extent to which the site will be characterised by generous areas of open space and garden plantings, rather than buildings.</u></p> <p>(b) a) <u>The extent to which existing mature vegetation, that has biodiversity, heritage and/or character values, is retained and protected and landscaping adds to the amenity of the development.</u></p> <p>(c) <u>The extent to which the type and nature of the landscaping throughout the development contributes both to the neighbourhood and to on-site amenity</u></p> <p>(d) b) <u>The extent to which new development provides for alternative landscaping options above ground level such as green roofs and green walls.</u></p> <p>(e) c) <u>The extent to which the development contributes to the biodiversity and to esplanade and residential amenity values, including through off-site mitigation over and above any required financial contributions.</u></p>
21.1.2A.1619	Neighbourhood amenity and safety	<p>(a) <u>Whether the development promotes passive surveillance of public open spaces and reserves.</u></p> <p>(b) <u>The degree to which the development promotes public safety.</u></p> <p>(c) <u>Whether the design and height of the fence or type and height of landscape planting will undermine the principle of passive surveillance of the street.</u></p> <p>(d) <u>The degree to which the roof form is of a design that complements the character and amenity of the neighbourhood it is proposed to be located.</u></p>
21.1.2A.1720	Vibration	<p>(a) <u>The time and frequency that the activity occurs, the duration of vibration continuance, any adverse effects on buildings and structures either on-site or on surrounding properties and any special characteristics of the vibration and subsequent effects on health and safety and on the amenity values of the surrounding environment.</u></p> <p>(b) <u>The effects on buildings and structures, either on site or on surrounding buildings, structures and sites.</u></p>
21.1.2A.1821	Construction noise	<p>(a) <u>The time and frequency that the activity occurs, the duration of noise continuance, any adverse effects on buildings either on-site or on surrounding properties and any special characteristics of the noise and subsequent effects on health and safety and on the amenity values of surrounding properties.</u></p>
21.1.2A.1922	Noise: temporary military training activities	<p>(a) <u>The extent to which noise adversely affects the amenity of the surrounding environment including cumulative effects.</u></p>
21.1.2A.2023	Heavy motor vehicles	<p>(a) <u>The extent to which any associated noise adversely affects the amenity of the surrounding environment including cumulative effects.</u></p> <p>(b) <u>The extent to which the parking of heavy motor vehicles on a site adversely affects the amenity of the surrounding environment including cumulative effects.</u></p> <p>(c) <u>The adequacy of vehicle access.</u></p> <p>(d) <u>Any adverse effects on the road network.</u></p>

21.1.2A.2124	<u>Local Centres within the C2/C3 Structure Plan area</u>	<p>The extent to which the proposed Local Centres within the C2/C3 Structure Plan area, including access, parking (if provided), outdoor dining and any ancillary activities:</p> <ul style="list-style-type: none"> (a) <u>Are compatible with the surrounding neighbourhood context.</u> (b) <u>Provide Where provided, parking facilities that do not visually dominate the public realm or create obstructions in the pedestrian environment.</u> (c) <u>Maximise outlook onto adjacent streets and/or public open spaces.</u> (d) <u>Include universal access design principles.</u> (e) <u>Utilises landscaping to integrate the development into the surrounding open space context, and enhance the amenity of the site.</u> (f) <u>Avoids signs that are overly dominant (including back lit and neon signs) and are of a colour, size and location that integrate with the proposed building.</u> (g) <u>Will generate traffic or parking movements that can be adequately managed.</u> (h) <u>Can be adequately serviced.</u>
21.1.2A.2225	<u>Neighbourhood Centre within the T11 Growth Cell Structure Plan Area</u>	<p>The extent to which the proposed Neighbourhood Centre within the T11 Growth Cell Structure Plan area, including access, parking, outdoor dining and any ancillary activities:</p> <ul style="list-style-type: none"> (a) <u>Are compatible with the surrounding neighbourhood context.</u> (b) <u>Provide parking facilities that do not visually dominate the public realm or create obstructions in the pedestrian environment.</u> (c) <u>Maximise outlook onto adjacent streets and/or public open spaces.</u> (d) <u>Include universal access design principles.</u> (e) <u>Utilises landscaping to integrate the development into the surrounding open space context, and enhance the amenity of the site.</u> (f) <u>Avoids signs that are overly dominant (including back lit and neon signs) and are of a colour, size and location that integrate with the proposed building.</u> (g) <u>Will generate traffic or parking movements that can be adequately managed.</u> (h) <u>Can be adequately serviced.</u>
<p>Discretionary Activities <i>Refer also to 21.1.1 Assessment Criteria for ALL discretionary activities</i></p>		
21.1.2A.2326	<u>Cambridge North Structure Plan Area: on site soakage</u>	<ul style="list-style-type: none"> (a) <u>Whether percolation tests undertaken for the subject site demonstrate that on-site soakage methods would be impractical to implement.</u> (b) <u>The extent to which alternative methods of stormwater disposal have been investigated and are proposed to be implemented.</u> (c) <u>The suitability of the site for development given the inability to achieve on-site stormwater disposal.</u> (d) <u>The overall effect on the integrity of the stormwater system and the cumulative effect of a limited capacity for on-site stormwater disposal.</u>

<u>21.1.2A.2427</u>	<u>Noise insulation: noise sensitive activities</u>	<p>(a) <u>The extent to which the design of the buildings and or layout of the site mitigates the effects of noise through any alternative methods.</u></p> <p>(b) <u>Where it is proposed to construct dwellings in the Road Noise Effect Area, regard shall be given to the following matters:</u></p> <p>(i) <u>The extent to which the development will mitigate the noise effects in an alternative manner to those proposed within the rule; and</u></p> <p>(ii) <u>The height and nature of the State Highway bypass in relation to the site.</u></p>
<u>21.1.2A.2528</u>	<u>Noise sensitive activities located close to hydro electric power generation infrastructure and activities</u>	<p>(a) <u>The extent to which the design of the buildings and/or layout of the site mitigates the effects of noise through any alternative methods.</u></p>
<u>21.1.2A.2629</u>	<u>Home occupations</u>	<p>(a) <u>The extent to which residential activity remains the predominant activity on the site.</u></p> <p>(b) <u>Any visual effects that detract from the residential character of the street and adjacent or adjoining properties including the removal of existing vegetation, the location of any parking areas, and the size, position and content of signs.</u></p> <p>(c) <u>Any potential adverse effects on the function and vibrancy of Commercial or Industrial Zones.</u></p> <p>(d) <u>Any potential for adverse nuisance effects on adjoining or adjacent properties including, noise, dust and odour.</u></p> <p>(e) <u>The operating hours for the home occupation to receive clients, visitors and deliveries.</u></p> <p>(f) <u>Any adverse effects resulting from increased traffic generation from the home occupation on the adjoining road network; including the position of the vehicle entrance its relationship to intersections, sight lines, sight distances and the function of the road network.</u></p>
<u>21.1.2A.2730</u>	<u>Temporary construction buildings and shipping containers</u>	<p>(a) <u>Where temporary construction buildings are proposed to be retained on site longer than a 12 months calendar period, consideration shall be given to any effect on amenity values, residential character and appearance of the site and on adjoining properties in the vicinity.</u></p> <p>(b) <u>The visibility of temporary buildings and or shipping containers from the street and adjoining or adjacent sites.</u></p>
<u>21.1.2A.2831</u>	<u>Activities within heritage items listed in Appendix N1</u>	<p>(a) <u>The extent to which the heritage character is values are maintained and enhanced.</u></p> <p>(b) <u>The extent to which the activity will enable the increased appreciation and enjoyment of the heritage item.</u></p>

21.1.2A.2932	Papakāinga, marae, churches and community centres	<p>(a) <u>The positive benefits the development has on cultural well-being, including the ability of tāngata whenua to reconnect with traditional sites and areas.</u></p> <p>(b) <u>The avoidance of development fronting onto, and having vehicular access directly from, a strategic road as shown on the Planning Maps.</u></p> <p>(c) <u>The standard of the road network and its ability to service the proposed development.</u></p> <p>(d) <u>The layout of dwellings and proposed landscaping as they relate to existing features of the site, particularly mature trees and landforms or any other identified environmental features of the locality.</u></p> <p>(e) <u>The design and appearance of buildings in order that they are not a detraction from the character and amenity of the area.</u></p> <p>(f) <u>The avoidance of land use conflicts within the development by means of the orientation of buildings, the use of fences and planting schemes.</u></p> <p>(g) <u>The methods and effectiveness of wastewater, stormwater, and rubbish disposal and the provision of a reliable potable water supply.</u></p> <p>(h) <u>The extent of the potential effects on the amenity of adjacent properties and the effectiveness of any mitigation measures proposed.</u></p> <p>(i) <u>The overall effect on the strategic settlement pattern for the District.</u></p>
21.1.2A.3033	Dwellings adjoining marae	<p>(a) <u>The extent to which the location, orientation and design of the dwelling provides for the visual, aural and cultural privacy of the adjoining marae.</u></p>
21.1.2A.3134	Non-residential activities including hospitals, education facilities, childcare facilities and pre-schools	<p>(a) <u>Whether the development has a functional need to locate in the Residential Zone, and whether the development meets an identified need within the local community.</u></p> <p>(b) <u>The social or community benefit of the proposed activity to the local community.</u></p> <p>(c) <u>Whether alternative locations (including possible locations in urban areas) have been considered.</u></p> <p>(d) <u>Whether the scale of the development is in keeping with the character of the area.</u></p> <p>(e) <u>Whether the site contains an adequate area of land which will enable the effects of the activity to be contained on the site.</u></p>

Medium Density Residential Zone Assessment Criteria		
		<p>(f) <u>The avoidance of development fronting onto, and having vehicular access directly from, a strategic road as shown on the Planning Maps.</u></p> <p>(g) <u>The standard of the road network and its ability to service the proposed development.</u></p> <p>(h) <u>The hours and methods of operation of the activity and the effect it may have on the amenity enjoyed by the existing and future residents of the locality.</u></p> <p>(i) <u>Whether the site design, layout and appearance avoids adverse effects on landscape and amenity values of the surrounding area and how they relate to existing features of the site, particularly mature trees and landforms or any other identified environmental features of the locality.</u></p> <p>(j) <u>The avoidance of land use conflicts within the development by means of the orientation of buildings, the use of fences and planting schemes.</u></p> <p>(k) <u>The methods and effectiveness of wastewater, stormwater, and rubbish disposal and the provision of a reliable potable water supply.</u></p> <p>(l) <u>The extent of the potential effects on the amenity of adjacent properties and the effectiveness of any mitigation measures proposed.</u></p>
21.1.2A.3235	Residential Based Visitor Accommodation	<p>(a) <u>Whether the site contains an adequate area of land which will enable the effects of the activity to be contained on the site.</u></p> <p>(b) <u>Any potential for adverse effects on adjoining or adjacent properties and the effectiveness of any mitigation measures proposed.</u></p> <p>(c) <u>Any adverse effects resulting from increased traffic generation.</u></p> <p>(d) <u>Whether the activity is in keeping with the character of the surrounding area.</u></p>

21.1.15 Infrastructure, Hazards, Development and Subdivision

Infrastructure, Hazards, Development and Subdivision Assessment Criteria		
	Controlled Activities	
21.1.15.43A	Subdivision creating residential sites in the Medium Density Residential Zone around either existing (implemented or approved) dwellings or proposed dwellings where the subdivision application is accompanied by a land use application that will be considered concurrently	<p>(a) <u>The subdivision contains an existing dwelling, or land use consent has been applied or approved for a dwelling on the proposed site;</u></p> <p>(b) <u>No vacant sites are proposed to be created;</u></p> <p>(c) <u>The extent to which the proposal will result in new or increased infringements to the applicable Medium Density Residential Zone rules and performance standards;</u></p> <p>(d) <u>The extent to which the proposal provides suitable access and servicing of the proposed sites;</u></p> <p>(e) <u>The risk of natural hazards on the site and whether this can be avoided or mitigated.</u></p>

Infrastructure, Hazards, Development and Subdivision Assessment Criteria		
Restricted Discretionary Activities		
21.1.15.45	<p>Subdivision which complies with the performance standards of Part A</p> <p>OR</p> <p>Part A and Part C for 7 or more lots</p>	<p>(a) The extent to which the site is suitable for the proposed subdivision, <u>including the risk for natural hazards on the site and the extent to which this can be avoided or mitigated.</u></p> <p>(b)</p> <p>(l) The extent to which the subdivision may <u>affect effect</u> the surroundings, <u>or values</u> of a listed heritage item.</p> <p>(v) For Comprehensive Residential Subdivision within the C1 and C2/C3 Structure Plan areas, the extent to which the proposed subdivision and future staging achieves the following outcomes:</p> <p>(i) A logical distribution of densities taking into account access to surrounding land use, including existing and future residential densities and amenities such as open space, schools and neighbourhood and local centres.</p> <p>(ii) Appropriate graduation between densities, including regularity in densities along streets (i.e. to achieve consistency in character outcomes).</p> <p>(iii) Assurance that the proposed densities will be achieved, through appropriate conditions of consent and any appropriate other methods.</p>

21.1.15.64A	Subdivision in the Medium Density Residential Zone	<p>(a) <u>The extent to which the site is suitable for the proposed subdivision, including the risk of natural hazards and the extent to which this risk can be avoided or mitigated.</u></p> <p>(b) <u>The extent to which the proposal provides appropriate infrastructure and servicing.</u></p> <p>(c) <u>The extent to which the proposal achieves suitable access and manoeuvring for all lots.</u></p> <p>(d) <u>The extent to which low impact design methodology has been utilised throughout the subdivision.</u></p> <p>(e) <u>The extent to which the proposal has taken sufficient account of proximity to the dairy manufacturing sites and reverse sensitivity effects.</u></p> <p>(f) <u>The extent to which the proposal has taken sufficient account of proximity to rural industry, mineral extraction activities and intensive farming.</u></p> <p>(g) <u>The extent to which the proposal has taken sufficient account of proximity to effluent tanks, ponds and storage facilities.</u></p> <p>(h) <u>In the Rural Zone, the extent to which the proposal is designed to integrate with the on-going productive use of the land.</u></p> <p>(ih) <u>The extent to which the site is provided with suitable connectivity via pedestrian and cycleway linkages to the nearest reserves, employment areas, shopping centres, schools and community facilities. Provided that the Rural Zone is exempt from this criteria.</u></p> <p>(ii) <u>In the landscape overlays, the extent to which the building platform provides for a building that complies with the building location requirements of Section 25 - Landscapes and Viewshafts and Assessment Criteria 21.1.25.</u></p> <p>(kj) <u>In the landscape overlays, the extent to which the development complies with the building location requirements of Section 25 - Landscapes and Viewshafts and Assessment Criteria 21.1.25.6.</u></p> <p>(lk) <u>The extent to which the subdivision may affect the surroundings, or values of a listed heritage item.</u></p> <p>(ml) <u>The extent to which the subdivision design avoids, remedies or mitigates conflicts with existing lines, for example through the location and design of roads, reserves, landscaping and building platforms.</u></p> <p>(nm) <u>The ability for maintenance and inspection of transmission lines, including ensuring physical access.</u></p>
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		<p><u>(en)</u> The extent to which the design and development will minimise the risk or injury and/or property damage from such lines.</p> <p><u>(eo)</u> The ability to provide a complying building (platform).</p> <p><u>(ep)</u> Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001).</p> <p><u>(eq)</u> Relevant technical advice provided by the affected utility operator.</p> <p><u>(er)</u> The extent to which the development will affect the archaeological resource of the District.</p> <p><u>(es)</u> The extent to which the proposed development and/or subdivision is consistent with the development patterns, infrastructure requirements, design standards and other requirements of an approved structure plan or development plan.</p> <p><u>(et)</u> In the Character Cluster Areas and Character Cluster Qualifying Matter Overlay Precinct Areas, the extent to which the Design Guidelines (Appendix DG1 – DG6) have been applied.</p> <p><u>(ev)</u> For Comprehensive Residential Subdivision within the C1 and C2/C3 Structure Plan areas, the extent to which the proposed subdivision and future staging achieves the following outcomes:</p> <p>(i) A logical distribution of densities taking into account access to surrounding land use, including existing and future residential densities and amenities such as open space, schools and neighbourhood and local centres.</p> <p>(ii) Appropriate graduation between densities, including regularity in densities along streets (i.e. to achieve consistency in character outcomes).</p> <p>(iii) Assurance that the proposed densities will be achieved, through appropriate conditions of consent and any appropriate other methods.</p>
21.1.15.5-7	Subdivision of existing dwellings in the Residential Zone constructed prior to 31 May 2012	<p>(a) The extent to which the existing dwelling will be serviced with its own infrastructure connections, rather than sharing connections.</p> <p>(b) The extent to which the existing dwelling will be serviced with appropriate parking (excluding consideration of the number of parking spaces for cars) and manoeuvring on site.</p> <p>(c) The extent to which the subdivision design avoids, remedies or mitigates conflicts with existing lines, for example through the location and design of roads, reserves, landscaping and building platforms.</p> <p>(d) The ability for maintenance and inspection of transmission lines, including ensuring physical access.</p> <p>(e) The extent to which the design and development will minimise the risk or injury and/or property damage from</p>

		such lines.
		(f) The ability to provide a complying building (platform).
		(g) Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001).
		(h) Relevant technical advice provided by the affected utility operator.

21.1.18 **Financial Contributions**

There are no specific Financial Contributions assessment criteria. Please refer to section 18 - Financial Contributions.

Section 22 – Heritage and Archaeology

Key

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

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

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

Text that is not underlined or struck through is original PC26 text as notified.

22.4.1.1	Activity	Category				
		Category A Nationally Significant	Category B Regionally Significant	Category C Local Significance	Archaeological Site	Cultural
(l)	Construction of new buildings, and relocated buildings within the <u>site or defined</u> surroundings of a listed heritage items and fencing in the Karāpiro Hydroelectric Village Heritage Item. Provided that this rule does not apply to Category C items where the new building is parallel to the rear boundary of the site.	D	D Provided that for the Karāpiro Hydroelectric Village Heritage Items the status is RD.	RD	NA	NA (Note: Consultation with Heritage New Zealand is recommended as an authority may be required).

Appendix DG 1 Character Cluster Statements

Key

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

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Text that is not underlined or struck through is original PC26 text as notified.

DG1.1 Introduction

DG1.1.1 The statements included below explain the historical values and visual and physical characteristics specific elements of character that are to be maintained in each character cluster. These character clusters are essential to maintain local identities and a distinctive “sense of place” that contribute to the amenity values located in the Waipā District. This information is to be read in conjunction with the objectives, policies and rules in Section 2 – Residential Zone, Section 2A – Medium Density Residential Zone and the associated assessment criteria in Section 21 – Assessment Criteria and Information Requirements.

Hall Street / Hamilton Road Character Cluster

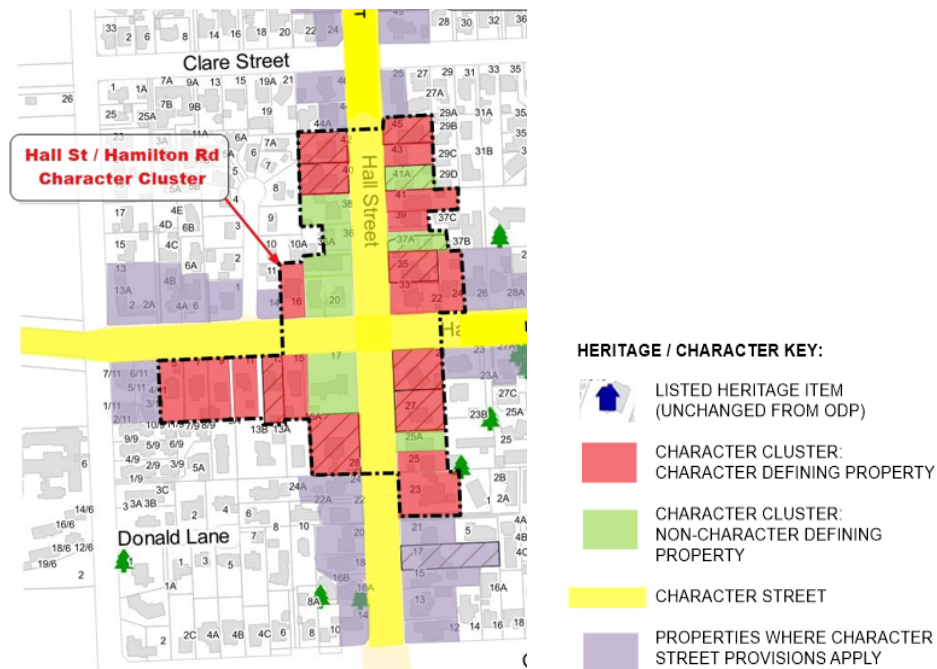
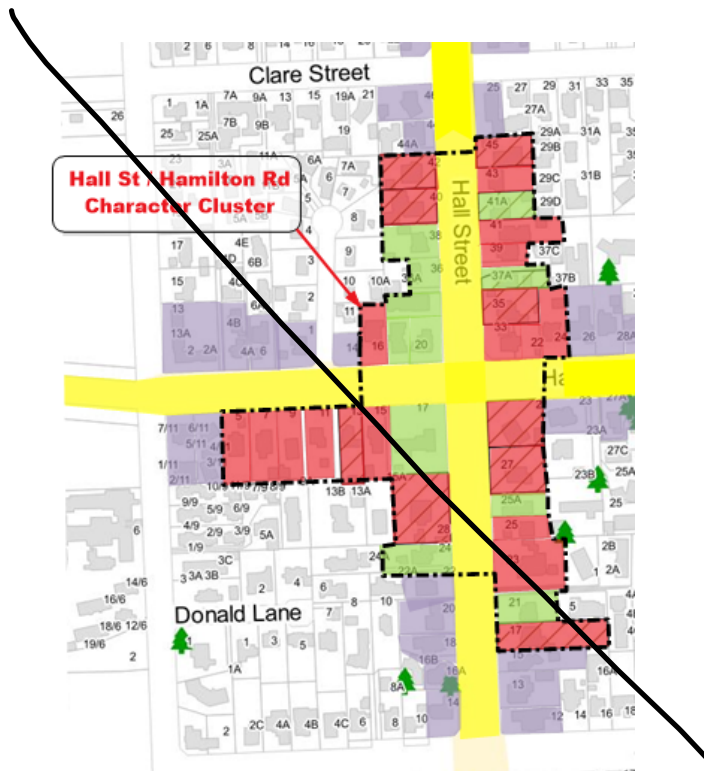


Figure Hall Street / Hamilton Road Character Cluster



	Total sites:	No. character defining	% character defining
<u>Hall / Hamilton</u>	<u>3431</u>	<u>2322</u>	<u>6871%</u>

DG1.1.2 The Hall Street / Hamilton Road Character Cluster has historical values related to Cambridge’s early establishment and development as a town. Located at the intersection of two of the town’s earliest streets and on the major arterial between Hamilton and Cambridge, it contains a cohesive collection of late 19th and early 20th century houses that represent Cambridge’s earliest period of residential development. Together with its historical streetscape context, the properties collectively provide a tangible history of the town’s settlement and incremental growth.

DG1.1.3 The cluster has visual and physical characteristics that are of significance to Cambridge’s distinctive local identity and history. The attributes that define its character are:

DG1.1.4 Streetscape forms:

- The right-angle intersection of Hall Street and Hamilton Road – this typifies the town’s geometric grid layout and creates long vistas, particularly east-west along Hamilton Road,
- Very substantial mature tree avenues laid out in wide berms along both streets, established in the early decades of the 20th century,
- A soft street edge, with grassed berms generally directly abutting asphalted road surfaces,
- Low density layout creating an open context visually dominated by vegetation.

DG1.1.5 Site-specific forms:

- Stand-alone and generally single storey built form set within garden settings,
- Generous and generally consistent boundary setbacks with landscaped frontages,
- Low front boundary treatments, including hedges and low fences, that enable appreciation of the streetscape as a whole from the public realm,
- Houses in the villa style (late 19th – early 20th century), typified by gabled bays, verandas, weatherboard cladding, timber sash windows, substantial brick chimneys and generous ornamentation,
- Houses in the English bungalow style (early 20th century), typified by asymmetrical composition, wide eaves and recessed porches, exposed rafters and shingled gables with louvered ventilators, weatherboard cladding and timber casement windows with faceted glass and lead lighting,
- Several houses in other early – mid-20th century housing styles, including Moderne and faux Tudor.

DG1.1.6 Modern developments within the cluster are largely sympathetic to the established historical character in form, scale, setback and materiality.

Grey Street Character Cluster

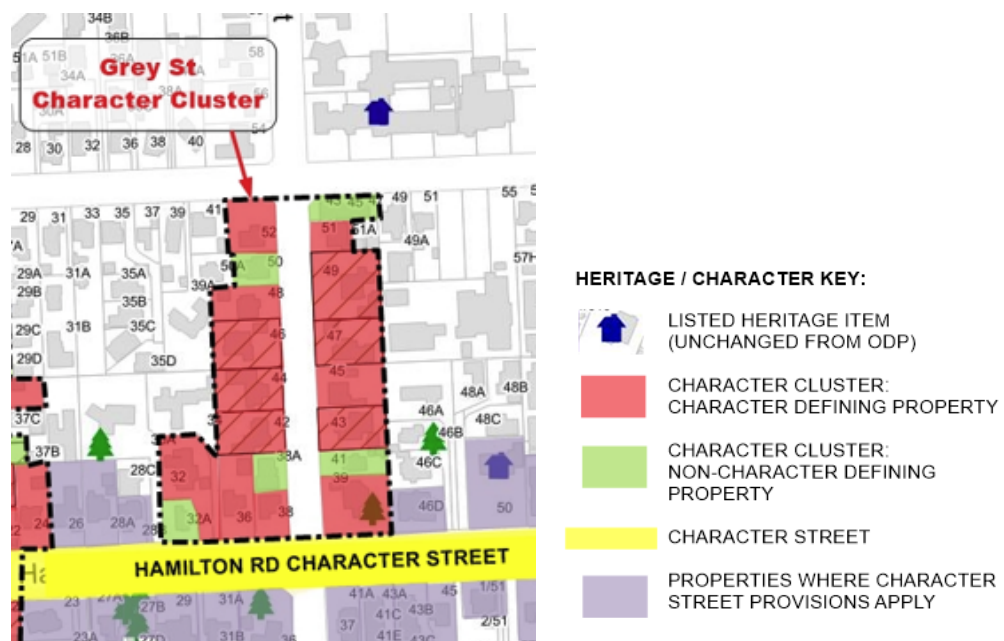


Figure Grey Street Character Cluster

	Total sites:	No. character defining	% character defining
Grey Street	<u>19</u>	<u>14</u>	<u>74%</u>

DG1.1.7 The Grey Street Character Cluster has historical values related to Cambridge’s early establishment and consolidation into the mid-20th century. Located between Clare Street (north) and the major arterial of Hamilton Road, it contains a cohesive

collection of late 19th and early 20th century houses combined with early state houses and private houses built via the State Advances Corporation (SAC). The cluster collectively represents both Cambridge's early residential development and its progressive growth as previously undeveloped lots in the town plan grid were infilled in the 1940s and 50s.

DG1.1.8 The cluster has visual and physical characteristics that are of significance to Cambridge's distinctive local identity and history. The attributes that define its character are:

DG1.1.9 Streetscape forms:

- The straight street line, set at right angles to Clare Street and Hamilton Road – this typifies the town's geometric grid layout and creates long vistas north and south,
- Wide berms, with kerb and channel and footpath on one side only, set with a reasonably continuous avenue of mature trees,
- A soft street edge, with grassed berms generally directly abutting asphalted road surfaces,
- Low density layout creating an open context visually dominated by vegetation.

DG1.1.10 Site-specific forms:

- Stand-alone and generally single storey built form set within a garden context,
- Generous and generally consistent boundary setbacks with landscaped frontages,
- Generally low front boundary treatments, including hedges and low fences, that enable appreciation of the streetscape as a whole from the public realm,
- Houses in the villa style (late 19th – early 20th century), typified by gabled bays, verandas, weatherboard cladding, timber sash windows, substantial brick chimneys and generous ornamentation,
- Houses in the English bungalow style (early 20th century), typified by asymmetrical composition, wide eaves and recessed porches, exposed rafters and shingled gables with louvered ventilators, weatherboard cladding and timber casement windows with faceted glass and lead lighting,
- Houses in the early state house / SAC house style (mid-20th century), typified by simple box-like forms, hipped roofs clad in concrete, clay tile or corrugated steel, plastered brick or weatherboard-clad walls, and timber casement windows divided horizontally.

DG1.1.11 Modern residences within the cluster are largely sympathetic to the established historical character in form, scale, setback and materiality.

Victoria Street Character Cluster

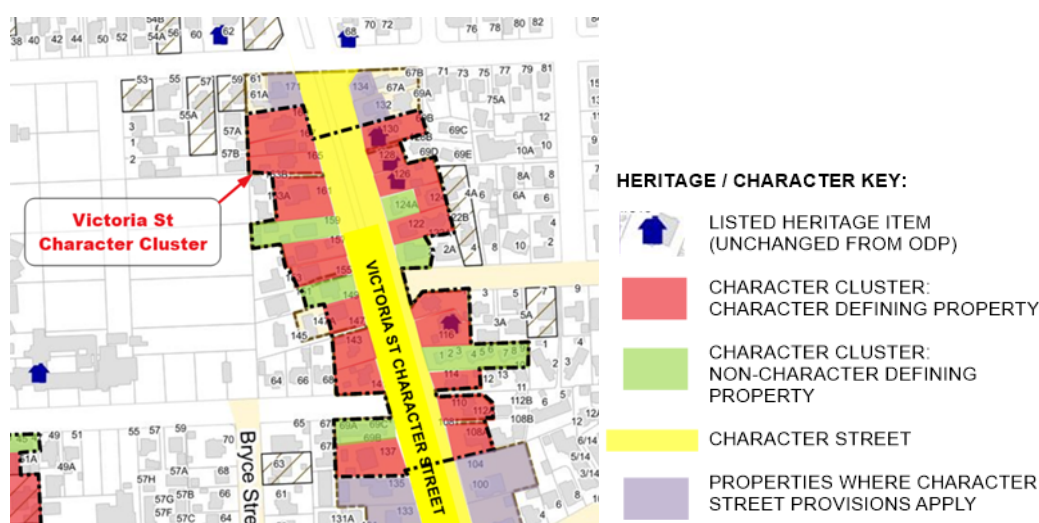


Figure Victoria Street Character Cluster

	Total sites:	No. character defining	% character defining
Victoria Street	26	20	77%

DG1.1.12 The Victoria Street Character Cluster has historical values related to Cambridge's earliest establishment and consolidation. The street already had a prominent place in Cambridge's limited residential development by the 1880s, and this was amplified by the construction of the Hamilton to Cambridge railway line, completed in 1884, which passed down the middle of street. The cluster is Cambridge's most comprehensive example of residential development from the 1880s into the first half of the 20th century, as lots set out in the town plan grid were progressively built upon over subsequent decades from the 1860s.

DG1.1.13 The cluster has visual and physical characteristics that are of significance to Cambridge's distinctive local identity and history. The attributes that define its character are:

DG1.1.14 Streetscape forms:

- The long, straight street line, set at an unusual oblique angle to the town's geometric grid layout, and double-width street layout which together create wide and long vistas north and south,
- The very wide central grassed promenade with a footpath following the former railway line, lined with a largely continuous avenue of mature trees,
- A soft street edge on the Victoria Street East side, with the central grassed berm directly abutting the asphalted road surface,
- Low density layout creating an open context visually dominated by vegetation.

DG1.1.15 Site-specific forms:

- Stand-alone and generally single storey built form set within a garden context,

- Generous and generally consistent boundary setbacks with landscaped frontages, set with mature trees that visually augment the central public tree avenue,
- Generally low or medium-height front boundary treatments, including hedges and low fences, that enable appreciation of the streetscape as a whole from the public realm,
- Houses in the villa style (late 19th – early 20th century), typified by gabled bays, verandas, weatherboard cladding, timber sash windows, substantial brick chimneys and generous ornamentation,
- Houses in the English bungalow style (early 20th century), typified by asymmetrical composition, wide eaves and recessed porches, exposed rafters and shingled gables with louvered ventilators, weatherboard cladding and timber casement windows with faceted glass and lead lighting,
- A house in the Art Deco style, designed with stepped parapeted roof, curved bay, stuccoed walls, horizontally-banded windows and louvered ventilators, and a stylised chimney,
- Houses in the early state house / SAC house style (mid-20th century), typified by simple box-like forms, clay tile-clad hipped roofs, Huntly brick or weatherboard-clad walls, false shutters, and stylised features including curved entrances and chimneys, and timber casement windows divided horizontally.

DG1.1.16 Modern residences within the cluster are largely sympathetic to the established historical character in form, scale, setback and materiality.

Grosvenor Street Character Cluster

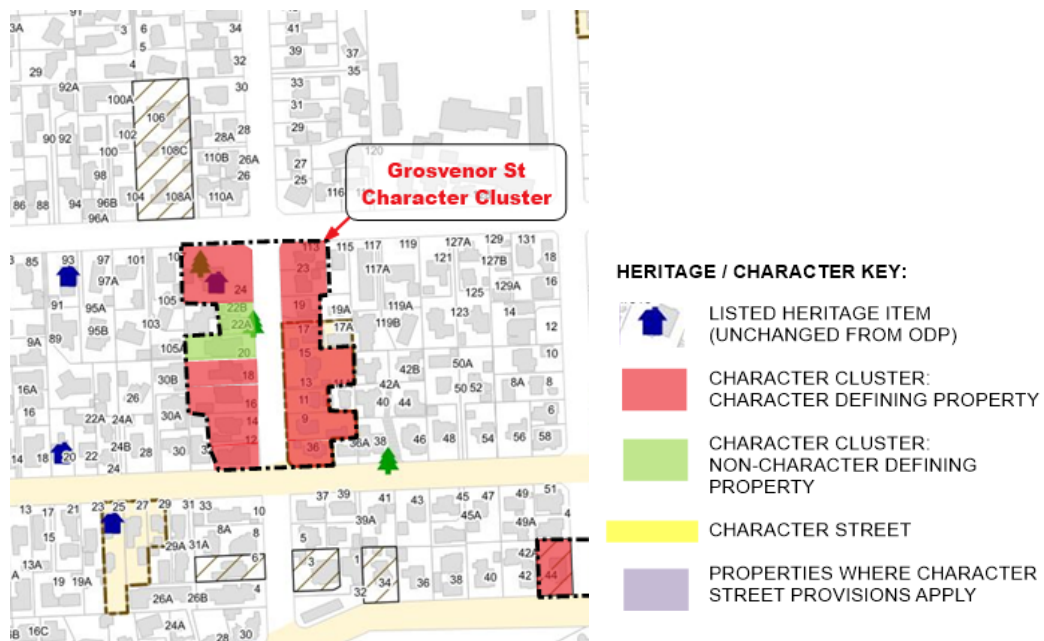


Figure Grosvenor Street Character Cluster

	Total sites:	No. character defining	% character defining
<u>Grosvenor Street</u>	<u>17</u>	<u>14</u>	<u>82%</u>

DG1.1.17 The Grosvenor Street Character Cluster has historical values related to Cambridge’s continued consolidation in the early – mid-20th century. Located to the north of Princes Street and east of Victoria Street, the cluster contains some of the first state houses to be constructed in Cambridge, part of the government’s expanded housing scheme and in response to a housing shortage in the town in the 1930s. The cluster collectively represents Cambridge’s progressive growth and housing needs through the early decades of the 20th century.

DG1.1.18 The cluster has visual and physical characteristics that are of significance to Cambridge’s distinctive local identity and history. The attributes that define its character are:

DG1.1.19 Streetscape forms:

- The straight street line, set at right angles to Williams and Princes Streets – this typifies the town’s geometric grid layout and creates long vistas north and south,
- Berm and footpath layouts typical of early state housing street layouts, with 4 ft footpaths set in relatively modest grassed berms,
- Low density layout creating an open and vegetated context.

DG1.1.20 Site-specific forms:

- Usually stand-alone and generally single storey built form, generally consistent boundary setbacks with landscaped frontages,
- Generally low front boundary treatments, including hedges and low fences, that enable appreciation of the streetscape as a whole from the public realm,
- Houses in the state house style; being early examples, the forms are varied and include gabled as well as hipped roofs, projecting box windows, clay tile roofs and timber weatherboard cladding, and timber casement windows divided horizontally into thirds. Protruding brick chimneys are a prominent feature.
- The cluster also has several examples of houses in the villa and bungalow styles.

DG1.1.21 Modern residences within the cluster are largely sympathetic to the established historical character in form, scale, setback and materiality.

Thornton Road / Princes Street Character Cluster

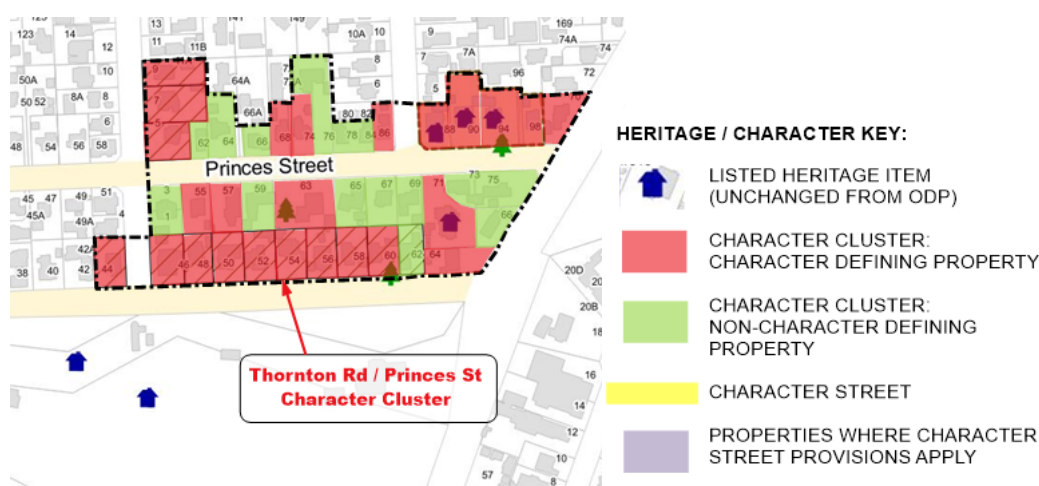


Figure Thornton Road / Princes Street Character Cluster

	Total sites:	No. character defining	% character defining
Thornton / Princes	41	25	61%

DG1.1.22 The Thornton Road / Princes Street Character Cluster has historical values related to Cambridge’s early establishment and consolidation into the mid-20th century. The cluster is relatively large, incorporating the eastern ends of both Thornton Road and Princes Street, and is directly connected with Lake Te Kōe Utu Reserve directly to the south. This location, long valued as a scenic area in the town, historically influenced property values. This is reflected in the cluster’s visual and physical characteristics, with relatively grand examples of late 19th century villas typifying the built form. The cluster collectively represents the historical and continued importance of landscaped amenity to the town as it established itself in the late 19th and early 20th century.

DG1.1.23 The cluster has visual and physical characteristics that are of significance to Cambridge’s distinctive local identity and history. The attributes that define its character are:

DG1.1.24 Streetscape forms:

- The relationship of Thornton Road properties with the Lake Te Kōe Utu Reserve on the south side of the road, with residences set out to address the reserve,
- The straight street line of Princes Street, conforming to the geometric grid layout and creating a long east-west vista,
- A relatively narrow berm and footpath on Thornton Road, contrasted with the wide grassed lawn and heavily treed edge of the reserve opposite,
- Wide berms on Princes Street, with footpath on one side only,
- Low density layout and highly landscaped private frontages creating an open context and visual variation in tree line views.

DG1.1.25 Site-specific forms:

- Stand-alone and generally single storey built form set within a garden context,
- Generous and generally consistent boundary setbacks with often highly cultivated front landscaping with a wide variety of mature trees,
- Generally low front boundary treatments, including hedges and low fences (and sometimes no boundary treatment at all) that enable appreciation of the streetscape as a whole from the public realm. Boundary treatments are often designed in keeping with the architectural style of the dwelling itself,
- Houses in the villa style (late 19th – early 20th century), typified by gabled bays, often highly-ornamented verandas and projecting window boxes, weatherboard cladding, timber sash windows, substantial brick chimneys and generous ornamentation,
- Houses in the English bungalow style (early 20th century), typified by asymmetrical composition, multiple intersecting roof forms, wide eaves and recessed porches, exposed rafters and shingled gables with louvered ventilators, weatherboard cladding and timber casement windows with faceted glass and lead lighting.

DG1.1.26 Modern residences within the cluster are largely sympathetic to the established historical character in form, scale, setback and materiality.

Queen Street Character Cluster

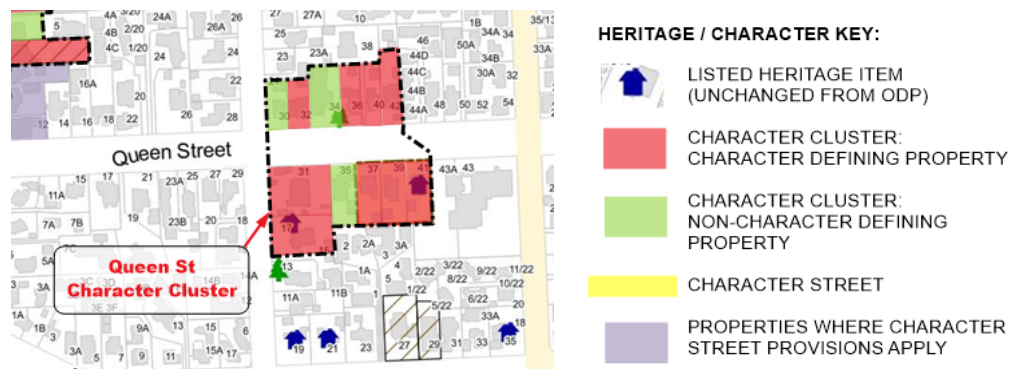


Figure Queen Street Character Cluster

	<u>Total sites:</u>	<u>No. character defining</u>	<u>% character defining</u>
<u>Queen Street</u>	<u>12</u>	<u>9</u>	<u>75%</u>

DG1.1.27 The Queen Street Character Cluster has historical values related to Cambridge’s early establishment and development as a town. Located on the historically significant road of Queen Street that intersects the town centre, it contains a cohesive collection of late 19th and early 20th century houses that represent Cambridge’s earliest period of residential development. Together with its historical streetscape context, the properties collectively provide a tangible history of the town’s settlement and incremental growth.

DG1.1.28 The cluster has visual and physical characteristics that are of significance to

Cambridge's distinctive local identity and history. The attributes that define its character are:

DG1.1.29 Streetscape forms:

- The straight street line, set at right angles to Grey and Bryce Streets – this typifies the town's geometric grid layout and creates long vistas east and west,
- Wide berms, with kerb and channel and footpath on one side only, set with a continuous avenue of mature trees,
- A soft street edge, with the grassed berm directly abutting the asphalted road surface on the southern side,
- Low density layout creating an open context visually dominated by vegetation.

DG1.1.30 Site-specific forms:

- Stand-alone and generally single storey built form set within garden settings,
- Generous and generally consistent boundary setbacks with landscaped frontages,
- Generally low front boundary treatments, including hedges and low fences, that enable appreciation of the streetscape as a whole from the public realm,
- Houses in the villa style (late 19th – early 20th century), typified by gabled bays, verandas, weatherboard cladding, timber sash windows, substantial brick chimneys and generous ornamentation,
- Houses in the English bungalow style (early 20th century), typified by asymmetrical composition, wide eaves and recessed porches, exposed rafters and shingled gables with louvered ventilators, weatherboard cladding and timber casement windows with faceted glass and lead lighting.

DG1.1.31 Modern residences within the cluster are largely sympathetic to the established historical character in form, scale, setback and materiality.

Rewi Street Character Cluster

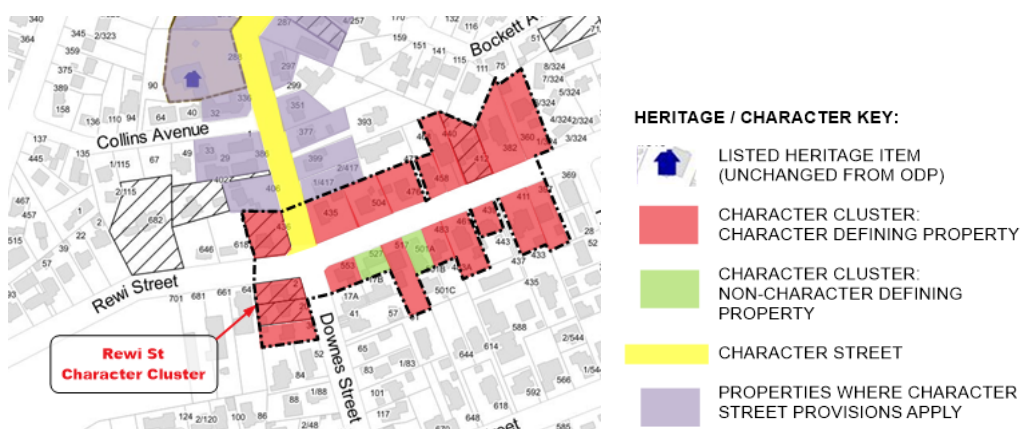


Figure _____ Rewi Street Character Cluster

	Total sites:	No. character defining	% character defining
<u>Rewi Street</u>	<u>2122</u>	<u>1819</u>	<u>86%</u>

DG1.1.32 The Rewi Street Character Cluster has historical values related to Te Awamutu's early establishment and development as a town. The street's name memorialises Rewi Manga Maniapoto, a rangatira of Ngāti Paretekawa and a leader of Ngāti Maniapoto during the Crown invasion of the Waikato in 1863/64. Connecting Te Awamutu town centre to the Pirongia township to the west, Rewi Street represents Te Awamutu's early residential subdivision and development following the sale of the Otāwhao Mission Station and farm in 1907. The cluster's largely intact collection of early 20th century dwellings is unusual in Te Awamutu and collectively provides a tangible history of the town's housing vernacular in this period.

DG1.1.33 The cluster has visual and physical characteristics that are of significance to Te Awamutu's distinctive local identity and history. The attributes that define its character are:

DG1.1.34 Streetscape forms:

- The straight street line that creates a visual connection from the town centre in the east to Centennial Park in the west,
- The visual prominence of dwellings on the northern side of the street due to the upwards-sloping landform to the north,
- Berm and footpath layouts typical of the period, with 4 ft footpaths set in relatively modest grassed berms,
- Low density layout creating an open visual context.

DG1.1.35 Site-specific forms:

- Stand-alone and generally single storey built form with generous but varied boundary setbacks and front gardens,
- Generally low front boundary treatments that enable appreciation of the

streetscape as a whole from the public realm,

- Houses in the English bungalow style (early 20th century), typified by asymmetrical composition, multiple intersecting roof forms, exposed rafters and timbered gables with louvered ventilators, recessed porches and projecting box bays, weatherboard cladding and vertical skirts, and timber casement windows with decorative top lights. Dwellings on the northern (upper) side of the street are generally larger with more features and decoration, while the dwellings on the southern (lower) side are simpler in form and detailing,
- A prominent villa-style house which predates the surrounding bungalows and features a single gabled bay and veranda, weatherboard cladding, timber sash windows, substantial brick chimney and generous ornamentation,
- Several houses in the Art Deco style, typified by parapeted roofs, simple box-like forms with stuccoed walls, horizontally-banded windows and stylised plaster ornamentation.

DG1.1.36 Modern residences within the cluster are largely sympathetic to the established historical character in form, scale, setback and materiality.

Bank Street Character Cluster

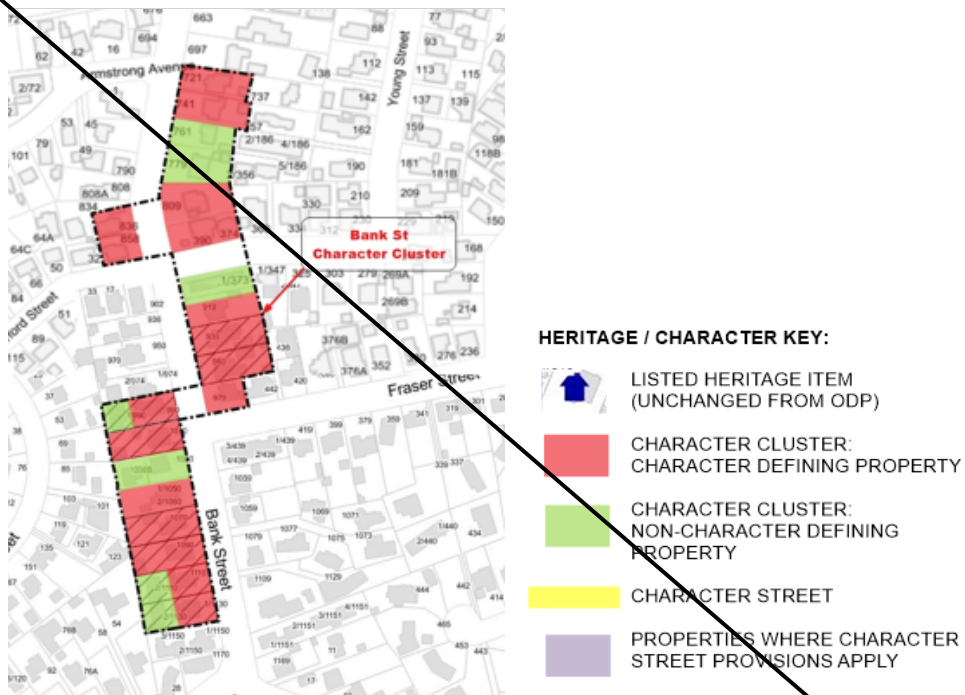
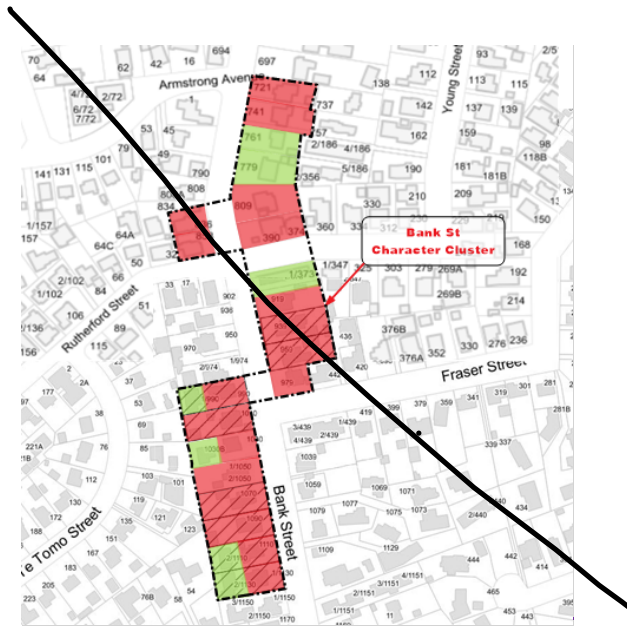


Figure Bank Street Character Cluster



	<u>Total sites:</u>	<u>No. character defining</u>	<u>% character defining</u>
<u>Bank Street</u>	<u>25</u>	<u>18</u>	<u>72%</u>

DG1.1.37 — The Bank Street Character Cluster has historical values related to Te Awamutu's early establishment and development as a town. As a major arterial from the town centre to the southwest, Bank Street contains a varied collection of dwellings from the early 20th century. The cluster collectively represents ongoing patterns of settlement in Te Awamutu as land was progressively subdivided and made available for residential development. Its sequence of early 20th century dwellings is unusual in Te Awamutu and collectively provides a tangible history of the town's settlement and incremental growth.

DG1.1.38 — The cluster has visual and physical characteristics that are of significance to Te Awamutu's distinctive local identity and history. The attributes that define its character are:

DG1.1.39 — Streetscape forms:

- The curved and elevated straight street line, which creates views to the wider township and the maunga beyond,
- The varied slope of the landform, which gives varied visual prominence to dwellings on opposite sides of the street,
- Berm and footpath layouts typical of the period, with 4 ft footpaths set in relatively modest grassed berms,
- Low density layout creating an open visual context.

DG1.1.40 — Site specific forms:

- Stand alone and generally single storey built form set within garden settings,
- Generous and generally consistent boundary setbacks

- Landscaped frontages that are generally characterised by open lawns, meaning that dwellings are prominent,
- Generally low front boundary treatments that enable appreciation of the streetscape as a whole from the public realm,
- Houses in the box villa style (late 19th—early 20th-century), typified by flat frontages, full-width verandas, weatherboard cladding and vertical skirts, timber sash windows and some ornamentation,
- Houses in the English bungalow style (early 20th-century), typified by asymmetrical composition, intersecting roof forms, exposed rafters and timbered gables, recessed porches and projecting box bays, weatherboard (and occasionally stuccoed) cladding, and timber casement windows. Dwellings on the prominent upper slope are generally more substantial and decorative, while the dwellings on lower slopes are simpler in form and detailing,

DG1.1.41 — Modern residences within the cluster are largely sympathetic to the established historical character in form, scale, setback and materiality.

Te Awamutu: College Street Cluster

DG1.1.2 — This group of houses is located within sight of each other on a wide tree-lined street and includes listed heritage houses. These large, well-maintained wooden houses were constructed from the late 1800 onwards.

DG1.1.3 — The houses all have matching garages, multi-pitch roofs, several chimneys and porches. ; however, the entrances into the houses are not a pronounced part of the design.

DG1.1.4 — It is anticipated that new development would have matching garages, multi-pitch roofs, porches and possibly chimneys.

DG1.1.5 — College Street is considered to be one of the most picturesque streets in Te Awamutu with its mature trees and established gardens. The houses in this cluster are set well back from the property's front boundary.

Te Awamutu: Alexandra Street Cluster

DG1.1.6 — The houses in this cluster are located in close proximity to each and each property contains a house of significant character.

DG1.1.7 — Each of the properties in this cluster have several mature and significant trees located on them.

Te Awamutu: Bridgeman Road Cluster

DG1.1.8 — The Bridgeman Road character cluster is made up of two houses which are located close to each other.

~~DG1.1.9 — Both houses sit on large sections with well-established gardens and mature trees.~~

Cambridge: Queen Street Cluster

~~DG1.1.5 10 — This cluster is located in Queen Street between Bryce Street and Grey Street. These single level wooden dwellings are a group of larger villas on the southern side of Queen Street. Queens Street has a broad public road with wide grass verges and numerous well established trees which have created an attractive and functional streetscape.~~

~~DG1.1.11 — The houses are single level wooden dwellings. They tend to be larger villas with common elements of deep verandas, porches, and windows with architectural details and features which are historically significant.~~

~~DG1.1.6 12 — The cluster has very little modification and includes a listed heritage building. The group of houses is located the same distance back from the front boundary amidst landscaped gardens with the front doors and large windows facing the street.~~

~~DG1.1.7 13 — It is anticipated that new development will maintain the single level scale of dwelling. External cladding would be weatherboard or similar in appearance with a front door, porch and glazing facing to the street.~~

Victoria Street Cluster (between Hamilton Road and Victoria Street)

~~DG1.1.8 14 — This is an extensive heritage cluster located along one of Cambridge's main roads. The cluster is eclectic in style and contains a This character cluster features an eclectic range of houses between one and two stories in height in a variety of building styles ranging from early cottages and villas to 1960's show homes. There are a number of listed heritage houses within the cluster area.~~

~~DG1.1.9 15 — This diverse range of well maintained houses has a pleasing uniformity through similar setback from the street, houses directly fronting the street and pronounced front entrances. Many of the dwellings have verandahs or porches.~~

~~DG1.1.10 16 — It is anticipated that new development will maintain the single or one and a half level scale of dwelling. External cladding would be similar to immediately surrounding houses with a front door, porch and glazing facing to the street.~~

Princes Street Cluster (between Thornton Road and Stafford Street)

~~DG1.1.11 17 — This character cluster of well maintained houses on the northern side of Princess Street contains three listed heritage buildings. While the group of houses includes both single and double storey structures with differing building materials, they are unified by the similarities of verandahs/porches and a good setback from the street. The sites all contain significant levels of planting.~~

~~DG1.1.12 18 — It is anticipated that new development will maintain the single or two level scale of dwelling. External cladding would be similar to immediately surrounding houses with a front door, porch and glazing facing to the street.~~

~~Princes Street Cluster (between Grosvenor and Weld Streets)~~

~~DG1.1.13 19 This small group of wooden villas on the southern side of Princess Street includes one listed heritage building. The villas are set back a similar distance in their respective sites, all face the street with front doors and glazing facing the street.~~

~~DG1.1.14 20 It is anticipated that new development will maintain the single level scale of dwelling. External cladding would be weatherboard or similar in appearance with a front door, porch and glazing facing to the street.~~

~~Grosvenor Street Cluster (between Princes and William Streets)~~

~~DG1.1.15 21 This cluster of single level brick dwellings were some of the first state houses to be constructed in Cambridge and include a duplex. Some of the dwellings have been modified.~~

~~DG1.1.16 22 It is anticipated that new development will maintain the single level scale of dwelling with smaller rather than larger windows. External cladding would be brick or similar in appearance.~~

~~Bowen Street Cluster (between William and King Streets)~~

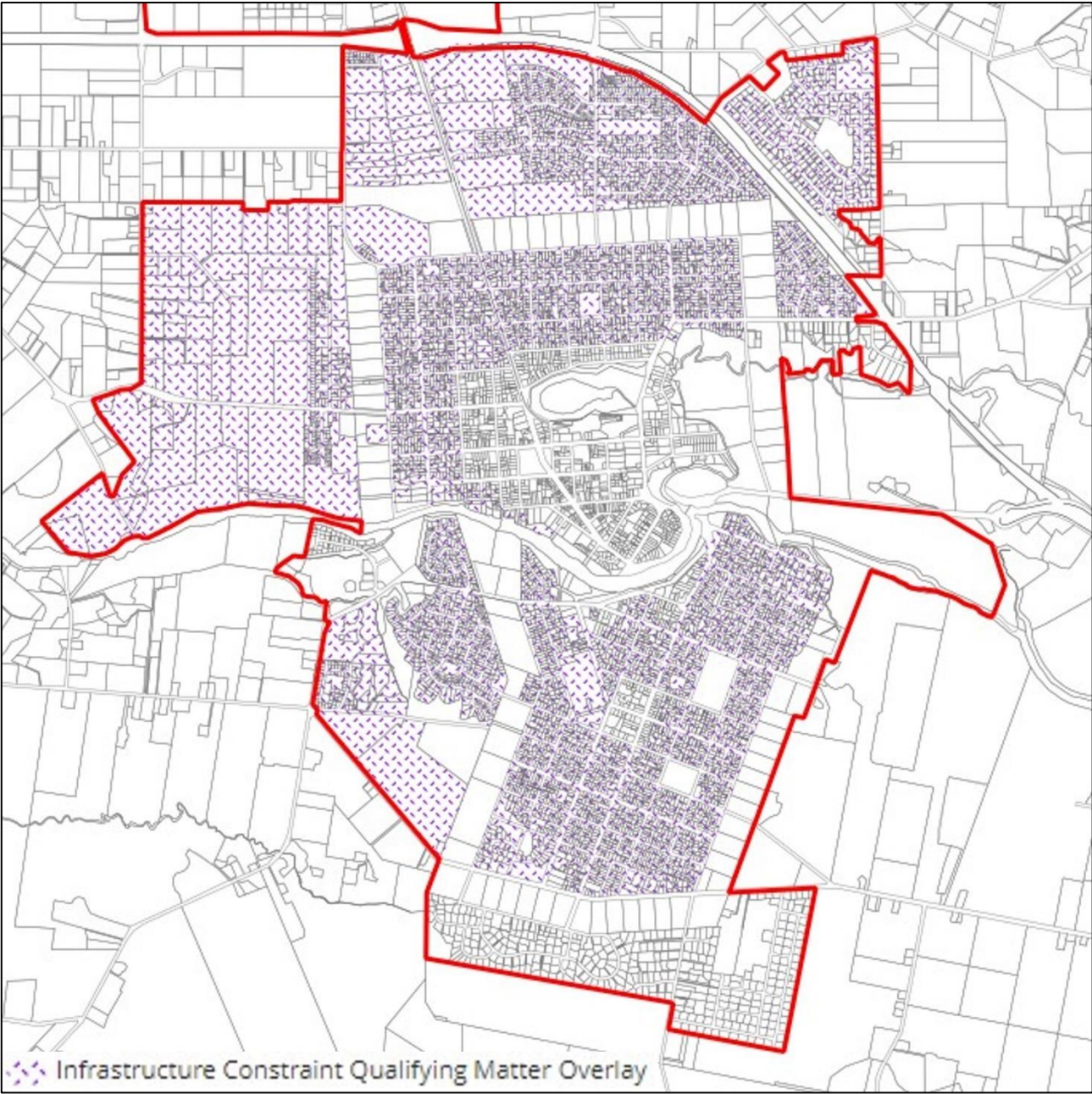
~~DG1.1.17 23 These clusters of single level dwellings, predominantly constructed of wooden weatherboards, were some of the first state houses to be constructed in Cambridge. While some of the dwellings have been renovated, they have few external modifications.~~

~~DG1.1.18 24 It is anticipated that new development will maintain the single level scale of dwelling with smaller rather than larger windows. External cladding would be weatherboard or similar in appearance~~

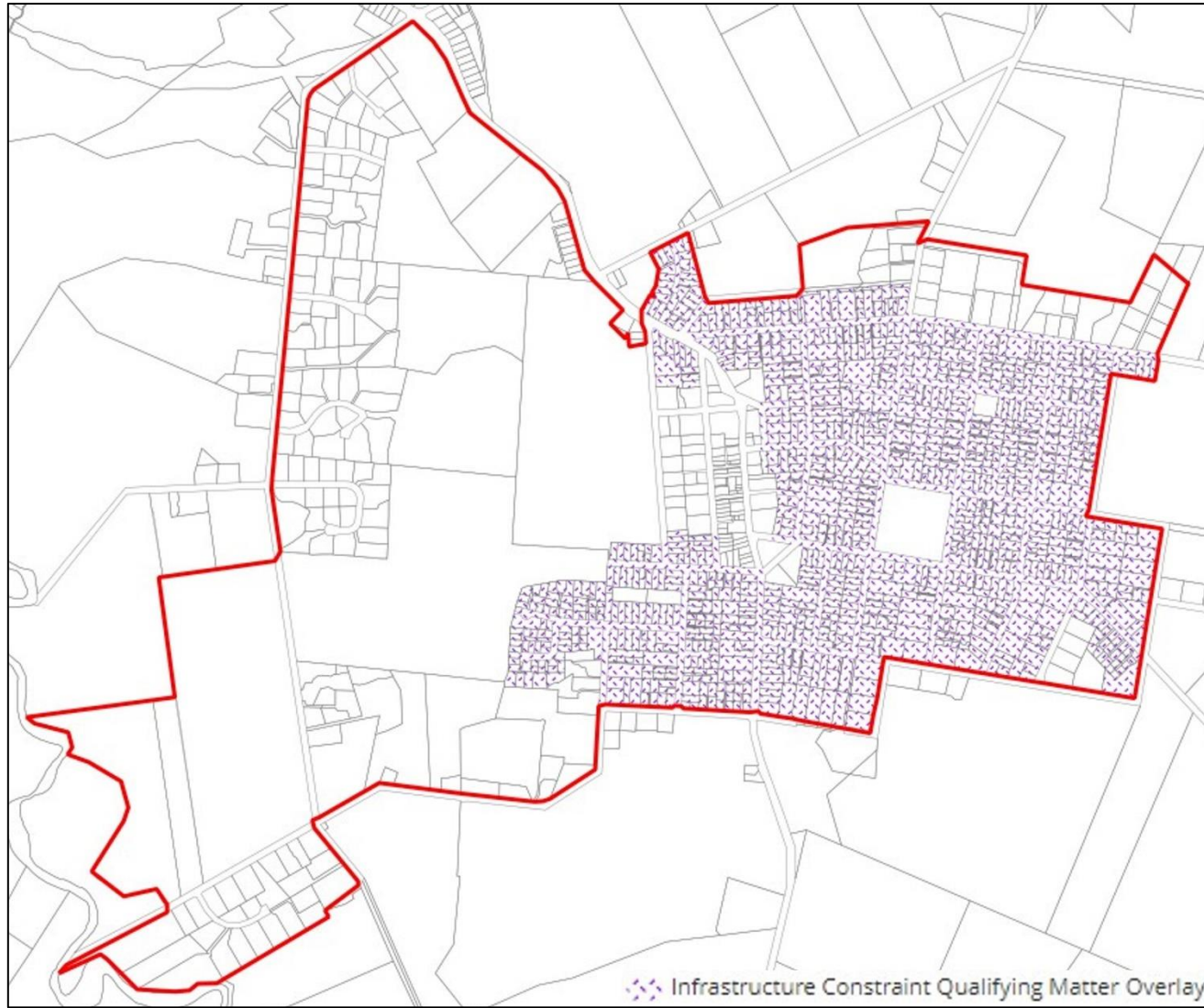
Appendix 6 – PC26 Amended Maps

IHP Recommendation: Waipā Plan Change 26 – Residential Zone Intensification

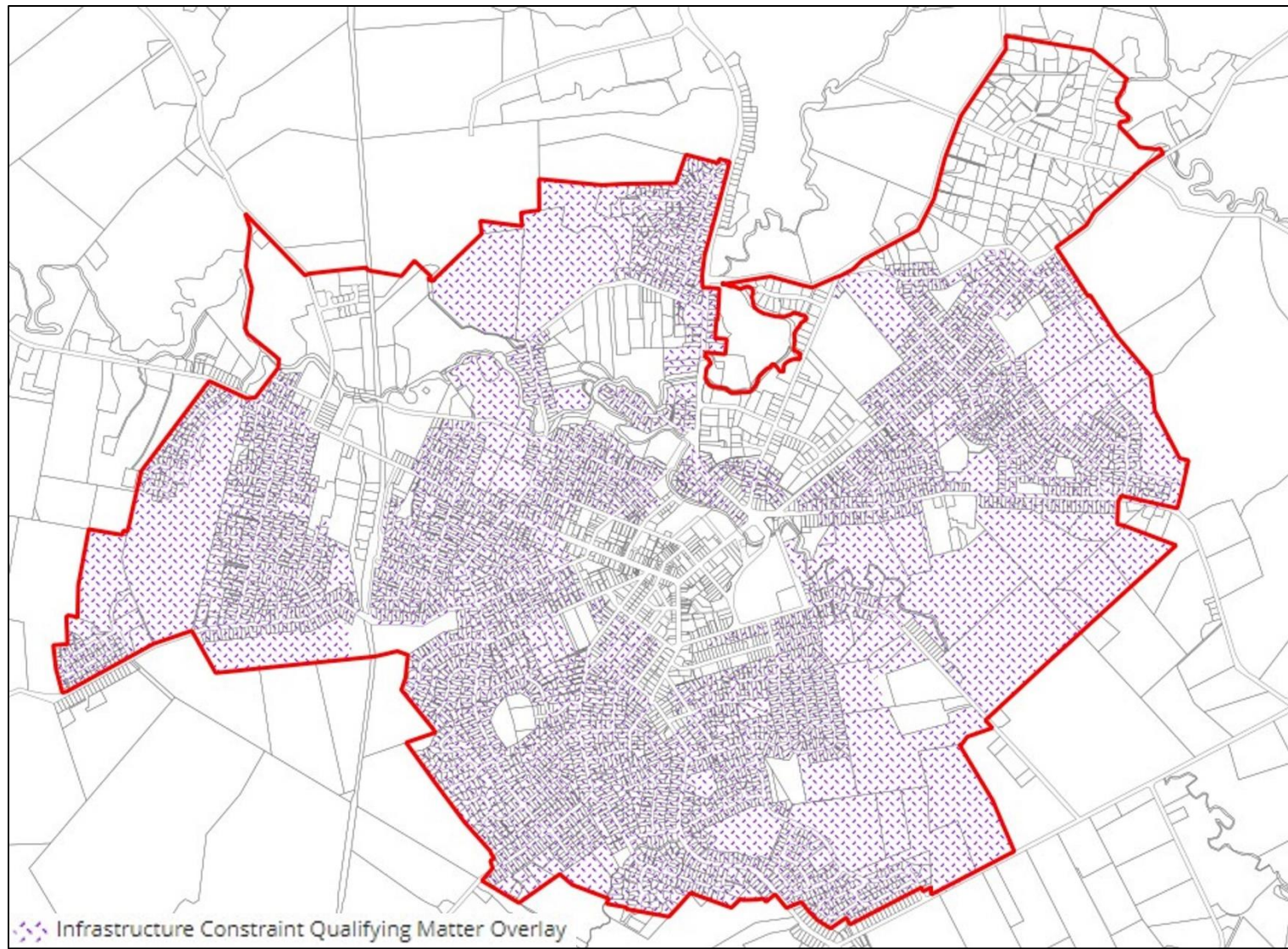
Infrastructure Constraint Qualifying Matter Overlay – Cambridge



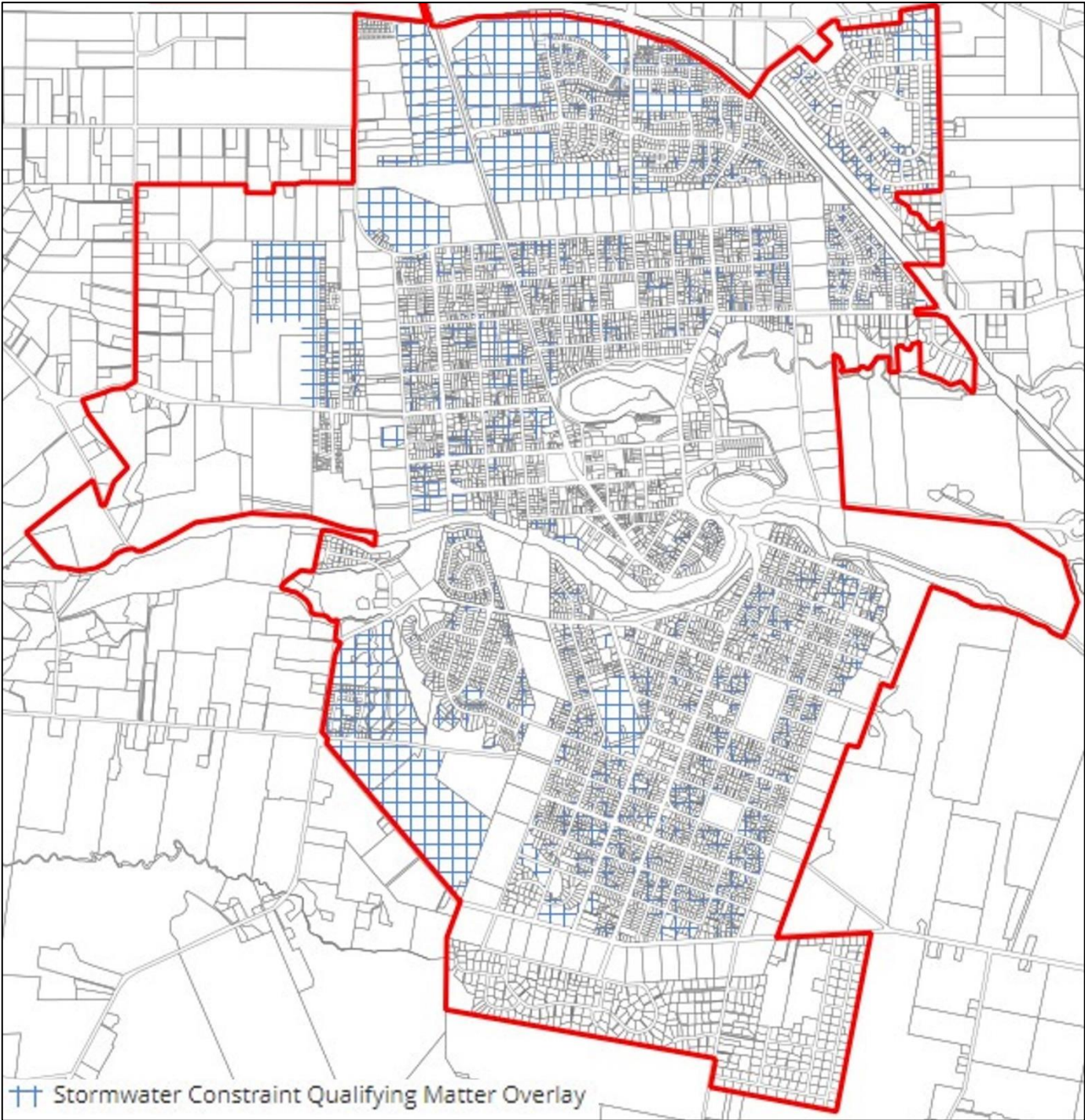
Infrastructure Constraint Qualifying Matter Overlay – Kihikihi



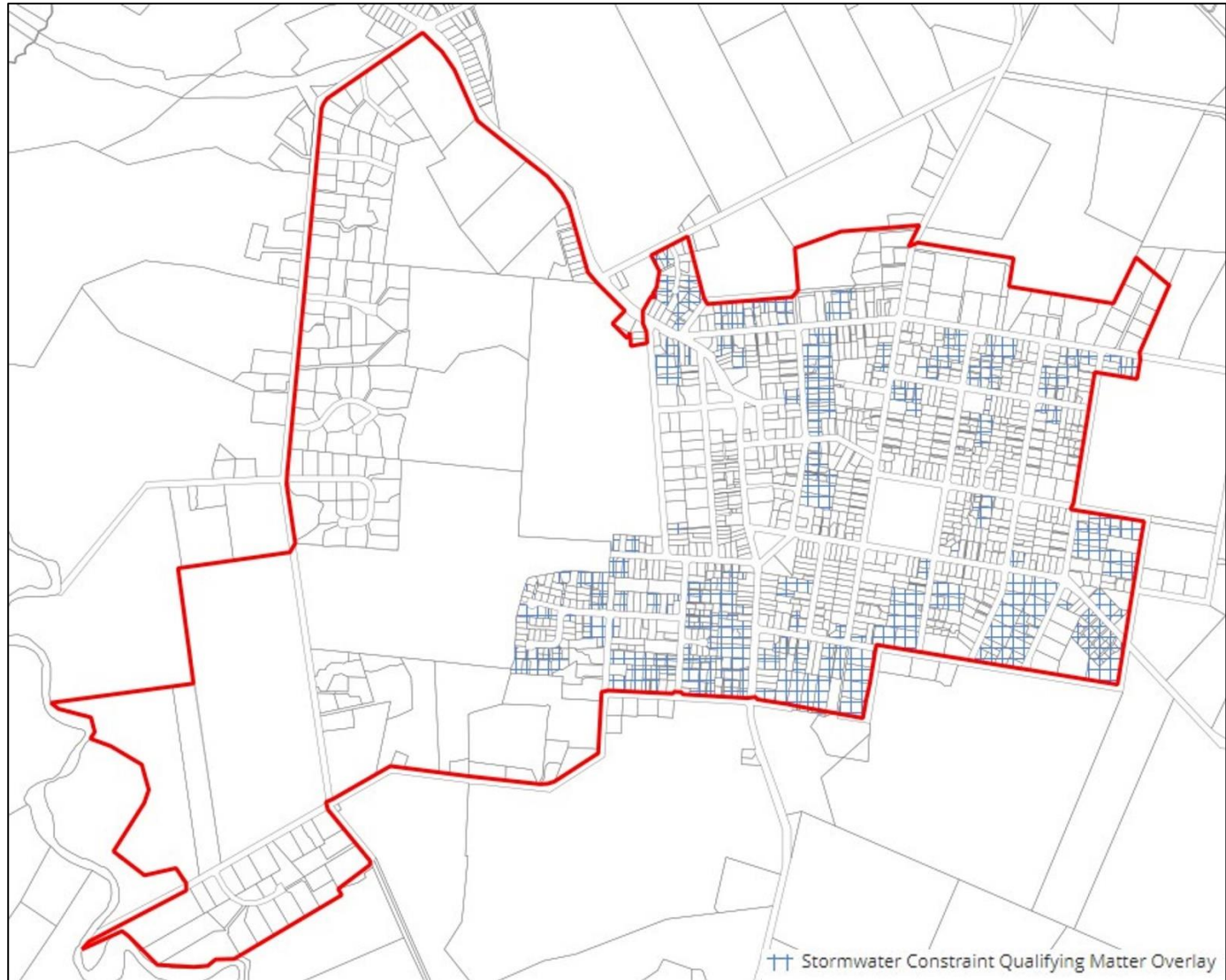
Infrastructure Constraint Qualifying Matter Overlay – Te Awamutu



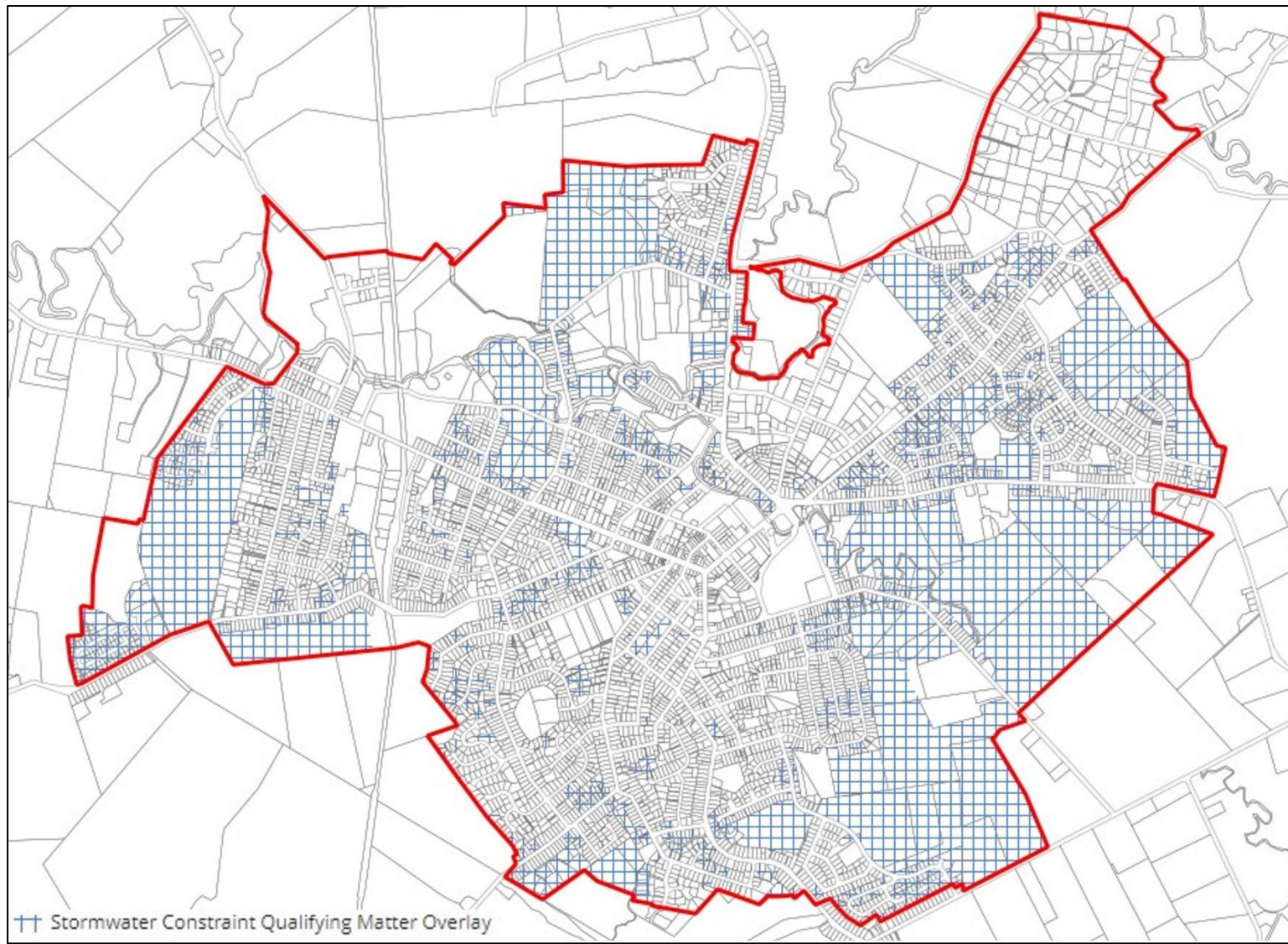
Stormwater Constraint Qualifying Matter Overlay – Cambridge



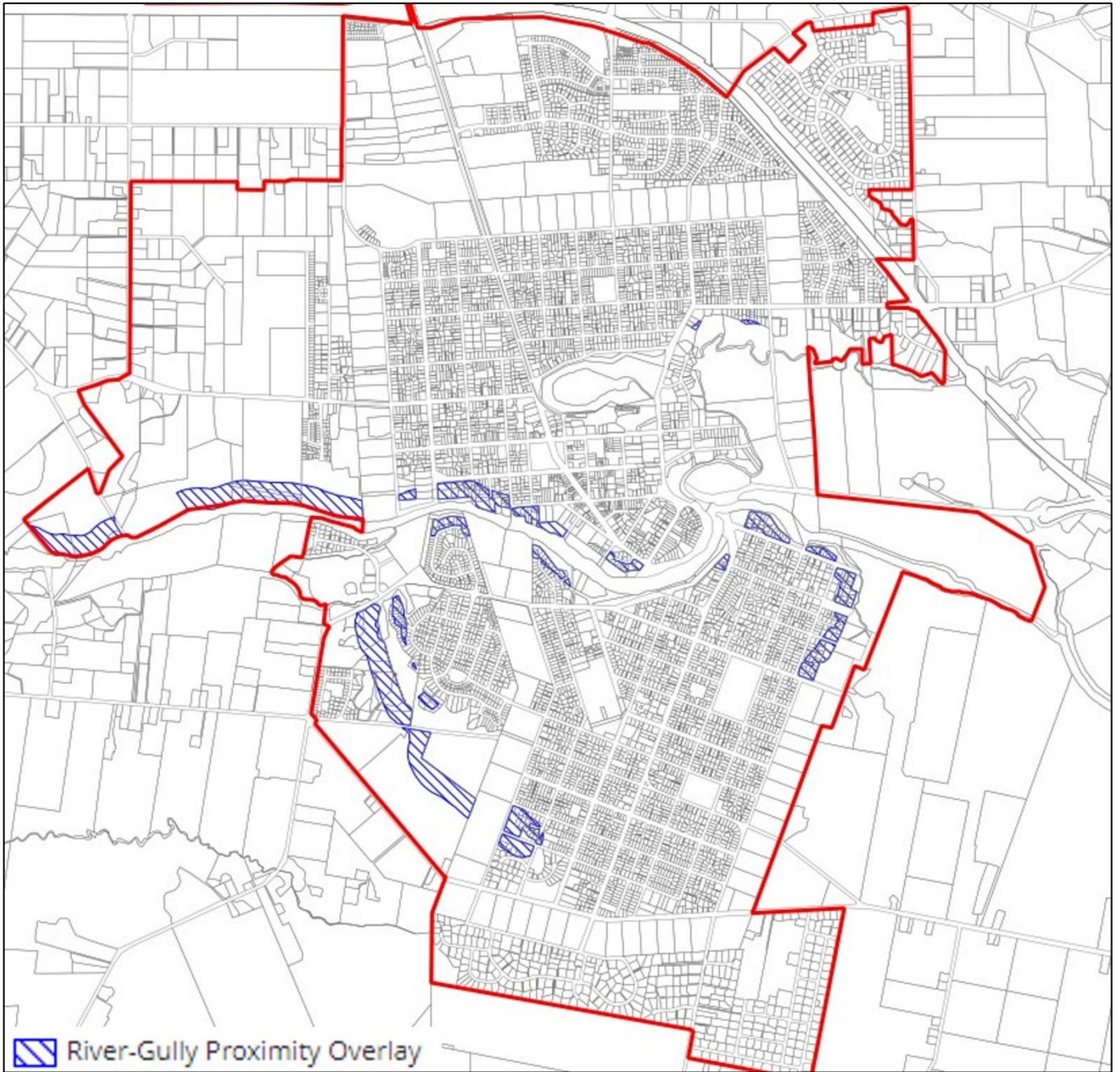
Stormwater Constraint Qualifying Matter Overlay – Kihikihi



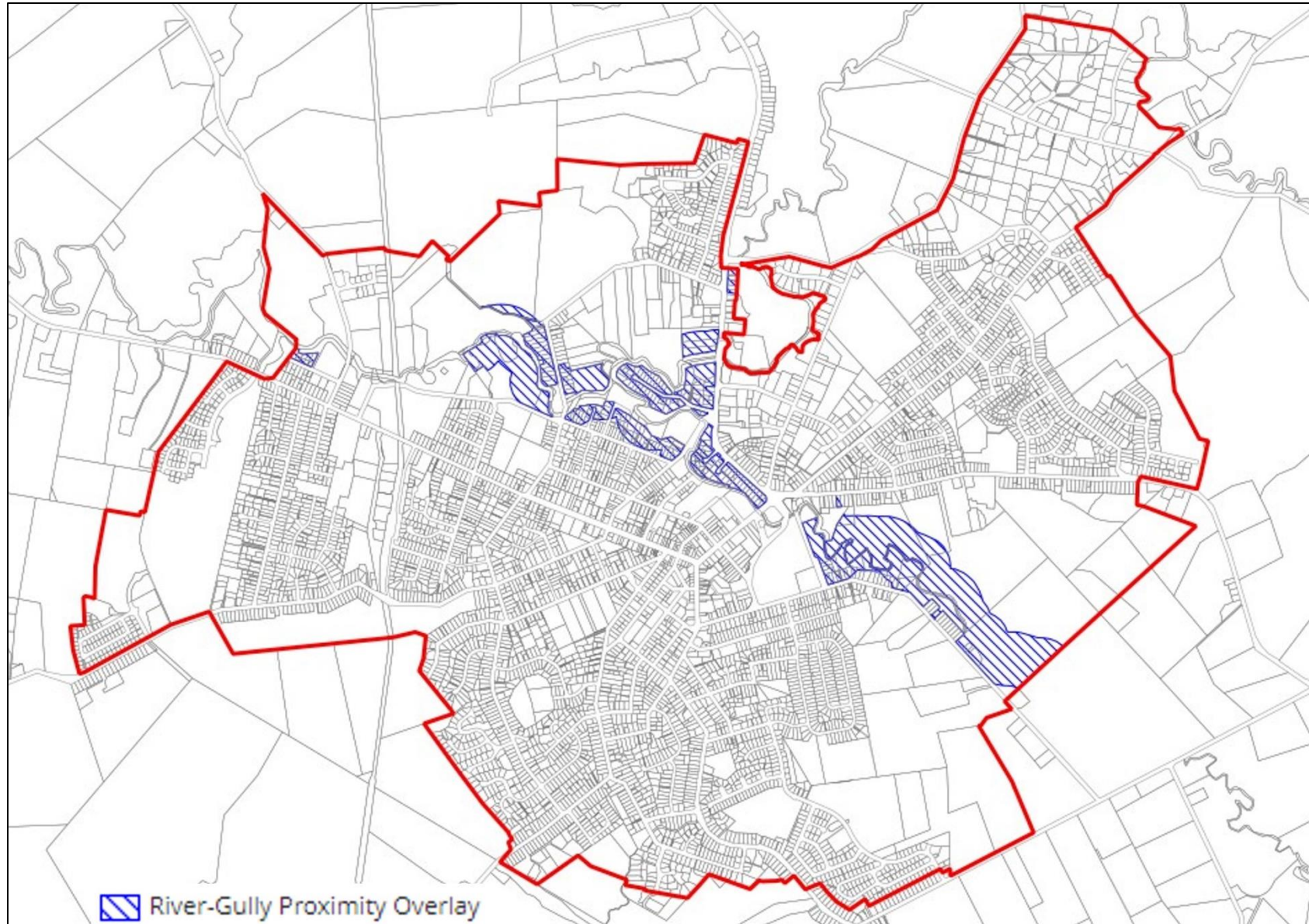
Stormwater Constraint Qualifying Matter Overlay – Te Awamutu



River / Gully Proximity Overlay- Cambridge



River / Gully Proximity Overlay – Te Awamutu

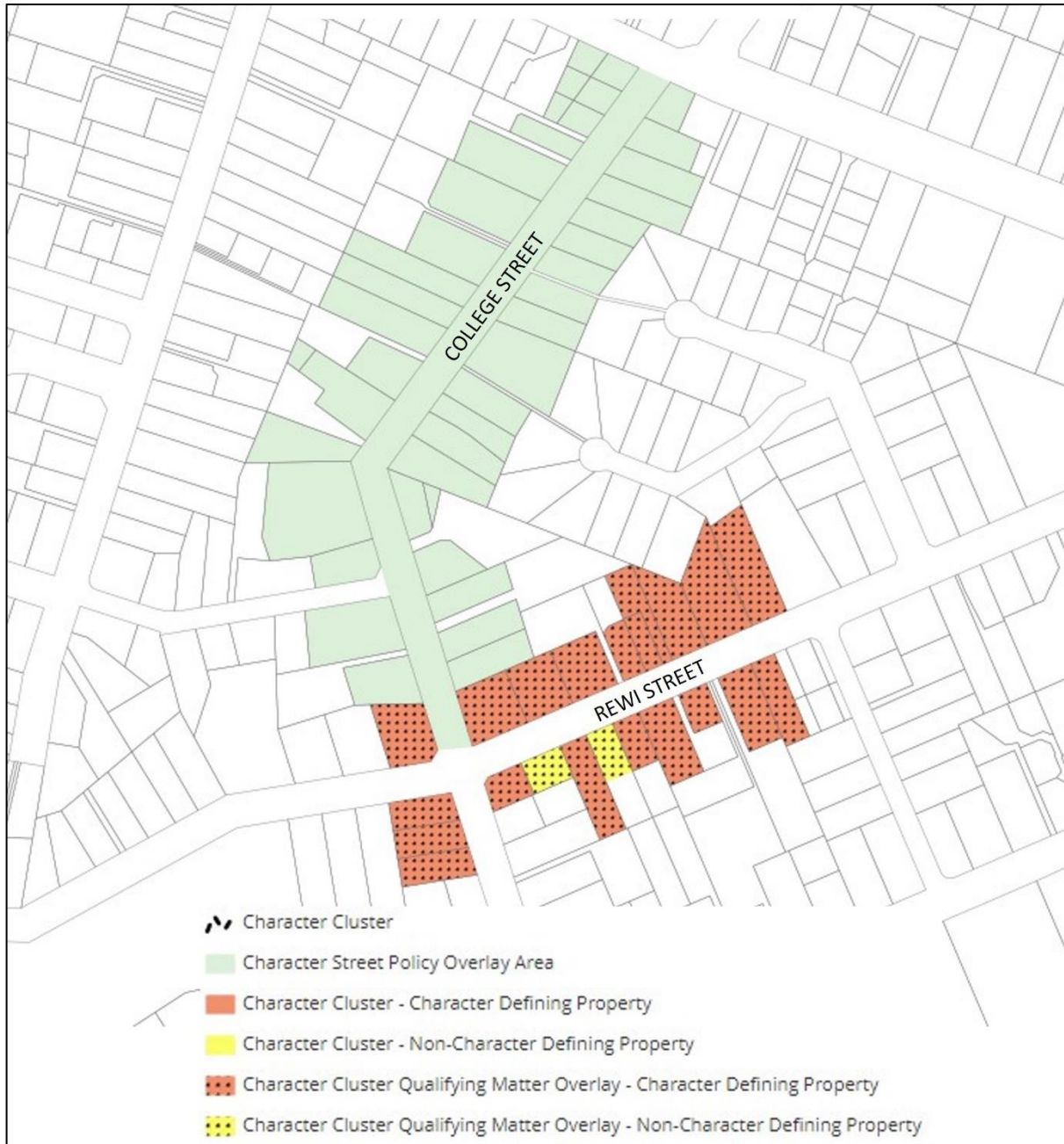


Regionally Significant Industry Qualifying Matter Overlay

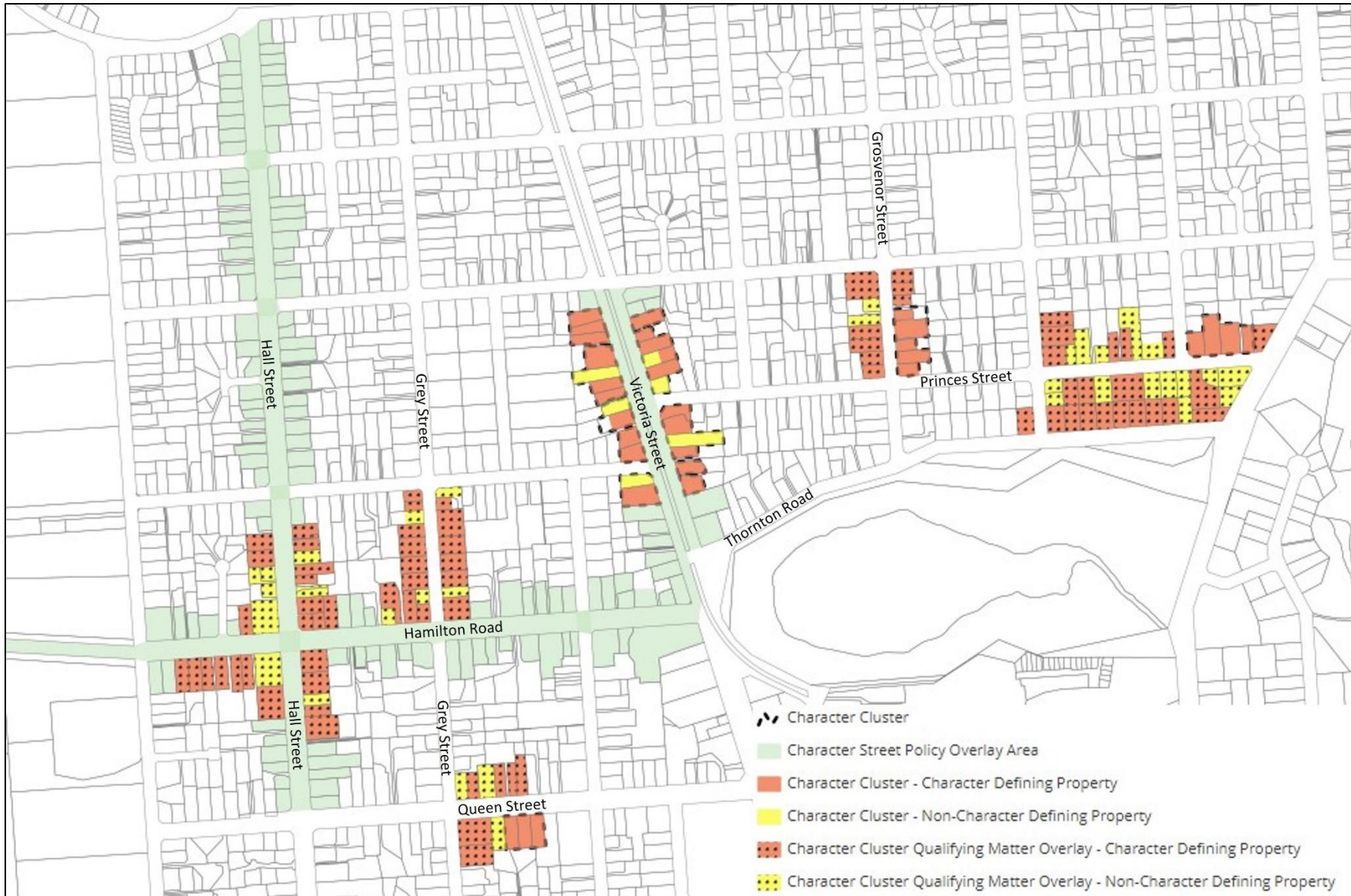
Note: Applies in Te Awamutu only.



Character Clusters / Character Cluster QM Overlay – Te Awamutu



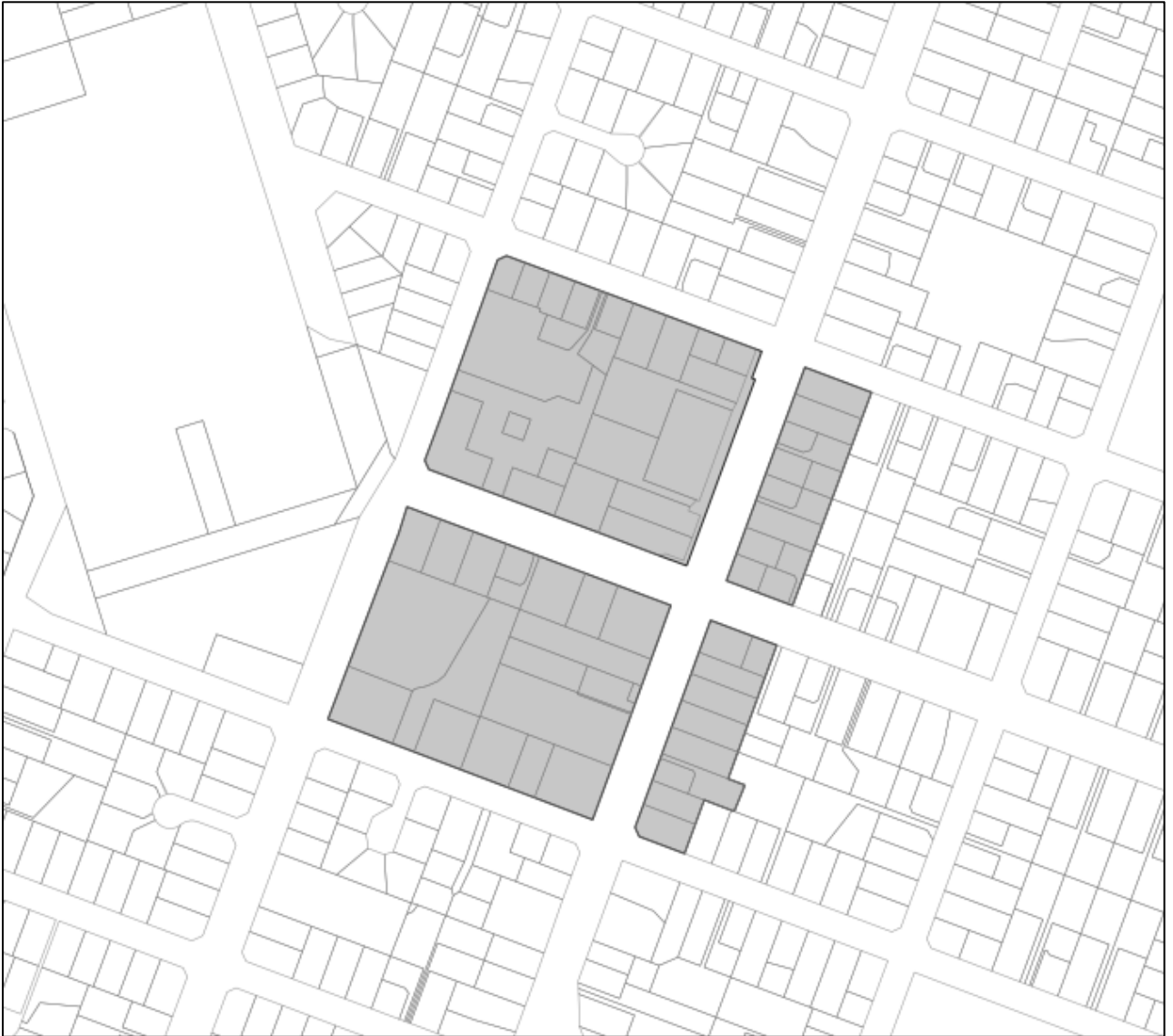
Character Clusters / Character Cluster Qualifying Matter Overlay- Cambridge



Height Control Overlay – Cambridge



Height Control Overlay – Leamington



Height Control Overlay – Te Awamutu

